

SUPREME COURT OF OHIO

Supportive Solutions, L.L.C. v. Electronic Classroom of Tomorrow

137 Ohio St. 3d 23, 2013-Ohio-2410 (Ohio 2013) · No. 2012-0790 · Decided June 12, 2013

SUMMARY

The Supreme Court of Ohio held that a trial court's denial of a political subdivision's motion for leave to amend its answer to assert political-subdivision immunity is a final, appealable order under R.C. 2744.02(C). Because the denial effectively deprived Electronic Classroom of Tomorrow of the alleged immunity defense, the court of appeals had jurisdiction to review the order. The court reversed and remanded for resolution of ECOT's appeal, without deciding whether the trial court abused its discretion or whether ECOT was entitled to immunity on the merits.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	French, J.; O'Connor, C.J.; O'Donnell, J.; Kennedy, J.; O'Neill, J.; Pfeifer, J.; Lanzinger, J.
JURISDICTION	Ohio
DECIDED	June 12, 2013
DOCKET	2012-0790
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Discretionary appeal from the Eighth District Court of Appeals' dismissal for lack of jurisdiction of an appeal from the trial court's denial of ECOT's motion for leave to amend its answer to assert political-subdivision immunity.
STANDARD OF REVIEW	Whether an order is final and appealable presents a jurisdictional question reviewed under the applicable statutory framework. The underlying decision granting or denying leave to amend a pleading is reviewed for abuse of discretion, but that merits issue was not decided by the court.
PRECEDENTIAL VALUE	published precedential opinion of the Supreme Court of Ohio
PARTIES	Electronic Classroom of Tomorrow v. Supportive Solutions, L.L.C.

TOPICS

appellate jurisdiction

affirmative defenses

civil procedure

municipal liability

statutory interpretation

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether a trial court's denial of a political subdivision's motion for leave to amend its answer to assert political-subdivision immunity is a final, appealable order under R.C. 2744.02(C).

HOLDINGS

1. A trial court's denial of a political subdivision's motion for leave to amend its answer to assert political-subdivision immunity is a final, appealable order under R.C. 2744.02(C) because it denies the political subdivision the benefit of the alleged immunity.
2. The court declined to decide whether the trial court abused its discretion in denying leave to amend or whether ECOT was entitled to immunity as a matter of law, leaving those issues for the lower courts in the first instance.

KEY QUOTATIONS

“We hold that it is because the denial of a political subdivision’s motion for leave to file an amended answer to assert the affirmative defense of political-subdivision immunity denies that political subdivision the benefit of the alleged immunity pursuant to R.C. 2744.02(C).” (¶ 1)

*“An order that denies a political subdivision * * * the benefit of an alleged immunity from liability as provided in this chapter or any other provision of the law is a final order.” (¶ 11)*

“When a trial court denies a motion in which a political subdivision or its employee seeks immunity under R.C. Chapter 2744, that order denies the benefit of an alleged immunity and is therefore a final, appealable order pursuant to R.C. 2744.02(C).” (¶ 13)

“The right to appeal under R.C. 2744.02(C) hinges on the effect of the trial court’s order, and rightly or wrongly decided, the trial court’s denial of leave had the effect of depriving ECOT of its alleged immunity defense.” (¶ 20)

FACTUAL BACKGROUND

ECOT, an internet-based community school and political subdivision under Ohio law, contracted with Supportive Solutions to provide supplemental educational services during the 2007-2008 school year. Supportive Solutions sued ECOT on contract and tort theories, and ECOT filed answers without asserting political-subdivision immunity. After ECOT later raised immunity in summary-judgment proceedings, it sought leave to amend its answer, but the trial court summarily denied that motion.

PROCEDURAL HISTORY

Supportive Solutions sued ECOT in the Cuyahoga County Court of Common Pleas. ECOT initially failed to plead political-subdivision immunity, later sought leave to amend its answer, and the trial court denied the motion. The Eighth District dismissed ECOT's appeal, concluding that the order was not final and appealable. The Supreme Court of Ohio reversed and remanded for the court of appeals to resolve ECOT's appeal.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The court of appeals was directed to resolve ECOT's appeal from the denial of its motion for leave to file an amended answer.

CASES CITED

- State ex rel. Electronic Classroom of Tomorrow v. Cuyahoga Cty. Court of Common Pleas, 129 Ohio St. 3d 30, 2011-Ohio-626, 950 N.E.2d 149
- Hubbell v. Xenia, 115 Ohio St. 3d 77, 2007-Ohio-4839, 873 N.E.2d 878
- Gen. Acc. Ins. Co. v. Ins. Co. of N. Am., 44 Ohio St. 3d 17, 540 N.E.2d 266 (1989)
- Trotwood v. S. Cent. Constr., L.L.C., 192 Ohio App. 3d 69, 2011-Ohio-237, 947 N.E.2d 1291 (2d Dist.)
- Worthington v. Wells Fargo Bank Minnesota, N.A., 5th Dist. No. 10 CA 40, 2010-Ohio-4541
- Greene Cty. Agricultural Soc. v. Liming, 89 Ohio St. 3d 551, 733 N.E.2d 1141 (2000)
- Wilson v. Stark Cty. Dept. of Human Servs., 70 Ohio St. 3d 450, 639 N.E.2d 105 (1994)
- Burger v. Cleveland Hts., 87 Ohio St. 3d 188, 718 N.E.2d 912 (1999)
- Sullivan v. Anderson Twp., 122 Ohio St. 3d 83, 2009-Ohio-1971, 909 N.E.2d 88
- DiGiorgio v. Cleveland, 196 Ohio App. 3d 575, 2011-Ohio-5824, 964 N.E.2d 495 (8th Dist.)
- Turner v. Cent. Local School Dist., 85 Ohio St. 3d 95, 706 N.E.2d 1261 (1999)
- State ex rel. Plain Dealer Publishing Co. v. Cleveland, 75 Ohio St. 3d 31, 661 N.E.2d 187 (1996)