

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Lindsay v. Garfield Hts.*, Slip Opinion No. 2022-Ohio-4730.]

NOTICE

This slip opinion is subject to formal revision before it is published in an advance sheet of the Ohio Official Reports. Readers are requested to promptly notify the Reporter of Decisions, Supreme Court of Ohio, 65 South Front Street, Columbus, Ohio 43215, of any typographical or other formal errors in the opinion, in order that corrections may be made before the opinion is published.

SLIP OPINION NO. 2022-OHIO-4730

**LINDSAY, APPELLEE, ET AL., v. THE CITY OF GARFIELD HEIGHTS ET AL.,
APPELLANTS.**

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Lindsay v. Garfield Hts.*, Slip Opinion No. 2022-Ohio-4730.]

Court of appeals' judgment reversed on the authority of *Lycan v. Cleveland*.

(No. 2020-1032—Submitted December 23, 2022—Decided December 30, 2022.)

APPEAL from the Court of Appeals for Cuyahoga County,

No. 108967, 2020-Ohio-3672.

{¶ 1} The judgment of the court of appeals is reversed on the authority of *Lycan v. Cleveland*, __ Ohio St.3d __, 2022-Ohio-4676, __ N.E.3d __.

KENNEDY, DEWINE, STEWART, and BRUNNER, JJ., concur.

O'CONNOR, C.J., and DONNELLY, J., dissent for the reasons set forth in Chief Justice O'Connor's dissenting opinion in *Lycan*.

FISCHER, J., dissents and would order briefing.

SUPREME COURT OF OHIO

Dworken & Bernstein Co., L.P.A., Patrick J. Perotti, Nicole T. Fiorelli, and James S. Timmerberg, for appellee, Nell Lindsay.

Bricker & Eckler, L.L.P., and Quintin F. Lindsmith, for appellant Redflex Traffic Systems, Inc.

O'Toole, McLaughlin, Dooley & Pecora Co., L.P.A., and John D. Latchney, for appellant City of Garfield Heights.
