

IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CLARK COUNTY

JOYCE WILSON AND TALIEK	:	
DENNIS,	:	C.A. Nos. 2025-CA-54; 2025-CA-55
CO-ADMINISTRATORS OF THE	:	
ESTATE OF ERIC EUGENE COLE	:	Trial Court Case Nos. 22CV0571;
	:	23CV0391
Appellees	:	
	:	(Civil Appeal from Common Pleas
v.	:	Court)
	:	
AMANDA ROSALES, ET AL.	:	FINAL JUDGMENT ENTRY &
	:	OPINION
Appellant	:	

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Pursuant to the opinion of this court rendered on September 18, 2026, the judgment of the trial court is affirmed in part and reversed in part, and the matter is remanded for further proceedings consistent with the opinion.

Costs to be paid as follows: 50% by the appellees and 50% to be split by the appellants.

Pursuant to Ohio App.R. 30(A), the clerk of the court of appeals shall immediately send a copy of the court's ruling to each party and note that action on the docket. Additionally, pursuant to App.R. 27, the clerk of the court of appeals shall send a certified copy of this judgment, which constitutes a mandate, to the clerk of the trial court and note the service on the appellate docket.

For the court,



MARY K. HUFFMAN, JUDGE

TUCKER, J., and HANSEMAN, J., concur.

OPINION
CLARK C.A. Nos. 2025-CA-54; 2025-CA-55

ANDREW N. YOSOWITZ and SARA A. LODGE, Attorneys for Appellants Mary Herge and Erin Reynolds
BRIAN M. ZETS, Attorney for Appellant Amanda Rosales
C. BENJAMIN COOPER, REX H. ELLIOTT, MICHAEL L. WRIGHT, and ROBERT L. GRESHAM, Attorneys for Appellees

HUFFMAN, J.

{¶ 1} In December 2022, the Estate of Eric Eugene Cole (“Estate”) filed an action asserting several claims against Clark County Sheriff’s Office Dispatchers Erin Reynolds and Mary Herge and Springfield Police Officer Amanda Rosales in their individual capacities as employees of the Clark County Sheriff’s Office and the Springfield Police Department, respectively. The Estate also filed a companion case against Clark County Sheriff’s Office Dispatcher Stacie Raynor in June 2023. In the interest of judicial economy, the trial court consolidated the two cases.

{¶ 2} Reynolds, Herge, and Rosales now appeal from the trial court’s decision denying their motions for summary judgment based on political subdivision immunity under R.C. 2744, arguing that there was no exception to their immunity when their actions were not conducted in a reckless or wanton manner. Those appeals have been consolidated into the instant matter.

{¶ 3} Upon our review, we conclude that the trial court did not err in denying summary judgment to Reynolds. Genuine issues of material fact remain as to whether Reynolds’s conduct was reckless—defeating statutory immunity—given her claim that she did not hear Eric Cole, the Estate’s decedent, say that he was lying in the middle of the street during his 911 call and did not provide the dispatched officers with that important information regarding his location. However, we find that the trial court erred in denying summary judgment to

Herge and Rosales because no reasonable trier of fact could find that they acted in a reckless or wanton manner.

{¶ 4} For the reasons outlined below, we affirm in part and reverse in part the judgment of the trial court.

I. Background Facts and Procedural History

{¶ 5} On June 13, 2021, Dispatchers Herge, Reynolds, and Raynor, as well as Morgan Miller, were working the nightshift at the Clark County Dispatch Center. The Dispatch Center was busy with Reynolds at the main police radio position; Raynor at the backup police radio and LEADS position; Miller at the fire and EMS dispatch position; and Herge at the phone and 911 call position.

{¶ 6} During an approximately 30-minute period, the dispatch center received several apparently connected calls, creating chaos in the dispatch center. At 10:50 p.m., Herge received a 911 call reporting two shots fired near the Sunoco gas station at 1024 E. John Street. Ten minutes later, a 911 call came in from a female at 221 W. Johnny Lytle Avenue. Raynor took the call because Herge and Miller were already busy on the phones. The female caller reported to Raynor that her ex-boyfriend, whom she called “TR Cole,” was waving a gun and threatening her. Raynor was unable to learn more information before she transferred the call to the officer in charge.

{¶ 7} Within two minutes of the call to Raynor, Herge received a 911 call reporting people shooting at 414 W. High Street. The caller stated that “Jolani Sills” was angry because the caller did not want to be in a relationship with him. The caller confirmed that a gun had been fired, and Herge tried to get information about the suspect’s car and weapons.

{¶ 8} At 11:04 p.m., while Herge was still handling the call regarding possible shots fired at 414 W. High Street, the dispatchers received another call regarding the initial

complaint at 221 W. Johnny Lytle Avenue. The call went to another dispatch center because the dispatchers were so busy, and Miller answered the call. The caller, Destiny Sudberry, reported that someone was threatening her family. Miller had difficulty getting information from Sudberry but deduced that Eric Cole was threatening to shoot her house.

{¶ 9} At 11:10 p.m., Herge received a 911 call reporting that at least eight shots had been fired at 401 W. Liberty Street. Herge tried to get the name of the shooter but was only told that the suspect's name was "Pee." At 11:11 p.m., an unknown caller from Opportunity Gardens reported hearing 20 shots fired. At 11:12 p.m., a female called 911 and was unintelligibly screaming. At the same time, a third caller reported being terrified after hearing multiple shots down the street from her house at 404 W. Euclid Avenue. That caller called back about one minute later saying that she heard more yelling.

{¶ 10} At 11:16 p.m., Eric Cole called 911 and reported to Reynolds that he had been shot in the arm. Reynolds mistakenly thought that Cole identified his location as 414 S. Center Boulevard, but he stated his location as 1407 S. Center Boulevard. He then stated that he was "about to die" and informed her twice that he was "in the middle of the street." Reynolds's conversation with Cole ended after approximately 32 seconds, when Herge took over Cole's call.

{¶ 11} Once Herge was on the call with Cole, he told her that he was "dying" and was outside in the middle of the street at 1407 S. Center Boulevard. Herge typed "HE IS OUTSIDE IN THE MIDDLE OF THE STREET" into the computer-aided dispatch system ("CAD"). She did not radio the information regarding Cole's location to the officers because she was still on the line with Cole and believed that the information on Cole's location was automatically transmitted to the responding police units by way of the CAD.

{¶ 12} While Herge remained on the line with Cole, she heard the police sirens through the phone. Suddenly, Cole told Herge, “They just hit me.” Herge asked, “Who hit you?” Cole replied, “Police.” Herge exclaimed, “The police hit you?” Cole replied, “Yeah.”

{¶ 13} Herge then heard the police on the scene talking to Cole, and the call ended. Approximately 45 seconds passed between the time that Cole told Herge that he was in the middle of the street and the time that he told her the police had hit him. Herge was on the phone with Cole for approximately 2½ minutes.

{¶ 14} Officer Rosales was dispatched to the scene where Cole had been shot, but there was confusion regarding the house number where Cole was located. The dash cam video in Rosales’s cruiser shows that Rosales proceeded to the scene with lights and sirens. At that time of night, there was no vehicle or pedestrian traffic. The weather was clear and dry. Rosales was not driving erratically and was abiding by the speed limit.

{¶ 15} As Rosales proceeded down S. Center Boulevard, she was looking for the address, a possible shooter, and a crowd because, in her experience during similar situations, there were usually family members or friends outside trying to flag down the police. As Rosales approached, Cole was lying down on the left side of the street, just to the right of the center median, with his head toward the median and his feet extended toward the curb. Rosales’s cruiser struck Cole as he was lying in the street. Though Cole had told Reynolds and Herge on the phone that he was lying in the middle of the street, the dispatchers had not announced Cole’s location over the radio. Rosales was unable to see the CAD message regarding Cole’s location in the street, purportedly because dispatch had not attached the call to the CAD. She had not been informed that Cole was lying in the street and had not seen him when she ran him over. Rosales’s dash cam video reveals that Cole was visible in the beams of her cruiser headlights for less than five seconds before he was

struck. Cole sustained blunt force trauma to the torso and died as a result of his injuries. The coroner determined the manner of death was an accident.

{¶ 16} The Estate filed a complaint against Reynolds, Herge, and Rosales, asserting claims of wrongful death, breach of duty, failure to protect, excessive force, breach of duty to protect, intentional infliction of emotional distress, and reckless infliction of emotional distress. The Estate's complaint alleged that Reynolds, Herge, and Rosales, in their individual capacities, had acted recklessly, negligently, wantonly, willfully, and with deliberate indifference toward Cole.

{¶ 17} As part of discovery, Rosales was deposed, and she testified that she did not intend to strike Cole with her cruiser. She stated that she relied on the dispatchers to provide her with important information and that Cole's location in the middle of the street was important information that the dispatchers had failed to convey. According to Rosales, she was looking for the address given by dispatch and was not looking at the road when she struck Cole.

{¶ 18} Reynolds, Herge, and Rosales moved for summary judgment on the Estate's claims, arguing that they were entitled to political subdivision immunity under R.C. Chapter 2744 because their conduct as employees was not reckless or wanton and none of the exceptions to immunity under R.C. 2744.03(A)(6) applied.

{¶ 19} The trial court denied each of their summary judgment motions, finding that the trier of fact was required to weigh the evidence regarding their conduct and, in particular, to determine whether Reynolds, Herge, and Rosales acted in a reckless or wanton manner and thus whether their actions fell within an exception to immunity.

{¶ 20} Reynolds and Herge appealed the trial court’s decision denying their motions for summary judgment, and Rosales appealed separately. The two interlocutory appeals have been consolidated here.

II. Assignments of Error

Standard of Review

{¶ 21} Under Civ.R. 56(C), summary judgment may be granted when the moving party demonstrates that (1) there is no genuine issue of material fact; (2) the moving party is entitled to judgment as a matter of law; and (3) reasonable minds can come to but one conclusion and that conclusion is adverse to the party against whom the motion for summary judgment is made. *State ex rel. Grady v. State Emp. Relations Bd.*, 78 Ohio St.3d 181, 183 (1997).

{¶ 22} “In a summary judgment review, the court may not weigh the proof or choose among reasonable inferences, and the court is limited to examining the evidence in the light most favorable to the non-moving party.” *Coterel v. Reed*, 2016-Ohio-7411, ¶ 12 (2d Dist.), citing *Dupler v. Mansfield Journal Co., Inc.*, 64 Ohio St.2d 116, 121 (1980). “Only disputes over facts that might affect the outcome of the suit under the governing law will properly preclude the entry of summary judgment.” *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). “[B]ecause summary judgment is a procedural device to terminate litigation, it must be awarded with caution. Doubts must be resolved in favor of the non-moving party.” *Murphy v. Reynoldsburg*, 65 Ohio St.3d 356, 359 (1992), citing *Osborne v. Lyles*, 63 Ohio St.3d 326, 333 (1992).

{¶ 23} We review a trial court’s summary judgment decision de novo. *Argabrite v. Neer*, 2016-Ohio-8374, ¶ 14; *Gilliland v. Adams*, 2023-Ohio-3083, ¶ 24 (2d Dist.). Thus, we must “independently review the record to determine if summary judgment is appropriate and

need not defer to the trial court's decision.” *Hoffman v. Gallia Cty. Sheriff's Office*, 2017-Ohio-9192, ¶ 27 (4th Dist.), citing *Argabrite* at ¶ 14 (explaining that de novo review means an appellate court “will consider the evidence as if for the first time—using the standard set out in Civ.R. 56”). In conducting our review, we must “review the Civ.R. 56 summary judgment standard, as well as the applicable law.” *Id.*, citing *Snyder v. Ohio Dept. of Natural Resources*, 2014-Ohio-3942, ¶ 2.

Political Subdivision Immunity

{¶ 24} Political subdivision immunity is outlined in the Political Subdivision Tort Liability Act under R.C. Chapter 2744, which sets forth rules for when local governments and their employees can or cannot be sued for injury, death, or property damage. Under the act, law enforcement officers and dispatchers working for the county are political subdivision employees. See R.C. 2744.01(B) and (F).

{¶ 25} R.C. 2744.03(A)(6) governs a political subdivision employee's individual immunity. Under that provision, local government employees start with a broad presumption of immunity from individual civil lawsuits related to the performance of their job duties. This protection applies as long as they are employees acting within the scope of their employment.

{¶ 26} A plaintiff, however, can overcome an employee's presumptive immunity and hold the employee personally liable by proving any of the three exceptions to immunity set forth in R.C. 2744.03(A)(6). Under this statute, an employee loses personal immunity and can be sued individually if “(a) the employee's acts or omissions were manifestly outside the scope of employment or official responsibilities; (b) *the employee's acts or omissions were with malicious purpose, in bad faith, or in a wanton or reckless manner*; or (c) civil liability is

expressly imposed upon the employee by another specific section of the Revised Code.” (Emphasis added.) *Id.*

{¶ 27} In this case, we note that there were no allegations that Reynolds, Herge, and Rosales acted outside of the scope of their employment or official responsibilities or that civil liability was expressly imposed on them by another section of the Revised Code. There were also no allegations that the defendants’ actions were carried out with malicious purpose or in bad faith. The issue is whether they acted in a reckless or wanton manner.

{¶ 28} “Reckless conduct is characterized by the conscious disregard of or indifference to a known or obvious risk of harm to another that is unreasonable under the circumstances and is substantially greater than negligent conduct.” *Anderson v. Massillon*, 2012-Ohio-5711, ¶ 34, citing *Thompson v. McNeill*, 53 Ohio St.3d 102, 104-105 (1990), adopting 2 Restatement of the Law 2d, Torts, § 500, at 587 (1965); see also *Black’s Law Dictionary* (8th Ed. 2004) (explaining that reckless conduct is characterized by a substantial and unjustifiable risk of harm to others and a conscious disregard of or indifference to the risk, but the actor does not desire harm). Recklessness requires a showing that “the actor knew his or her conduct ‘in all probability’ would result in injury” and is a rigorous threshold to meet. *Wyatt v. Springfield*, 2024-Ohio-3334, ¶ 21 (2d Dist.), citing *McDonald v. Lacy*, 2018-Ohio-2753, ¶ 26 (2d Dist.).

{¶ 29} Wanton misconduct, on the other hand, is “the failure to exercise any care toward those to whom a duty of care is owed in circumstances in which there is great probability that harm will result.” *Anderson* at ¶ 33, citing *Hawkins v. Ivy*, 50 Ohio St.2d 114, 117-118 (1977); see also *Black’s* (explaining that one acting in a wanton manner is aware of the risk of the conduct but is not trying to avoid it and is indifferent to whether harm results). “‘Human error’ might mean negligence, but it does not constitute willful or wanton

misconduct.” *Whitley v. Progressive Preferred Ins. Co.*, 2010-Ohio-356, ¶ 22 (1st Dist.); see also *Fabrey v. McDonald Village Police Dept.*, 70 Ohio St. 3d 351, 357 (1994) (“mere negligence in [officer’s] official duties should not give rise to personal liability”).

{¶ 30} “Whether a political subdivision employee may invoke statutory immunity under R.C. Chapter 2744 generally presents a question of law.” *Hoffman*, 2017-Ohio-9192, at ¶ 38 (4th Dist.) (citing cases). Whether a political subdivision employee acted in a wanton or reckless manner, however, is generally a question of fact. *Id.* Thus, a court may not grant summary judgment based on R.C. 2744.03(A)(6)(b) immunity unless reasonable minds could only conclude that the employee did not act recklessly or wantonly. *Id.*, citing *Argabrite*, 2016-Ohio-8374, at ¶ 15 (stating that summary judgment standard in statutory immunity context requires the court to examine whether reasonable minds could conclude that the employee acted in a wanton or reckless manner) and *Gates v. Leonbruno*, 2016-Ohio-5627, ¶ 37 (8th Dist.). “If reasonable minds could disagree on these issues, then a court may not grant summary judgment based upon statutory immunity.” *Hoffman* at ¶ 38, citing *Gates* at ¶ 37. However, “[i]f reasonable minds could only conclude that the employee’s conduct demonstrates, at most, negligence, then summary judgment is appropriate.” *Id.* at ¶ 47, citing *Argabrite* at ¶ 34.

Appeal of Dispatchers Reynolds and Herge

First Assignment of Error

{¶ 31} Reynolds’s and Herge’s first of assignment of error states:

The trial court erred when it denied statutory immunity to Appellants Mary Herge and Erin Reynolds.

Dispatcher Reynolds

{¶ 32} Reynolds contends that no genuine issues of material remain as to whether she is statutorily immune from liability with respect to Cole’s injury. She argues that there is no evidence of an exception to her immunity—namely that she acted in a reckless or wanton manner—and thus she is entitled to immunity under R.C. 2744.03(A)(6). She maintains that she and Cole were talking over each other on the call and that she did not hear him say that he was in the middle of the street. She argues that, under these circumstances, there is no evidence that she acted recklessly or wantonly, because she simply did not know that Cole was in the street, and thus there could have been no expectation of her to report this information to the responding officers.

{¶ 33} We recognize that Reynolds asserts she did not hear Cole when he twice told her that he was in the middle of the street. However, on the recording of the call, Cole’s statement that he was in the street is clearly audible. There are also questions of (1) whether Reynolds was the dispatcher responsible for “attaching” the call to the CAD system to ensure that information entered by the dispatchers appeared on the in-car computer screens for the responding officers to see and (2) whether she was responsible for verbally relaying over the police radio that Cole was in the middle of the street.

{¶ 34} Considering the facts and circumstances in this case, we first conclude that, as a matter of law, Reynolds did not act wantonly. However, we conclude that genuine issues of material fact precluding summary judgment remain regarding whether Reynold’s conduct was reckless. In particular, to determine if Reynolds’s conduct was reckless, a reasonable trier of fact must weigh the evidence regarding whether Reynolds failed to listen to Cole when he said that he was in the middle of the street. A reasonable trier of fact must also consider whether Reynolds should have ensured the CAD connection and reported

Cole's location over the radio. Because reasonable minds could disagree on these issues, the trial court did not err when it denied statutory immunity to Reynolds on summary judgment as to any allegation related to reckless conduct. The trial court did err, though, when it denied statutory immunity to Reynolds on summary judgment as to any allegation of wanton conduct. Reynolds's first assignment of error is sustained in part and overruled in part.

Dispatcher Herge

{¶ 35} Herge also contends that no genuine issues of material remain as to whether she was statutorily immune from liability with respect to Cole's injury. She asserts that when Cole told her that he was in the middle of the street, she properly entered that information into the CAD system. She argues that while she was on the call with Cole after he had been shot, it would have been unreasonable for her to stop talking to him and switch her radio channel to announce that he was lying in the street. She maintains that she remained on the call with Cole the entire time until he was struck by Rosales's cruiser and had no reason to believe that electronically relaying Cole's location through the CAD was insufficient to put the responding officers on notice.

{¶ 36} Having reviewed the record, we see no basis upon which a reasonable trier of fact could find that Herge engaged in reckless or wanton conduct toward Cole. From the moment Herge joined the call with Cole, she was talking to him and trying to obtain information while offering him words of comfort. Only 45 seconds elapsed between when Cole told Herge that he was in the middle of the street and when he told her that the police hit him. During that time, she entered "HE IS OUTSIDE IN THE MIDDLE OF THE STREET" into the CAD in an effort to alert the officers dispatched to the scene. She had no reason to believe that her CAD message would not be viewed by the officers.

{¶ 37} Given that Herge communicated Cole's location to officers and remained on the line with Cole in anticipation of the officers' arrival, there is no evidence that Herge's conduct reflected a conscious disregard or indifference to a known risk of harm to Cole or that Herge failed to exercise any care toward Cole when there was a great probability that harm would result. Herge's actions with respect to Cole were not ones of indifference or lack of care. Thus, even construing the evidence and all reasonable inferences in favor of the Estate, we find that reasonable minds could not conclude that Herge's conduct was reckless or wanton. Accordingly, no genuine issues of material fact remain regarding Herge's conduct, and Herge is entitled to judgment as a matter of law based on her statutory immunity. Herge's first assignment of error is sustained.

Second Assignment of Error

{¶ 38} Reynolds's and Herge's second of assignment of error states:

The trial court erred when it failed to rule that Appellants owed no duty to prevent harm caused by a third party to Plaintiffs' decedent.

{¶ 39} We note that this appeal arose from the trial court's conclusion on summary judgment regarding Reynolds's and Herge's statutory immunity. Having determined Reynolds's and Herge's first assignment of error, which is specifically related to their statutory immunity, we decline to review their second assignment of error concerning a duty to prevent harm caused by a third party.

Appeal of Officer Rosales

{¶ 40} Rosales asserts the following assignment of error:

The trial court erred when it refused to grant Officer Rosales immunity under R.C. 2744.03(A)(6) despite the uncontroverted fact this was an accident and not the manifestation of wanton or reckless conduct.

{¶ 41} Rosales contends that she is entitled to immunity under R.C. 2744.03(A)(6) because there is no evidence that she acted recklessly or wantonly, excepting her from immunity under R.C. 2744.03(A)(6)(b). She argues that the trial court erred because it incorrectly determined that the trier of fact is required to weigh the evidence to determine whether her actions were reckless or wanton.

{¶ 42} Several factors may be relevant when determining if a law enforcement officer operated a motor vehicle willfully, wantonly, recklessly, or simply negligently, including “(1) the officer’s speed; (2) whether the officer was traveling in the correct lane of travel; (3) whether the officer had the right-of-way; (4) the time of day; (5) the weather; (6) the officer’s familiarity with the road; (7) the road contour and terrain; (8) whether traffic was light or heavy; (9) whether the officer made invasive maneuvers (i.e., attempting to force the vehicle from the road) or evasive maneuvers (i.e., attempting to avoid a collision); (10) the nature and seriousness of the offense that prompted the emergency; (11) whether the officer possessed a safer alternative; (12) whether the officer admitted to disregarding the consequences of his actions; (13) whether the officer activated the vehicle’s lights and sirens; and (14) whether the officer violated any applicable departmental policy.” *Hoffman*, 2017-Ohio-9192, at ¶ 49 (4th Dist.), citing *Gates*, 2016-Ohio-5627, at ¶ 40 (8th Dist.), *Adams v. Ward*, 2010-Ohio-4851, ¶ 28 (7th Dist.), and *Argabrite*, 2016-Ohio-8374, (considering weather and traffic conditions, as well as speed, pursuit policy, and activation of police cruiser’s lights and sirens). However, no one factor is determinative. *Id.*, citing *Argabrite* at ¶ 16, 21 (declining to adopt any per se rules and concluding that neither speed nor policy violation alone is sufficient to demonstrate wanton or reckless conduct) and *Gates* at ¶ 45 (noting that neither speed nor violation of departmental policy is sufficient to illustrate that officer operated vehicle in willful, wanton, or reckless manner).

{¶ 43} In our review, no trier of fact could reasonably find that Rosales engaged in reckless or wanton conduct toward Cole. The evidence shows that when Rosales was en route to the scene, the weather was clear and dry, and there was no vehicle or pedestrian traffic. Rosales drove to the scene with lights and siren and within the speed limit. She exercised care while driving on S. Center Boulevard at 14.9 miles per hour and without making any abrupt maneuvers. She drove down S. Center Boulevard for less than five seconds before she struck Cole. There was no evidence that she knew that Cole was lying in the street. She had not been provided with that information from dispatch, and she was unaware of the statement that Herge had typed into CAD that Cole was in the middle of the street. She did not see Cole lying in the street because she was scanning for house numbers and looking for a group of people at the scene of the shooting—bystanders who she anticipated would be waiting to flag down responding officers and watching for a shooter.

{¶ 44} Under these circumstances, there is no evidence that Rosales was aware of a risk that her cruiser would strike Cole or that she specifically disregarded a known risk to Cole, particularly when she exercised care as she drove to the scene and did not know that Cole was lying in the street. Thus, there is no evidence that Rosales's conduct reflected a conscious disregard or indifference to a known risk of harm to Cole or that Rosales failed to exercise any care toward Cole when there was a great probability that harm would result.

{¶ 45} Based on the record before us, even when viewed in a light most favorable to the Estate, reasonable minds could only come to one conclusion: Rosales's actions were not reckless or wanton. Although Rosales's actions in striking Cole may have been negligent, we cannot say that her actions were executed in a wanton or reckless manner, and there is no exception to her immunity under R.C. 2744.03(A)(6). Because no genuine

issues of material fact remain regarding Rosales’s conduct, she is entitled to judgment as a matter of law based on her statutory immunity. Rosales’s assignment of error is sustained.

III. Conclusion

{¶ 46} With respect to Reynolds, because genuine issues of material fact remain in the statutory immunity analysis regarding whether her actions were reckless, we affirm in part the judgment of the trial court denying statutory immunity related to any allegation of recklessness. But because Reynolds’s conduct, as a matter of law, did not rise to the level of wantonness, we reverse the judgment of the trial court on her claim of statutory immunity related to any allegation of wantonness.

{¶ 47} Having concluded that no reasonable trier of fact could find Herge’s and Rosales’s actions were reckless or wanton, they are entitled to summary judgment based on statutory immunity, and we reverse the judgment of the trial court as to them.

{¶ 48} This matter is remanded for further proceedings consistent with the opinion.

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TUCKER, J., and HANSEMAN, J., concur.