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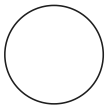
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Case Western lawsuit: Can university avoid liability for spray-painted protesters?

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Case Western lawsuit: Can university avoid liability for spray-painted protesters?

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By [David Gambino, cleveland.com](#)

CLEVELAND, Ohio — An Ohio appeals court is deciding whether Case Western Reserve University and its campus police can avoid liability in a lawsuit over protesters being spray-painted during pro-Palestinian demonstrations.

The case stems from a May 7, 2024 protest at the school's "Spirit Wall" mural where students had painted messages supporting Palestinians amid the war in Gaza. The next morning, contractors hired by the university arrived to cover the mural.

In an email, university President Eric Kaler cited "threatening" and "antisemitic" messages on a similar campus mural called the "Advocacy Wall," prompting the school to hire the contractors.

Three protesters — Ameer Alkayali, Weillin Fang and Kevin Kennelly — stood in front of the wall to block them. Video shows painters using industrial sprayers to coat the protesters with paint as campus police watched. The footage went viral and sparked outrage.

The slogans on the wall included, "I dream of breaking the siege" and "Come together in peace." According to the lawsuit, Fang and Kennelly are "current or former" Case students, while Alkayali's family owns a tea house near campus.



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Kaler apologized later that day and said he was "disturbed" by the incident. "No students — or any individuals — should ever be treated this way," he said in a statement.

The protesters sued in both Cuyahoga County Common Pleas Court and federal court, accusing the university and its officers of assault and battery and claiming their rights were violated. They say the officers authorized the painters to spray them and then failed to intervene.

The university argues it should be immune under Ohio law because its police department performs governmental functions similar to city police. Lawyers for Case also claim protesters assumed risk by standing in front of active painters despite warnings.

"The alleged facts demonstrate that [the protestors] intentionally created the circumstances giving rise to their claims by physically blocking 'obviously' active painters, while the defendants took steps to avoid a confrontation," the university's attorney, Carole Rendon, wrote in a court filing.

Rendon's filing identifies the involved officers as "former" campus police officers. A spokesperson for Case on Monday declined to elaborate on their employment status or otherwise comment on the lawsuit. Rendon did not immediately respond to media inquiries.

Peter Pattakos, an attorney for the demonstrators, blasted the school's position in a Dec. 19 social media post, calling it "absurd" and criticizing claims that protesters consented to being sprayed and that slogans were antisemitic.

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Common Pleas Judge Mollie Ann Murphy in November rejected Case's motion to dismiss, ruling that it was premature. The university promptly appealed that decision to the 8th Ohio District Court of Appeals.

The spray paint case is separate from a November 2024 [vandalism incident](#) that caused \$400,000 in damage to campus buildings. Eleven people were charged, but all later entered pretrial diversion programs and agreed to pay restitution to the university, court records show.

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For now, the appeals court will decide whether Case and its officers can avoid a civil trial altogether. The federal suit remains pending.



David Gambino



David Gambino is a court reporter for The Plain Dealer and cleveland.com. He joined the news outlet in 2025 after covering crime and justice for The Decatur Daily in Alabama. An Air Force veteran, he holds a...

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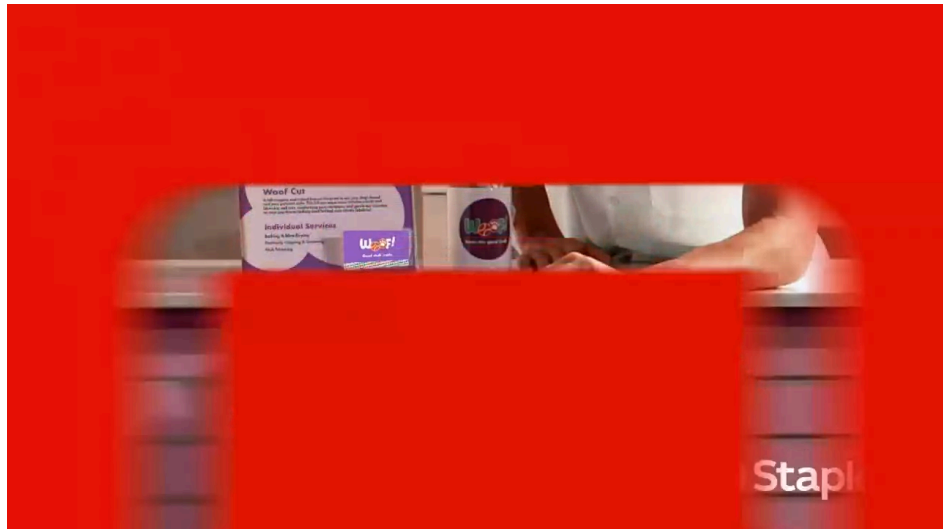
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