

IN THE COMMON PLEAS COURT OF WOOD COUNTY, OHIO

JAMIE VERBRYKE
Individually and as next legal guardian of the
minors, Allyssa and Cameron
7390 Starcrest Rd
Perrysburg, OH 43551

and

JOSHUA VERBRYKE
7390 Starcrest Rd
Perrysburg, OH 43551

Plaintiffs,

v.

MARK EDWARD VAN KOUGHNET
32314 Pierce
Garden City, Michigan 48135

Defendant.

) Case No.:

)
) Judge

) **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 Wood County, Ohio.

2. Defendant Mark Edward Van Koughnet is a resident of Garden City, Wayne County, Michigan.
3. Venue is proper in Wood County pursuant to Civ. R. 3(B)(7), which references Civ. R. 4.3. Civ. R. 4.3(A)(3) specifies that service is proper on an out of state person who has caused a tortious injury in the state arising out of the operation of a motor vehicle in the state. In this case, the Defendant is an out-of-state resident who caused an injury in Ohio. Therefore, under the Rules of Civil Procedure, venue is proper in Wood County where the Plaintiff resides.
4. On or about December 12, 2008, Plaintiff Jamie Verbryke was traveling eastbound on State Route 579 approaching County Road 2 in Ottawa County. Jason Chownhary, who is not listed as a party in this complaint, was traveling westbound on State Route 579, also approaching County Rd. 2. Defendant Mark Edward Van Koughnet was traveling northbound on County Road 2 and as he attempted to slow for the stop sign at the intersection of County Road 2 and State Route 579, he slid on the snow/ice covered pavement and went through the stop sign hitting Mrs. Verbryke's and Mr. Chownhary's vehicles. Ottawa County Police cited Mr. Van Koughnet with traffic control device.
5. Defendant Mark Edward Van Koughnet owed a duty of care to Jamie Verbryke not to operate a vehicle in such a manner that may cause injury to her.

6. Defendant Mark Edward Van Koughnet breached that duty of care by operating a vehicle in a dangerous and negligent way so as to injure the Plaintiff.
7. As a direct and proximate result of Defendant Mark Edward Van Koughnet's negligence, Plaintiff Jamie Verbryke sustained serious permanent personal injuries.
8. As a direct result of Defendant Mark Edward Van Koughnet's negligence, Plaintiff Jamie Verbryke sustained serious personal injuries to her left knee, back and entire body. Plaintiff Jamie Verbryke 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 Defendant, the Plaintiffs state:

9. The Plaintiffs incorporate by reference all of the above paragraphs as though fully restated herein.
10. Plaintiff Joshua Verbryke is the lawful spouse of Plaintiff Jamie Verbryke. Plaintiff Joshua Verbryke states that as a result of the negligence of Defendant Mark Edward Van Koughnet, he has been deprived of the love, affection, services, consortium, and society of his spouse, Plaintiff Jamie

Verbryke; 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.

THIRD CAUSE OF ACTION

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

11. Plaintiffs incorporate by reference the above paragraphs as if fully restated herein.
12. Plaintiff Allyssa Verbryke, a minor, is the daughter of Plaintiff Jamie Verbryke.
13. Plaintiff Allyssa Verbryke 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 mother; and that the enjoyment and quality of life and her ability to carry on the normal activities of her daily life with her mother has been impaired.

FOURTH CAUSE OF ACTION

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

14. Plaintiffs incorporate by reference the above paragraphs as if fully restated herein.
15. Plaintiff Cameron Verbryke, a minor, is the son of Plaintiff Jamie Verbryke.
16. Plaintiff Cameron Verbryke 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 mother; and that the enjoyment and quality of life and his

ability to carry on the normal activities of his daily life with his mother has been impaired.

WHEREFORE, Plaintiffs pray that judgment be entered against the Defendant as follows:

1. On the FIRST CAUSE of action a judgment against Defendant 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 Defendant 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 Defendant 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 Defendant 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 demands a trial by jury on all issues triable by right.

Charles E. Boyk
Attorney for Plaintiff