

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: Supreme Court

Case Name: Todd Dev. Co., Inc. v. Morgan, 2008-Ohio-87

Decided: January 17, 2008 (posted January 17, 2008)

Issue(s): Burden of Moving Party in a Summary Judgment Motion

Summary of Opinion: A conflict arose between the Third and Twelfth Districts. The Twelfth District held that a Plaintiff moving for summary judgment must address any affirmative defenses raised by the Defendant. The Third district held that the Defendant has the burden of raising affirmative defenses in a summary judgment motion. The Supreme Court accepted jurisdiction to decide the split. In siding with the Third District's approach, the Supreme Court held that "A moving party does not need to offer evidence on every defense raised by the nonmoving party. To impose such a requirement would delay the filing of summary judgment motions and increase the expense of litigation." Thus, a plaintiff or counter claimant moving for summary judgment does not bear the initial burden of addressing the nonmoving party's affirmative defenses; the burden of raising such issues lies with the defendant in response to the motion.

Court of Appeals: Supreme Court

Case Name: Doe v. Archdiocese of Cincinnati, 2008-Ohio-67

Decided: January 16, 2008 (posted January 16, 2008)

Issue(s): Equitable Estoppel and Statute of Limitations

Summary of Opinion: Plaintiff became impregnated through a consensual relationship with a priest in 1965 at the age of 16 and gave the baby up for adoption that same year. In

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2004, she brought suit against the Cincinnati Archdiocese, arguing that employees of the Archdiocese pressured her to give the baby up for adoption and subjected her to severe mental anguish. Although all of the alleged statements and threats were made in 1965, the complaint was not filed until 2004 because the distress which Doe suffered rendered her unable to knowingly, willingly, and voluntarily act on the fact that she had been victimized. The Archdiocese filed a motion to dismiss based on the statute of limitations, which the trial court granted. On appeal, the First District held that dismissal based on the statute of limitations was inappropriate because Plaintiff had alleged equitable estoppel. The concept of estoppel is as follows: “[a]s a general rule, a party will be concluded from denying his own acts or admissions, which were expressly designed to influence the conduct of another, and did so influence it, and when such denial will operate to the injury of the latter.” Equitable estoppel prevents relief when one party induces another to believe certain facts exist and the other party changes his position in reasonable reliance on those facts to his detriment. Reviewing the First District’s opinion, the Supreme Court held that “equitable estoppel will benefit Doe only if she has pleaded facts that, if proved, will demonstrate the efforts of the Archdiocese to prevent her from filing a lawsuit.” Because there were no such allegation within the complaint, even when viewed in the light most favorable for Plaintiff, equitable estoppel did not save her complaint from dismissal for being untimely filed. Therefore, the decision of the First District was reversed.

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