



2026 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.

I. Resolved litigation. The following four multi-year lawsuits were resolved during year:

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

Speed Way Transportation LLC (“Speed Way”) asserted claims of declaratory judgment, promissory estoppel, and recovery of bid costs against the City related to the City’s denial of a towing contract application submitted by Speed Way. Speed Way claims the City’s representatives made promises or representations to Speed Way which caused Speed Way to incur costs associated with the towing contract application, and that the City failed to abide by those promises/representations and arbitrarily denied Speed Way’s application. The City denies that it made the promises Speed Way is claiming and/or that the application was arbitrarily denied. The City filed a motion for judgment on the pleadings which the Court granted on April 1, 2020. Plaintiff appealed to the Tenth District Court of Appeals. The Court of Appeals reversed and remanded one issue in the case back to the trial court on December 16, 2021. The City filed a Motion for Summary Judgment on June 2, 2022, which was granted on February 2, 2024. This matter was appealed to the Tenth District Court of Appeals, case number 24 AP 141. The court ruled in the City’s favor, affirming the trial court, on December 17, 2024. Plaintiff appealed to the Ohio Supreme Court on January 31, 2025; however, the court declined the jurisdiction to hear the appeal on May 1, 2025. This matter is now closed.

B. Speed Way 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:

Plaintiffs Speed Way Transportation and Ahmed Shehata filed a complaint in the U.S. District Court for the Southern District of Ohio against the City, Gahanna Public Safety Director Keith Winn, the Gahanna Division of Police, and Gahanna Police Chief Jeff Spence. Plaintiffs alleged 42 USC 1983 claims of (1) violation of right to contract (national origin discrimination); (2) violation of right to free exercise of religion; (3) violation of right to petition the government; (4) violation of the equal protection clause; (5) violations of procedural and substantive due process; and (6) tortious interference with contracts/economic advantage. Plaintiffs are claiming they did not get towing contracts in 2017 and 2020 with the City of Gahanna because Mr. Shehata is Egyptian and a Muslim, and that he was discriminated against and treated unfairly. The Defendants deny any claims of discrimination or unfair treatment and are defending the case vigorously.

Defendants filed a motion to dismiss, and on June 15, 2021, the Court granted the motion, dismissing the case in its entirety. Plaintiffs appealed to the Sixth Circuit Court of Appeals. Court of Appeals affirmed the District Court's dismissal of all claims but one and remanded the claim to the District Court for further proceedings on the sole Equal Protection Claim. The City submitted a Motion for Summary Judgment on January 31, 2024, which was granted on June 18, 2024. The matter was appealed on July 16, 2024 and the Sixth Circuit Court of Appeals affirmed the trial court decision on March 18, 2025. The time to appeal to the U.S. Supreme Court expired June 18, 2025 with no notice to appeal filed. This matter is now closed.

C. 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 resolved by a Consent Decree filed February 5, 2025. This matter is now closed.

D. 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 on or about January 20, 2023. Plaintiff asserts Federal Constitutional claims against the City of Gahanna ("the City"), consisting of (1) violation of substantive due process under the Fifth Amendment (2) Equal Protection Violations under the Fifth and Fourteenth Amendments, and (3) Regulatory Taking under the Fifth Amendment. Plaintiff alleges state law claims consisting of violations of the Ohio Constitution, under Article Section 16 and under Article XVIII Section 4. Plaintiff also alleges additional state law tort claims of Tortious Interference with a Contract and Fraud. Plaintiff also seeks a declaratory judgment under R.C. 2721.03. On April 21, 2023, the City filed a Motion for Judgment on the Pleadings. On July 15, 2025, this Motion was granted after additional discovery and briefing. The appeals period has run and no Notice of Appeal has been filed. This matter is now closed.

II. Pending Litigation. The following cases remain pending:

A. 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. SWACO ultimately settled their portion of the lawsuit. The City filed a Motion for Judgment on the Pleadings on Summary Judgment on February 18, 2025 which was denied on May 28, 2025. The City proceeded with discovery and subsequently filed a Motion for Summary Judgment on September 23, 2025. This Motion was granted on November 6, 2025. Plaintiff timely appealed on November 24, 2025 and the appeal is currently pending.

B. John Esterby v. City of Gahanna Board of Zoning and Building Appeals, Franklin County Court of Common Pleas; Case No. 25 CV 9651

Plaintiff is appealing a BZBA decision to deny a variance for an outdoor structure which exceeds the height limits of zoning code. This matter was opened on November 7, 2025 and is set for a briefing schedule in January 2026.

C. 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 status conference is scheduled for January 21, 2026.

III. Bureau of Workers' Compensation Claims.

In 2025, the City has resolved two open claims pending before the BWC. There remains one pending claim for which we are still engaging in settlement efforts.

This concludes the annual report of resolved and pending litigation.