

IN THE SUPREME COURT OF OHIO

Estate of Jillian Graves,	:	
	:	
Plaintiff-Appellee,	:	Supreme Court Case No. 2009-0014
	:	
vs.	:	On Appeal from the Ross County
	:	Court of Appeals
City of Circleville, et. al.	:	Fourth Appellate District
	:	
Defendants-Appellants	:	Court of Appeals Case No. 06CA002900

AMICUS BRIEF IN SUPPORT OF APPELLANTS OF THE COUNTY COMMISSIONERS' ASSOCIATION OF OHIO, THE COUNTY RISK SHARING AUTHORITY, OHIO TOWNSHIP ASSOCIATION, PUBLIC CHILDREN SERVICES ASSOCIATION OF OHIO, OHIO JOB AND FAMILY SERVICES DIRECTORS' ASSOCIATION, OHIO SCHOOL BOARDS ASSOCIATION AND THE OHIO ASSOCIATION OF BEHAVIORAL HEALTH AUTHORITIES

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I. INTRODUCTION AND STATEMENT OF INTEREST OF AMICI CURIAE

The County Commissioners Association of Ohio (“CCAO”) represents Ohio’s 87 boards of county commissioners and the Summit County Executive and Council. CCAO promotes best practices in county government administration and management; advocates on behalf of counties at the state and federal level; provides training and technical assistance programs, and provides cost saving service programs for all of Ohio’s 88 counties.

The County Risk Sharing Authority (“CORSA”) is a public entity risk pool providing broad property and liability coverage as well as comprehensive risk management services. As of this filing, CORSA has 62 Ohio member counties and 17 multi-county facilities. CORSA represents counties, boards of county commissioners and other elected officials throughout Ohio. CORSA is responsible for providing a defense for lawsuits filed in state and federal court for its member counties.

The Ohio Township Association (“OTA”), organized in 87 counties across the state, has more than 5,230 active members and over 3,000 associate members. The organization is dedicated to the promotion and preservation of township government in Ohio. Among its many functions, the OTA works at the General Assembly on behalf of legislation that affects local governments in general and township governments in particular and provides members with educational material and opportunities to assist in their role as a township official.

Amicus Curiae, the Ohio School Boards Association (“OSBA”) was founded in 1955, as a statewide, non-profit organization of public school boards. Membership in OSBA is open to the various city, exempted village, local and joint vocational school district boards of education and to the governing boards of educational service centers throughout the State of Ohio. Nearly all boards of education are currently members of OSBA. The activities of OSBA include training

programs and workshops for school leaders, informational support through publications and person-to-person contact, management consulting, policy analysis, legal services, and labor relations representation. The mission of OSBA is to unite boards of education and to provide information, services and representation to its members.

The Public Children Services Association of Ohio (“PCSAO”) is a proactive coalition of Public Children Services Agencies that promotes the development of sound public policy and program excellence for safe children, stable families, and supportive communities. In the pursuit of accomplishing its vision for children, families and communities, it is imperative that Children Services Agencies throughout Ohio be able to operate without facing the devastating risk of civil liability for performing their essential job functions.

Amicus curiae Ohio Job and Family Services Directors' Association (“OJFSDA”) is a not-for-profit statewide organization established in 1946. OJFSDA represents Ohio's 88 County Departments of Job and Family Services Directors on the local, state, and national level. OJFSDA communicates key issues and solutions regarding the delivery of social services, to Ohio policymakers, legislators, and other decision makers.

Finally, the Ohio Association of Behavioral Health Authorities is the statewide organization that represents the interests of all of Ohio's county Alcohol, Drug Addiction and Mental Health Boards at the state level. The Association works with a variety of governmental bodies including the Ohio General Assembly, the Office of the Governor, the Ohio Department of Mental Health, the Ohio Department of Alcohol and Drug Addiction Services, the Ohio Department of Job and Family Services, and other organizations and coalitions to seek support for initiatives that will help expand and enhance mental health and substance abuse prevention, treatment and support services. The membership of the Association is made up of all 54 county

behavioral health authorities in Ohio, including 46 Alcohol, Drug Addiction and Mental Health (ADAMH) Boards, 4 Community Mental Health (CMH) Board, and 4 Alcohol & Drug Addiction Services (ADAS) Boards.

These organizations ensure proper guidance to the political subdivisions of Ohio as well as the utmost protection of the interests of public employees throughout Ohio. If the Fourth District's decision is allowed to stand, those public employees, including police officers, firefighters, teachers and children's services workers will be open to boundless liability for misfortunes not of their own making. The Fourth District's decision will allow anyone claiming harm to sue these political subdivisions and their employees for any misfortune that might befall them, so long as the harm could conceivably have been prevented by the government. For the first time, the quality of service provided by an employee of a political subdivision would be the determining factor in deciding whether a legal duty was owed. In essence, the decision states that a duty is created if the breach is great enough.

Such a rule will not improve services rendered to the public. Enormous amounts of public time and money will be consumed in litigation of private claims caused by third parties, not political subdivisions, rather than in bettering the valiant service provided by our hard-pressed public servants.

II. STATEMENT OF THE CASE AND FACTS

For purposes of this brief, Amici Curiae incorporate, in its entirety, the Statement of the Case and Facts as set forth by Appellants Peter Shaw, William Eversole and Benjamin Carpenter.

III. LAW AND ARGUMENT

Proposition of Law I: Under Ohio Law, The Public Duty Rule Applies Whatever The Conduct Is Alleged.

The public duty rule was adopted by this Court in *Sawicki v. Ottawa Hills* (1988), 37 Ohio St.3d 222, 525 N.E.2d 468, and most recently was reaffirmed in *Rankin v. Cuyahoga Cty. Dept. of Children and Family Servs.*, 118 Ohio St.3d 392, 2008 Ohio 2567, 889 N.E.2d 521. The rule helps define the extent to which political subdivisions and their employees owe a duty which would be actionable under tort law. Under the public duty rule, public officials are generally not held liable to individuals in discharging public duties because the duty is owed to the public at large and not to any one individual. Ohio law only recognizes one exception to this rule, called the special relationship exception.¹ When the court below held that a duty in this case “may” have been created “depending upon the factual determination of whether the Officers’ conduct was reckless or wanton” the Court (1) improperly tied the creation of a legal duty a public employee’s claimed level of culpability, and (2) created an exception to the public duty rule that is not supported by law.

A. No legal duty is created by the application of a level of culpability.

Civil servants and other government officials are not personally liable for negligence. In most cases, the government itself is liable for the negligence of its agents. Individuals are only liable for a higher level of culpability: wantonness, recklessness, bad faith, and malice. R.C. 2744.03(A)(6)(b). However, in order for either the agent or entity to have liability, there must

¹ In order to demonstrate a special relationship, the following elements must be shown to exist: (1) an assumption by the municipality, through promises or actions, of an affirmative duty to act on behalf of the party who was injured; (2) knowledge on the part of the municipality's agents that inaction could lead to harm; (3) some form of direct contact between the municipality's agents and the injured party; and (4) that party's justifiable reliance on the municipality's affirmative undertaking. *Sawicki* 37 Ohio St.3d at ¶ 4 of the syllabus. The special relationship exception is not applicable to this case, because [the officers sued had never met the decedent, and the actions complained of happened in the days before the cause of the injury.] See *Estate of Graves v. Circleville*, 179 Ohio App.3d 479, 2008 Ohio 6052, 902 N.E.2d 535, at ¶ 24.

first be an actionable duty. *Rankin v. Cuyahoga Cty. Dept. of Children and Family Servs.*, 118 Ohio St.3d 392, 2008 Ohio 2567, 889 N.E.2d 521.

The public duty rule is used to determine whether there is a *duty* of care which creates an actionable tort claim. In contrast, the immunity provisions of R.C. 2744.03(A)(6)(b) concern the level of culpability needed to establish a *breach* of a duty against an employee of a political subdivision. However, R.C. 2744.03(A)(6)(b) does not create any new duties, and is not an exception to the public duty rule. *Cater v. City of Cleveland* (1998), 83 Ohio St.3d 24, 32, 697 N.E.2d 610 (holding that R.C. 2744.03 provides defenses to liability only, and cannot be used to establish liability). The Fourth District's use of the reckless and wanton culpability language in R.C. 2744.03(A)(6)(b) to create a wholly new exception to the public duty rule and, in this case, a new duty is unsupported by any Ohio law.

In essence, the Fourth District declared a tort without a duty.

The existence of a legal duty may be based on many factors including common law, legislative enactment, or the relationship between the plaintiff and defendant. *Wallace v. Ohio Dept. of Commerce*, 96 Ohio St.3d 266, 2002 Ohio 4210, 773 N.E.2d 1018, at ¶¶ 23-24 (citations omitted). It is only once the existence of a duty is found that the level of culpability necessary to establish a breach of the duty becomes relevant. *Mussivand v. David* (1989), 45 Ohio St.3d 314, 318, 544 N.E.2d 265; *DiGildo v. Caponi* (1969), 18 Ohio St.2d 125, 127, 247 N.E.2d 732; *Gedeon v. East Ohio Gas Co.* (1934), 128 Ohio St. 335, 338, 190 N.E. 924; *Bellefontaine Ry. Co. v. Snyder* (1874), 24 Ohio St. 670, 676. Wantonness and recklessness are levels of culpability that relate to whether a public employee is entitled to immunity under R.C. Chapter 2744. See *Hackathorn v. Preisse* (1995), 104 Ohio App.3d 768, 771, 663 N.E.2d 384 ("The terms "willful," "wanton," and "reckless" connote a mental state of greater **culpability** than

negligence.”) (emphasis added), citing *Brockman v. Bell* (1992), 78 Ohio App.3d 508, 515-16, 605 N.E.2d 445. The provisions of immunity and the public duty rule are not interchangeable in regards to the creation of a duty. This point was made clear in *Rankin, supra*. In *Rankin*, this Court held that the special relationship exception to the public duty rule did not overcome a political subdivision’s general immunity from liability. *Rankin* at ¶ 31. Similarly, the wanton or reckless exception to immunity for employees of political subdivisions does not overcome the public duty rule and the court of appeals erred by holding to the contrary. See also *Sawicki*, 37 Ohio St.3d at 230, 525 N.E.2d 468 (discussing that the public duty rule and immunity are separate and coexistent concepts).

In essence, the decision at issue says that if the level of culpability is alleged to be higher, a duty is created from nowhere. *Graves*, at ¶ 25. This leads to the untenable conclusion that any reckless or wanton conduct by an employee of a political subdivision is actionable. This is not true: only reckless or wanton conduct for which there is a distinct *duty* is actionable. See *Lindsay v. City of Dayton* (Sept. 18, 1989), 2nd Dist. No. 11302 (“Liability of the employee under R.C. 2744.03(A)(6) presupposes plaintiff can establish a legal duty of the defendant to the plaintiff.”); *Abdalla v. Olexia* (Oct. 6, 1999), 7th Dist. No. 97-JE-43, 1999 Ohio App. LEXIS 4806 (“When looking at [Defendants’] supposed liability [under R.C. 2744.03(A)(6)(b)]...it is axiomatic that no liability for any injury exists without a duty which exists and breach of that duty which proximately causes damage to a given defendant.”); *Gentile v. Mill Creek Metro. Park Dist.* (June 20, 2000), 7th Dist. No 98 C.A. 254 (holding that a park officer was not liable under R.C. 2744.03(A)(6)(b) for plaintiff’s injuries sustained in an assault because plaintiff failed to show that officer owed any duty to plaintiff.). It is axiomatic that “plaintiffs seeking redress against a governmental entity [must] establish the requisite elements of the alleged tortious conduct. This

includes the existence of a legal duty.” *Ruwe v. Bd. Of Cty. Com’rs. of Hamilton Cty.* (1986), 21 Ohio St.3d 80, 82.

Plaintiff has based its action on duties arising under R.C. 4507.38 and R.C. 4511.195. Those sections, depending on the application public duty rule, either create an actionable duty or they do not. However, there is no legal basis to make the determination of a duty dependant upon “a factual determination of whether [a public employee’s] conduct was reckless or wanton” as the court of appeals has done in this case. *Graves* at ¶ 25. Therefore, wantonness and recklessness have no relationship to the creation of a duty.

B. There is no wanton or reckless exception to Ohio’s public duty rule.

Wantonness and recklessness have no relation to the creation of a new exception in Ohio’s public duty rule. First, Ohio public duty law is not, and has never been, limited to actions in which the level of culpability is negligence. The Fourth District stated that *Sawicki* implicitly limited the public duty doctrine to negligence. *Graves* at ¶ 25. A closer reading of *Sawicki* reveals no such limitation. The *Sawicki* Court noted that the public duty doctrine “comported with the principles of negligence”. *Sawicki*, 37 Ohio St.3d at 230, 525 N.E.2d 468. The words “principles of negligence” are a reference to the well settled doctrine that a cause of action in tort requires: (1) the existence of a duty, (2) the breach of a duty, and (3) an injury proximately resulting therefrom. See *Hannan v. Ehrlich* (1921), 102 Ohio St. 176, 183, 131 N.E.2d 504; *Fed. Steel and Wire Corp. v. Ruhlin Constr. Co.* (1989), 45 Ohio St.3d 171, 173, 543 N.E.2d 769. Thus, the words “principles of negligence” are not a comment or limitation on a level of culpability, but rather indicate that the public duty rule is applicable in determining whether a statute encompasses an actionable duty. *Sawicki*, 37 Ohio St.3d at 230, 525 N.E.2d 468. Indeed,

this Court recently reaffirmed that the public duty rule is “relevant in the determination of whether a defendant owes a legal duty to a plaintiff.” *Rankin*, at ¶ 32.

Further, actions against political subdivisions and their employees do comport with “principles of negligence.” In any tort action against a political subdivision or a public employee, a plaintiff must establish duty, breach, and proximate cause—the same “principles of negligence” that a plaintiff would have to establish against a private entity or individual. The immunity provisions, including higher levels of culpability,² under R.C. Chapter 2744, do not affect the public duty rule or the determination of duty because the public duty rule is grounded in tort law, not immunity. As such, the Fourth District’s interpretation that *Sawicki* implicitly limited the public duty rule to negligence actions is erroneous.

Allegations of wantonness or recklessness are irrelevant to the application of the public duty rule. The Fourth District wrongly concludes that “the public duty doctrine was never intended to preclude liability for the wanton or reckless acts of rogue employees.” *Graves* at ¶ 24. The premise of the preceding statement is incorrect. In actuality, the public duty rule is not concerned with the conduct of employees, reckless or otherwise. Rather, the public duty rule is concerned with whether the employee has a duty which makes his or her conduct actionable: “[T]he public-duty rule is merely an expression of policy that leads us to conclude that private interests are not generally entitled to protection against conduct by public officials performing public duties.” *Wallace v. Ohio Dept. of Commerce*, 96 Ohio St.3d 266, 2002 Ohio 4210, 773 N.E.2d 1018, at ¶ 25. Neither the *Wallace* Court nor any other Ohio court has conditioned the application of the public duty rule on the claimed level of the breach of a duty. To hold otherwise would allow duties to be imposed upon public treasuries at the whim of the author of a complaint. If the complaint incants the phrase “reckless” or “wanton,” the public treasury must

² See R.C. § 2744.03(A)(6)(b).

pay to defend and indemnify. See R.C. 2744.07; See also *Whaley v. Franklin Cty. Bd. of Commissioners*, 92 Ohio St.3d 574, 2001 Ohio 1287, 752 N.E.2d 267 (holding that a political subdivision's duty to defend arises may be determined "from a reading of allegations contained in a complaint filed by a plaintiff who seeks redress from the subdivision's employee."); *Rogers v. Youngstown* (1991), 61 Ohio St. 3d 205, 574 N.E.2d 451.

Because there is no Ohio law that precludes the application of the public duty rule based on allegations of recklessness or wantonness, the Fourth District relied on case law outside of Ohio. The many state interpretations of the public duty rule are as varied as the states themselves. It is true that some states have recognized public duty rule exceptions for malicious, intentional, reckless or egregious conduct. See *Ezell v. Cockrell* (Tenn. 1995), 902 S.W.2d 394; *Shore v. Town of Stonington* (Conn. 1982), 444 A.2d 1379. On the other hand, several states do not recognize any such exception. See *Cuffy v. City of New York* (1987), 69 N.Y.2d 255, 505 N.E.2d 932; *Braswell v. Braswell* (N.C. 1991), 330 N.C. 363, 410 S.E.2d 897. Thus, an analysis of public duty law from outside jurisdictions is of limited value. More important, is that Ohio has been interpreting the public duty rule since 1988 and has never added any additional exceptions to the rule.

In sum, when confronted with the fact that the established exception to the public duty defense was not available, the Fourth District circumvented that the defense by improperly creating a new exception based on R.C. § 2744.03(A)(6)(b), a statute that explicitly establishes another defense or immunity, not a cause of action or duty.

Proposition of Law II: R.C. 2744.03(A)(6)(b) Did Not Repudiate Any Portion of the Public Duty Rule.

Almost as if it were hedging a bet, the Fourth District Court of Appeals also held that even if the public duty rule does apply to wanton or reckless conduct, "the enactment of R.C.

2744.03(A)(6)(b) amounts to a clear legislative repudiation of that segment of the doctrine.” *Graves* at ¶ 26. To support its holding, the court of appeals argues that the statutory scheme in R.C. 2744.03(A)(6)(b) “could be interpreted as a statement of the legislature’s clear intent to provide for the public duty doctrine’s continued viability in the negligence context, while repudiating it when dealing with rogue employees.” *Id.* at 26.

First, neither the statutory nor case history of the public duty rule support the Fourth District’s holding. From the beginning, this Court made it clear that the public duty rule and sovereign immunity were partners, not competitors: the public duty “doctrine has been obscured by, yet was coexistent at common law with, the doctrine of sovereign immunity.” *Sawicki*, 37 Ohio St.3d at 230. Further, this coexistence is based upon the fact that the public duty rule and immunity do not directly overlap each other in their application. See *Rankin*, *supra*. (holding that the public duty rule might be relevant in establishing a claim for which there may be a duty under immunity, but is irrelevant to establishing whether immunity applies). Lastly, this Court has expressly stated that the public duty rule “remains viable as applied to actions brought against political subdivisions pursuant to R.C. Chapter 2744.” *Yates v. Mansfield Bd. of Edu.*, 102 Ohio St.3d 205; 2004 Ohio 2491, 808 N.E.2d 861, at fn. 2.

Second, the public duty rule is common law. According to the principles of statutory construction, the General Assembly will not be presumed to have intended to abrogate a common-law rule unless the language used in the statute clearly shows that intent. *State ex. rel. Morris v. Sullivan* (1909), 81 Ohio St. 79, 80, paragraph three of the syllabus. Thus, in the absence of language clearly showing the intention to create a new duty outside of the common law, the existing common law is not affected by the statute, but continues in full force. *Id.* “There is no repeal of the common law by mere implication. *Frantz v. Maher* (1957), 106 Ohio

App. 465, 472. Also, the absence of language referring to the public duty rule within R.C. Chapter 2744 is insufficient to demonstrate that the General Assembly intended to abrogate well established law. *Mandelbaum v. Mandelbaum*, 121 Ohio St.3d 433, 2009 Ohio 1222, 905 N.E.2d 172, at ¶ 29.

Nothing in the text of R.C. 2744.03(A)(6)(b) shows any intent to abrogate the public duty rule. The statute and the rule cover different legal ground. As stated above, the public duty rule, when applicable, establishes non-liability based on the lack of a legal duty. In contrast, the immunity defenses under Chapter 2744 establish non-liability based on immunity, despite the existence of a duty. Thus, the public duty rule is a doctrine of tort law, not of governmental immunity.³ Specifically, R.C. § 2744.03(A)(6)(b) establishes immunity for employees of a political subdivision, unless the employee's acts were with malicious purpose, in bad faith, or in a wanton or reckless manner. These levels of culpability, relevant to whether an employee breached a duty of care, are irrelevant in determining whether a duty of care was owed to the public or an individual. Given that the public duty rule and R.C. § 2744.03(A)(6)(b) apply to different legal concepts, duty and breach, respectively, there can be no conclusion that the legislature had a "clear intent" to supersede a public duty defense.

Proposition of Law III: There Is No Exception Under The Public Duty Rule And No Duty Under General Negligence Principles To Control The Conduct Of A Third Person As To Prevent Him From Causing Harm To Another.

Whether analyzed specifically under the public duty rule or other means of determining an actionable duty, Appellants owed no duty to protect Plaintiff's decedent from the criminal acts of a third party. In either Ohio law or the more developed doctrines of federal law, there is no duty to prevent a third person from harming another unless a "special relationship" exists

³ The concepts are related to the extent that the public duty rule determines whether there is an actionable duty to which an exception to immunity may apply.

between the parties. *Eagle v. Mathews-Click-Bauman, Inc.* (1995), 104 Ohio App.3d 792, 663 N.E.2d 399; *Fed. Steel & Wire Corp. v. Ruhlin Constr.* (1989), 45 Ohio St.3d 171, 173, 543 N.E.2d 769. It is not disputed that no special relationship existed in this case between Defendants and Plaintiff's decedent. However, in *City of Cincinnati v. Beretta U.S.A. Corp.*, 95 Ohio St.3d 416, 2002 Ohio 2480, 768 N.E.2d 1136, this Court explained that the special relationship rule is not a factor when defendants have engaged in "affirmative acts," the foreseeable result of which was to cause harm. *Id.* at. ¶¶ 21-22.

In the context of harm caused by third parties, this Court has not precisely defined what an "affirmative act" is, but has indicated that it must involve the creation of a danger. *Id.* at ¶ 22 ("creating an illegal, secondary firearms market"). This is similar to the state created danger theory used by the federal courts in evaluating claims of alleged due process violations for harm committed by third persons. Under the state created danger theory, a governmental actor can be held responsible for an injury committed by a private person if (1) an affirmative act by the governmental actor either created or increased the risk that the plaintiff would be exposed to the injurious conduct of the private person; (2) the governmental actor's act especially endangered the plaintiff or a small class of which the plaintiff was a member; and (3) the governmental actor had the requisite degree of culpability. *McQueen v. Beecher Cmty. Sch.* (6th Cir. 2006), 433 F.3d 460, 464.⁴ Federal courts have consistently ruled that failure to follow a statutory directive does not constitute an affirmative act. *See Bennett v. City of Philadelphia* (E.D. Penn. 2006), 2006 U.S. Dist. LEXIS 29988 (holding that failure to follow statutes "represented inaction couched in terms of affirmative acts"); *Forrester v. Bass* (8th Cir. 2005), 397 F.3d 1047, 1058 (failure to

⁴ Amici Curiae are mindful that this Court declined to adopt the doctrine of absolute immunity as applied in Section 1983 cases against a political subdivision claiming deprivation of due process of law. *Brodie v. Summit Cty. Children Servs. Bd.* (1990), 51 Ohio St.3d 112, 116, 554 N.E.2d 1301. Nonetheless, the state created danger theory promulgated in *DeShaney v. Winnebago Cty. Dept. of Soc. Serv.* (1989), 489 U.S. 189, 109 S. Ct. 998, 103 L. Ed. 2d 249 and its progeny is useful for analyzing the type of conduct that constitutes affirmative acts.

follow mandatory state protective procedures in reporting and investigation of child abuse not affirmative action). In this case, it is alleged that the Appellants failed to follow mandatory statutory procedures regarding the impoundment of a vehicle. This alleged conduct does not constitute affirmative action. See *Koulta v. Merciez* (6th Cir. 2007), 477 F.3d 442 (allowing drunk to drive away does not create a danger actionable against an individual officer). Rather, the alleged conduct here constitutes a failure to act under statutory procedure. Plaintiff alleges a failure to use state authority rather than a misuse of state authority that created a danger. See *Bennett*, supra. Therefore, under *Beretta*, supra, and well-established federal law, Appellants' alleged conduct does not constitute affirmative acts necessary to establish liability for the harm caused by a third party.

IV. CONCLUSION

The Fourth District created a duty where none existed as well as an exception to the public duty rule that did not exist. The Fourth District made this ruling in spite of clearly established law stating that (1) immunity provisions, specifically degrees of culpability, do not establish duties and (2) there is no reckless and wanton exception to the public duty rule. The Fourth District's decision is contrary to law and will expose any employee of a political subdivision to liability for any violation of a statute so long as the plaintiff alleges reckless or wanton conduct. Even if the plaintiff cannot show recklessness or wantonness, political subdivisions will be forced to spend time, manpower and money defending these lawsuits.

For the foregoing reasons, amici curiae County Commissioners Association of Ohio, County Risk Sharing Authority, Ohio Township Association, Ohio School Boards Association, Public Children Services Association of Ohio, Ohio Job and Family Services Directors'

Association and Ohio Association of Behavioral Health Authorities respectfully ask this Court to reverse the judgment of the court of appeals.

Respectfully submitted,



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CERTIFICATE OF SERVICE

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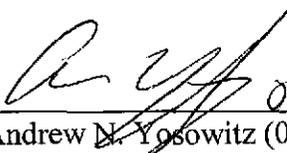
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