

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

GREGORY LYNCH,	:	
	:	
Plaintiff-Appellee,	:	No. 116114
	:	
v.	:	
	:	
GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY,	:	
	:	
Defendant-Appellant.	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: AFFIRMED AND REMANDED
RELEASED AND JOURNALIZED: October 15, 2026

Civil Appeal from the Cuyahoga County Court of Common Pleas
Case No. CV-25-116557

Appearances:

Friedman, Domiano & Smith Co., L.P.A., Edmond G.
Bennett and Marco G. Bocciarelli, *for appellee*.

Janet E. Burney, General Counsel-Deputy General
Manager for Legal Affairs, and Brian R. Gutkoski,
Associate Counsel II, *for appellant*.

EILEEN A. GALLAGHER, J.:

{¶ 1} Greater Cleveland Regional Transit Authority (“GCRTA”) appeals the trial court’s denial of its motion for summary judgment. For the reasons that follow, we affirm and remand for further proceedings.

Facts and Procedural History

{¶ 2} This case stems from an incident that occurred on February 12, 2024, while appellee Gregory Lynch (“Lynch”) was riding one of GCRTA’s buses. Lynch alleges that the GCRTA’s bus driver negligently operated the bus causing him to fall. Specifically, Lynch alleges that the driver acted negligently by braking abruptly after passing another passenger’s stop while Lynch was standing on the bus waiting to get off at the next stop. Lynch further alleges that the abrupt stop caused him to fall and caused him injury.

{¶ 3} GCRTA filed for summary judgment alleging six grounds: (1) statutory immunity under R.C. Ch. 2744; (2) no duty, breach or causation as a matter of law; (3) the open and obvious doctrine; (4) no expert testimony; (5) comparative negligence exceeding fifty-one percent as a matter of law; and (6) that Lynch’s “Exhibit 3” constitutes inadmissible hearsay not properly before the court under Civ.R. 56(C). Lynch opposed the motion. The trial court denied GCRTA’s motion for summary judgment finding GCRTA was not entitled to political subdivision immunity because there were genuine issues of material fact regarding whether the driver negligently operated the bus and proximately caused injury to Lynch such that an exception to immunity applied.

{¶ 4} GCRTA now appeals, raising the following two assignments of error for our review:

First Assignment of Error:

The trial court committed reversible error by failing to delineate the evidence and arguments it considered in ruling on appellant's motion for summary judgment, thereby depriving this court of a meaningful record for appellate review.

Second Assignment of Error:

The trial court committed reversible error in denying appellant's motion for summary judgment.

Law and Analysis

First Assignment of Error

{¶ 5} In its first assignment of error, GCRTA alleges the trial court erred “by failing to delineate the evidence and arguments it considered in ruling on [GCRTA's] motion for summary judgment[.]”

{¶ 6} Our review of this assignment of error requires no analysis of the facts of this case since the assignment of error fails as a matter of law. This court has consistently held a trial court need not set forth any detailed reasoning in its opinion granting or denying summary judgment and that failure to do so is not a basis for reversal. *Johnson v. Cleveland City School Dist.*, 2011-Ohio-2778, ¶ 33 (8th Dist.) (“Providing a basis for summary judgment is helpful, but the failure to do so does not constitute reversible error.”); *see also Ferguson v. Univ. Hosps. Health Sys.*, 2022-Ohio-3133, ¶ 71 (8th Dist.); *Williams v. PNC Bank, N.A.*, 2022-Ohio-4287, ¶ 64, (8th Dist.); *Estate of Deckman v. Joseph*, 2026-Ohio-1968, ¶ 37 (8th Dist.).

This is because our review of summary judgment is de novo and, therefore, regardless of any reasons stated by the trial court, we conduct an independent review of the record and law. *Johnson*, 2011-Ohio-2778, at ¶ 33.

{¶ 7} Furthermore, contrary to GCRTA's assertions, the trial court detailed evidence it relied upon in its decision, such as summarizing and quoting Lynch's deposition testimony, and stated the reason it denied summary judgment:

Here, there are genuine issues of material fact about whether the bus driver negligently operated the bus and whether such operation proximately caused an injury to the plaintiff. Moreover, that issue of fact precludes a finding on summary judgment that RTA is immune from suit because, construing the evidence most favorably to the plaintiff, there is a genuine issue of material fact on whether one or more of the exceptions from immunity apply.

So even while it had no legal obligation to do so, the trial court provided rationale for its decision to deny GCRTA's motion for summary judgment.

{¶ 8} As such, GCRTA's first assignment of error is overruled.

Second Assignment of Error

{¶ 9} In its second assignment of error, GCRTA alleges the trial court erred in denying its motion for summary judgment for several reasons, including political subdivision immunity.

{¶ 10} We note at the outset that denials of summary judgment are interlocutory orders and are generally not appealable. *Mencini v. Greater Cleveland Regional Transit Auth.*, 2023-Ohio-2299, ¶ 12 (8th Dist.). However, denials of summary judgment based on political subdivision immunity are immediately appealable on the limited issue of immunity pursuant to R.C. 2744.02(C). *Id.* "R.C.

2744.02(C) does not authorize the appellate court to otherwise review the merits of a trial court's decision to deny a motion for summary judgment." *Gates v. Leonbruno*, 2016-Ohio-5627, ¶ 30 (8th Dist.). "Thus, when appealing a denial of a motion for summary judgment on immunity grounds under R.C. 2744.02(C), a party cannot raise other alleged errors concerning the denial of its motion for summary judgment." *Id.* As such, we are only able to review the denial of summary judgment as it concerns immunity and not any of the other issues raised by GCRTA in its brief.

Standard of Review — Summary Judgment

{¶ 11} Our standard of review for summary judgment is stated in *Gates* at ¶ 33-35:

We review summary judgment rulings de novo, applying the same standard as the trial court. *Grafton v. Ohio Edison Co.*, 77 Ohio St.3d 102, 105, 1996 Ohio 336, 671 N.E.2d 241 (1996). We accord no deference to the trial court's decision and independently review the record to determine whether summary judgment is appropriate.

Under Civ.R. 56, summary judgment is appropriate when (1) no genuine issue as to any material fact exists, (2) the party moving for summary judgment is entitled to judgment as a matter of law and (3) viewing the evidence most strongly in favor of the nonmoving party, reasonable minds can reach only one conclusion that is adverse to the nonmoving party.

On a motion for summary judgment, the moving party carries an initial burden of identifying specific facts in the record that demonstrate his or her entitlement to summary judgment. *Dresher v. Burt*, 75 Ohio St.3d 280, 292-293, 1996 Ohio 107, 662 N.E.2d 264 (1996). If the moving party fails to meet this burden, summary judgment is not appropriate; if the moving party meets this burden, the nonmoving party has the reciprocal burden to point to evidence of specific facts in the record demonstrating the existence of a genuine issue of material

fact for trial. *Id.* at 293. Summary judgment is appropriate if the nonmoving party fails to meet this burden. *Id.*

Political Subdivision Immunity

{¶ 12} GCRTA alleges that it is immune from liability pursuant to R.C. 2744.02(A)(1). R.C. 2744.02 governs the immunity of a political subdivision and the Ohio Supreme Court has established a three-tier analysis to determine whether a political subdivision is entitled to said immunity. *Colbert v. Cleveland*, 2003-Ohio-3319, ¶ 7-9. “The first tier provides for a general grant of immunity for any act or omission of the political subdivision or its employees in connection with a governmental or proprietary function.” *Hill v. Kiernan*, 2025-Ohio-5518, ¶ 18 (8th Dist.). Here, we have previously held, and no one is disputing, that GCRTA is a political subdivision engaged in a proprietary function and qualifies for general immunity from liability for tort claims. *Yankovitz v. Greater Cleveland Regional Transit Auth.*, 2023-Ohio-2584, ¶ 37 (8th Dist.).

{¶ 13} This general immunity is not absolute and may be revoked under the second tier of the analysis if one of the five exceptions in R.C. 2744.02(B)(1)-(5) applies. *Hill* at ¶ 19. Lynch argues that exceptions (B)(1) and (B)(2) apply here, which impose liability for the negligent operation of a motor vehicle and negligent performance of acts with respects to proprietary functions. GCRTA argues that these exceptions only apply if its bus driver was negligent, which it argues he was not.

{¶ 14} If one of the five exceptions applies, then the burden shifts to the political subdivision to demonstrate that one of the defenses in R.C. 2744.03 applies to restore immunity. *Soler v. Cleveland Metro. School Dist.*, 2025-Ohio-2151, ¶ 15 (8th Dist.). However, in this case GCRTA has not argued that any of these defenses apply.

Negligence

{¶ 15} The issue in this appeal is whether GCRTA is immune which turns on whether its bus driver operated the bus in a negligent manner under R.C. 2744.02(B)(1). If there is an issue of material fact regarding whether the bus driver acted negligently, then GCRTA's motion for summary judgment was properly denied. *Mencini*, 2023-Ohio-2299, at ¶ 17; *Hopkins v. Greater Cleveland Regional Transit Auth.*, 2026-Ohio-936, ¶ 33 (8th Dist.).

{¶ 16} "Actionable negligence requires a showing of a duty, a breach of that duty and an injury proximately resulting [from] that breach of duty." *Johnson v. Greater Cleveland Regional Transit Auth.*, 2021-Ohio-938, ¶ 65 (8th Dist.).

Analysis

{¶ 17} GCRTA contends that the trial court erred in denying its motion for summary judgment because there is no genuine issue of material fact that its bus driver was not negligent in operating the bus and GCRTA was, therefore, immune from liability under R.C. 2744.02(A). To support this, GCRTA submitted an affidavit with video footage from the bus on the date of the incident, the deposition

of Lynch and Lynch’s medical records from the Cleveland Clinic and Cleveland EMS. We note that GCRTA did not include the deposition of its own driver.

{¶ 18} Lynch opposed the motion for summary judgment arguing there was a genuine issue of material fact regarding whether the bus driver was negligent. To support this, Lynch provided deposition transcript pages from the bus driver, pages from Lynch’s deposition transcript and the incident report from Greater Cleveland Regional Transit Police (“GCRTTP”).

{¶ 19} As stated above, the first element of a negligence claim is duty. “Whether a duty exists is a question of law.” *DeBarr v. Cleveland*, 2023-Ohio-4121, ¶ 30 (8th Dist.). GCRTA is a “common carrier.” *Hopkins v. Greater Cleveland Regional Transit Auth.*, 2019-Ohio-2440, ¶ 13. “[C]ommon carriers owe a duty to passengers to exercise the highest degree of care consistent with the practical operation of the system.” *Id.* at ¶ 14. The GCRTA bus driver owed Lynch this duty of care, establishing the first element.

{¶ 20} The second element of a negligence claim is breach of that duty of care. We now turn to the evidence GCRTA provided in an attempt to establish there is no genuine issue of material fact regarding whether its driver breached this duty. GCRTA submitted a video authenticated by affidavit of the CCTV cameras on the bus Lynch was riding from the date of the incident.

{¶ 21} Upon review of the video, we find that it shows nine different cameras covering the outside and inside of the bus on the day and time of the incident. The main camera shows Lynch pulling the cord for a stop while sitting and getting up to

go stand by the door. He is holding onto the side bar with his left hand and holding his cane in his right hand. The video shows the bus coming to a sudden stop, Lynch losing his grip on the side bar and Lynch being thrown backwards on the bus, down the aisle. The other inside video shows another passenger standing by a door waiting for the bus to stop. GCRTA alleges this video is determinative of the issue of breach because this passenger does not fall when the bus comes to a sudden stop unlike Lynch and it, therefore, must have been a normal, safe stop. Contrary to how GCRTA describes this incident, however, it is evident that the stop was sudden enough that it caused this seemingly able-bodied passenger to lurch backwards and stumble even if he did not lose his grip on the side bar like Lynch did. The other passenger clearly, and nearly, lost his balance and would have fallen had he not been holding tightly onto the bar.

{¶ 22} To further establish its driver did not breach his duty, GCRTA also submitted the deposition of Lynch with its motion for summary judgment. In his deposition, relevant to the issue of breach, Lynch describes the incident as follows. Lynch was riding the bus, his primary mode of transportation, home and, as the bus was approaching the E. 83rd stop, it appeared to Lynch, based on the bus driver's speed, that the bus would not be stopping there. Lynch stood as he was going to be getting off at the next stop. Lynch testified that he stood up on the bus early and prepared to exit because, in the past, he moved too slowly to get to the doors and bus drivers have gone past his stop. He got to the door and went to grab the side rail to hold onto when another passenger alerted the driver, "Hey, you're going past the

stop,” and that the driver needed to stop. In his deposition he testified that the bus driver suddenly deaccelerated and Lynch lost his grip and fell down in the aisle injuring his head, neck and shoulder. Lynch stayed on the floor, another passenger called 911 and EMS arrived on scene. Lynch testified that he had recently had a left knee replacement surgery and was using a cane for stability while walking.

{¶ 23} Last, GCRTA submitted Lynch’s medical records as part of its motion for summary judgment. The EMS records show that Lynch told EMS responders that he was waiting to get off at his stop when the bus driver hit the brakes and he fell. The records show Lynch stated that he was having left shoulder pain, had a bruise above his right eye and had a small laceration on top of his head from a fall. Cleveland Clinic records are for two follow-up appointments and are not relevant to the issue of breach.

{¶ 24} After reviewing the evidence, we find that GCRTA, as the moving party, failed to carry its initial burden of identifying specific facts in the record that demonstrate its entitlement to summary judgment regarding the issue of immunity. Specifically, GCRTA failed to establish its driver was not negligent when braking abruptly. The video shows the bus driver stopped suddenly enough to cause Lynch to fall and the other standing passenger to stumble. Further, Lynch’s testimony establishes the stop was abrupt, unusual and caused him to fall. This is consistent with Lynch’s EMS medical records. GCRTA puts forth no evidence that the bus driver did not brake suddenly and unreasonably, i.e., that there was a legitimate reason for the abrupt stop or that it was a normal stop. “If the moving party fails to

meet this burden, summary judgment is not appropriate[.]” *Gates*, 2016-Ohio-5627, at ¶ 35. As such, GCRTA was not entitled to summary judgment regarding political subdivision immunity and its motion for summary judgment was properly denied.

Genuine Issues of Material Fact

{¶ 25} That being said, even assuming *arguendo* that GCRTA had met its initial burden on summary judgment, Lynch in his brief in opposition firmly establishes with specific evidence that there are genuine issues of material fact about whether the bus driver breached his duty of care by braking abruptly. To do so, Lynch provided the deposition transcripts from GCRTA’s bus driver and the GCRTA incident report.

{¶ 26} GCRTA’s bus driver testified that safety is the most important rule for bus drivers. In order for a bus driver to stop the bus safely, a passenger should notify the bus driver that he or she wants to get off at the stop prior to the one at which they want to exit the bus. This gives the bus driver enough time to safely, and reasonably, stop. The driver stated that it takes “about a minute-and-a-half for the bus to come to a stop.” According to GCRTA’s bus driver, at 25 miles an hour it would take a minute to a minute-and-a-half to make a complete stop. Normally if somebody indicates they want to get off at a stop too late the bus will just go to the next stop because it is safer than an abrupt stop. The driver stated that abrupt stops are the sort of thing that can throw a rider through the bus.

{¶ 27} The driver further testified that there was nothing unusual about the way he stopped the bus when Lynch fell. It was a normal stop and not abrupt. The driver remembers the incident where someone yelled, “this is my stop,” as he was approaching a stop where he was not intending to stop. The driver alleged that he slowed the bus down and made a complete stop and that is when he heard Lynch fall. The driver testified multiple times that he did not abruptly stop. Instead, the driver alleged Lynch did not have a good grip on the pole he was holding on to and lost his balance. The driver admitted the other passenger pulled the cord late, but that he had enough time to stop and did not abruptly press on the brakes.

{¶ 28} Lynch, on the other hand, argued in his brief that the incident video shows that the bus stopped within three seconds of the passenger’s yell, making the stop unsafe according to the driver’s own testimony. While our review of the video cannot confirm exactly when the other passenger yelled, due to a delay in the sound, it is clear the bus stopped quickly, in under five seconds.

{¶ 29} The driver testified that if he had abruptly hit the brakes a camera on the windshield of the bus would have activated going from green to red. It lets RTA know when a driver abruptly braked and the driver gets put on a list to talk to one of the supervisors about why he or she hit the brakes so hard. The driver stated that the camera on the windshield stayed green the whole time.

{¶ 30} Lynch also provided GCRTTP’s incident report. The report indicated that the officer spoke with the bus driver who stated, “Lynch yelled out ‘that’s my stop’ and pulled the cord. [The bus driver then] abruptly stopped the coach in an

attempt to make Lynch's stop. As [the bus driver] was pressing the break [sic], Lynch lost his footing and fell over on the coach." The driver in his deposition stated that it was not Lynch who yelled about his stop and that it was someone else but denies that he abruptly stopped.

{¶ 31} GCRTA argues that this incident report, prepared by GC RTP, is unauthenticated and contains inadmissible hearsay. We have already reviewed this exact issue as argued by GCRTA before, and GCRTA appears to ignore our prior decision. In *Mencini* we found that the incident report prepared by GC RTP was implicitly authenticated when produced in discovery by GCRTA and that the driver's statement in the report was not hearsay pursuant to Evid.R. 801(D)(2) because it is a statement offered against GCRTA and was a statement made by the GCRTA's employee concerning a matter within the scope of his employment. *Mencini*, 2023-Ohio-2299, at ¶ 34-39. As such, the incident report is authenticated and not hearsay and is therefore evidence we can consider.

{¶ 32} In *Hopkins*, 2026-Ohio-936, at ¶ 33, this court reversed a grant of summary judgment finding there were "genuine issues of material fact as to whether the bus on which appellant was riding came to an unusually sudden, forceful, or violent stop, causing him to fall and sustain injuries." *See also Johnson*, 2021-Ohio-938, at ¶ 97 (upholding the trial court's denial of GCRTA's motion for summary judgment on the ground of immunity because there were genuine issues of material fact regarding the driver's alleged negligent operation of the bus).

{¶ 33} Upon review of the evidence, we find this case is similar to *Hopkins* in that there is a genuine issue of material fact as to whether the bus driver for GCRTA abruptly braked and unsafely stopped the bus causing Lynch to fall and sustain injuries. A fact is “material” if it might affect the outcome of the suit under the relevant law and a factual dispute is “genuine” only if it allows a reasonable mind to return a verdict in favor of the nonmoving party. *Hopkins* at ¶ 36. Whether the bus driver abruptly braked is disputed by proper evidence (the video, the driver’s own testimony and statements made right after the incident) and this issue is material since it affects the outcome of the case. This factual dispute is genuine because it allows reasonable minds to return a verdict for Lynch if they find the bus driver abruptly and unsafely braked to stop instead of driving past the stop as the driver admitted was the safer practice. Because there is a genuine issue of material fact regarding whether the bus driver breached GCRTA’s duty of care, and thereby whether the exception to immunity applies, GCRTA’s motion for summary judgment regarding GCRTA’s immunity was properly denied. *Hopkins* at ¶ 33, 72. Furthermore, as discussed above, we decline to review GCRTA’s arguments outside of immunity that were improperly raised in this interlocutory appeal. *Gates*, 2016-Ohio-5627, at ¶ 30.

{¶ 34} GCRTA’s second assignment of error is overruled.

{¶ 35} Judgment affirmed; case remanded for further proceedings.

It is ordered that appellee recover from appellant costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the common pleas court to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

EILEEN A. GALLAGHER, JUDGE

SEAN C. GALLAGHER, P.J., and
ANITA LASTER MAYS, J., CONCUR