

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

SHA-ANN ARNDTS,	:	APPEAL NO. C-250176
Plaintiff-Appellant,	:	TRIAL NO. A-2405211
vs.	:	
UNIVERSITY OF CINCINNATI POLICE ,	:	<i>JUDGMENT ENTRY</i>
Defendant-Appellee.	:	
	:	

**KINSLEY, Presiding Judge.**

This court sua sponte removes this cause from the regular calendar and places it on the court’s accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); Loc.R. 11.1.

Plaintiff-appellant Sha-ann Arndts appeals the trial court’s judgment dismissing her complaint against defendant-appellee University of Cincinnati Campus Police/University of Cincinnati Public Safety (“UC”) under Civ.R. 12(B)(1) for lack of subject-matter jurisdiction. We agree that the Court of Claims has exclusive, original jurisdiction over Arndts’s complaint, and therefore, we affirm the trial court’s judgment.

**Background**

On November 21, 2024, Arndts filed a complaint against UC alleging that in July 2021, Arndts underwent surgery at the University of Cincinnati Medical Center where she suffered complications that left her unable to be safely transported home.

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While reviewing discharge paperwork, medical staff allegedly assaulted Arndts by forcing her into a wheelchair for purposes of transporting her home. During this incident, staff allegedly hit and kicked her. Arndts alleged that a UC police officer not only helped plan and carry out the assault but also restrained Arndts's boyfriend during the assault. According to Arndts, she was admitted to the hospital, and UC police refused to take any corrective action against the nurses or the officer involved in the assault. Arndts's complaint seeks monetary damages for her pain and suffering, and punitive damages.

On December 20, 2024, UC filed a motion to dismiss Arndts's complaint for lack of subject-matter jurisdiction under Civ.R. 12(B)(1). In its motion, UC argued that the Ohio Court of Claims has exclusive, original jurisdiction over all civil actions for money damages against a state university. On January 1, 2025, Arndts filed an amended complaint, which largely restated her original allegations, but also added allegations that UC's actions in July 2021 violated her civil rights under the Americans with Disabilities Act. Arndts also requested a jury trial.

On February 26, 2025, the trial court granted UC's motion to dismiss, determining that UC is an instrumentality of the State, and therefore, the Court of Claims has exclusive jurisdiction over Arndts's complaint for money damages against UC.

Arndts appeals, raising five assignments of error.

**Law and Analysis**

Arndts's five assignments all ultimately challenge the trial court's dismissal of her complaint for lack of subject-matter jurisdiction. In Arndts's first assignment of error, she argues that the trial court erred in granting UC's motion to dismiss for lack of subject-matter jurisdiction because UC is not an entity subject to the exclusive

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jurisdiction of the Court of Claims. In Arndts’s second assignment of error, she argues that the trial court erred because her requests for punitive damages and a jury trial do not fall within the jurisdiction of the Court of Claims. In Arndts’s third assignment of error, she argues that the trial court erred in determining that UC fell under the exclusive jurisdiction of the Court of Claims, because UC operates beyond the jurisdiction of UC’s educational campus. In Arndts’s fourth assignment of error, she argues that the trial court erred in referring to defendant-appellee as UC instead of “University of Cincinnati Campus Police/Public Safety Department.” In Arndts’s fifth assignment of error, she argues that her claim for punitive damages requires a jury trial, which is prohibited in the Court of Claims under R.C. 2743.11.

This court conducts a de novo review of a trial court’s decision dismissing a cause of action for lack of subject-matter jurisdiction under Civ.R. 12(B)(1). *In re T.J.B.*, 2014-Ohio-2028, ¶ 7 (1st Dist.). “When ruling on a Civ.R. 12(B)(1) motion to dismiss for lack of subject-matter jurisdiction, the trial court must determine if a plaintiff’s complaint raises ‘any cause of action’ that is cognizable in the forum court under the applicable law.” *Duke Energy One, Inc. v. Cincinnati State Technical & Community College*, 2022-Ohio-924, ¶ 12, citing *State ex rel. Bush v. Spurlock*, 42 Ohio St.3d 77, 80 (1989).

UC is a state university and thus is an instrumentality of the State. *See* R.C. 3345.011; R.C. 2743.01(A); *McIntosh v. Univ. of Cincinnati*, 24 Ohio App.3d 116, 118 (1985). Suits against the State shall proceed as set forth by law. Ohio Const., art. I, § 16. The Ohio Court of Claims Act governs the parameters by which the State has waived its sovereign immunity and defined State liability. *See* R.C. 2743.01 et seq. The Court of Claims Act created the Court of Claims, which “has exclusive, original

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jurisdiction of all civil actions against the state permitted by the waiver of immunity contained in section 2743.02 of the Revised Code . . . .” R.C. 2743.03(A)(1).

R.C. 2743.02(A)(1) provides that “the [S]tate hereby waives its immunity from liability . . . and consents to be sued, and have its liability determined, in the court of claims created in this chapter in accordance with the same rules of law applicable to suits between private parties . . . .” Therefore, when a “cause of action involves a civil suit for money damages against the [S]tate, the Court of Claims has original, exclusive jurisdiction.” *Boggs v. State*, 8 Ohio St.3d 15, 17 (1983).

R.C. 2743.03(A)(2) provides that when a plaintiff files a civil action permitted by the waiver of immunity under R.C. 2743.02 and that plaintiff also files a claim for declaratory judgment, injunctive relief, or other equitable relief against the State, which arises out of the same circumstances, then the Court of Claims has exclusive, original jurisdiction to hear and determine those claims as well. Thus, “suits [against the State] involving both equitable and legal claims must be brought in the Court of Claims.” *Cirino v. Ohio Bur. of Workers’ Comp.*, 2018-Ohio-2665, ¶ 20.

Here, Arndts’s amended complaint contains various allegations against UC, an instrumentality of the State, and directly seeks monetary damages from UC, therefore Arndts’s cause of action falls within the exclusive, original jurisdiction of the Court of Claims. *See* R.C. 2743.02; *Boggs*. To the extent that Arndts’s complaint also seeks declaratory, injunctive, or other equitable relief, Arndts’s action still falls within the exclusive jurisdiction of the Court of Claims, because her equitable claims arise out of the same circumstances as her claims for monetary damages—namely the July 2021 incident at University of Cincinnati Medical Center involving UC police. *See* R.C. 2743.03(A)(2). Finally, Arndts’s allegations related to civil rights violations and her request for a jury trial do not change the underlying nature of her cause of action,

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which is a suit for money damages against a State instrumentality. *See Cirino* at ¶ 25, quoting *Lingo v. State*, 2014-Ohio-1052, ¶ 38 (“Regardless of how an action is labeled, the substance of the party’s arguments and the type of relief requested determine the nature of the action.”).

We determine that the trial court correctly dismissed Arndts’s complaint for lack of subject-matter jurisdiction. *See Collins v. Univ. of Cincinnati*, 3 Ohio App.3d 183, paragraph two of the syllabus (1st Dist. 1981) (“Exclusive, original jurisdiction to entertain suits against the [S]tate is vested in the Court of Claims, and any suit filed against a [S]tate university in a court other than the Court of Claims must be dismissed for lack of subject matter jurisdiction.”). Therefore, we overrule Arndts’s five assignments of error.

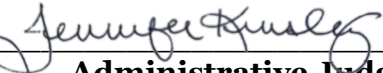
Having overruled all five of Arndts’s assignments of error, we affirm the trial court’s judgment dismissing her complaint for lack of subject-matter jurisdiction.

The court further orders that 1) a copy of this Judgment constitutes the mandate, 2) the mandate be sent to the trial court for execution under App.R. 27, and 3) costs shall be taxed under App.R. 24.

**NESTOR and MOORE, JJ.**, concur.

**To the clerk:**

**Enter upon the journal of the court on 11/5/2025 per order of the court.**

By:  \_\_\_\_\_  
**Administrative Judge**