

COURT OF APPEALS OF OHIO, SECOND APPELLATE DISTRICT,
MONTGOMERY COUNTY

Helton v. Kettering Medical Ctr.

2026-Ohio-1476 · No. C.A. No. 30484 · Decided April 24, 2026

SUMMARY

The Ohio Second District Court of Appeals reversed a trial court’s judgment in favor of Kettering Medical Center and remanded the case for trial. The court held that the trial court abused its discretion by permitting Kettering to amend its answer shortly before trial to assert an immunity defense under R.C. 2305.51(B), and further held that genuine issues of material fact precluded summary judgment. The case concerns a patient’s claims arising from a sexual assault by another patient at a mental-health treatment facility.

CASE DETAILS

COURT	Court of Appeals of Ohio, Second Appellate District, Montgomery County
WRITING FOR THE COURT	Mary K. Huffman; Tucker, J.; Epley, J.
JURISDICTION	Ohio Court of Appeals, Second Appellate District, Montgomery County
DECIDED	April 24, 2026
DOCKET	C.A. No. 30484
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Jordan Helton appealed from orders permitting Kettering Medical Center to amend its answer to assert an immunity theory under R.C. 2305.51(B) and granting Kettering's second motion for summary judgment based on that theory.
STANDARD OF REVIEW	The denial or granting of leave to amend a pleading is reviewed for abuse of discretion. Summary judgment is reviewed de novo; summary judgment is proper only when no genuine issue of material fact exists, the movant is entitled to judgment as a matter of law, and reasonable minds can reach only one conclusion adverse to the nonmoving party.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion

PARTIES

Jordan Helton v. Kettering Medical Center, doing business as
Kettering Health Behavioral Medical Center

TOPICS

motion to amend summary judgment affirmative defenses waiver standard of review

PRACTICE AREAS

civil procedure appellate procedure health law medical malpractice negligence statutory interpretation

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by allowing Kettering to amend its answer two weeks before trial to add an immunity defense under R.C. 2305.51(B).
2. Whether the immunity under R.C. 2305.51(B) is an affirmative defense that must be pleaded by the defendant.
3. Whether the trial court erred in granting summary judgment to Kettering when genuine issues of material fact remained concerning the foreseeability of Tumaini's conduct, the existence of an explicit threat, Helton's status as a clearly identifiable potential victim, and Kettering's compliance with protective measures.

HOLDINGS

1. Immunity under R.C. 2305.51(B) is not an affirmative defense in this context because the injured patient bears the burden of establishing the elements of a cause of action under the statute.
2. The trial court abused its discretion by permitting Kettering to amend its answer two weeks before trial, after the close of discovery and the summary-judgment deadline, without justification for the delay and under circumstances prejudicial to Helton.
3. Summary judgment for Kettering was improper because genuine issues of material fact remained concerning whether Tumaini's conduct constituted an explicit threat of imminent and serious physical harm, whether Helton was a clearly identifiable potential victim, and whether Kettering failed to follow protective precautions.

KEY QUOTATIONS

“The General Assembly has made R.C. 2305.51 the exclusive means by which a mental-health patient may establish liability for harm caused by another patient, notwithstanding the duty to protect patients imposed by R.C. 5122.29(B)(2).” (¶ 39)

“It was therefore up to a jury to decide whether KHBMC was liable for Helton’s physical harm.” (¶ 65)

FACTUAL BACKGROUND

Helton was an inpatient mental-health patient at Kettering Health Behavioral Medical Center when Samuel Tumaini, an involuntarily admitted patient with known hypersexual and aggressive behavior, was placed in the unit. Staff identified Tumaini as a threat to female patients and implemented precautions, including isolating him and requiring staff supervision. Other staff members nevertheless allowed Helton into the isolated area, locked her there with Tumaini, and failed to prevent his sexual assault of her. Kettering did not document the incident in Helton's medical record or notify her treating physician.

PROCEDURAL HISTORY

Helton sued Kettering Medical Center for negligent security, negligence per se, negligent training and supervision, and respondeat superior after another patient sexually assaulted her at the facility. Kettering's original answer did not assert immunity. After discovery and the summary-judgment deadline had closed, and two weeks before trial, the trial court allowed Kettering to amend its answer, reopened discovery, and permitted a second summary-judgment motion. The trial court granted that motion, concluding that Kettering was immune under R.C. 2305.51(B), and Helton appealed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The matter was remanded to the trial court for a trial on Helton's claims and further proceedings consistent with the opinion.

CASES CITED

- Thomas v. Res. Network, 2011-Ohio-5857
- Merrill Lynch Mtge. Lending, Inc. v. 1867 W. Mkt., L.L.C., 2007-Ohio-2198
- Peterson v. Teodosio, 34 Ohio St. 2d 161 (1973)
- Cunningham v. Cunningham, 2002-Ohio-2647
- Turner v. Cent. Local School Dist., 85 Ohio St. 3d 95 (1999)
- Hoover v. Sumlin, 12 Ohio St. 3d 1 (1984)
- Wilmington Steel Prods., Inc. v. Cleveland Elec. Illum. Co., 60 Ohio St.3d 120 (1991)
- Rockford Homes, Inc. v. Handel, 2007-Ohio-2581
- Amesse v. Wright State Physicians, Inc., 2018-Ohio-416
- State v. Renner, 2013-Ohio-5463
- Durig v. Youngstown, 2025-Ohio-4719
- State ex rel. Koren v. Grogan, 68 Ohio St.3d 590 (1994)
- Jim's Steak House, Inc. v. City of Cleveland, 81 Ohio St. 3d 18 (1988)
- Szuch v. FirstEnergy Nuclear Operating Co., 2016-Ohio-620
- MatchMaker Internatl., Inc. v. Long, 100 Ohio App.3d 406 (9th Dist.)

- Campbell v. Ohio State Univ. Med. Ctr., 2006-Ohio-1192
- Supportive Solutions, 2013-Ohio-2410
- Jontony v. Colegrove, 2012-Ohio-5846
- Schweizer v. Riverside Methodist Hosps., 108 Ohio App.3d 539 (10th Dist. 1996)
- Leo v. Burge Wrecking, L.L.C., 2017-Ohio-2690
- Rhododendron Holdings, LLC v. Harris, 2021-Ohio-147
- AAAA Ents., Inc. v. River Place Community Urban Redevelopment Corp., 50 Ohio St. 3d 157 (1990)
- Harless v. Willis Day Warehousing Co., Inc., 54 Ohio St.2d 64 (1978)
- Dresher v. Burt, 75 Ohio St.3d 280 (1996)
- Geloff v. R.C. Hemm's Glass Shops, Inc., 2021-Ohio-394
- Murphy v. Reynoldsburg, 65 Ohio St. 3d 356 (1992)
- Norris v. Ohio Std. Oil Co., 70 Ohio St.2d 1 (1982)
- Schroeder v. Henness, 2013-Ohio-2767
- Davis v. Diley Ridge Med. Ctr., 2025-Ohio-1940
- Green v. Logan Cty., 2008 WL 696688 (S.D. Ohio Mar. 13, 2008)
- Stewart v. N. Coast Ctr., 2006-Ohio-2392 (11th Dist.)
- Campbell v. Ohio State Univ. Med. Ctr., 2004-Ohio-6072 (10th Dist.)

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