

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 Sean McCormick at 937.224.3333 or send an email to smccormick@green-law.com.

Court of Appeals: The Supreme Court of Ohio

Case Name: *Oliver v. Cleveland Indians Baseball Co. Ltd. Partnership*, 2009-Ohio-5030

Decided: October 1, 2009

Issue(s): Statutory limit on non-economic compensatory damages

Summary of Opinion: Donald Krieger and Clifton Oliver were arrested at a Cleveland Indians baseball game under suspicion that they had detonated an explosive device at the stadium. While in custody, the two men were poorly treated by jailers. Thereafter, all charges against the men were dismissed, and they filed suit against the city of Cleveland claiming that their arrests and detention had adversely impacted their jobs and overall health.

At trial, the jury awarded each man \$400,000 in compensatory damages and \$600,000 in punitive damages. The court vacated the punitive damages award as impermissible against the city but allowed the compensatory awards to stand.

On appeal, the appellate court affirmed both compensatory damages awards, holding that R.C. § 2744.05(C)(1), which limits non-economic compensatory damages awarded against political subdivisions to \$250,000 per plaintiff, unconstitutional because it violates a plaintiff's right to a jury trial and the Equal Protection Clause of the United States Constitution.

The Supreme Court of Ohio explained that the right to a trial by jury does not extend to the determination of questions of law. Therefore, the Court reasoned, that while a jury

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determines the amount of damages as a matter of fact, the actual award may be reduced by the application of a statute as a matter of law. The Court concluded that the statute did not unconstitutionally restrict the right to a jury trial under either the Ohio Constitution or the Seventh Amendment to the United States Constitution.

Next, the Court held that the plaintiffs' equal protection rights were not violated because R.C. § 2744.05(C)(1) is facially neutral, and it is rationally related to the legitimate government purpose of preserving the financial soundness of political subdivisions. Moreover, the statute is not arbitrary because it fixes damages in all cases.

Lastly, the Court found that even though its previous decision on statutorily imposed non-economic damage limits involved a statute with a "catastrophic injury" exception, the fact that R.C. § 2744.05(C)(1) did not maintain such an exception did not obstruct its reasoning. The Court concluded that the damage limits for non-economic harms under the statute were not unreasonable, at least with regard to persons suffering non-catastrophic injuries.

The judgment was reversed.

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