[Cite as *Golden v. Milford Exempted Village School Dist. Bd. of Edn.*, 2011-Ohio-5355.]

IN THE COURT OF APPEALS

TWELFTH APPELLATE DISTRICT OF OHIO

CLERMONT COUNTY

JENNIFER GOLDEN, et al.,	:	
Plaintiffs-Appellants,	:	CASE NO. CA2010-11-092
	:	O P I N I O N
- vs -		10/17/2011
	:	
MILFORD EXEMPTED VILLAGE SCHOOL DISTRICT BOARD OF EDUCATION, et al.,	:	
	:	
Defendants-Appellees.		
	:	

CIVIL APPEAL FROM CLERMONT COUNTY COURT OF COMMON PLEAS
Case No. 2008 CVC 01156

Joseph J. Braun, Nicolas D. Wayne, The Federal Reserve Building, 150 East Fourth Street, Cincinnati, Ohio 45202, for plaintiffs-appellants, Jennifer Golden, Dennis Golden and "R," a minor

Bernard W. Wharton, R. Gary Winters, Provident Bank Building, Suite 900, 632 Vine Street, Cincinnati, Ohio 45202, for defendants-appellees, Milford Exempted Village School Board of Education and Thomas R. Kilgore

Mark Eckerson, One Crestview Drive, Milford, Ohio 45150, for Thomas Settles, Karen Settles and "T," a minor

PIPER, J.

{¶1} Plaintiffs-appellants, Jennifer and Dennis Golden and their minor son R., appeal the decision of the Clermont County Court of Common Pleas granting summary

judgment in favor of defendants-appellants, Milford Exempted School District Board of Education and Thomas Kilgore. We affirm the decision of the trial court.

{¶2} During the 2007-2008 school year, R. was a 14-year-old student-athlete at Milford High School (Milford), and was a player on the ninth-grade boys' basketball team. Kilgore was a physical education teacher at Milford and also the head coach of the ninth-grade boys' basketball team.

{¶3} Because gymnasium space was limited in the high school, the ninth-grade boys' basketball team was required to practice at available elementary schools in the district. After the school day, the boys on the basketball team would either collect their athletic gear or change their clothes in the boys' locker room. The team would then report to the "commons," which was a general gathering area in the high school where students could sit and wait for pick-up at the end of the day. The commons were monitored by a teacher.

{¶4} The basketball team would then board a school bus, which would transport them to the elementary school for practice. The bus ride was voluntary, and students could report directly to the elementary school for practice with their parents' permission. Because the bus ran at slightly different times, the team would leave the commons a few minutes before the bus' scheduled arrival time and wait in a vestibule area until it arrived. This vestibule area was comprised of the space between the entrance doors to the vestibule and another set of doors that actually led into the school. The vestibule was enclosed by a set of doors on the front and back, as well as glass windows on either side.

{¶5} From the time the team left the commons and boarded the bus, the students were not directly supervised. After school ended, and during the time that the team was changing and gathering gear and waiting in the commons, Kilgore was usually in his office doing work, and would then drive his own car to the elementary school for practice. Kilgore would meet the team when the students entered the elementary school from the bus, and

then hold practice. Parents then picked up the boys directly from the elementary school after practice was over.

{¶6} February 7, 2008, marked the final practice of the season. On that afternoon, the boys were gathering their equipment in the locker room, when one player, T., made comments that he was going to do something to make the other players not want to play basketball the next season. The players left the locker room and eventually made their way to the vestibule to wait for the bus. By the time R. arrived at the vestibule, the majority of the team was already there. Immediately upon his entrance, three boys, C., J., and T. approached R. and grabbed him. C. and J. pinned R.'s arms back and wrestled his legs down so that he could not move. When R. grabbed at J.'s shirt in attempt to free himself, J. punched R. in the side/stomach area. T. then exposed his penis, and rubbed it on R.'s face and tried to force it into R.'s mouth. After eventually freeing himself, R. ran from the vestibule, refused to board the bus, and told other players that he quit the team. The rest of the team boarded the bus, and arrived at the elementary school for practice.

{¶7} Once inside the high school, R. called his father, who told him to remain at the school. Dennis Golden arrived at the school and alerted several school personnel that some sort of incident had occurred. Eventually, Mark Trout, Milford's Athletic Director, was informed that an incident had occurred while the boys' basketball team was waiting to board the bus for practice. Trout called Kilgore on his cell phone to see if the boys arrived at the elementary school, and to inquire into the incident. Kilgore indicated that he was unaware of any incident, and that other boys had simply said that R. had missed the bus and later said that R. had quit the team.

{¶8} After he received Trout's call, Kilgore stopped practice and asked the players what had happened before they arrived at practice. However, the team did not relay details of the incident to Kilgore. Upon pressing the team further, C., J. and T. raised their hands

when Kilgore asked which boys were involved in the incident, but still did not offer any in-depth explanations.

{¶9} Back at the high school, Trout continued to investigate the issue, and found the Goldens speaking to the school's resource officer and the interim principal, Dr. Bauer. Soon after Trout arrived, a special investigator from the Miami Township Police Department arrived and interviewed R. and the Goldens. During that time, Trout reviewed the school's security cameras but was unable to see the incident.

{¶10} After gathering the initial information from R. and the Goldens, Dr. Bauer and the investigator went to the elementary school to interview C., J. and T. While they were en route, Trout called Kilgore and informed him that the investigator and principal were on their way to practice, and that the incident was more serious than had previously been anticipated. Kilgore pulled C., J. and T. aside and told them that their principal and a police investigator were on their way to practice, but the three boys did not divulge any details to Kilgore. After Dr. Bauer and the investigator arrived, they spoke to Kilgore and asked him what he knew regarding the incident. Kilgore told them that C., J. and T. had admitted their involvement, but would not give any other details regarding the incident. Dr. Bauer and the investigator then pulled the boys aside individually and interviewed them.

{¶11} The other members of the boys' basketball team were interviewed the next day. They all corroborated the details of the incident as stated above, and further indicated that T. had a history of "picking" on the other members of the basketball team. The interviews, as well as R.'s deposition, reveal a pattern of T.'s sexual and aggressive behavior toward the players on the basketball team. At various times during the season, several instances occurred in the locker room before and after practices or games. The boys described how T. would expose himself and tell the other boys to look at him while he was naked. T. also ran around while naked and attempted to hug other players, forced the other boys to kiss him

and hit them if they did not. He also kissed other boys on their cheek or on the back of the neck, and had rubbed his scrotum and penis on another boy's head and face.

{¶12} T. also routinely rubbed his sweaty compression/boxer shorts in the other players' faces and shoved his ankle braces into their faces and told the players to kiss his braces. T. also urinated into a player's shoe, spit into another's shoe, and then told each player he had done so once they had put on their shoes. Another incident occurred in which T. took another player's cell phone from his bag, placed it between the cheeks of his own buttocks and took a picture of it with his own phone. T. then sent the picture to the other player's phone and set it as the phone's wallpaper.

{¶13} These acts were in addition to T. pushing and shoving the players, and in addition to giving R. bloody noses during practice by elbowing him in the face. T. would also verbally accost other players, especially telling R. that he should "just quit" the basketball team and that R. was "basically worthless."

{¶14} After the interviews and investigations were completed, Milford took disciplinary actions against J., T., and C., and also canceled the ninth-grade basketball team's last game of the season. R. eventually returned to school in the days following the incident. The Goldens filed suit against T. and his parents, as well as against Kilgore and Milford for negligence per se, civil hazing, sexual harassment, negligent supervision, intentional infliction of emotional distress, and vicarious liability.

{¶15} The Goldens eventually settled their suit against T. and his parents, and Kilgore and Milord moved for judgment on the pleadings, claiming immunity under R.C. Chapter 2744. The trial court granted the motion with regard to negligence per se, sexual harassment, intentional infliction of emotional distress, and vicarious liability, but denied the

motion with regard to civil hazing and negligent supervision.[1] Milford and Kilgore eventually filed motions for summary judgment, and the trial court held a hearing on the matter. The trial court granted summary judgment in favor of Milford and Kilgore, and the Goldens now appeal that decision raising the following assignments of error.

{¶16} Assignment of Error No. 1:

{¶17} "THE TRIAL COURT ERRED IN GRANTING DEFENDANTS-APPELLEES' MOTION FOR SUMMARY JUDGMENT ON PLAINTIFFS-APPELLANTS' CLAIM FOR CIVIL HAZING UNDER R.C. §2307.44."

{¶18} The Goldens argue in their first assignment of error that the trial court erred in granting summary judgment regarding their claim for civil hazing.

{¶19} This court's review of a trial court's ruling on a summary judgment motion is de novo. *Broadnax v. Greene Credit Serv.* (1997), 118 Ohio App.3d 881, 887. Civ.R. 56 sets forth the summary judgment standard and requires that there be no genuine issues of material fact to be litigated, the moving party is entitled to judgment as a matter of law, and reasonable minds can come to only one conclusion being adverse to the nonmoving party. *Slowey v. Midland Acres, Inc.*, Fayette App. No. CA2007-08-030, 2008-Ohio-3077, ¶8. The moving party has the burden of demonstrating that there is no genuine issue of material fact. *Harless v. Willis Day Warehousing Co.* (1978), 54 Ohio St.2d 64.

{¶20} The nonmoving party "may not rest on the mere allegations of his pleading, but his response, by affidavit or as otherwise provided in Civ.R. 56, must set forth specific facts showing the existence of a genuine triable issue." *Mootispaw v. Eckstein*, 76 Ohio St.3d 383, 385, 1996-Ohio-389. A dispute of fact can be considered "material" if it affects the outcome

1. This court affirmed in part and reversed in part the trial court's decision regarding to what degree the defendants could claim immunity. *Golden v. Milford Exempted Village School Bd. of Edn., et al.*, Clermont App. No. CA2008-10-097, 2009-Ohio-3418.

of the litigation. *Myers v. Jamar Enterprises* (Dec. 10, 2001), Clermont App. No. CA2001-06-056, 2001 WL 1567352 at *2. A dispute of fact can be considered "genuine" if it is supported by substantial evidence that exceeds the allegations in the complaint. Id.

{¶21} According to R.C. 2307.44, "any person who is subjected to hazing, as defined in division (A) of section 2903.31 of the Revised Code, may commence a civil action for injury or damages, including mental and physical pain and suffering, that result from the hazing. The action may be brought against any participants in the hazing, any organization whose local or national directors, trustees, or officers authorized, requested, commanded, or tolerated the hazing, and any local or national director, trustee, or officer of the organization who authorized, requested, commanded, or tolerated the hazing. If the hazing involves students in a primary, secondary, or post-secondary school, university, college, or any other educational institution, an action may also be brought against any administrator, employee, or faculty member of the school, university, college, or other educational institution who knew or reasonably should have known of the hazing and who did not make reasonable attempts to prevent it and against the school, university, college, or other educational institution. If an administrator, employee, or faculty member is found liable in a civil action for hazing, then notwithstanding Chapter 2743. of the Revised Code, the school, university, college, or other educational institution that employed the administrator, employee, or faculty member may also be held liable. The negligence or consent of the plaintiff or any assumption of the risk by the plaintiff is not a defense to an action brought pursuant to this section."

{¶22} R.C. 2903.31(A) defines hazing as "doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person."

{¶23} Few Ohio courts have addressed civil hazing under the statute or have expounded upon the definition provided by the Ohio legislators. However, we are guided by

the definition provided in Ohio's Revised Code that hazing must be first an act of initiation and second, the act of initiation must be into a student organization. Inherent in this definition is a student's desire to join the student organization, and perhaps a willingness to consent to the hazing out of that desire to join. In a criminal law context, hazing is a strict liability crime and Ohio law bars consent as a defense because "initiates willingly subject themselves to acts in order to be accepted into a social or other group whose membership is voluntary." *Duitch v. Canton City Schools*, 157 Ohio App.3d 80, 2004-Ohio-2173, ¶24.

{¶24} In *Duitch*, the Fifth District Court of Appeals reviewed a trial court's grant of summary judgment in favor of a school district after a student filed suit under the civil hazing statute for injuries he sustained during a beating in the restroom of his high school as part of "Freshman Friday." The Fifth District reviewed the civil hazing statute, as well as case law from Ohio and other states, and concluded that initiates consent to hazing rituals out of their desire to join the student organization. The Fifth District concluded that "Freshman Friday" was a day upperclassmen bullied incoming freshman and that such behavior was not a consensual initiation into any specific student organization. The court also noted that the injured student "did not submit willingly to the activities and had he known what was planned, he probably would not have entered the restroom." Id. at ¶30. In affirming the trial court's decision, the Fifth District found, "that initiation into an organization implies that membership in the organization is voluntary, and that the victim has, through his or her actions or otherwise, consented to the hazing. This is the reason why the legislature chose to include language finding that negligence, consent, and assumption of the risk by the plaintiff are not defenses." Id. at ¶31. We find the analysis of the Fifth District persuasive, and applicable to the case at bar.

{¶25} After reviewing the record in a light most favorable to the Goldens, reasonable minds can come to but one conclusion, that the incident on February 7, 2008 was not an act

of civil hazing. Instead, the incident in the vestibule was the culmination of a disturbing series of repeated acts of bullying by T. toward R. The record is clear that T. had a history of "picking" on others, which included repeated aggressive and sexual behavior toward other players on the basketball team. As mentioned above, the boys described how T. would expose himself and tell the other boys to look at him while he was naked; run around while naked attempting to hug other players; force the other boys to kiss him and hit them if they did not; kiss the other boys on their cheek or on the back of the neck. He had also rubbed his scrotum and penis on another boy's head and face. T. also routinely rubbed his sweaty compression/boxer shorts in the other players' faces and shoved his ankle braces into their faces and told the players to kiss his braces. T. also urinated into a player's shoe and spit into another's, and also placed a player's phone between his own buttocks and took a picture of it.

{¶26} The acts described above were not designed to initiate the boys into the basketball team, or any other student organization, but instead were habitual acts of aggression toward other boys marked by T.'s abusive behavior. His use of force was to intimidate and dominate others. The record contains statements by the other boys that they would sometimes participate in T.'s acts so that they themselves were not the target. The boys did not indicate a design or intention to assist T. in initiating other boys. Other players stated that some boys were "picked on" more often than others, but the players never discussed T.'s aggression in terms of an "initiation" into the basketball team. Moreover, the players stated that they could not do anything about T.'s actions because he was larger than they were, and they could not overcome his physical presence.[2] These statements indicate that other members of the basketball team did not sanction T.'s acts, nor were any acts on

2. During his deposition, T. stated that he was 6 feet tall and weighed 278 pounds.

behalf of the basketball team, nor were they any part of an initiation process.

{¶27} The record is clear that R., or any of T.'s other victims, did not consent to the acts against them, or feel that the acts were a necessary ritual in order to be initiated into the basketball team. In fact, the boys heard T. state before the incident in the vestibule that he was going to do something to make the boys *not* want to play on the basketball team the next year. The vestibule incident resulted in R. quitting the team, on the last day of practice and one day before what was to be the final game of the season, and was therefore not an act of initiation into any student organization.

{¶28} We agree with the trial court's finding that the hazing statute is inapplicable to the case at bar and with the trial court's conclusion that; "there is no doubt that bullying is a societal problem, and more particularly as it relates to this case, a problem in our schools. While the court deplores the bullying conduct which has been described in this case, and which led to R. resigning from the team in order to escape the bullying, this does not give the court license to permit the use of the hazing statute as a remedy to allow recovery for such conduct, when bullying of this nature is clearly not the type of activity at which the hazing statute is directed. In this regard, the hazing statute is on its face not intended to address every form of violent and/or degrading activity which occurs in society. Instead, the application of the hazing statute is restricted to that conduct which is encompassed within the very precise definition of hazing which has been provided by the legislature."

{¶29} Because the evidence does not meet the statutory definition of hazing as it relates to R.C. 2307.44, Milford and Kilgore are entitled to judgment as a matter of law where reasonable minds could not differ as to whether the vestibule incident constituted an act of hazing. The Goldens' first assignment of error is overruled.

{¶30} Assignment of Error No. 2:

{¶31} "THE TRIAL COURT ERRED IN GRANTING DEFENDANT-APPELLEE

KILGORE'S MOTION FOR SUMMARY JUDGMENT ON THE CLAIM OF NEGLIGENT SUPERVISION."

{¶32} The Goldens argue in their second assignment of error that the trial court erred in granting summary judgment in favor of Kilgore regarding their claim of negligent supervision.

{¶33} "In order to establish an actionable claim of negligence, a plaintiff must prove that the defendant owed the plaintiff a duty, that the defendant breached that duty, that the plaintiff suffered harm and that the harm was proximately caused by the defendant's breach of duty." *Howard v. Kirkpatrick*, Fayette App. No. CA2008-11-040, 2009-Ohio-3686, ¶10, citing *Mussivand v. David* (1989), 45 Ohio St.3d 314, 318.

{¶34} According to R.C. 2744.02(A)(1), political subdivisions enjoy immunity for certain conduct unless certain exceptions exist. The Ohio Supreme Court has recognized a three-part test in order to establish whether immunity applies. *Cater v. Cleveland,* 83 Ohio St.3d 24, 27-28, 1998-Ohio-421. First, R.C. 2744.02(A) sets forth the general rule that a political subdivision is immune from tort liability for acts or omissions connected with governmental or proprietary functions. Second, R.C. 2744.02(B) lists five exceptions to the general immunity granted to political subdivisions under R.C. 2744.02(A). If the political subdivision's acts or omissions fall under one of these exceptions, then it is subject to liability. Finally, R.C. 2744.03(A) makes available several defenses that a political subdivision may assert if it is subject to liability under R.C. 2744.02(B). These defenses do not come into play unless liability first attaches under one of the exceptions in R.C. 2744.02(B).

{¶35} However, when determining whether an individual employee is immune, R.C. 2744.03(A)(6) governs, and states "the employee is immune from liability unless one of the following applies: (a) The employee's acts or omissions were manifestly outside the scope of the employee's employment or official responsibilities; (b) The employee's acts or omissions

were with malicious purpose, in bad faith, or in a wanton or reckless manner; (c) Civil liability is expressly imposed upon the employee by a section of the Revised Code."

{¶36} It is undisputed that Kilgore was head coach of the ninth-grade boys' basketball team at the time of the incident, and supervision of the players was within the scope of his official responsibilities as head coach. Therefore, section (a) is not applicable to the case at bar. Section (c) is also not applicable because the Revised Code does not expressly impose liability on Kilgore. Therefore, Kilgore is immune unless his acts or omissions were with malicious purpose, in bad faith, or in a wanton or reckless manner in accordance with section (b). The Goldens did not put forth any evidence that Kilgore's actions were with malicious purpose or in bad faith. Instead, the Goldens assert that Kilgore acted in a wanton or reckless manner in his failure to supervise the players.

{¶37} "An individual acts 'recklessly' when he 'does an act or intentionally fails to do an act which is in his duty to the other to do, knowing or having reason to know of facts which would lead a reasonable person to realize, not only that his conduct creates an unreasonable risk of recent physical harm to another, but also that such risk is substantially greater than that which is necessary to make his conduct negligent.'" *Johnson v. Baldrick*, Butler App.No. CA2007-01-013, 2008-Ohio-1794, ¶28, quoting *Hunter v. Columbus* (2000), 139 Ohio App.3d 962, 969, citing *Lipscomb v. Lewis* (1993), 85 Ohio App.3d 97, 102. "Distilled to its essence, and in the context of R.C. 2744.03(A)(6)(b), recklessness is a perverse disregard of a known risk. Recklessness, therefore, necessarily requires something more than mere negligence. In fact, the actor must be conscious that his conduct will in all probability result in injury." *O'Toole v. Denihan*, 118 Ohio St.3d 374, 2008-Ohio-2574, ¶73-74. (Internal citations omitted.) "Although the determination of recklessness is typically within the province of the jury, the standard for showing recklessness is high, so summary judgment can be appropriate in those instances where the individual's conduct does not demonstrate a

disposition to perversity." Id. at ¶75.

{¶38} "Wantonness is also described as a degree greater than negligence. Wanton misconduct is the failure to exercise any care whatsoever. Mere negligence is not converted into wanton misconduct unless the evidence establishes a disposition to perversity on the part of the tortfeasor. Such perversity must be under such conditions that the actor must be conscious that his conduct will in all probability result in injury." *Johnson*, 2008-Ohio-1794 at ¶29. (Internal citations omitted.)

{¶39} After reviewing the record and construing all evidence in a light most favorable to the Goldens, there are no genuine issues of material fact regarding whether Kilgore's conduct was wanton or reckless in his failure to supervise the players. The Goldens failed to produce any evidence that Kilgore perversely disregarded a known risk or was conscious that his failure to supervise the players would in all probability result in injury. Instead, R. testified that Kilgore was in his office in the boy's locker room when T. would act aggressively toward the players, and that he was unsure as to whether or not Kilgore witnessed any of T.'s aggressive acts. Kilgore testified that he never saw any of T.'s acts and was unaware that such activities were occurring. The Goldens did not present any evidence to contradict Kilgore's testimony that he was unaware of any known risk or was conscious that injury would result by not directly supervising T. at all times. Even if Kilgore was aware of some of T.'s acts of aggression such as giving R. a bloody nose during practice, the Goldens did not present any evidence that Kilgore knew that T. would perpetrate an incident such as what happened in the vestibule, and therefore failed to demonstrate that Kilgore perversely disregarded a known risk.

{¶40} The Goldens also failed to introduce any evidence that Kilgore acted in a wanton matter by failing to exercise any care whatsoever. The boys were directed to gather their equipment and meet in the commons until it was time to board the bus. During the time

that the boys were in the commons area, they were supervised by teachers. While Kilgore stated that he did not supervise the boys during the time they left the commons and waited in the vestibule, "school officials are under no duty to watch over each child at all times. * * * Unless a more specific obligation is assumed, such personnel are bound only under the common law to exercise that care necessary to avoid reasonably foreseeable injuries." *Spencer v. Lakeview School District*, Trumbull App. No. 2002-T-0175, 2004-Ohio-5303, ¶20.

{¶41} The record is clear that the vestibule incident was not foreseeable, and the Goldens failed to put forth any evidence that Kilgore had any reason to foresee that not staying with the boys in the vestibule would in all probability result in injury. There was no conscious disregard of injury to the boys while they waited. The boys had gone an entire basketball season of boarding the bus from the vestibule without incident. Further, the boys did not inform Kilgore of T.'s violent propensities or of any of his past acts of aggression. Kilgore was only informed of T.'s acts after the vestibule incident, and had no way of knowing that not supervising the team in the vestibule would result in what happened to R.

{¶42} Because the Goldens failed to produce any evidence that Kilgore acted in a wanton or reckless manner in his failure to supervise the players, Kilgore is immune from suit. The trial court's grant of summary judgment in favor of Kilgore was warranted, and the Golden's second assignment of error is overruled.

{¶43} Assignment of Error No. 3:

{¶44} "THE TRIAL COURT ERRED IN LIMITING THE SCOPE OF DISCOVERY APPELLANTS WERE PERMITTED TO UNDERTAKE IN THIS MATTER."

{¶45} The Goldens argue in their third assignment of error that the trial court erred in limiting their requests for discovery to Milford's past acts of hazing, rather than all of the past acts of bullying at the school.

{¶46} "The scope of the information that a party may discover is governed by Civ.R.

26(B)(1)." *Ward v. Summa Health System*, 128 Ohio St.3d 212, 2010-Ohio-6275, ¶10. Civ.R. 26(B)(1) states, "parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, electronically stored information, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the trial if the information sought *appears reasonably calculated to lead to the discovery of admissible evidence*." (Emphasis added.)

{¶47} "The test for relevancy under Civ.R. 26(B)(1) 'is much broader than the test to be utilized at trial. It is only irrelevant by the discovery test when the information sought will not reasonably lead to the discovery of admissible evidence.'" *Tschantz v. Ferguson* (1994), 97 Ohio App.3d 693, 715, quoting *Icenhower v. Icenhower* (Aug. 14, 1975), Franklin App. No. 75AP-93, 1975 WL 181668, *2. The decision whether to grant or deny the protective order is within the trial court's discretion, and will not be reversed absent an abuse of that discretion. *Vaught v. Cleveland Clinic Found.*, 98 Ohio St.3d 485, 2003-Ohio-2181, ¶13. An abuse of discretion occurs when the trial court's judgment is unreasonable, arbitrary or unconscionable. *Blakemore v. Blakemore* (1983), 5 Ohio St.3d 217, 219.

{¶48} After reviewing the record, we cannot say that the trial court abused its discretion in granting the protective order and limiting the Goldens' discovery to acts of hazing rather than acts of general violence and bullying. The information the Goldens sought regarding bullying and general violence was not reasonably calculated to lead to the discovery of admissible evidence because the statutory definition of hazing is distinct from acts of general violence and bullying in that the act must be one of initiation into a student

organization. Any evidence related to past acts of violence and bullying at Milford that were not specifically acts of hazing would not reasonably lead to admissible evidence and were therefore irrelevant to the Goldens' cause of action under the civil hazing statute.

{¶49} Having found that the trial court's decision was not an abuse of discretion, the Goldens' final assignment of error is overruled.

{¶50} Judgment affirmed.

HENDRICKSON, P.J., and HUTZEL, J., concur.