

COURT OF APPEALS OF OHIO, FIFTH APPELLATE DISTRICT

Burt v. Stockport

2015-Ohio-3461 (Ohio Ct. App. 2015) · No. 15 AP 0001 · Decided August 25, 2015

SUMMARY

The Ohio Fifth District Court of Appeals affirmed the Morgan County Court of Common Pleas' grant of summary judgment to the Village of Stockport and related officials. The court held that findings of fact and conclusions of law are unnecessary when ruling on a summary-judgment motion under Ohio Civ.R. 56, and denied the appellant's sole assignment of error.

CASE DETAILS

COURT	Court of Appeals of Ohio, Fifth Appellate District
WRITING FOR THE COURT	Sheila G. Farmer, J.; W. Scott Gwin, P.J.; Craig R. Baldwin, J.
JURISDICTION	Ohio
DECIDED	August 25, 2015
DOCKET	15 AP 0001
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the grant of appellees' motion for summary judgment and dismissal of appellant's complaint by the Morgan County Court of Common Pleas.
STANDARD OF REVIEW	The court reviewed the legal question whether findings of fact and conclusions of law were required when ruling on a motion for summary judgment.
PRECEDENTIAL VALUE	Published appellate opinion
PARTIES	Dwight L. Burt v. Village of Stockport, Various officials

TOPICS

- summary judgment
- civil procedure
- appellate procedure
- municipal law
- civil rights

PRACTICE AREAS

- Civil procedure
- Appellate procedure
- Municipal law
- Civil rights

QUESTIONS PRESENTED

1. Whether a trial court must enter findings of fact and conclusions of law when granting a motion for summary judgment under Ohio Civil Rule 56.

HOLDINGS

1. Findings of fact and conclusions of law are unnecessary when a trial court rules on a motion for summary judgment under Ohio Civil Rule 56.

KEY QUOTATIONS

“Findings of fact and conclusions of law required by this rule and by Rule 41(B)(2) are unnecessary upon all other motions including those pursuant to Rule 12, Rule 55 and Rule 56.” (§6)

“Civ.R. 52 and Civ.R. 56 are incompatible rules and to apply one necessarily excludes the other” (§6)

FACTUAL BACKGROUND

Dwight Burt alleged that the Village of Stockport and various officials engaged in twenty-six instances of conduct constituting corrupt activity and violations of his constitutional rights concerning water and sewer matters. The appellees moved for summary judgment, and the trial court granted the motion and dismissed the complaint. The appeal concerned only whether the trial court was required to issue findings supporting that summary-judgment ruling.

PROCEDURAL HISTORY

Dwight Burt filed a complaint in 2010 against the Village of Stockport and various officials, alleging corrupt activity and constitutional-rights violations concerning water and sewer issues. Appellees moved for summary judgment, and the trial court granted the motion and dismissed the complaint on December 11, 2014. Burt appealed, arguing that the trial court was required to make findings of fact and conclusions of law in granting summary judgment. The Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Koch v. Etna Township, 5th Dist. Licking Nos. CA-3643 and CA-3644, 1991 WL 148092 (Ohio Ct. App. July 18, 1991)