

OHIO CASE SUMMARIES
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Ohio case summaries are brief descriptions of cases decided in the past week by the Ohio Supreme Court and lower appellate courts on issues related to insurance law. Except for holidays, these summaries will be provided Wednesday and Friday of each week. To discontinue receiving this service, please call Jared Wagner at 937-224-3333 or email Jared at jawagner@green-law.com.

Court of Appeals: Tenth District

Case Name: *Bauman v. Bob Evans Farms*, 2007-Ohio-147

Decided: January 16, 2007 (posted January 16, 2007)

Issue(s): Respondeat Superior / Summary Judgment

Summary of Opinion: An assistant manager at a Columbus Bob Evans restaurant misplaced some jewelry during a Christmas party in 2004 and conducted a “strip search” of several employees whom she suspected of stealing the jewelry. The employees subjected to the strip search brought suit against the acting manager at the time, alleging assault, false imprisonment, and intentional infliction of emotional distress. The employees also brought suit against Bob Evans under a theory of respondeat superior. The trial court granted summary judgment to both Bob Evans and the acting manager. On appeal, the Second District affirmed the trial court’s decision as to Bob Evans on the basis that the assistant manager’s actions were not in any way designed to facilitate the business of, or result in a benefit to, Bob Evans. The fact that the assistant manager was an employee of Bob Evans and “on duty” at the time of the strip search was irrelevant. As to the acting manager, the Second District held that the undisputed evidence proved he did not participate in any manner in the “strip search” and summary judgment was proper on the claims raised against him also.

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As a service to our clients, we provide weekly summaries of the most recent Ohio Supreme Court and appellate 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.