

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

LINDA GREENE  
1520 Connell Avenue  
Findlay, OH 45840

and

RICHARD GREENE  
1520 Connell Avenue  
Findlay, OH 45840

Plaintiffs

v.

ANDREW SPIKES  
129 W. Lincoln Street  
Findlay, OH 45840

and

TROY SPIKES  
129 W. Lincoln Street  
Findlay, OH 45840

and

) Case No.:

)

) Judge

)

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

)

) Charles E. Boyk (0000494)  
) *Charles E. Boyk Law Offices, LLC*  
) 405 Madison Ave., Ste 1200  
) Toledo, Ohio 43604  
) Telephone: (419) 241-1395  
) Facsimile: (419) 241-8731  
) boykdiscovery@gmail.com

)

) Attorney for Plaintiff

)

)

)

)

)

)

JOHN DOE

Defendants.

Plaintiff, by and through counsel, alleges as follows:

**FIRST CAUSE OF ACTION**

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

1. The Plaintiffs resides in Findlay, Hancock County, Ohio.
2. The Defendant Andrew Spikes resides in Findlay, Hancock County, Ohio.
3. The Defendant Troy Spikes resides in Findlay, Hancock County, Ohio.
4. On or about December 8, 2007, Plaintiff Linda Greene was a driver in a vehicle heading eastbound in the left turn lane of Tiffin Avenue. Ms. Greene was stopped in traffic on Tiffin waiting for a red light. Stopped behind Ms. Greene was a vehicle driven by Susan Warrington, who is not named as a defendant in this case. The Defendant Andrew Spikes, who was traveling eastbound on Tiffin Avenue failed to stop for the red light and struck the rear of the vehicle driven by Ms. Warrington. The force of this impact caused the vehicle driven by Ms. Warrington to rear end Linda Greene's vehicle. The Findlay Police cited Defendant Andrew Spikes for assured clear distance and speeding.
5. Defendant Andrew Spikes owed a duty of care to Plaintiff Linda Greene not to operate a vehicle in such a manner that may injure her.
6. Defendant Andrew Spikes breached that duty of care by operating his vehicle in a dangerous and negligent way so as to injure the Plaintiff.

7. As a direct and proximate result of Defendant Andrew Spikes's negligence, Plaintiff Linda Greene sustained serious permanent personal injuries.
8. As a direct result of Defendant Andrew Spikes's negligence, Plaintiff Linda Greene sustained serious personal injuries to her neck, back and entire body. Plaintiff Linda Greene was required to undergo hospital and medical care; incurred hospital and medical care costs; incurred great pain, suffering, mental anguish, and emotional distress. Further, the Plaintiff believes that her 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 states:

9. The Plaintiff incorporates by reference the allegations contained in the above paragraphs as though fully restated herein.
10. Defendant Troy Spikes was the owner of the vehicle Defendant Andrew Spikes was driving at the time of the accident at issue.
11. Defendant Troy Spikes entrusted the vehicle involved in the accident at issue to Defendant Andrew Spikes knowing either through actual knowledge or through knowledge implied or imputed from known facts and circumstances, that Defendant Andrew Spikes was an inexperienced, reckless, incompetent, or dangerous driver.
12. Defendant Troy Spikes's negligent entrustment of the vehicle to Defendant Troy Spikes directly or indirectly caused the accident described above.

13. Defendant Troy Spikes owed a duty to the Plaintiff not to negligently entrust a vehicle to an inexperienced, reckless, incompetent, or dangerous driver.
14. Defendant Troy Spikes breached the duty of care by negligently entrusting the automobile to Defendant Andrew Spikes.
15. As a direct and proximate result of Defendant Troy Spikes'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:

16. Plaintiffs incorporate by reference the above paragraphs as if fully restated herein.
17. Defendant John Doe, whose name could not be discovered by the Plaintiff.
18. Defendant John Doe's negligent conduct proximately caused the serious personal injuries and damages to the plaintiff as addressed above in this complaint.

### **FOURTH CAUSE OF ACTION**

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

19. Plaintiffs incorporate by reference the above paragraphs as if fully restated herein.
20. Plaintiff Richard Greene is the lawful spouse of Plaintiff Linda Greene. Plaintiff Richard Greene states that as a result of the negligence of Defendants, he has been deprived of the love, affection, services, consortium, and society of his spouse, Linda Greene; and that the enjoyment

and quality of life and his ability to carry on the normal activities of his daily life with his spouse have been impaired.

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

\_\_\_\_\_  
Charles E. Boyk  
Attorney for Plaintiff

**JURY DEMAND**

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

By\_\_\_\_\_  
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