

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: Eighth District

Case Name: Griffiths v. Airko, 2006-Ohio-3152

Decided: June 22, 2006 (posted June 22, 2006)

Issue(s): Negligence/Agency/Home Repair

Summary of Opinion: The Plaintiffs called Airko in March of 2000 to repair a railing on the front steps of their home. In turn, Airko called All-Nu to perform the work "as cheaply as possible." All-Nu billed Airko \$50.00 for the repair, and Airko billed Plaintiffs \$75.00. Approximately a month later, a bolt snapped on the railing, causing one of the Plaintiffs to fall and suffer injuries. Plaintiffs then brought suit against both Airko and All-Nu. In sustaining the trial court's decision to grant Airko summary judgment, the Eight District found that Airko had not asserted control over either the manner or means by which All-Nu was to perform the repair, despite Airko's direction to All-Nu to repair the railing "as cheaply as possible." The court found that Airko was not liable for All-Nu's alleged negligence because its instruction expressed no concern about how All-Nu did the work as long as it was done inexpensively. The court also rejected Plaintiffs' argument that Airko could be liable under a breach of implied warranty theory because Airko's instructions to All-Nu were performance specifications, which only indicate a desired end result, rather than design specifications, which tell a contractor exactly how a contract is to be performed.

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