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## WIDOW WINS IN FIREWORKS SETTLEMENT

### Court decision grants \$1.35 million

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NEWS 01C

**By Jon Craig**

*Dispatch Statehouse Reporter*

A Reynoldsburg woman whose husband was killed in a 1996 fireworks accident can collect a \$1.35 million settlement from the city of Reynoldsburg and Truro Township, a divided Ohio Supreme Court ruled yesterday.

The 4-3 decision is significant because all municipalities may now be liable for similar mishaps on their properties, according to attorneys for both sides.

"This is a disappointment, not only for Reynoldsburg, but for all cities," said Wayne Sheppard, an attorney defending that city. "It can and it will ripple out."

Daniel Ryll, 37, died after being struck in the chest by shrapnel as he watched a July 4, 1996, display with his family at Reynoldsburg's Huber Park. Ryll's wife, Deborah, who filed a wrongful-death lawsuit, declined to comment.

The city and township reached an out-of-court settlement with the widow while their motions for summary judgments were pending. Reynoldsburg agreed to pay her \$750,000 and Truro Township agreed to pay her \$600,000 if the motions failed. After a trial judge ruled that the two were liable, they appealed.

The Franklin County Court of Appeals ruled in favor of the city and township, but the high court reversed that decision.

Reynoldsburg argued it was protected by a 40-year-old state law that generally shields property owners from lawsuits for injuries suffered on their land.

The court found that the recreational-user statute, which has been used to protect state and city parks from lawsuits, grants immunity only in incidents directly connected to the owner's premises.

The injury in the Reynoldsburg case involved fireworks, which are not part of premises as

defined under state law, Justice Paul E. Pfeifer said, writing for the majority.

Also at issue was whether a city that sponsors a fireworks display on its land is immune from lawsuits because it is performing a proprietary or governmental duty by promoting patriotism.

Pfeifer said holding a fireworks display is not a government function but rather a private activity "customarily engaged in by nongovernmental persons."

"This Supreme Court decision protects all Ohioans when an owner of land or government entity actively participates in the wrong," said *Keith M. Karr*, Ryll's attorney. "They cannot hide behind the shield of immunity anymore."

The city and township attorneys had agreed to pay the money, but only if they lost their sovereign-immunity argument in court. So instead of returning the case to the trial court, yesterday's decision automatically grants the settlement.

The court cited evidence that Reynoldsburg designated a spectator area closer to the fireworks launch area than called for by national fire-protection standards. The township was liable for its role inspecting the fireworks site and issuing a permit.

"Truro Township knew there was going to be a fireworks display and knew that fireworks displays are potentially lethal," Pfeifer wrote.

The township's attorney could not be reached.

Last July, Reynoldsburg moved its Independence Day fireworks show from its traditional downtown site at Huber Park to a larger Civic Park. The decision to move was attributed to bigger crowds and the addition of some ball fields, backstops and fences at Huber Park.

In the 1996 accident, a fireworks company employee also was injured when a shell exploded in a launch tube. Douglas Hill, 54, died eight months later of his injuries. A child and another worker also were hurt.

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**Illustration:** Photo appeared in newspaper, not in the archive.

**Photo caption:** Daniel Ryll died on July 4, 1996, after being hit by shrapnel at a Reynoldsburg park.

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