

FILED
LUCAS COUNTY

2008 NOV -7 P 3:45

COMMON PLEAS COURT
BERNIE QUILTER
CLERK OF COURTS

IN THE COMMON PLEAS COURT OF LUCAS COUNTY, OHIO

DAWN FORSYTHE
Individually and as next legal guardian of the
minors, Jocelyn Dopp and Kaitlyn Hammonds
160 Taylor Road.
Oregon, OH 43616

Plaintiffs,

v.

JULIA HAGER
2708 Starr Avenue
Oregon, Ohio 43616

and

ANNETTE HAGER
2708 Starr Avenue
Oregon, Ohio 43616

and

ALLSTATE INSURANCE CO.
280 Executive Parkway West
P.O. Box 337
Hudson, OH 44236

Defendants.

) Case No.: CI08 7830

) Judge Gary Cook

) **FIRST AMENDED COMPLAINT WITH**
) **JURY DEMAND**

) Charles E. Boyk (0000494)
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The Plaintiffs, by and through counsel, allege as follows:

FIRST CAUSE OF ACTION

For the first claim of relief against the Defendants, the Plaintiffs state:

1. The Plaintiffs are residents of Lucas County, Ohio.
2. Defendant JULIA HAGER is a resident of Oregon, Lucas County, Ohio.
3. Defendant ANNETTE HAGER is a resident of Oregon, Lucas County, Ohio.
4. Defendant Allstate Insurance Co. is an insurance company licensed to sell insurance in the State of Ohio, which issued a policy to Plaintiff DAWN FORSYTHE. The policy is not attached because it is not in the Plaintiffs' possession.
5. On or about August 24, 2007, Plaintiff DAWN FORSYTHE was proceeding through the intersection of Bogar and Genesee streets Oregon, Lucas County, Ohio, when the Defendant JULIA HAGER ran a stop sign striking the rear passenger side of plaintiff's vehicle. The Toledo Police were called to the scene and JULIA HAGER was cited for an operation at a stop sign violation.
6. Defendant JULIA HAGER owed a duty of care to DAWN FORSYTHE not to operate a vehicle in such a manner that may cause injury to her.
7. Defendant JULIA HAGER breached that duty of care by operating a vehicle in a dangerous and negligent way so as to injure the Plaintiff.
8. As a direct and proximate result of Defendant JULIA HAGER'S negligence, Plaintiff DAWN FORSYTHE sustained serious permanent personal injuries.

9. As a direct result of Defendant JULIA HAGER'S negligence, Plaintiff DAWN FORSYTHE sustained serious personal injuries to her back, neck, spine, arms, and entire body. Plaintiff DAWN FORSYTHE was required to undergo hospital and medical care; incurred hospital and medical care costs; incurred great pain, suffering, severe mental anguish, and emotional distress. Further, the Plaintiff believes that these injuries are permanent in nature and will require future medical care; future medical care costs and she will continue to endure great pain, suffering, mental anguish, and emotional distress.

SECOND CAUSE OF ACTION

For the second claim of relief against the Defendants, the Plaintiff states:

1. The Plaintiff incorporates by reference the allegations contained in the above paragraphs as though fully restated herein.
2. Defendant ANNETTE HAGER was the owner of the vehicle Defendant JULIA HAGER was driving at the time of the accident at issue.
3. Defendant ANNETTE HAGER entrusted the vehicle involved in the accident at issue to Defendant JULIA HAGER knowing either through actual knowledge or through knowledge implied or imputed from known facts and circumstances, that Defendant JULIA HAGER was an inexperienced, reckless, incompetent, or dangerous driver.

4. Defendant ANNETTE HAGER'S negligent entrustment of the vehicle to Defendant JULIA HAGER directly or indirectly caused the accident described above.
5. Defendant ANNETTE HAGER owed a duty to the Plaintiff not to negligently entrust a vehicle to an inexperienced, reckless, incompetent, or dangerous driver.
6. Defendant ANNETTE HAGER breached the duty of care by negligently entrusting the automobile to Defendant JULIA HAGER.
7. As a direct and proximate result of Defendant ANNETTE HAGER'S negligent entrustment, the Plaintiff has sustained serious permanent personal injuries.

THIRD CAUSE OF ACTION

For the third claim of relief against the Defendants, the Plaintiffs state:

8. The Plaintiffs incorporate by reference all of the above paragraphs as though fully restated herein.
9. Plaintiff Jocelyn Dopp, a minor, is the daughter of Plaintiff DAWN FORSYTHE.
10. Plaintiff Jocelyn Dopp states that as a result of the negligence of the Defendant, she has been deprived of the love, affection, services, consortium and society of her mother; and that the enjoyment and quality of life and her ability to carry on the normal activities of her daily life with her mother has been impaired.

FORTH CAUSE OF ACTION

For the fifth claim of relief against the Defendants, the Plaintiffs state:

11. Plaintiffs incorporate by reference the above paragraphs as if fully restated herein.
12. Plaintiff Kaitlyn Hammonds, a minor, is the daughter of Plaintiff DAWN FORSYTHE.
13. Plaintiff Kaitlyn Hammonds states that as a result of the negligence of the Defendant, she has been deprived of the love, affection, services, consortium and society of her mother; and that the enjoyment and quality of life and her ability to carry on the normal activities of her daily life with her mother has been impaired.

FIFTH CAUSE OF ACTION

For the sixth claim of relief against the Defendants, the Plaintiffs state:

14. Plaintiffs incorporate by reference the above paragraphs as if fully restated herein.
15. The vehicle that the Plaintiff was occupying was covered under a policy of insurance issued by the Defendant Allstate Farm Insurance Company to the Plaintiff. A copy of the policy is not attached because it is not in the possession of the Plaintiff.

16. The policy of insurance issued to the Plaintiff by the Defendant State Farm Insurance Company provided underinsured and uninsured coverage as well as medical payments coverage.

17. As a direct and proximate result of this accident, the Plaintiffs have incurred numerous medical expenses.

WHEREFORE, Plaintiffs pray that judgment be entered against the Defendants as follows:

1. On the FIRST CAUSE of action a judgment against Defendants in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00) together with interest, costs and reasonable attorney fees associated herewith.
2. On the SECOND cause of action a judgment against Defendants in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00) together with interest, costs and reasonable attorney fees associated herewith.
3. On the THIRD cause of action a judgment against Defendants in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00) together with interest, costs and reasonable attorney fees associated herewith.
4. On the FOURTH cause of action a judgment against Defendants in an amount in excess of Twenty-Five Thousand Dollars

(\$25,000.00) together with interest, costs and reasonable attorney fees associated herewith.

5. On the FIFTH cause of action a judgment against Defendants in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00) together with interest, costs and reasonable attorney fees associated herewith.

Respectfully submitted,



Charles E. Boyk
Attorney for Plaintiffs

JURY DEMAND

The Plaintiffs demand a trial by jury on all issues triable by right.

By  _____
Charles E. Boyk
Attorney for Plaintiff

PRAECIPE

TO THE CLERK:

Please serve the Defendants with a copy of Plaintiffs' First Amended Complaint by certified U.S. Mail, return receipt requested at the addresses listed in the caption.



Charles E. Boyk