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**Gallagher Sharp Newsflash: Municipal Law**

Yesterday, June 18, 2008, the Supreme Court of Ohio held that an accumulation of ice on a roadway is not an "obstruction" within the meaning of R.C. 2744.02(B)(3). In *Howard v. Miami Twp. Fire Div.*, the court therefore concluded that the township was immune from liability pursuant to R.C. Chapter 2744.

The importance of the opinion is what is or is not an "obstruction" in a roadway. The court defined an obstruction at ¶30 as "an obstacle that blocks or clogs the roadway and not merely a thing or condition that hinders or impedes the use of the roadway or that may have the potential to do so." The high court examined the statutory history of the pertinent statute and concluded that the General Assembly intended to limit the liability of political subdivisions for injuries and deaths on their roadways.

The majority opinion was authored by Justice O'Connor, and Justices Lundberg Stratton, O'Donnell, Lanzinger, and Cupp concurred. Chief Justice Moyer and Justice Pfeiffer dissented.

A copy of the opinion may be viewed by going to:

<http://www.supremecourtohio.gov/rod/docs/pdf/0/2008/2008-Ohio-2792.pdf>

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