

IN THE SUPREME COURT OF OHIO

Jeffrey Buck

Appellee,

v.

Village of Reminderville, *et al.*

Appellants.

Case No. **11-0258**

On Appeal from the Summit
County Court of Appeals, Ninth
Appellate District

Court of Appeals
Case No. 25272

**APPELLANT VILLAGE OF REMINDERVILLE'S
NOTICE OF DISCRETIONARY APPEAL**

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JEFFREY BUCK

FILED
FEB 14 2011
CLERK OF COURT
SUPREME COURT OF OHIO

NOTICE OF APPEAL

Now comes Defendant-Appellant Village of Reminderville who, in accordance with SCt R. II, Section 1(A)(3), hereby gives notice of its discretionary appeal to the Ohio Supreme Court from the December 30, 2010 decision in Ninth District Court of Appeals Case No. 25272, which affirmed, in a 2-1 decision, the Summit County Common Pleas Court's denial of summary judgment to Defendant-Appellant on Plaintiff-Appellee Jeffrey Buck's Complaint. The case involves Ohio Revised Code Chapter 2744, a conflict among the courts of appeal, and an issue of great and general public interest. Indeed, this Court recently accepted for review the same proposition of law in Sampson v. Cuyahoga Metro. Housing Auth., Case No. 2010-1561 In accordance with SCt R II, Section 2(B)(2), a copy of only the cover page of the Ninth District's opinion, which also serves as the judgment entry, is attached hereto because the decision is in excess of ten pages.

Respectfully submitted,



John D. Latchney (0046539)
Counsel of Record for
Appellant Village of Reminderville

CERTIFICATE OF SERVICE

A copy of Appellant Village of Reminderville's Brief was served via regular U.S. Mail on this 14th day of February 2011 upon: Kenneth D. Myers, 6100 Oak Tree Blvd., Suite 200, Cleveland, Ohio 44131 *Attorney for Plaintiff-Appellee*; and Kenneth A. Calderone, Hanna, Campbell & Powell, LLP, 3737 Embassy Parkway, P.O. Box 5521, Akron, Ohio 44334, *Attorney for Defendant Varga*.



John D. Latchney (0046539)

STATE OF OHIO
COUNTY OF SUMMIT

COURT OF APPEALS
DANIEL M. HERRIGAN
IN THE COURT OF APPEALS
NINTH JUDICIAL DISTRICT
DEC 30 AM 11:54

JEFFREY BUCK

SUMMIT COUNTY
CLERK OF COURTS C. A. No. 25272

Appellee

v.

VILLAGE OF REMINDERVILLE, et al.

Appellants

APPEAL FROM JUDGMENT
ENTERED IN THE
COURT OF COMMON PLEAS
COUNTY OF SUMMIT, OHIO
CASE No. CV 2009-11-8465

DECISION AND JOURNAL ENTRY

Dated: December 30, 2010

DICKINSON, Presiding Judge.

INTRODUCTION

{¶1} Jeffrey Buck, chief of police for the Village of Reminderville, sued the Village and Sergeant Michael Varga for defamation. He alleged that Sergeant Varga emailed a letter to Village council members that contained false and defamatory accusations regarding his performance as police chief. He alleged that the Village improperly allowed the letter to circulate to other Village officials, improperly allowed it to be read aloud during a human resources committee meeting, and improperly made it a public record. He further alleged that Sergeant Varga's publication and the Village's republication of the letter was done maliciously with the intent to interfere with his employment relationship. The Village moved for judgment on the pleadings under Rule 12(C) of the Ohio Rules of Civil Procedure, arguing that it has immunity under Chapter 2744 of the Ohio Revised Code. The trial court denied its motion because it determined that "[t]here is an issue of fact as to whether the conduct in question arose