

**BURYA ET AL., APPELLEES, v. LAKE METROPARKS BOARD OF PARK
COMMISSIONERS, APPELLANT, ET AL.**

**[Cite as *Burya v. Lake Metroparks Bd. of Park Commrs.*, 114 Ohio St.3d 35,
2007-Ohio-2712.]**

*Political subdivision — Immunity — Court of appeals’ judgment reversed on the
authority of Elston v. Howland Local Schools.*

(Nos. 2006-2078 and 2006-2094 — Submitted May 23, 2007 — Decided
June 20, 2007.)

APPEAL from and CERTIFIED by the Court of Appeals for Lake County,
No. 2005-L-015, 2006-Ohio-5192.

{¶1} The certified question is answered in the negative, and the judgment of the court of appeals holding that the trial court erred in granting summary judgment to appellant is reversed on the authority of *Elston v. Howland Local Schools*, 113 Ohio St.3d 314, 2007-Ohio-2070, 865 N.E.2d 845. The judgment of the trial court granting appellant’s motion for summary judgment is reinstated.

MOYER, C.J., LUNDBERG STRATTON, O’CONNOR, O’DONNELL, LANZINGER and CUPP, JJ., concur.

PFEIFER, J., dissents and would answer the certified question in the affirmative and affirm the judgment of the court of appeals.

Rosplock & Perez, Richard J. Perez, and Jesse M. Schmidt, for appellees.

Law Offices of Steven K. Kelley and Cornelius J. O’Sullivan, for appellant.
