

2024 CITY ATTORNEY ANNUAL REPORT

Along with the normal aspects of advising Council, the Mayor, the Police Department, City staff and the Boards, the Law Department has also prepared and amended multiple ordinances, including the Tobacco Retail Licensing ordinance drafted by Assistant City Attorney Matt Roth, which have been approved by Council, and also reviewed numerous contracts.

There were 5 lawsuits involving the city that were resolved in 2023:

1. **Brian Weaver v. City of Gahanna et al;** Franklin County Court of Common Pleas: Plaintiff, a former employee of the City, filed a claim in 2020 alleging wrongful termination based upon his disability and in retaliation, as well as alleged failure to provide reasonable accommodations for his disability. This case was fully settled and dismissed in January 2023.
2. **Jason and Amy Lacey on behalf of C. Lacey, their minor child v. City of Gahanna,** Franklin County Court of Common Pleas: Plaintiffs alleged that their minor child stepped into an open, concealed drainage pipe that did not have a cover over it. She suffered leg injuries caused by screws that were intended to hold the pipe cover. The case has been settled and dismissed in February 2023.
3. **Matthew Cochran v. City of Gahanna, et al;** Franklin County Court of Common Pleas: 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. However, this case was dismissed without prejudice in April 2023, subject to re-filing within one year.
4. **James E. Allen v. City of Gahanna, et al;** Franklin County Court of Common Pleas: Plaintiff is a police officer who sustained a work-related injury to his left knee. His claim was certified, and last year, he filed a motion requesting an additional allowance, which was denied and appealed. After discovery, Plaintiff proceeded to voluntarily dismiss his appeal without prejudice, and he had until March 15, 2023, in which to re-file his case. The portion of the claim that was pending in court settled on July 11, 2023, for \$4,500. The court case has been dismissed with prejudice. The time to refile has lapsed.
5. **James Anderson v. City of Gahanna;** Franklin County Court of Common Pleas: Plaintiff filed suit seeking return of several guns and ammunition that GPD took from him after approaching him in his car in a business parking lot. He did not seek any money damages. He was subsequently indicted for Improper Handling out of this encounter. In

July, 2023, we filed a Motion For Summary Judgment indicating that Ohio law mandates that the police safely keep evidence of crimes until final resolution. The Plaintiff's counsel subsequently dismissed the Complaint. This matter was successfully handled in house, by Assistant City Attorney Matt Roth.

There are 4 ongoing lawsuits that remain pending this year:

1. **Speedway Transportation** – Franklin County Court of Common Pleas: Speedway Transportation claims 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 in order for them to allow the plaintiff an opportunity to conduct discovery which has been completed and we have filed a Motion for Summary Judgment on those issues. The case has been fully briefed as of August 2022 but has not been disposed of yet. There was no action taken on this case in 2023. I intend to follow up on the status of this case to see if this matter can be resolved this year.
2. **Speedway Transportation** – Federal Court: 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. This case is pending.
3. **Brookewood Construction Company, Inc. v. City of Gahanna, Ohio**, U.S. District Court for Southern District of Ohio: 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 has been fully briefed and we are awaiting a decision.

4. **Academy Ridge Community Association, Inc., et. al. v. City of Gahanna, et. al.**, Franklin County Court of Common Pleas: The Association alleges that the 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. The appeal is fully briefed and the next step is oral arguments, which has not been scheduled yet.

This concludes our resolved and ongoing litigation as we enter 2024.