

IN THE COMMON PLEAS COURT OF LUCAS COUNTY, OHIO

HUGH SMITH
1433 Rollins Road
Toledo, OH 43612

and

LUCHIANA SMITH
1433 Rollins Road
Toledo, OH 43612

Plaintiffs

v.

JAMIE MILLER
2211 Portsmouth
Toledo, OH 43613

and

JEFFREY MILLER
2239 Eastbrook Dr.
Toledo, OH 43613

Defendants

) Case No.:

) Judge

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

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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 Jamie Miller is a resident of Toledo, Lucas County, Ohio.
3. Defendant Jeffrey Miller is a resident of Toledo, Lucas County, Ohio.
4. On or about September 11, 2006, Plaintiff Hugh Smith was traveling eastbound on W. Bancroft St. in Lucas County, Ohio. Defendant Jamie Miller was traveling northbound out of a private drive and was attempting to turn left onto westbound W. Bancroft St. When Defendant Jamie Miller began to turn left, she struck Plaintiff's vehicle. The Toledo Police cited Ms. Miller for failure to give right of way from other street.
5. Defendant Jamie Miller owed a duty of care to Hugh Smith not to operate a vehicle in such a manner that may cause injury to him.
6. Defendant Jamie Miller breached that duty of care by operating a vehicle in a dangerous and negligent way so as to injure the Plaintiff.
7. As a direct and proximate result of Defendant Jamie Miller's negligence, Plaintiff Hugh Smith sustained serious permanent personal injuries.
8. As a direct result of Defendant Jamie Miller's negligence, Plaintiff Hugh Smith sustained serious personal injuries to his back, neck, feet and entire body. Plaintiff Hugh Smith 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 Plaintiffs state:

9. The Plaintiffs incorporate by reference all of the above paragraphs as though fully restated herein.
10. Plaintiff Luchiana Smith is the lawful spouse of Plaintiff Hugh Smith. Plaintiff Luchiana Smith states that as a result of the negligence of Defendant Jamie Miller, she has been deprived of the love, affection, services, consortium, and society of her spouse, Plaintiff Hugh Smith; and that the enjoyment and quality of life and her ability to carry on the normal activities of her daily life with her spouse have been impaired.

THIRD CAUSE OF ACTION

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

11. Plaintiffs incorporate by reference the above paragraphs as if fully restated herein.
12. Defendant Jeffrey Miller was the owner of the vehicle Defendant Jamie Miller was driving at the time of the accident at issue.
13. Defendant Jeffrey Miller entrusted the vehicle involved in the accident at issue to Defendant Jamie Miller knowing either through actual knowledge or through knowledge implied or imputed from known facts and circumstances, that Defendant Jamie Miller was an inexperienced, reckless, incompetent, or dangerous driver.

14. Defendant Jeffrey Miller's negligent entrustment of the vehicle to Defendant Jamie Miller directly or indirectly caused the accident described above.
15. Defendant Jeffrey Miller owed a duty to the Plaintiffs not to negligently entrust a vehicle to an inexperienced, reckless, incompetent, or dangerous driver.
16. Defendant Jeffrey Miller breached the duty of care by negligently entrusting the automobile to Defendant Jamie Miller.
17. As a direct and proximate result of Defendant Jeffrey Miller's negligent entrustment, the Plaintiffs have sustained serious permanent personal injuries.

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.

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