

IN THE COMMON PLEAS COURT OF LUCAS COUNTY, OHIO

CYNTHIA GILL
627 Bronson
Toledo, OH 43608

Plaintiff ,

v.

LORAN MOORE
1353 Oak Hill Court, Apt. 84
Toledo, OH 43614

and

American Family Insurance
C/O Daniel Cook
550 Polaris Pkwy. STE 100
Westerville, Ohio 43082

Defendants.

) Case No.:

) Judge

) **COMPLAINT WITH JURY DEMAND**
) **AND ATTACHED DISCOVERY**
) **REQUESTS**

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The Plaintiff, by and through counsel, alleges as follows:

FIRST CAUSE OF ACTION

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

1. The Plaintiff resides in Toledo, Lucas County, Ohio.
2. Defendant LORAN MOORE, is a resident of Toledo, Lucas County, Ohio.
3. Defendant, AMERICAN FAMILY INSURANCE, is an insurance company licensed to sell insurance in the State of Ohio, which issued a policy to the driver and owners, West and Lawanda Bibbs of the vehicle in which, Plaintiff CYNTHIA GILL was a passenger. The policy is not attached because it is not in the Plaintiffs' possession.
4. On or about April 15, 2008, Plaintiff was traveling in a vehicle with the insured West and Lawanda Bibbs heading westbound Central avenue when a vehicle driven by defendant, LORAN MOORE heading eastbound on Central Avenue, went left of center and violently struck the vehicle driven and owned by West and Lawanda Bibbs. Defendant, LORAN MOORE fled the scene, until the tire fell off his car.
5. Plaintiff CYNTHIA GILL was a passenger in West and Lawanda Bibbs' vehicle.
6. Defendant LORAN MOORE owed a duty of care to CYNTHIA GILL not to operate a vehicle in such a manner that may cause injury to her.
7. Defendant LORAN MOORE 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 LORAN MOORE's negligence, Plaintiff CYNTHIA GILL sustained serious permanent personal injuries.

9. As a direct result of Defendant LORAN MOORE's negligence, Plaintiff CYNTHIA GILL sustained serious personal injuries to her back, and entire body. Plaintiff CYNTHIA GILL 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:

10. Plaintiffs incorporate by reference the above paragraphs as if fully restated herein.
11. Defendant LORAN MOORE was operating a vehicle while under the influence of alcohol at the time of the accident at issue in this Complaint.
12. The Toledo Police cited the Defendant for operating a vehicle under the influence of alcohol.
- 13 Defendant LORAN MOORE acted with actual malice, fraud and insult upon the Plaintiff and with willful, intentional, reckless, and wanton disregard for the rights of the Plaintiff.

14. Defendant LORAN MOORE's conduct was so extreme and outrageous as to go beyond the bounds of decency and was such that it can be considered utterly intolerable in a civilized community
15. The actions of Defendant LORAN MOORE were made with a dishonest purpose constituting conscious wrongdoing, breach of a known duty, ulterior self-serving motives, and ill will, all of which constitutes outrageous conduct to the detriment of the Plaintiff, who has been damaged, and has caused the Plaintiff great anguish, inconvenience, suffering and expense.
16. As a direct result of Defendant LORAN MOORE'S negligence, Plaintiff CYNTHIA GILL sustained serious personal injuries to her back, and entire body. Plaintiff CYNTHIA GILL 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.

THIRD CAUSE OF ACTION

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

Plaintiffs incorporate by reference the above paragraphs as if fully restated herein.

17. The vehicle that the Plaintiff was occupying was covered under a policy of insurance issued by the Defendant American Family Insurance Company to the West and Lawanda Bibbs. Plaintiff is covered as a passenger under the

policy provisions. A copy of the policy is not attached because it is not in the possession of the Plaintiff.

18. The policy of insurance issued to the Plaintiff by the Defendant American Family Insurance Company also provided underinsured and uninsured coverage as well as medical payments coverage for the Plaintiff as passenger in the vehicle driven by West Bibbs and owned by West and Lawanda Bibbs..

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

WHEREFORE, Plaintiff prays 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 for compensatory and punitive damages in an amount in excess of Twenty-Five Thousand Dollars (\$25,000).
3. On the THIRD CAUSE of action a judgment against the 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 Plaintiff

JURY DEMAND

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

By _____
Charles E. Boyk
Attorney for Plaintiff