

IN THE COMMON PLEAS COURT OF LUCAS COUNTY, OHIO

**RUBEN MARTINEZ, Individually and  
as the parent and next friend of minor,  
Delacianna Martinez** ) Case No.: CI 07 1526  
3320 Arlington Ave. Apt. 1 )  
Toledo, Ohio 43614 ) Judge: Charles Doneghy  
) **SECOND AMENDED COMPLAINT**  
) **WITH JURY DEMAND**  
And )  
) Michael A. Bruno (0033780)  
**ALYCIA A. SPEIKER, Individually and** ) *Charles E. Boyk Law Offices, LLC*  
**as the parent and next friend of minor,** ) 405 Madison Avenue  
**Delacianna Martinez** ) Suite 1200  
3320 Arlington Ave. Apt. 1 ) Toledo, Ohio 43604  
Toledo, Ohio 43614 ) Telephone: (419) 241-1395  
) Facsimile: (419) 241-8731  
Plaintiffs, ) mbruno@charlesboyk-law.com  
) Attorneys for Plaintiffs  
-vs- )  
)  
**TOLEDO AREA REGIONAL TRANSIT** )  
**AUTHORITY** )  
1127 West Central Avenue )  
Toledo, Ohio 43610 )  
And  

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**BOBBY LUCAS**  
6201 Garden Road  
G 120  
Maumee, Ohio 43537

Defendants.

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Now come Plaintiffs, by and through counsel, and for their complaint against the Defendants alleges as follows:

**FIRST CAUSE OF ACTION**

1. The Plaintiffs are resident of Toledo, Lucas County, Ohio.
2. The Defendant, Toledo Area Regional Transit Authority (hereafter TARTA) is a business in the City of Toledo, Lucas County, Ohio.
3. The Defendant, Bobby Lucas is a resident of Maumee, Lucas County, Ohio.
4. On or about August 9, 2006, Plaintiff was stopped at a traffic light at the intersection of Maumee and South Street, in Toledo, Lucas County, Ohio when a TARTA bus driven by Defendant Bobby Lucas struck plaintiff's vehicle.
5. As a direct result of Defendant Lucas' negligence Plaintiff suffered personal injuries to his head, neck, back, and entire body. Plaintiff was required to

undergo medical care; incurred medical care costs; incurred great pain, suffering, severe mental anguish and emotional distress.

6. Upon information and belief, Defendant Lucas was employed by Defendant TARTA at the time of the crash and was in the course and scope of his employment at the time.
7. Defendant TARTA is responsible for the actions of its employee during the course and scope of Defendant Lucas' employment under the doctrine of respondeat superior.
8. As a direct and proximate result of the Defendant Lucas' negligence and under the doctrine of respondeat superior as to Defendant TARTA, the Plaintiff sustained serious permanent personal injuries to his head, neck, back, and entire body. Plaintiff was required to undergo hospital and medical care; incurred hospital and medical care costs continues to incur medical care costs; suffered great pain, suffering, severe mental anguish and emotional distress. Further, 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, severe mental anguish and emotional distress.

## SECOND CAUSE OF ACTION

For the second claim of relief against the Defendant, the Plaintiffs state:

- 9 Plaintiffs incorporate by reference the allegations contained in paragraphs one through eight as though fully restated herein.
- 10 Plaintiffs Ruben Martinez, as father of Delaciana Martinez and Alycia A. Speiker, as mother of Delaciana Marttinez, state that as a direct and proximate result of Defendant's negligence, Defendant owed the duty of care to Plaintiff Delaciana Martinez to operate the vehicle in a safe manner so as not to cause harm to the Plaintiff.
- 11 Plaintiff Ruben Martinez, as father of Delaciana Martinez and Alycia A. Speiker, as mother of Delaciana, state that as a direct and proximate result of Defendant's negligence, Defendant breached that duty of care by operating a motor vehicle in a negligent manner so as to injure Plaintiff Delaciana Martinez.
- 12 Plaintiff Ruben Martinez, as father of Delaciana Martinez and Alycia A. Speiker, as mother of Delaciana Martinez, state that as a direct and proximate result of Defendant's negligence, Plaintiff Delaciana Martinez sustained serious permanent personal injuries to her person requiring medical care and attention.

13 Plaintiff Ruben Martinez, as father of Delaciana Martinez and Alycia A. Speiker, as mother of Delaciana Martinez, state that as a direct and proximate result of Defendant's negligence, Plaintiff Delaciana Martinez incurred medical bills, great pain, suffering, and severe mental anguish and emotional distress.

14 Plaintiff Ruben Martinez, as father of Delaciana Martinez and Alycia A. Speiker, as mother of Delaciana Martinez, state that as a direct and proximate result of Defendant's negligence, Plaintiff Delaciana Martinez believes that her injuries are permanent in nature and that she will require future medical care and incur future medical care costs and that she will continue to endure great pain, suffering, mental anguish and emotional distress.

### **THIRD CAUSE OF ACTION**

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

15. Plaintiffs incorporate by reference the allegations contained in paragraphs one through fourteen as though fully restated herein.

16. As a result of the negligence of Defendant, Plaintiffs Ruben Martinez and Alycia A. Speiker, as co-owners of the vehicle involved in said collision, incurred damages to the vehicle, towing charges, storage fees and rental expenses.

**WHEREFORE** Plaintiffs pray that judgment be entered against the defendants, jointly and severally in an amount that exceeds \$25,000.00 together with interest, costs and reasonable attorney fees associated with this action.

Respectfully submitted,

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Michael A. Bruno  
Attorney for Plaintiff

**JURY DEMAND**

Now comes the Plaintiff and demands a jury on all issues triable by right before a jury.

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Michael A. Bruno  
Attorney for Plaintiffs