

Washington v. City of Cincinnati

Where the Case Stands After the Sixth Circuit Decision

Status summary keyed to the structure of Judge Bowman's District Court decision

District Court Issue	Status	What It Means
I. Standard of Review	CONCLUDED	Procedural standard used to decide summary judgment; not a trial issue.
II. Findings of Fact	PARTLY CONCLUDED	Provides background. Disputed facts bearing on the remaining claims may still be decided at trial.
III.A. Identifying Washington's Claims	CONCLUDED	Defines the claims properly before the court.
III.B. Washington's Property Interest	CONCLUDED - WASHINGTON PREVAILED	Washington had a protected property interest because, after six months, the Charter allowed removal only for cause.
III.C. Prospective Waiver of Property Interest	CONCLUDED - WASHINGTON PREVAILED	The unclassified-appointment document did not waive Washington's Charter protection against removal without cause.
III.D.1. Pretermination Due Process	CONCLUDED - WASHINGTON PREVAILED	The City violated Washington's constitutional rights by terminating him without adequate pretermination notice and opportunity to respond. The Sixth Circuit upheld denial of Long's qualified immunity.
III.D.2. Post-Termination Due Process	STILL IN PLAY	Whether the offered post-termination hearing was adequate and whether Washington waived or abandoned that process remain unresolved.
III.E. City's Monell Liability	CONCLUDED AS LEGAL ISSUE	The City cannot avoid federal municipal liability merely by characterizing Long's action as an isolated decision; she was an authorized policymaker.
III.F.1. Long's Federal Qualified Immunity	PARTLY CONCLUDED	No qualified immunity for the pretermination violation; Long has qualified immunity personally on the post-termination federal claim.
III.F.2.a. Long's State-Law Immunity - Defamation	STILL IN PLAY	Long was denied statutory immunity, and the Sixth Circuit affirmed. That does not establish that she defamed Washington; the underlying claim remains unresolved.
III.F.2.b. City's State-Law Immunity - Defamation	CONCLUDED - CITY PREVAILED	The City itself has statutory immunity from the Ohio-law defamation claim.
III.G.1. False/Defamatory Statements	STILL IN PLAY	A factfinder may determine whether Long made materially false defamatory statements and whether they injured Washington.
III.G.2. Qualified Privilege	CONCLUDED AS LEGAL ISSUE	Long did not obtain summary judgment based on qualified privilege; the underlying defamation claim remains.
III.G.3. Actual Malice	STILL IN PLAY	Washington must prove the required fault standard. The courts found enough evidence for the issue to proceed, but actual malice has not been found as a fact.
III.H. Declaratory Judgment - 'For Cause'	PARTLY CONCLUDED	Washington could be removed only for cause. Whether the City actually had sufficient cause to terminate him remains unresolved.
IV. Conclusion and Order	PARTLY CONCLUDED / REMANDED	Judge Bowman resolved some issues but expressly left four matters for trial if the case does not settle. The Sixth Circuit did not resolve those factual issues and remanded for further proceedings.

IV. Conclusion and Order: Four Issues Still Potentially for Trial

If the case does not settle, Judge Bowman identified: (1) whether the City's post-termination process was adequate and whether Washington waived or abandoned it; (2) whether the City actually had sufficient cause to terminate Washington; (3) whether Long defamed Washington; and (4) what damages, if any, Washington may recover.

The Important Distinction

Chief Washington has won an important constitutional victory, but he has not yet won the entire case. It has been established that he could be fired only for cause and that the City violated his constitutional due-process rights by terminating him without the required pretermination process. But no court has yet determined that the City lacked cause to fire him, that Long actually defamed him, or the amount of damages Washington should receive. Those issues remain in play unless the case is settled.