[Cite as *Little v. Cuyahoga Cty. Sheriff's Dept.*, 2026-Ohio-4485.]

COURT OF APPEALS OF OHIO

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

CHRISTOPHER LITTLE,	:	
Plaintiff-Appellee,	:	No. 116210
v.	:	
CUYAHOGA COUNTY SHERIFF'S DEPARTMENT, ET AL.,	:	
Defendants-Appellants.	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: AFFIRMED AND REMANDED
RELEASED AND JOURNALIZED: November 12, 2026

Civil Appeal from the Cuyahoga County Court of Common Pleas
Case No. CV-25-112850

Appearances:

L. Bryan Carr, *for appellee*.

Nicola, Gudbranson & Cooper, LLC, Michael E. Cicero, Amy Berman Hamilton, and John B. Moenk, *for appellant* Sergeant Steven Boardman.

MICHAEL JOHN RYAN, J.:

{¶ 1} Defendant-appellant Sergeant Steven Boardman ("Sgt. Boardman") appeals from the trial court's February 5, 2026 judgment denying his motion for

judgment on the pleadings. For the reasons set forth below, we affirm the trial court's judgment and remand the case for further proceedings.

Factual and Procedural History

{¶ 2} In February 2025, plaintiff-appellee Christopher Little ("Little") filed a complaint against the Cuyahoga County Sheriff's Department ("Sheriff's Department") and Sgt. Boardman. The Sheriff's Department is not a party to this appeal.

{¶ 3} The complaint alleges the following relevant facts. From 2011 through 2020, Little was employed by the Sheriff's Department in corrections; he reached the rank of corporal in 2017. Sgt. Boardman was employed by the Sheriff's Department and was one of Little's supervisors. Historically, Little received positive performance reviews during his employment at the Sheriff's Department. However,

> [b]eginning in July, 2019, there began a course of harassment against [Little] resulting in a hostile work environment, unlawful treatment and unlawful discipline. Specifically, [Little] was accused of violating procedure and erroneously releasing an inmate from the Cuyahoga County Jail. On August 9, 2019, [Little] attended a Pre-Disciplinary Conference. At this Hearing, and on prior occasions, [Sgt.] Boardman provided false information/statements. In fact, it was [Sgt.] Boardman, and not [Little], who violated the Handbook Policy and Procedures of the Cuyahoga County Corrections Center that resulted in an inmate being erroneously released. On September 13, 2019, [Little] was suspended. In November 2019, [Little] was up for a promotion yet was denied based upon the false disciplines on his record. [Little's] discipline was contrary to the Handbook, Policy and Procedures of the Cuyahoga County Corrections Center.

Complaint, ¶ 7.

{¶ 4} Little alleges that Sgt. Boardman's conduct led to a "hostile work environment, wrongful reprimands, scapegoating, retaliation, wrongful discipline and other conduct designed to harass [Little]." Complaint, ¶ 8. Little alleges that Sgt. Boardman's conduct was "unlawful, reckless, and [constituted] a deliberate disregard of [Little's] rights." Complaint, ¶ 14. According to Little, Sgt. Boardman's alleged conduct has caused Little to suffer "mental anguish, embarrassment, loss of esteem in the eyes of the community and his fellow officers, [and] the inability to effectively carry out his office . . . ." Complaint, ¶ 12. Little further alleges that because of Sgt. Boardman's conduct, his "employment with Cuyahoga County became intolerable and [he] was forced to resign." Complaint, ¶ 17.

{¶ 5} Sgt. Boardman answered Little's complaint and raised numerous affirmative defenses, including statutory immunity under R.C. 2744.01 et seq. Sgt. Boardman also filed a Civ.R. 12(C) motion for judgment on the pleadings. In his motion, Sgt. Boardman contended that he was entitled to judgment because he is immune from liability under R.C. 2744.03(A)(6), which provides immunity to political subdivision employees, absent certain exceptions that he contended do not apply here. Sgt. Boardman also contended that even if he were not immune from liability, he would nevertheless be entitled to judgment as a matter of law because Little cannot establish a prima facie case of workplace harassment or deprivation of his due process rights.

{¶ 6} Little opposed the Civ.R. 12(C) motion, and the court issued the subject February 5, 2026 judgment summarily denying Sgt. Boardman's motion.

Sgt. Boardman now presents the following sole assignment of error for our review: "The trial court erred in denying Sergeant Boardman's motion for judgment on the pleadings, as Sergeant Boardman is immune from liability pursuant to R.C. 2744.03(A)(6)."

Law and Analysis

{¶ 7} Initially, we note that while a judgment denying a party's motion for judgment on the pleadings is generally not a final, appealable order, pursuant to R.C. 2744.02(C), "[a]n order that denies a political subdivision or an employee of a political subdivision the benefit of an alleged immunity from liability as provided in this chapter or any other provision of the law is a final order." *See also DiGiorgio v. Cleveland*, 2011-Ohio-5824, ¶ 4 (8th Dist.); *Schmitt v. Educational Serv. Ctr.*, 2012-Ohio-2210, ¶ 7 (8th Dist.) ("[T]rial court orders denying motions for judgment on the pleadings or motions to dismiss where a political subdivision has asserted immunity are final, appealable orders, even where the trial court does not explain the basis for its decision on the immunity issue."). Finding that we have jurisdiction, we now consider the trial court's decision on Sgt. Boardman's motion for judgment on the pleadings.

{¶ 8} Civ.R. 12(C) allows a party to move for judgment on the pleadings "after the pleadings are closed but within such time as not to delay the trial . . . ." A motion for judgment on the pleadings pursuant to Civ.R. 12(C) is characterized as a belated Civ.R. 12(B)(6) motion for failure to state a claim upon which relief may be granted; therefore, the same standard applies to both motions. *Gawloski v.*

Miller Brewing Co., 96 Ohio App.3d 160, 163 (9th Dist. 1994). Similar to a Civ.R. 12(B)(6) motion to dismiss, the factual allegations of the complaint are taken as true; however, unsupported legal conclusions are insufficient. *Tate v. Garfield Hts.*, 2013-Ohio-2204, ¶ 9 (8th Dist.).

{¶ 9} A motion for judgment on the pleadings is considered solely on the allegations in the pleadings and any writings attached to the pleadings. *Peterson v. Teodosio*, 34 Ohio St.2d 161, 166 (1973). Entry of judgment pursuant to Civ.R. 12(C) is only appropriate "'where a court (1) construes the material allegations in the complaint, with all reasonable inferences to be drawn therefrom, in favor of the nonmoving party as true, and (2) finds beyond doubt, that the plaintiff could prove no set of facts in support of his claim that would entitle him to relief.'" *Hester v. Dwivedi*, 89 Ohio St.3d 575, 577-578 (2000), quoting *State ex rel. Midwest Pride IV, Inc. v. Pontious*, 75 Ohio St.3d 565, 570 (1996). A motion for judgment on the pleadings requires a determination that no material factual issues exist and the movant is entitled to judgment as a matter of law. *Burnside v. Leimbach*, 71 Ohio App.3d 399, 402-403 (10th Dist. 1991).

{¶ 10} A motion for judgment on the pleadings "presents an onerous burden for litigants and consequently, a trial court must be circumspect in its analysis of Civ.R. 12(C) motions." *Business Data Sys. v. Figetakis*, 2006-Ohio-1036, ¶ 10 (9th Dist.). Our review of a trial court's decision on a motion for judgment on the pleadings is de novo. *Drozeck v. Lawyer Title Ins. Corp.*, 140 Ohio App.3d 816, 820 (8th Dist. 2000).

{¶ 11} Little argues that R.C. 2744.03(A)(6) does not apply to this case. Rather, according to Little, R.C. 2744.09 applies to impose liability on Sgt. Boardman despite the general grant of immunity under R.C. Ch. 2744. We disagree. R.C. 2744.09 provides as follows:

> This chapter does not apply to, and shall not be construed to apply to, the following:
>
> (A) Civil actions that seek to recover damages from a political subdivision or any of its employees for contractual liability;
>
> (B) *Civil actions by an employee*, or the collective bargaining representative of an employee, *against his* [*or her*] *political subdivision relative to any matter that arises out of the employment relationship between the employee and the political subdivision*;
>
> (C) Civil actions by an employee of a political subdivision against the political subdivision relative to wages, hours, conditions, or other terms of his employment;
>
> (D) Civil actions by sureties, and the rights of sureties, under fidelity or surety bonds;
>
> (E) Civil claims based upon alleged violations of the constitution or statutes of the United States, except that the provisions of section 2744.07 of the Revised Code shall apply to such claims or related civil actions.

(Emphasis added.)

{¶ 12} Little contends that R.C. 2744.09(B), which allows political subdivision employees to recover against their employers who would otherwise be entitled to immunity under R.C. Ch. 2744, applies. Specifically, under R.C. 2744.09(B), political subdivision immunity does not apply to "[c]ivil actions by an employee . . . against his [or her] political subdivision relative to any matter that arises out of the employment relationship between the employee and the political

subdivision[.]" *See also Sampson v. Cuyahoga Metro. Hous. Auth.*, 2012-Ohio-570, ¶ 11 (8th Dist.).

{¶ 13} However, the Supreme Court of Ohio has held that R.C. 2744.09(B) only removes the immunity of a *political subdivision* but does not remove immunity from the employees of political subdivisions. *Zumwalde v. Madeira & Indian Hill Joint Fire, Dist.*, 2011-Ohio-1603, ¶ 27 ("In a civil action brought by an employee of a political subdivision against another employee of the political subdivision arising out of the employment relationship, R.C. 2744.09(B) removes immunity only as to the political subdivision and does not affect the statutory immunity of the fellow employee."). Thus, Little's claim that Sgt. Boardman is not protected by immunity pursuant to R.C. 2744.09(B) is without merit. R.C. 2744.03(A)(6) applies.

{¶ 14} Generally, an employee of a political subdivision is immune from tort liability, subject to three exceptions set forth in R.C. 2744.03(A)(6). The exceptions are as follows:

> (a) The employee's acts or omissions were manifestly outside the scope of the employee's 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;
>
> (c) Civil liability is expressly imposed upon the employee by a section of the Revised Code.

R.C. 2744.03(A)(6)(a)-(c).

{¶ 15} Upon review of Little's complaint, he alleges facts, which taken as true, demonstrate that material factual issues exist. Specifically, Little alleges that Sgt. Boardman's acts were with malicious purpose, in bad faith, or in a wanton or

reckless manner. The allegations were not merely unsupported legal conclusions. For example, Little alleges that Sgt. Boardman, not he, violated policy that led to the erroneous release of an inmate and then provided false information about the release, leading to Little's suspension and other ensuing negative consequences.

{¶ 16} Malicious conduct is defined as conduct "'indulging or exercising malice; harboring ill will or enmity.'" *Jackson v. Butler Cty. Bd. of Cty. Commrs.*, 76 Ohio App.3d 448, 453 (12th Dist. 1991), quoting *Teramano v. Teramano*, 6 Ohio St.2d 117, 118 (1996). Malice has also been defined as "the willful and intentional design to do injury, or the intention or desire to harm another . . . through conduct which is unlawful or unjustified." *Jackson* at 453-454, citing *Bush v. Kelleys, Inc.*, 18 Ohio St.2d 89 (1969).

{¶ 17} Bad faith indicates a "dishonest purpose, moral obliquity, conscious wrongdoing, breach of a known duty through some ulterior motive or ill will partaking of the nature of fraud." *Jackson v. McDonald*, 144 Ohio App.3d 301, 309 (5th Dist. 2001). Wanton misconduct 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 v. Massillon*, 2012-Ohio-5711, paragraph three of the syllabus. And 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." *Id.* at paragraph four of the syllabus.

{¶ 18} Ohio is a notice-pleading state. *Wells Fargo Bank N.A. v. Horn*, 2015-Ohio-1484, ¶ 13. As such, a complaint need only contain "a short and plain statement of the claim showing that the party is entitled to relief." Civ.R. 8(A)(1). "Ohio law does not ordinarily require a plaintiff to plead operative facts with particularity." *Cincinnati v. Beretta U.S.A. Corp.*, 2002-Ohio-2480, ¶ 29. Thus, "in reviewing a motion for judgment on the pleadings, a complainant's failure to allege specific facts to disprove possible affirmative defenses of the defendant should not be fatal to the complaint." *Mangelluzzi v. Morley*, 2015-Ohio-3143, ¶ 13 (8th Dist.). There is no heightened pleading requirement, as there is for certain types of cases, that would require the plaintiff to allege specific exceptions to immunity when bringing suit against a political subdivision and such a plaintiff is under no obligation to prove his or her case in the initial pleadings and need not affirmatively dispose of the immunity question altogether at the pleading stage. *Carswell v. Akron*, 2019-Ohio-4444, ¶ 13-14 (9th Dist.).

{¶ 19} Having reviewed the complaint and construing all material allegations and all reasonable inferences in favor of Little, we are unable to find that he could prove no set of facts that would support an exception to Sgt. Boardman's claimed immunity. That is, we find that Sgt. Boardman's immunity cannot be resolved in his favor at the pleading stage. The trial court therefore did not err in denying Sgt. Boardman's motion for judgment on the pleadings, and his sole assignment of error is overruled.

{¶ 20} Judgment affirmed, and case remanded.

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 be sent to said 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.

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MICHAEL JOHN RYAN, JUDGE

LISA B. FORBES, P.J., and
KATHLEEN ANN KEOUGH, J., CONCUR