

COURT OF APPEALS OF OHIO, NINTH JUDICIAL DISTRICT

Wattley v. Liberty Mut. Ins. Co.

2026-Ohio-1753 · No. C.A. Nos. 31642, 31643 · Decided May 13, 2026

SUMMARY

The Ninth District Court of Appeals reversed and remanded the Summit County Court of Common Pleas’ denial of motions to dismiss claims arising from a settlement involving a political subdivision and its employees. The court held that the trial court’s failure to analyze the applicability of Ohio Revised Code 2744.07(C)(2) prevented meaningful appellate review and required a more adequate judgment entry.

CASE DETAILS

COURT	Court of Appeals of Ohio, Ninth Judicial District
WRITING FOR THE COURT	Donna J. Carr; Judge Sutton; Judge Hensal
JURISDICTION	Ohio Court of Appeals, Ninth Judicial District
DECIDED	May 13, 2026
DOCKET	C.A. Nos. 31642, 31643
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Interlocutory appeal from the denial of separate Civ.R. 12(B)(6) motions to dismiss an amended complaint.
STANDARD OF REVIEW	De novo review of a decision on a Civ.R. 12(B)(6) motion to dismiss. On a motion to dismiss, material allegations are taken as true, reasonable inferences are drawn in favor of the nonmoving party, and dismissal is proper only when it appears beyond doubt from the complaint that the plaintiff cannot prove any set of facts entitling the plaintiff to recovery.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Kathryn Perrico, Jeffrey Talbert v. Marcus Wattley, Frank McLeod, Zachary Sweat, Romero Harris, Cade Brodie, Tyler Thatcher

TOPICS

- motions to dismiss
- appellate procedure
- standard of review
- civil procedure
- statutory interpretation

PRACTICE AREAS

civil procedure

appellate procedure

insurance litigation

political-subdivision liability

QUESTIONS PRESENTED

1. Whether the trial court erred by denying Perrico's and Talbert's Civ.R. 12(B)(6) motions to dismiss based in part on R.C. 2744.07(C)(2).
2. Whether the trial court's failure to analyze the applicability of R.C. 2744.07(C)(2) rendered its judgment insufficient for meaningful appellate review.

HOLDINGS

1. The trial court's judgment entry was insufficient for meaningful appellate review because it did not address the parties' R.C. 2744.07(C)(2) argument or explain why the claims could proceed despite the statute.
2. A Civ.R. 12(B)(6) motion tests the sufficiency of the complaint, and appellate review of a ruling on such a motion is de novo.

KEY QUOTATIONS

"When a court reviews the sufficiency of a complaint, the material allegations in the complaint must be taken as true, reasonable inferences must be drawn in favor of the nonmoving party, and the motion may be granted only if it appears beyond doubt from the complaint that the relator cannot prove a set of facts entitling him to recovery." (¶ 9)

"Because the trial court's judgment entry prevents this Court from conducting a meaningful review [of the issue before us], we reverse its judgment and remand the matter [] so that the trial court can create an entry sufficient to permit appellate review." (¶ 12)

FACTUAL BACKGROUND

In May 2021, several coaches in the Canton McKinley High School football program required a student to eat pepperoni pizza during a disciplinary exercise, allegedly contrary to the student's religious beliefs. The coaches were terminated, and litigation followed, including suits initiated by the student and his father that were resolved through a \$125,000 settlement. The coaches later sued Liberty Mutual, the attorney retained by Liberty to defend school-district personnel, and the district superintendent, alleging that the settlement was collusive and asserting bad-faith, breach-of-contract, tortious-interference, and legal-malpractice claims.

PROCEDURAL HISTORY

The Coaches sued Liberty Mutual Insurance Company, Kathryn Perrico, and Jeffrey Talbert in the Summit County Court of Common Pleas, asserting claims arising from a settlement of litigation involving a student and the Canton City School District. After the Coaches amended their complaint to add a legal-malpractice claim against Perrico, Perrico and Talbert moved to dismiss, arguing in part that R.C. 2744.07(C)(2) barred the action. The trial court denied both motions without analyzing the statutory argument, and the Ninth District consolidated the separate appeals, reversed, and remanded for an entry sufficient to permit appellate review.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Summit County Court of Common Pleas must issue an entry addressing the R.C. 2744.07(C)(2) argument and otherwise sufficiently explaining its ruling to permit meaningful appellate review.

CASES CITED

- Jones v. Galloway, 2026-Ohio-1250, ¶ 8
- State ex rel. Hanson v. Guernsey Cty. Bd. of Commrs., 1992-Ohio-73, ¶ 9
- State ex rel. Sands v. Coulson, State ex rel. Sands v. Coulson, 2021-Ohio-671, ¶ 6
- MSRK, L.L.C. v. Twinsburg, 2012-Ohio-2608, ¶ 10 (9th Dist.)
- Hall v. Wooster, 2024-Ohio-5540, ¶ 11 (9th Dist.)