

Washington v. City of Cincinnati

Annotated Outline of District Court Summary-Judgment Decision

Purpose: identify what Judge Bowman decided and what remains potentially for trial after the Sixth Circuit remand.

Key to status labels: DECIDED = not an issue the jury would ordinarily be asked to decide; REMAINS FOR TRIAL = expressly left unresolved for trial if the case does not settle; PARTLY DECIDED = one component has been resolved but a related component remains open.

I. Standard of Review

Brief note: Explains the Rule 56 summary-judgment standard: judgment may be entered without trial only where there is no genuine dispute of material fact and the movant is entitled to judgment as a matter of law.

Status: DECIDED / PROCEDURAL BACKGROUND

Trial significance: Not itself a trial issue. It explains how the court evaluated the parties' cross-motions for summary judgment.

II. Findings of Fact

Brief note: Summarizes the factual background, including Washington's career, appointment as Fire Chief, the March 24, 2023 termination meeting, the termination letter, and the later dispute over a post-termination hearing.

Status: PARTLY DECIDED

Trial significance: The section is background, not a separate claim. Undisputed facts are established, while disputed facts relevant to cause, post-termination process, defamation, and damages may be presented at trial.

III. Analysis of Legal Issues Presented in Cross-Motions

A. Identifying Plaintiff's Claims

Brief note: Clarifies Washington's federal due-process claim, Ohio constitutional/declaratory-judgment theories, and defamation claim.

Status: DECIDED / LEGAL FRAMEWORK

Trial significance: Defines the claims that remain in the case rather than presenting a separate factual issue for trial.

B. Plaintiff's Property Interest

Brief note: The court held that after six months as Fire Chief, Washington had a protected property interest in continued employment because the Charter permitted removal only for cause.

Status: DECIDED

Trial significance: The jury should not be deciding whether Washington was an at-will employee. His for-cause property interest has been established.

C. Whether Plaintiff Prospectively Waived His Property Interest

Brief note: The City relied on the 'Understanding of Unclassified Appointment' memorandum, but the court rejected the argument that it eliminated Washington's Charter-based for-cause protection or constituted an effective prospective waiver.

Status: DECIDED

Trial significance: The prospective-waiver theory does not remain for the jury.

D. Whether Plaintiff Received Due Process

1. Defendants Failed to Provide Plaintiff with Pretermination Process

Brief note: The court held that Washington did not receive the constitutionally required pretermination process: advance notice of the charges, an explanation of the evidence, and a meaningful opportunity to respond before termination.

Status: DECIDED IN WASHINGTON'S FAVOR

Trial significance: This constitutional violation has already been established. The Sixth Circuit later affirmed the denial of qualified immunity to Long for this pretermination violation.

2. Adequacy of Post-Termination Process and Potential Waiver

Brief note: Washington sought a neutral decisionmaker. The City offered a hearing before Long. The court held that a reasonable jury could find either that the offered process was inadequate or that Washington unreasonably declined/abandoned the process offered.

Status: REMAINS FOR TRIAL

Trial significance: Expressly listed by Judge Bowman as a remaining issue. It may also affect damages because adequate post-termination process can limit damages even though it cannot erase the earlier pretermination violation.

E. The City Is Not Entitled to Summary Judgment Under Monell

Brief note: The City argued that Long's action was an isolated incident rather than municipal policy. The court rejected that argument because Long was an authorized decisionmaker whose act could subject the City itself to federal municipal liability.

Status: DECIDED AS A LEGAL RULING

Trial significance: This keeps the City exposed on the federal due-process claim. It is not one of Bowman's separately listed factual issues for trial.

F. Defendants' Assertions of Federal and State Immunity

1. Long's Assertion of Qualified Immunity for the Federal Due Process Violation

Brief note: Pretermination: Long was denied qualified immunity because the right to pretermination process was clearly established. Post-termination: Long received qualified immunity in her individual capacity because the record indicated the City, rather than Long personally, denied the request for a neutral arbiter.

Status: PARTLY DECIDED

Trial significance: Pretermination qualified immunity has now been affirmed by the Sixth Circuit. Long's personal post-termination federal liability was dismissed, but the adequacy of the City's post-termination process remains for trial.

2. Defendants' Asserted State-Law Immunity for Defamation

a. Long Is Not Entitled to Statutory Immunity

Brief note: The court held that the evidence could permit a jury to find malicious purpose, bad faith, or wanton/reckless conduct, defeating summary judgment based on Ohio statutory immunity. The Sixth Circuit later affirmed the denial of Long's statutory immunity.

Status: REMAINS FOR TRIAL AS PART OF DEFAMATION

Trial significance: The immunity defense did not eliminate the claim. The jury may still need to decide falsity, fault/actual malice, injury, and related factual issues.

b. The City Is Entitled to Statutory Immunity

Brief note: The court granted the City statutory immunity from the Ohio-law defamation claim; the official-capacity defamation claim against Long was likewise duplicative of the claim against the City.

Status: DECIDED IN CITY'S FAVOR

Trial significance: The state-law defamation claim proceeds, if at all, against Long individually rather than the City.

G. Issues of Material Fact Preclude Judgment on the Defamation Claims

1. A Jury Could Find That Long Published False Statements of Fact That Damaged Washington

Brief note: The court held that several statements in the termination letter and FYI memorandum were verifiable factual assertions, not merely opinions, and Washington produced evidence sufficient to create factual disputes about their truth and resulting professional injury.

Status: REMAINS FOR TRIAL

Trial significance: The jury may be asked whether particular statements were false, defamatory, published, and injurious.

2. Qualified Privilege Does Not Apply

Brief note: The court rejected summary judgment based on qualified/public-interest privilege because Long's detailed publication arguably went beyond the limited information necessary to explain a public personnel change.

Status: DECIDED AS A LEGAL RULING

Trial significance: The privilege issue does not eliminate the defamation claim. The underlying defamation issues remain for trial.

3. Genuine Issues of Material Fact Exist as to Actual Malice

Brief note: Because Washington was a public official, he must prove actual malice by clear and convincing evidence—knowledge of falsity or reckless disregard for truth. The court found enough circumstantial evidence to send that question to a jury.

Status: REMAINS FOR TRIAL

Trial significance: This is a central element of Washington's surviving defamation claim against Long.

H. Plaintiff's Declaratory Judgment Claim Under Ohio Revised Code § 2721.01

Brief note: Washington sought a declaration that he was terminable only for cause and that his termination was made without proper cause. The court decided the first proposition but not the second.

Status: PARTLY DECIDED

Trial significance: Washington's for-cause status is established. Whether the City actually had sufficient cause to terminate him remains for trial.

IV. Conclusions and Order

Brief note: The court granted partial summary judgment to both sides and identified the unresolved issues.

Status: FOUR ISSUES EXPRESSLY LEFT FOR TRIAL

Trial significance: If the case does not settle, Judge Bowman identified: (1) adequacy of the post-termination process and whether Washington waived/abandoned the offered hearing; (2) whether the City had cause to terminate Washington; (3) whether Long defamed Washington; and (4) what damages, if any, Washington may recover.

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Bottom-Line Public Explanation

Already decided in Washington's favor: He had a protected property interest, was removable only for cause, did not prospectively waive that protection, and was denied constitutionally adequate pretermination process.

Already decided in defendants' favor: Long has qualified immunity in her individual capacity for the post-termination federal due-process claim, and the City has statutory immunity from the Ohio-law defamation claim.

Still unresolved if the case proceeds to trial: whether the City's post-termination process was adequate and whether Washington waived/abandoned it; whether sufficient cause actually existed to remove Washington; whether Long defamed Washington and acted with the required actual malice; and the amount of damages, if any.

Public-facing caution: The Sixth Circuit remand does not mean Washington has already prevailed on the underlying 'for cause' merits or on damages. He has won an important constitutional ruling, while several consequential factual issues remain unresolved.