



2025 ANNUAL REPORT

Along with the accomplishments outlined during the budget discussion, the Law Department also oversees and participates in all litigation for and against the City. The following lawsuits were resolved during year:

(A) Speed Way Transportation LLC v. City of Gahanna, 18 CV 10373, Franklin County Court of Common Pleas:

Franklin County Court of Common Pleas: Speedway Transportation claimed that in 2016 and 2017, they relied to their detriment, upon oral representations made by employees of the City of Gahanna when they were trying to obtain the contract with the Police department for towing vehicles. A Motion on the Pleadings was granted to the City of Gahanna, and Speedway Transportation appealed. The Court of Appeals granted their Appeal in part and denied it in part. Two of their issues were remanded to the trial Court and, following discovery, we filed a Motion for Summary Judgment on those issues. There had been no action taken on this case in 2023; however, our Motion was granted on February 2, 2024. It was appealed to the Tenth District Court of Appeals, which affirmed the decision on December 17, 2024. The deadline to appeal to the Ohio Supreme Court is January 31, 2025; however, this would be a request of the court not an appeal of right.

(B) Academy Ridge Community Association, Inc., et. al. v. City of Gahanna, et. al., Tenth District Court of Appeals; 23 AP 440

The Association alleges that the former City Attorney, without authority to do so, settled pending and threatened litigation by Academy Development Company regarding a development that had been approved by the Planning Commission but denied by the BZBA. The City filed a Motion for Summary Judgment which was granted and the case was dismissed. Plaintiff appealed that dismissal and it was decided in the City's favor. All appeal periods have since passed and this decision is final.

(C) Katherine Morehouse v. City of Gahanna, et al., Case No. 23 CV 8344; Franklin County Court of Common Pleas, BWC Claim No. 22-165200

A former employee of the City of Gahanna who sustained a work-related injury in 2022 and was denied her claim for additional allowances by the Bureau of Workers' Compensation and Industrial Commission. There was an appeal into the Franklin County Court of Common Pleas, which was ultimately settled.

(D) Matthew Cochran v. City of Gahanna, et al, Case No. 24 CV 3396; Franklin County Court of Common Pleas, BWC Claim No. 19-172862:

Plaintiff is a former employee of the City of Gahanna who sustained a work-related injury in 2019. His claim was initially certified for various conditions and he subsequently filed for additional conditions, which was denied. There was an appeal in the Franklin County Court of Common Pleas. This case was dismissed without prejudice in April 2023, subject to re-filing within one year. The matter was re-filed on April 26, 2024, but later voluntarily dismissed on June 12, 2024 in conjunction with a settlement agreement.

The following five cases remain pending:

(A) Speedway Transportation, LLC et al v. City of Gahanna et al: Case No 2:20-cv-05047; U.S. District Court, S.D. Ohio, Eastern Division:

Speedway Transportation has filed a case in Federal Court alleging that they were discriminated against based upon the owner's Ethnicity and Religion. The City was granted a Judgment on the Pleadings, stating that the Complaint did not state sufficient facts to set forth a claim against the City. Speedway Transportation filed an Appeal, which affirmed dismissal of all claims but one, which has been remanded to the District Court on the issue of the Equal Protection Claim. The City submitted a Motion for Summary Judgment on the remaining issue on January 31, 2024, which was granted on June 18, 2024. This was appealed to the Sixth Circuit. The matter is fully briefed and pending.

(B) Speed Way Towing LLC v. City of Gahanna, Case No. 23 EVA 60686; Franklin County Environmental Court

Plaintiff filed suit in Environmental Court on October 25, 2023, appealing the Board of Zoning and Building Appeals decision upholding the Planning Commission decision denying the Plaintiff's application for conditional use of his property to operate a towing business on two additional contiguous parcels of land. This matter was stayed due to expected settlement. Final settlement negotiations are pending and there should be a resolution this month.

(C) Brookewood Construction Company, Inc. v. City of Gahanna, Ohio, U.S. District Court for Southern District of Ohio; Case No. 2:23-CV-00295

Beginning in 2020 and continuing until April of 2022, the developer of Pinnacle Pointe, Phase 2 engaged in lengthy discussions with the City regarding connection of the development to the City's sanitary sewer system. The City and developer disagreed over sanitary sewer capacity needs and related issues in order for the Phase 2 portion of the development to be connected to the City's system. Plaintiff filed a Complaint in Federal District Court asserting Federal Constitutional claims consisting of violations of substantive due process, Equal Protection Violations, and Regulatory Taking. Plaintiff also alleges state law claims consisting of violations of the Ohio Constitution, Tortious Interference with a Contract and Fraud. Plaintiff also seeks a declaratory judgment. The City filed a Motion for Judgment on the Pleadings, which allowed some discovery regarding equitable tolling of statute of limitations. We are still in the discovery phase, with depositions scheduled late this month.

(D) City of Gahanna v. Brookewood Construction Company, Inc., et al, Franklin County Environmental Court; Case No. 2024 EVH 60521

The City filed suit against Brookewood Construction Company, Inc. due to its failure to construct a sidewalk in the Meadowbrooke subdivision as required by the zoning overlay granted by Council in 2013. This matter is in the discovery phase and a trial is scheduled for March 12, 2025.

(E) Kimberly Taglia v. City of Gahanna et al., Franklin County Court of Common Pleas;
24 CV 7341

Plaintiff filed suit against the City and SWACO due claiming injuries were sustained at Academy Park as a result of an alleged pothole. This case is still in the discovery phase and is pending.

This concludes the annual report of resolved and pending litigation.