

APPELLATE **VICTORY!**



Loftus v. Three Palms Crocker Park, L.L.C., 8th Dist. Cuyahoga No. 111635, 2023-Ohio-926.



On March 23, 2023, Senior Counsel Tom Connick, along with co-counsel, secured a significant appellate victory in the 8th District Court of Appeals wherein the Court affirmed summary judgment in favor of Tom's corporate client against claims that its former manager was operating a non-owned vehicle in the course and scope of his employment that resulted in a high-speed crash causing severe injuries to a passenger (the Plaintiff). Plaintiff sued Tom's client with a complex web of unsupported alleged facts exposing it to a multi-million-dollar damages risk because its former manager drove 60 miles away from the company premises to Catawba Island and engaged in inappropriate activities with the Plaintiff and others. Then, while returning to Cuyahoga County, the manager struck a guardrail at 120 miles an hour causing Plaintiff significant personal injury.

Despite going to Catawba on a personal jaunt to socialize with Plaintiff and encourage Plaintiff to invest in a company different than Tom's client, both the Plaintiff and the former manager contended that the former manager was returning Plaintiff as patron of Tom's client to company property.

The 8th District Court of Appeals acutely and accurately rejected that specious argument, commenting "And even with that assumption, in the context of Sotka's employment with Three Palms, we do not understand Sotka's general duty to "bring in customers" to be so literal that Sotka was expected to bring a single customer to the restaurant from a distance of over 60 miles while driving intoxicated." This was a hotly contested dispute requiring the mitigation of "Rambo" style litigation, which is why Tom's client hired him.



Tom Connick is an experienced litigator that handles complex and high-stakes litigation on behalf of companies, shareholders, and other persons. If you find yourself in difficult circumstances that require exceedingly competent and fearless representation, contact Tom at:

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▶ A copy of the 8th District Decision can be found [here](#).

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