

OHIO CASE SUMMARIES

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Ohio case summaries will be provided on a continuing basis every Wednesday and Friday of each week (excluding holidays). Summaries include brief descriptions of cases decided in the past week by the Ohio Supreme Court and lower appellate courts on issues related to insurance law. To discontinue receiving this service, please call Jared Wagner at 937-224-3333 or email Jared at jawagner@green-law.com.

Court of Appeals: Sixth District

Case Name: Scott v. Kirby, 2006-Ohio-1991

Decided: April 21, 2006 (posted April 21, 2006)

Issue(s): Landlord-Tenant Statutes/Open and Obvious

Summary of Opinion: Plaintiff was injured when she fell off of the porch at her relative's residence. The trial court recognized that a violation of the landlord-tenant statute, Ohio Revised Code § 5321 et seq., constitutes negligence per se, but the court found that the violation was open and obvious and granted the landlord summary judgment. On appeal, the Sixth District reversed the trial court's decision and found that the open and obvious doctrine does not apply to cases involving a violation of the landlord-tenant statute.

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As a service to our clients, we provide weekly summaries of the most recent Ohio Supreme Court and appellate court decisions on cases of interest to our insurance clients. No opinion as to the legal import of the cases summarized is intended. Any questions regarding the information contained in this transmission should be directed at any time to one of the attorneys of the firm.