

IN THE COMMON PLEAS COURT OF LUCAS COUNTY, OHIO

GAIL SWAN
1981 Lehman
Toledo, OH 43611

Plaintiff

v.

ROMAN MICHALSKI
2837 Emmick Dr.
Toledo, OH 43606

and

JOHN DOE

Defendants

) Case No.:

)

) Judge

)

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

)

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) Attorney for Plaintiff

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

FIRST CAUSE OF ACTION

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

1. The Plaintiff is a resident of Lucas County, Ohio.
2. Defendant Roman Michalski is a resident of Toledo, Lucas County, Ohio.
3. Defendant John Doe, whose name could not be discovered by the plaintiff.

4. On or about February 2, 2008 Plaintiff Gail Swan was a passenger in a vehicle being driven by Jason Deamicis who is not named as a defendant in this action. Mr. Deamicis and Plaintiff Gail Swan were sitting in their vehicle in a parking lot located at 4558 Monroe St. when they were struck from behind by a 2002 Jeep Liberty.
5. Defendant John Doe was the driver of the 2002 Jeep Liberty that struck the vehicle Plaintiff Gail Swan was a passenger in.
6. Defendant John Doe owed a duty of care to Gail Swan not to operate a vehicle in such a manner that may cause injury to her.
7. Defendant John Doe 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 John Doe's negligence, Plaintiff Gail Swan sustained serious permanent personal injuries.
9. As a direct result of Defendant John Doe's negligence, Plaintiff Gail Swan sustained serious personal injuries to her neck, back, shoulder and entire body. Plaintiff Gail Swan 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 he 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 state:

10. Plaintiff incorporate by reference the above paragraphs as if fully restated herein.
11. Defendant Roman Michalski was the owner of the vehicle Defendant John Doe was driving at the time of the accident at issue.
12. Defendant Roman Michalski entrusted the vehicle involved in the accident at issue to Defendant John Doe knowing either through actual knowledge or through knowledge implied or imputed from known facts and circumstances, that Defendant John Doe was an inexperienced, reckless, incompetent, or dangerous driver.
13. Defendant Roman Michalski's negligent entrustment of the vehicle to Defendant John Doe directly or indirectly caused the accident described above.
14. Defendant Roman Michalski owed a duty to the Plaintiff not to negligently entrust a vehicle to an inexperienced, reckless, incompetent, or dangerous driver.
15. Defendant Roman Michalski breached the duty of care by negligently entrusting the automobile to Defendant John Doe.
16. As a direct and proximate result of Defendant Roman Michalski's negligent entrustment, the Plaintiff has sustained serious permanent personal injuries.

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 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.

Respectfully submitted,

Charles E. Boyk
Attorney for Plaintiff

PRAECIPE

TO THE CLERK:

Please serve defendants John Doe personally with summons (indicating ‘name unknown’) and complaint.

Charles E. Boyk
Attorney for Plaintiff