

COURT OF APPEALS OF OHIO, TENTH APPELLATE DISTRICT

Allen v. Lewis

2026-Ohio-2155 · No. Nos. 25AP-381 and 25AP-383 · Decided June 9, 2026

SUMMARY

The Tenth District Court of Appeals of Ohio affirmed the denial of summary judgment motions filed by two Franklin County Juvenile Intervention Center employees. The court held that genuine issues of material fact existed regarding whether the employees acted recklessly, which would defeat political-subdivision employee immunity under Ohio Revised Code 2744.03(A)(6)(b). The court also held that its interlocutory jurisdiction was limited to the statutory-immunity issue and did not extend to proximate cause or primary assumption of risk.

CASE DETAILS

COURT	Court of Appeals of Ohio, Tenth Appellate District
WRITING FOR THE COURT	Dingus, J.; Boggs, P.J.; Jamison, J.
JURISDICTION	Ohio Court of Appeals, Tenth Appellate District
DECIDED	June 9, 2026
DOCKET	Nos. 25AP-381 and 25AP-383
DISPOSITION	affirmed
PROCEDURAL POSTURE	Interlocutory appeals from the denial of separate motions for summary judgment asserting statutory immunity under Ohio's political-subdivision-liability statute.
STANDARD OF REVIEW	De novo review of summary judgment and the legal issue of whether the denial of summary judgment denied the appellants the benefit of statutory immunity.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion; precedential within the applicable Ohio appellate framework.
PARTIES	Latashia D. Lewis, Talia Sumney v. Damarion Allen, Mary Washington

TOPICS

- summary judgment
- appellate jurisdiction
- appellate procedure
- negligence
- personal injury

PRACTICE AREAS

torts

civil procedure

appellate procedure

municipal law

QUESTIONS PRESENTED

1. Whether the denial of the appellants' summary-judgment motions was a final, appealable order under R.C. 2744.02(C) because it denied them the benefit of alleged statutory immunity.
2. Whether the trial court improperly placed on Lewis and Sumney the burden of affirmatively proving that the exception to employee immunity for malicious, bad-faith, wanton, or reckless conduct did not apply.
3. Whether genuine issues of material fact existed concerning whether Sumney acted recklessly, thereby defeating summary judgment on statutory immunity.
4. Whether genuine issues of material fact existed concerning whether Lewis acted recklessly, thereby defeating summary judgment on statutory immunity.
5. Whether the appellate court could review Lewis's proximate-cause and primary-assumption-of-risk arguments in an appeal limited to the denial of statutory immunity.

HOLDINGS

1. An order denying a political-subdivision employee the benefit of alleged statutory immunity is a final, appealable order under R.C. 2744.02(C), even though a denial of summary judgment ordinarily is not immediately appealable.
2. Summary judgment is proper only when there is no genuine issue of material fact, the moving party is entitled to judgment as a matter of law, and reasonable minds can reach only a conclusion adverse to the nonmoving party; the moving party bears the initial burden of identifying record evidence showing the absence of a genuine issue.
3. A party seeking summary judgment on statutory immunity bears the initial summary-judgment burden of identifying record evidence showing the absence of a material fact, but does not have an affirmative burden to prove that the statutory exception for malicious, bad-faith, wanton, or reckless conduct does not apply.
4. Summary judgment for Sumney on statutory immunity was improper because the evidence, construed in Allen and Washington's favor, would permit a factfinder to find that Sumney acted recklessly.
5. Summary judgment for Lewis on statutory immunity was improper because the evidence, construed in Allen and Washington's favor, would permit a factfinder to find that Lewis acted recklessly.
6. The court lacked jurisdiction in this interlocutory appeal to review Lewis's arguments concerning proximate cause and primary assumption of risk because those issues were not related to the denial of statutory immunity.

KEY QUOTATIONS

“Ordinarily, a trial court’s denial of a motion for summary judgment is not a final, appealable order.” (§8)

“They did not, however, have the burden to bring affirmative evidence showing that an exception to their statutory immunity does not apply.” (¶13)

“Construing this evidence most favorably to Allen and Washington, there remains a genuine factual dispute as to whether these actions are reckless.” (¶19)

“Because a factfinder could reasonably find, based on evidence submitted, that Sumney and Lewis acted recklessly, we agree with the trial court’s conclusion that there remain genuine issues of material fact as to the statutory immunity of Sumney and Lewis.” (¶21)

FACTUAL BACKGROUND

On May 7, 2023, juvenile resident Damarion Allen fought with another resident at the Franklin County Juvenile Intervention Center and fell forward, striking his head on the floor. Allen then displayed little or no movement in his torso and legs and stated that he could not move and that his neck hurt. Juvenile-intervention specialist Latashia Lewis and shift supervisor Talia Sumney nevertheless helped direct or order Allen's movement to his room, despite their first-aid training concerning suspected head, neck, and spine injuries. Allen suffered significant injuries, including paralysis.

PROCEDURAL HISTORY

Damarion Allen and Mary Washington sued juvenile-intervention-center employees Latashia Lewis and Talia Sumney for reckless, willful, or wanton breach of duty and loss of consortium arising from Allen's injury during an altercation at the facility. After discovery, Lewis and Sumney separately moved for summary judgment based in part on statutory immunity. The Franklin County Court of Common Pleas denied the motions in April 2025, and the employees appealed. The Court of Appeals held that the immunity-related orders were final and appealable, affirmed the denial of summary judgment as to immunity, and declined to review Lewis's proximate-cause and primary-assumption-of-risk arguments because those issues were outside the scope of the appealable immunity determination.

DISPOSITION

affirmed

CASES CITED

- Hubbell v. Xenia, 2007-Ohio-4839, ¶9
- Stevens v. Maxson, 2013-Ohio-5792, ¶8 (10th Dist.)
- Estate of Sample v. Xenos Christian Fellowship, Inc., 2021-Ohio-3898, ¶9 (10th Dist.)
- Johnson v. American Italian Golf Assn. of Columbus, 2018-Ohio-2100, ¶13 (10th Dist.)
- State ex rel. Grady v. State Emp. Relations Bd., 1997-Ohio-221
- Dresher v. Burt, 1996-Ohio-107
- Vahila v. Hall, 1997-Ohio-259
- Cooper v. Tommy's Pizza, 2010-Ohio-2978, ¶9 (10th Dist.)

- Johari v. Columbus Police Dept., 186 F. Supp. 2d 821, 831 (S.D. Ohio 2002)
- Anderson v. Massillon, 2012-Ohio-5711
- O'Toole v. Denihan, 2008-Ohio-2574
- Argabrite v. Neer, 2016-Ohio-8374, ¶8
- Morrison v. Horseshoe Casino, 2020-Ohio-4131, ¶75 (8th Dist.)
- Horton v. Dayton, 53 Ohio App.3d 68 (2d Dist. 1988)
- Ohio Bur. of Workers' Comp. v. Shaffer, 2013-Ohio-4570, ¶14 (10th Dist.)

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