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Client Bulletin



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Ohio's "Good Samaritan Law" Decision of Ohio Supreme Court

Ohio's "Good Samaritan Law" (Ohio Rev. Code § 2305.23) states that no person is liable for civil damages for emergency care or treatment for acts performed at the scene of such emergency unless such acts constitute willful or wanton misconduct.

In *Carter v. Reese*, 148 Ohio St. 3d 226, the Ohio Supreme Court had before it a case in which a truck driver (Carter) had his leg become wedged between a loading dock and the trailer of his semi, could not free himself and called out for help. About ten minutes after Mr. Carter got pinned between the loading dock and the trailer, Mr. Reese heard him and came to help. Mr. Carter told Mr. Reese to "get in my truck, move it forward about a foot, *** but whatever you do, don't put it in reverse," to which Mr. Reese responded "No problem." Mr. Reese got in the cab and put it in neutral before realizing he did not know how to operate it. Mr. Reese "revved up" three times before he heard the air brake release and within five seconds, the trailer rolled backwards and broke Mr. Carter's leg severely, resulting in his right leg being amputated above the knee. About four minutes after the trailer broke Mr. Carter's leg, the paramedics arrived and moved the trailer, freeing Mr. Carter.

Mr. Carter and his wife sued Mr. Reese but did not allege that Mr. Reese engaged in willful or wanton misconduct. Mr. Reese was granted summary judgment by the trial court on the basis of immunity under the Good Samaritan Law, which was affirmed by the Court of Appeals of Butler County. The Ohio Supreme Court, in a 4-3 decision, affirmed, holding that the Good Samaritan Law is:

- (1) not limited to just health care/medical professionals, but rather "any person" (notwithstanding that the legislative bill for the original version of the Good Samaritan Law stated its purpose was to enact Ohio Rev. Code § 2305.23 "relative to the liability of physicians and nurses for emergency treatment"); and
- (2) includes other forms of assistance, and not just medical assistance, to the safety and well-being of another at the scene of an emergency.

My Communicator Article

The article "Root Canals, IRS Audits, Surgeries, and Probate" in last month's Client Bulletin was written by Dennis Pergram and was published in the May-June edition of SourcePoint's My Communicator, which has a circulation of over 40,000.

Andy Wecker, School Board President

For several years, the law firm's Andy Wecker has served on the Board of Education of the Big Walnut School District. Below is his article, "As enrollment grows, Big Walnut reaches out," which was published in the April 30, 2017 edition of [This Week Delaware News](#).

In the months since the November 2016 election, we at Big Walnut Local Schools have been listening to residents of the district. We've also been considering how to reconcile what we've learned from our voters with the increasing numbers of students in our classrooms as more families choose to make their homes in Big Walnut.

A great education for these children depends on a partnership by and among families, the Big Walnut Local School District and the larger community in two villages and six townships. The need based on current and expected enrollment increases still exists, and we want to hear from residents what they will support to meet those needs.

We want to hear what you think. Members of the community can fill out an online questionnaire through our website, bwls.net. It takes just a few moments to fill out and will be beneficial as we continue to look at our current situation. Residents also may email questions to facilitymatters@bwls.net.

Another way to get informed and voice concerns or opinions is to come to a board meeting. Thirty minutes prior to the beginning of our May 17 meeting, board members will be available to talk over coffee. Please join us at 6 p.m. at the district administration office, 110 Tippet Court.

Projections have all our buildings, except the middle school, being over capacity within the next two years, which is sooner than new buildings could be constructed if we started today.

Along with Superintendent Angie Pollock and the rest of our school board, I am sympathetic to concerns we are hearing from members of our community. We also want taxpayers to have more information the next time we appear on the ballot. Enrollment increases have become an issue across our area, and we need to talk about what our plan will be moving forward.

I hope many in the community will take the time to speak up, whether via the website questionnaire or in person. We have a challenge in front of us, and we need the community's support to get it right.

Notice

This bulletin provides general information and is not legal advice. Please contact us if you need legal advice.

If you have friends or associates who you think would enjoy receiving a copy of this Client Bulletin, please feel free to forward it on. Thank you.

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