# CAPTION: BREAZEALE V. INFRASTRUCTURE & DEVELOPMENT ENGINEERING, INC.

**11-08-23**

APPEAL NO.: C-230172

TRIAL NO.: A-2102849

KEY WORDS: DISCOVERY RULE – PROFESSIONAL NEGLIGENCE – GROSS NEGLIGENCE – STATUTE OF LIMITATIONS – STATUTE OF REPOSE – R.C. 2305.09(D) – R.C. 2305.131(A)(1)

SUMMARY:

Because the discovery rule is inapplicable to professional negligence claims and because plaintiffs’ gross negligence claim involves the same allegedly negligent conduct as their professional negligence claim, plaintiffs’ claims began to accrue at the time the defendant-engineer completed its geotechnical work and these claims were therefore time-barred under R.C. 2305.09(D). [*See* CONCURRENCE: Though plaintiffs’ claims are time-barred, this is an unjust result and the discovery rule should be applicable to professional negligence claims involving damage to real property.]

JUDGMENT: AFFIRMED

JUDGES: OPINION by KINSLEY, J.; ZAYAS, P.J., CONCURS and BOCK, J., CONCURS SEPARATELY.