

## Upcoming Events

All Events held at The Bluestone (formerly BoMA) at 583 East Broad Street, Columbus.

### March 15, 2011

Membership dinner

5:30 – 7:00

### May 10, 2011

Annual Awards Luncheon  
and Swearing In  
Ceremony for New  
Officers and Directors

#### Mission Statement

To promote justice for individuals in all local, state, and federal courts; to support our membership; to assist the legal community; to improve the judicial system; and to serve the citizens of Central Ohio.

## Pedestrian's Premises Liability Claim Against the City Withstands Motion to Dismiss

The plaintiff in *Scott v. City of Columbus Dep't of Pub. Utils.*, 2011-Ohio-677, Tenth Dist. No. 10AP-391 fell through an open manhole cover in the sidewalk. Plaintiff claimed the manhole was part of the sewer system, and therefore a "proprietary function" subjecting the City to liability. The City claimed the manhole was part of the sidewalk and therefore a "governmental function" entitling the City to immunity.

In evaluating the City's motion to dismiss, the Tenth District noted that, "[w]here, as here, the activity alleged in a complaint is not clearly a governmental function based on the face of the complaint, a Civ. R. 12(B)(6) motion to dismiss, on the basis of R.C. Chapter 2744 immunity, must be denied." *Id.* at ¶17.



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## BWC Claimant Entitled to Living-Maintenance

The Tenth District recently upheld a magistrate's determination that a BWC claimant who missed three case manager meetings but otherwise cooperated had "substantially-complied" and was entitled to living-maintenance payments. *State Ex Rel. Vizzio v. Indus. Comm.*, 189 Ohio App.3d 185, 2010-Ohio 3378.

## Medical Deposition Costs Reimbursable Even When Not Used At Trial

Construing R.C. 4123.512 liberally in favor of the claimant, the Third District held that costs associated with medical depositions were "reasonable litigation expenses connected with the preparation and presentation of the claimant's appeal" even though the depositions were not introduced at trial. *Wasinski v. Peco II, Inc.* 189 Ohio App.3d 550, 2010-Ohio-4293.

### 2011 OAJ Annual Convention

May 11-13  
Hilton at Easton - Columbus, OH

David Ball - *Introduction to Reptilian Trial Advocacy*

Michael Koskoff - *Pillars of Persuasion*

Carl Bettinger - *Storytelling in Action*

Steve Buehrer - *Interact with the new BWC Administration*

Elizabeth Faiella - *How to Land on Your Feet When the Defense Pushes You Off the Cliff*

Network with attorneys from all over Ohio.

\*\*Seminars covering multiple areas including Labor & Employment, Consumer, Medical Malpractice, Workers Compensation, Personal Injury, Business Torts, MSA's, Liens, Insurance, and more.

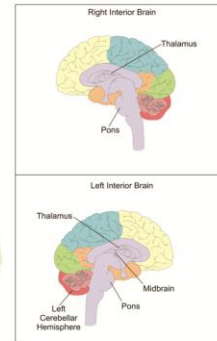
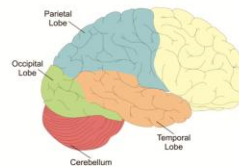
\*\*Earn half your biennial CLE credits including Professionalism, Ethics, and Substance Abuse credits.



Full convention lineup and registration online at [www.OAJjustice.org](http://www.OAJjustice.org) or call 614-341-6800

#### Areas of the Brain with Stroke

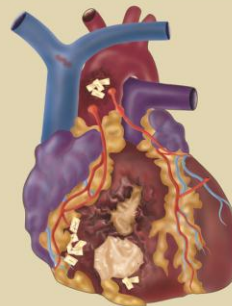
1. Right Cerebellum
2. Right Temporal Lobe
3. Right Occipital Lobe
4. Left and Right Pons
5. Left Midbrain
6. Left Cerebellar Hemisphere
7. Right Posterior Parietal Cortex Near Midline
8. Left and Right Thalamus



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