

IN THE COMMON PLEAS COURT OF LUCAS COUNTY, OHIO

PEGGY R. HERWAT
5946 Buchanan
Toledo, OH 43623

and

KENNETH HERWAT
5946 Buchanan
Toledo, OH 43623

Plaintiffs,

v.

RONALD WARREN EFF, JR.
3251 Linda Ln.
Lambertville, MI 48144

Defendant.

) Case No.: CI09 3376
)
) Judge Gene A. Zmuda
)
) **FIRST AMENDED COMPLAINT WITH**
) **JURY DEMAND AND ATTACHED**
) **DISCOVERY REQUESTS**
)
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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 Plaintiffs are residents of Lucas County, Ohio.
2. Defendant Ronald Warren Eff, Jr. is a resident of Lambertville, Monroe County, Michigan.

3. On or about April 4, 2008 Plaintiff Peggy R. Herwat was traveling on Gay street attempting to make a right turn onto Alexis Road in Toledo, Lucas County, Ohio. As she waited to make the turn, her vehicle was stuck from the side by a vehicle driven by Jessica Curtis, who is not named as a party to this case. Ms. Curtis' vehicle was stuck from the side by Defendant Ronald Warren Eff, Jr., who was traveling eastbound on Alexis. Defendant Ronald Warren Eff, Jr. struck Ms. Curtis' vehicle, forcing it into Plaintiff Peggy Herwat's vehicle. From the impact of the collision, Plaintiff's vehicle was pushed up onto the curb and stuck a telephone pole. The Toledo Police cited Mr. Eff for failure to observe the red light violation.
4. Defendant Ronald Warren Eff, Jr. owed a duty of care to Peggy R. Herwat not to operate a vehicle in such a manner that may cause injury to her.
5. Defendant Ronald Warren Eff, Jr. breached that duty of care by operating a vehicle in a dangerous and negligent way so as to injure the Plaintiff.
6. As a direct and proximate result of Defendant Ronald Warren Eff, Jr.'s negligence, Plaintiff Peggy R. Herwat sustained serious permanent personal injuries.
7. As a direct result of Defendant Ronald Warren Eff, Jr.'s negligence, Plaintiff Peggy R. Herwat sustained serious personal injuries to her neck, hip, back, arm, shoulder and entire body. Plaintiff Peggy R. Herwat 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:

8. The Plaintiffs incorporate by reference all of the above paragraphs as though fully restated herein.
9. Plaintiff Kenneth Herwat is the lawful spouse of Plaintiff Peggy Herwat. Plaintiff Kenneth Herwat states that as a result of the negligence of Defendant Ronald Warren Eff, Jr., he has been deprived of the love, affection, services, consortium, and society of his spouse, Plaintiff Peggy Herwat; 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, Plaintiff 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.

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