

**Gallagher Sharp Newsflash: Supreme Court of Ohio Rejects Plaintiffs' Appeal,  
Ending More Than Five Years of Litigation Arising Out of 2012 Fatal School  
Shooting at Chardon High School**

*By Attorney Markus Apelis*

The Supreme Court of Ohio has rejected the last appeal from a group of plaintiffs who had sued school officials and others for wrongful death and catastrophic personal injuries arising out of the February 27, 2012 fatal school shooting at Chardon High School. On February 27, 2012, TJ Lane, a Chardon student, entered the cafeteria of Chardon High School before school began and opened fire with a handgun which he had concealed in his backpack. Lane shot and killed three students and paralyzed another. He was apprehended, convicted of murder and other crimes, and sentenced to three consecutive life sentences.

The families of the students who were killed, along with the paralyzed student, filed a wrongful death and personal injury lawsuit against the Chardon Local School District, its Board of Education, past and present board members, and five school administrators, claiming that they were responsible for the injuries and deaths resulting from the shooting. The Lake County Court of Common Pleas dismissed claims against the school district, school board, and school board members, but allowed claims against school administrators to proceed to discovery on the theory that the school administrators engaged in willful, wanton, reckless, malicious, or bad faith misconduct in connection with the shooting. Ultimately, the plaintiffs' theory turned on the notion that the school administrators should have retained a School Resource Officer (SRO), an armed law enforcement officer, to be present on campus, which allegedly would have prevented the shooting from happening. The failure to retain an SRO, according to the plaintiffs, amounted to reckless misconduct on the part of school administrators.

After extensive discovery, including nearly 20 depositions of school administrators, former school district personnel, law enforcement officials, community members, family members, and the injured student, the Lake County Court of Common Pleas granted summary judgment in favor of the school administrators, dismissing all of the remaining claims against them. The primary basis for the award of summary judgment was that the school administrators, as employees of a political subdivision, were entitled to statutory immunity under the Ohio Political Subdivision Tort Liability Act. The Ohio Eleventh District Court of Appeals upheld that decision. The plaintiffs sought further review with the Supreme Court of Ohio, but in a unanimous decision, the Supreme Court of Ohio rejected the plaintiffs' appeal. The lawsuit involved extended and complex litigation before two different common pleas court judges, two separate appeals to the Ohio Eleventh District Court of Appeals, and two separate appeals to the Supreme Court of Ohio. The Supreme Court's decision to reject the plaintiffs' appeal marks the end of more than five years of litigation against school officials arising out of the February 27, 2012, school shooting.



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Gallagher Sharp attorneys Markus Apelis and Tom Dover, with the assistance of several others, represented the school district, school board, board members, and school officials throughout the entirety of the litigation.

If you have any questions, please contact:

[Markus E. Apelis, Esq.](#)

[Thomas E. Dover, Esq.](#)

**Gallagher Sharp LLP**

Sixth Floor, Bulkley Building

1501 Euclid Avenue

Cleveland, Ohio 44115

(216) 241-5310

[mapelis@gallaghersharp.com](mailto:mapelis@gallaghersharp.com)

[tdover@gallaghersharp.com](mailto:tdover@gallaghersharp.com)

[www.gallaghersharp.com](http://www.gallaghersharp.com)