

SUPREME COURT OF OHIO

Simpkins v. Grace Brethren Church of Delaware, Ohio

2016-Ohio-8118 (Ohio 2016) · No. 2014-1953 · Decided December 14, 2016

SUMMARY

The Supreme Court of Ohio considered as-applied constitutional challenges to Ohio's statutory caps on noneconomic tort damages under R.C. 2315.18. The court held that the caps were constitutional as applied to a minor who was sexually assaulted and that the oral and vaginal penetrations constituted a single occurrence for purposes of applying the caps. The court affirmed the judgment of the Fifth District Court of Appeals.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	French, J.; Kennedy, J.; Lanzinger, J.; O'Connor, C.J.; O'Donnell, J.; O'Neill, J.; Pfeifer, J.
JURISDICTION	Ohio
DECIDED	December 14, 2016
DOCKET	2014-1953
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Fifth District Court of Appeals concerning the constitutionality and application of Ohio's noneconomic-damages caps to a jury award in a negligent hiring, retention, and supervision action arising from a minor's sexual assault.
STANDARD OF REVIEW	As-applied constitutional challenges were reviewed under a clear-and-convincing-evidence standard, with rational-basis review applied to the due-process and equal-protection claims. The statutory-occurrence issue was reviewed under the plain meaning of the statute.
PRECEDENTIAL VALUE	published
PARTIES	Jessica Simpkins, Gene Simpkins v. Grace Brethren Church of Delaware, Ohio

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether applying R.C. 2315.18(B)(2)'s noneconomic-damages cap to a minor who was the victim of sexual assault violated the Ohio Constitution's rights to a jury trial, open courts and a remedy, due course of law, and equal protection.
2. Whether the oral and vaginal penetrations constituted separate occurrences under R.C. 2315.18(A)(5), permitting separate noneconomic-damages caps.

HOLDINGS

1. R.C. 2315.18(B)(2) is constitutional as applied to the facts of this case. Applying the cap did not violate the rights to a jury trial, open courts and a remedy, due process, or equal protection under the Ohio Constitution.
2. The oral and vaginal penetrations constituted a single occurrence for purposes of R.C. 2315.18(B)(2)'s noneconomic-damages cap.

KEY QUOTATIONS

“We conclude only that R.C. 2315.18(B) is constitutional as applied to the facts before us and that this case involves a single “occurrence” for purposes of applying the caps.” (¶ 1)

“The oral and vaginal penetrations in this case occurred within a short period of time, in a confined space, without intervening factors, and there is no evidence that Williams’s separate criminal acts affected Simpkins differently.” (¶ 57)

FACTUAL BACKGROUND

In March 2008, Brian Williams, then a senior pastor at Sunbury Grace and formerly employed by Delaware Grace, forcibly engaged in oral and vaginal intercourse with Jessica Simpkins, who was fifteen years old. Delaware Grace had employed Williams, supported the creation of Sunbury Grace, and had information about at least two earlier incidents of inappropriate sexual conduct by Williams. A jury found Delaware Grace liable for negligent hiring, retention, and supervision and awarded Simpkins \$3.5 million in noneconomic damages, but the trial court reduced that award to \$350,000 under R.C. 2315.18(B)(2).

PROCEDURAL HISTORY

Simpkins and her father sued multiple defendants in the Ross County Court of Common Pleas. After settling with Sunbury Grace and voluntarily dismissing the action, they refiled against Delaware Grace and Anderson in the Delaware County Court of Common Pleas. A jury awarded Simpkins more than \$3.6 million in compensatory damages and her father \$75,000 for loss of consortium. The trial court applied Ohio's noneconomic-damages cap and entered judgment for \$500,000 for Simpkins and \$75,000 for her father. The Fifth District affirmed in part, reversed in part, and remanded on other issues, while rejecting the constitutional

and multiple-occurrence arguments. The Supreme Court of Ohio affirmed the court of appeals' judgment on the issues before it.

DISPOSITION

affirmed

CASES CITED

- *Arbino v. Johnson & Johnson*, 116 Ohio St. 3d 468, 2007-Ohio-6948, 880 N.E.2d 420
- *Yajnik v. Akron Dept. of Health, Hous. Div.*, 101 Ohio St. 3d 106, 2004-Ohio-357, 802 N.E.2d 632
- *Groch v. Gen. Motors Corp.*, 117 Ohio St. 3d 192, 2008-Ohio-546, 883 N.E.2d 377
- *Clark v. Snapper Power Equip., Inc.*, 21 Ohio St. 3d 58, 488 N.E.2d 138 (1986)
- *Westfield Ins. Co. v. Galatis*, 100 Ohio St. 3d 216, 2003-Ohio-5849, 797 N.E.2d 1256
- *Ruther v. Kaiser*, 134 Ohio St. 3d 408, 2012-Ohio-5686, 983 N.E.2d 291
- *Morris v. Savoy*, 61 Ohio St. 3d 684, 576 N.E.2d 765 (1991)
- *Christe v. GMS Mgt. Co., Inc.*, 88 Ohio St. 3d 376, 726 N.E.2d 497 (2000)
- *Bailey v. Republic Engineered Steels, Inc.*, 91 Ohio St. 3d 38, 741 N.E.2d 121 (2001)
- *Madvad v. Russell*, 9th Dist. Lorain No. 96CA006652, 1997 WL 760898