

From The President

Special points of interest:

- January 12, 2011 meeting
- Bring a New Member

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Happy New Year 2011 to all!

Thanks to all who were in attendance at the Christmas party. A great time was had by all. Scrooge even attended the party! Rumor has it, he had a great time. There was even a horse drawn carriage giving rides and gifts for all who attended. If you couldn't make it this year, we hope you can join us next year. Check out the photos in the newsletter for some pictures from the evening.

A special thanks to all our sponsors as well as those who took their time to help plan this fun event. Please see page 4 for a list of our Vendors who were sponsors and helped make the party special for all. Please remember to think of them when you have a claim!!

Our next meeting is **January 12, 2011** and will be in Evendale at **Raffel's 10160 Reading Rd, Cincinnati OH 45241**. We will be swearing in the new CCA Board members. Come see who is stepping up to assure the Cincinnati Claims Association continues to be a great organization!! Sure hope you can make it.

Please schedule February 9, 2011 on your calendar as well. We will be meeting at Dave & Buster's. Our speaker will be Thomas Ryan, Casualty Specialist with GAB Robins. For more information on Thomas please see his attached biography on page 2.

As 2010 comes to a close, so also does my CCA Board position as President. I have enjoyed serving on the Board and leading the organization these last 3 years. However, I could not have done it without the help of the rest of the Board and I want to say a special thanks to Joe Groh, Jon Libbert, Pat Trombetta & Jack Farrell. It's been great serving with you all!!

Laura Hemmerly
President

CCA BRING A NEW MEMBER COUPON

Bring a new* member and YOU get in free.

*New member cannot have been a CCA member in the last 2 years and must pay for meeting and yearly dues at the door. Dues are \$20.00 for the year and \$20.00 for the meeting.

HAPPY NEW YEAR

January Activities

The next meeting is Wednesday, January 12, 2011 –

Raffel's

located at:

**10160 Reading Road
Cincinnati, OH 45241**

Cocktails at 6:00 pm and Dinner at 7:00 pm

\$20.00 member

\$25.00 non-member

Please email cincinnaticlaimsassocinfo@fuse.net

or

call 513-530-0080 x 10 to make your reservations.

JANUARY GUEST SPEAKER

**Thomas M. Ryan, AIC
Casualty Specialist — GAB Robins**



Tom has been a casualty specialist, serving both insured and self-insured entities, with GAB Robins, a national, independent claims-adjusting company; since 1978. Since he was an English teacher prior to entering the insurance industry, he served as his company's Senior Casualty/Worker's Compensation instructor at its Professional Development Center in Denver, Colorado, for two years before returning to his current position, as the Cincinnati Branch Casualty General Adjuster. He currently handles major losses in Southwestern Ohio, Northern Kentucky, and Southwestern Indiana, and is considered to be an expert in Tort Law based on his extensive training and experience in handling a wide range of exposures.

A native Cincinnati, Tom and his wife, Pam, have been married since 1974, and are the parents of three children. He graduated from the University of Cincinnati with a Bachelor's Degree in Education and is currently a licensed instructor for continuing education with the Cincinnati Insurance Board, a non-profit agency dedicated to professionalism within the industry; and the Professional Insurance Agents Association of Ohio and Indiana. His claims-oriented course offerings through both organizations are designed to explain complex legal terms; policy coverage issues; and typical claims procedures in an interesting, humorous way using practical examples from real-life situations.

In his spare time, Tom has been officiating basketball and softball since 1981, and has been a local member of the Queen City Umpires Association as well as the National Referees Association. He uses many analogies from this avocation in his presentations, since there are many similarities between an adjuster and a sports official, especially when interpreting policy language or professionally handling negotiations with all parties involved in the claims process. He has been an active member of the Cincinnati and Dayton, Ohio, Claims Associations and currently serves as the Vice President of the Northern Kentucky Claims Association.

**BASE RUNNER THROWN OUT AT HOME,
CATCHER THROWN OUT IN COURT**

By Timothy P. Heather, Esq.
Benjamin, Yocum & Heather, LLC

In July, 2010, the Franklin County Court of Appeals decided Doody v. Evans, 188 Ohio App.3d 479, 2010-Ohio-3523. In that case, a softball catcher was injured when a base runner from the opposing team collided with him at home plate during the course of an organized adult recreational league softball game. The catcher brought a negligence action against the base runner, alleging that the base runner had collided with him without attempting to slide or avoid the collision.

The softball league had a written rule which stated that, "It is the greater responsibility of the runner to avoid a collision. Intent has nothing to do with it." The penalty for colliding with another player was that the runner is declared out and is ejected from the game.

The base runner filed a Motion for Summary Judgment on the basis that, at the time the catcher sustained his injury, he was engaged in a recreational sports activity, thereby foreclosing any liability for negligence, and because any purported violation of the league rule prohibiting contact with the defensive player was not sufficient enough to establish reckless behavior on behalf of the base runner. The catcher, in response, argued that a question of fact existed as to whether the base runner's violation of the league rule prohibiting contact with the defensive player constituted reckless behavior.

The trial court found that the recreational or sports-activity exception to negligence liability applied and that there was no evidence of reckless behavior on the part of the base runner. In so finding, the trial court particularly relied on the catcher's assertion in his deposition that the collision between him and the base runner was "an act of softball", which the Court construed to mean that the collision was a foreseeable, customary part of the game.

The Franklin County Court of Appeals totally agreed with the trial court, and affirmed the trial court's order which granted summary judgment in favor of the base runner. In so holding, the Court stated:

{¶32} In the instant matter, the trial court concluded that a collision between a base runner and a catcher is simply a foreseeable hazard of the game of softball. We agree. Appellant acknowledged that catchers often have physical contact with base runners while in the process of making a tag. He further acknowledged that while rare, collisions between defensive players and base runners can and do happen in softball. He further testified that he did not believe that appellee intended to hurt or even collide with him. Indeed, appellant described appellee's conduct as "an act of softball."

{¶33} In our view, appellant's injury was the result of a foreseeable hazard of the game of softball and was part of a foreseeable risk assumed by appellant as a competitor. In deciding this case as we do, we are not saying that no base path collision can ever lead to tort liability; however, we are persuaded that there was nothing about the instant collision that is so exceptional that the general rule of separation between sporting event and tort action should be vitiated here. We acknowledge that a fine line may sometimes have to be drawn between sporting injuries that can and cannot be legally remedied. Absent evidence that appellant's injury arose out of conduct that was not truly an intrinsic part of the sport of competitive softball, appellant's cause of action cannot be sustained. Because there are no genuine issues of material fact regarding this matter, the trial court did not err in concluding that appellee was entitled to judgment as a matter of law.

This matter was not appealed to the Ohio Supreme Court.

Officers & Committees

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Thanks to our 2010 Christmas Party Sponsor's

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Benjamin, Yocum & Heather
Dave Backer Auto Body
Carpetland

*Please remember these businesses when you have a loss.
Let's show our vendors we appreciate all they do for the CCA.*



Special Thanks to our Christmas Committee

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Karen Chapman, Rainbow Restoration
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