

**IN THE COMMON PLEAS COURT OF HANCOCK COUNTY, OHIO**

NANCY CAIN legally appointed guardian  
on behalf of the minor HANNAH CAIN  
7824 TR 89  
Findlay, OH 45840

and

NANCY CAIN  
7824 TR 89  
Findlay, OH 45840

and

MELVIN CAIN  
7824 TR 89  
Findlay, OH 45840

Plaintiffs,

v.

DEBORAH SALOMONSON  
10257 Parkwood Drive  
Findlay, OH 45840

and

AIG AGENCY AUTO INSURANCE CO., INC.  
C/O LIZ EVANS  
2700 Stanley Gault Pkwy, STE 101  
Louisville, KY 40223

Defendants.

) Case No.: 2009 CV 00492

) Judge Routson

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

) Charles E. Boyk (0000494)

) Dale R. Emch (0080004)

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) Attorneys for Plaintiff

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 Nancy Cain, legally appointed guardian on behalf of the minor, Hannah Cain, resides in Findlay, Hancock County, Ohio.
2. Defendant Deborah Salomonson, is a resident of Findlay, Hancock County, Ohio.
3. Defendant AIG Agency Auto Insurance Co., Inc. is an insurance company licensed to sell insurance in the State of Ohio, which issued a policy to the driver of the vehicle, Plaintiff Melvin Cain, in which Plaintiff Hannah Cain was a passenger, and that was struck by the Defendant in this action. The policy is not attached because it is not in the Plaintiffs' possession.
4. On or about December 1, 2007, Defendant Deborah Salomonson was traveling eastbound on State Route 12 in Liberty, Hancock County Ohio when she failed to control her vehicle. Her vehicle crossed over the center lane onto the westbound lane where she struck a vehicle driven by Plaintiff Melvin Cain in which the Plaintiff, Hannah Cain was a passenger. The Hancock County Sheriff was called to the scene where they cited Deborah Salomonson for operating a motor vehicle without reasonable control of the vehicle.
5. Defendant Deborah Salomonson owed a duty of care to Plaintiff Hannah Cain not to operate a vehicle in such a manner that may cause injury to her.
6. Defendant Deborah Salomonson breached that duty of care by operating a vehicle in a dangerous and negligent way so as to injure the Plaintiff Hannah Cain.

7. As a direct and proximate result of Defendant Deborah Salomonson's negligence, Plaintiff Hannah Cain sustained serious permanent personal injuries.
8. As a direct result of Defendant Deborah Salomonson's negligence, Plaintiff Hannah Cain sustained serious personal injuries to her right arm, face, and entire body. Plaintiff Hannah Cain 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:

9. The Plaintiff incorporates by reference all of the above paragraphs as though fully restated herein.
10. The vehicle that the Plaintiff Hannah Cain was occupying was covered under a policy of insurance issued by the Defendant AIG Agency Auto Insurance Co., Inc. to the driver, Plaintiff Melvin Cain. The policy is not attached because it is not in the Plaintiffs' possession.
11. The policy of insurance issued to Plaintiff Melvin Cain by the Defendant AIG Agency Auto Insurance Co., Inc. provided underinsured and uninsured coverage as well as medical payments coverage.
12. As a direct and proximate result of this accident, the Plaintiff Hannah Cain has incurred numerous medical expenses.

### **THIRD CAUSE OF ACTION**

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

13. Plaintiffs incorporate by reference the above paragraphs as if fully restated herein.
14. Plaintiff Nancy Cain, is the mother of Plaintiff Hannah Cain, a minor.
15. Plaintiff Nancy Cain 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 daughter and that the enjoyment and quality of life and her ability to carry on the normal activities of her daily life with her daughter has been impaired.
16. At all times relevant herein, Plaintiff Nancy Cain has been the wife of Plaintiff Melvin Cain.
17. As a direct and proximate result of the negligence of Defendant as set forth above, Nancy Cain has lost the services, society, companionship, comfort, sexual relations, love and solace of Plaintiff, Melvin Cain, and will continue to lose same in the future due to the permanent nature of his injuries.
18. As a direct and proximate result of the negligence of Defendant, Plaintiff Nancy Cain sustained serious permanent personal injuries.
19. As a direct result of the Defendant's negligence, Plaintiff Nancy Cain sustained injury to her head, neck, back, as well as other body parts. Plaintiff Nancy Cain was required to undergo medical care, incurred medical care costs; suffered great pain and suffering, and severe mental anguish, emotional distress, as well as lost wages. Further, the Plaintiff believes that her 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.

#### **FOURTH CAUSE OF ACTION**

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

20. Plaintiffs incorporate by reference the above paragraphs as if fully restated herein.
21. Plaintiff Melvin Cain, is the father of Plaintiff Hannah Cain, a minor.
22. Plaintiff Melvin Cain states that as a result of the negligence of the Defendant, he has been deprived of the love, affection, services, consortium and society of his daughter; and that the enjoyment and quality of life and his ability to carry on the normal activities of his daily life with his daughter has been impaired.
23. At all times relevant herein, Plaintiff Melvin Cain has been the husband of Plaintiff Nancy Cain.
24. As a direct and proximate result of the negligence of Defendant as set forth above, Melvin Cain has lost the services, society, companionship, comfort, sexual relations, love and solace of Plaintiff, Nancy Cain, and will continue to lose same in the future due to the permanent nature of his injuries.
25. As a direct and proximate result of the negligence of Defendant, Plaintiff Melvin Cain sustained serious permanent personal injuries.
26. As a direct result of the Defendant's negligence, Plaintiff Melvin Cain sustained injury to his head, neck, back, as well as other body parts. Plaintiff Melvin Cain was required to undergo medical care, incurred medical care costs; suffered great pain and suffering, and severe mental anguish, emotional distress, as well as lost wages. Further, the Plaintiff believes that his 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.

**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 declaratory judgment to determine the Plaintiffs' rights and the Defendant AIG Agency Auto Insurance Co., Inc.'s responsibility under the uninsured/underinsured motorist coverage and medical payments, together with interest, costs and reasonable attorney fees associated with this action.
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.

Respectfully submitted,

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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 Plaintiffs