

IN THE COMMON PLEAS COURT OF FULTON COUNTY, OHIO

DIANA FRY

Individually and as next legal guardian of the
minor Christopher Marinski, Jr.
5726 Elmer Dr.
Toledo, OH 43615

and

GERALD BEACH

Individually and as next legal guardian of the
minors Tyler Beach and Rylie Beach
7660 Hudson Road
Pittsford, MI 49271

Plaintiffs

v.

AARON JUMP

5122 Brandon Road
Toledo, OH 43615

GEICO GENERAL INSURANCE CO.

C/O Kimberly Whalen, Adjuster
One Geico Center
Macon, GA 31296-0001

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. Plaintiff Diana Fry resides in Toledo, Lucas County, Ohio. She is the legal guardian of Christopher Marinski, Jr., a minor.
2. Plaintiff Gerald Beach resides in Pittsford, Michigan. He is the legal guardian of Tyler Beach and Rylie Beach, who are both minors.
3. Defendant Aaron Jump resides in Toledo, Lucas County, Ohio.
4. Defendant GEICO General Insurance Co. (hereafter "GEICO") is an insurance company licensed to sell insurance in the state of Ohio. GEICO issued a policy that contained uninsured/underinsured coverage to Plaintiff Diana Fry. The policy is not attached because it is not in the Plaintiffs' possession.
5. On or about November 3, 2007, the minors Christopher Marinski, Jr., Tyler Beach, and Rylie Beach Plaintiff were passengers in a vehicle driven by Defendant Aaron Jump. Defendant Jump was driving westbound on County Road L in Fulton County, Ohio, when he failed to stop for a stop sign and struck a vehicle that was traveling northbound on Ohio State Route 64 with the right-of-way. The Ohio Highway Patrol determined that Defendant Jump caused the accident by failing to yield at the stop sign.
6. Defendant Aaron Jump owed a duty of care to Christopher Marinski, Tyler Beach, and Rylie Beach not to operate a vehicle in such a manner that may cause injury to them.

7. Defendant Aaron Jump breached that duty of care by operating a vehicle in a dangerous and negligent way so as to injure Christopher Marinski, Tyler Beach, and Rylie Beach.
8. As a direct and proximate result of Defendant Aaron Jump's negligence, Christopher Marinski sustained serious permanent personal injuries to his left leg, left arm, hips, and entire body. Christopher Marinski 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 Christopher Marinski 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. As a direct and proximate result of Defendant Aaron Jump's negligence, Tyler Beach sustained serious permanent personal injuries to his head, mouth, clavicle, and entire body. Tyler Beach 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 Tyler Beach

will continue to endure great pain, suffering, mental anguish, and emotional distress.

THIRD CAUSE OF ACTION

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

1. The Plaintiffs incorporate by reference all of the above paragraphs as though fully restated herein.
2. As a direct and proximate result of Defendant Aaron Jump's negligence, Rylie Beach sustained serious permanent personal injuries to his foot, toe, and entire body. Rylie Beach 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 Rylie Beach 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:

3. Plaintiffs incorporate by reference the above paragraphs as if fully restated herein.
4. Plaintiff Diana Fry is the legal guardian and grandmother of Christopher Marinski, a minor.
5. Plaintiff Diana Fry states that as a result of the negligence of Aaron Jump, she has been deprived of the love, affection, services, consortium and society of Christopher Marinski; and that the enjoyment and quality of life

and her ability to carry on the normal activities of her daily life with Christopher Marinski has been impaired.

FIFTH CAUSE OF ACTION

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

1. Plaintiffs incorporate by reference the above paragraphs as if fully restated herein.
2. Plaintiff Gerald Beach is the legal guardian and grandfather of Tyler and Rylie Beach, who are both minors.
3. Plaintiff Gerald Beach states that as a result of the negligence of Aaron Jump, he has been deprived of the love, affection, services, consortium and society of Tyler and Rylie Beach; and that the enjoyment and quality of life and his ability to carry on the normal activities of his daily life with Tyler and Rylie Beach has been impaired.

SIXTH CAUSE OF ACTION

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

4. Plaintiffs incorporate by reference the above paragraphs as if fully restated herein.
5. Defendant GEICO issued a policy of insurance to Plaintiff Diana Fry that provided coverage for accidents caused by uninsured and underinsured drivers, as well as for medical payments. That policy covered Christopher Marinski, who is under the legal guardianship of Plaintiff Diana Fry. A copy of the policy is not attached because it is not in the possession of the Plaintiff.

6. As a direct and proximate result of this accident, Christopher Marinski incurred numerous personal injuries and related medical expenses.

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.
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.
5. On the FIFTH 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.

6. On the SIXTH cause of action a declaratory judgment to determine the Plaintiffs' rights and the Defendant GEICO General Insurance Company's responsibility under the uninsured/underinsured motorist coverage and medical payments provisions of the policy issued to the Plaintiffs, together with interest, costs and reasonable attorney fees associated with this action.

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