

IN THE COMMON PLEAS COURT OF LUCAS COUNTY, OHIO

KRISTY WEIRICH

Individually and as next legal guardian of the
minors, Ashley
78 Kitty Hawk Dr.
Stockbridge, GA 30281

Plaintiffs

v.

HOLLY KASIORKIEWICZ

4125 Willys Parkway
Toledo, OH 43612

and

STATE FARM INSURANCE CO.

C/O Jennipher Linebrink
P.O. Boz 3020
Newark, OH 43055

Defendants

) Case No.:

) Judge

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

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) Attorneys for Plaintiffs

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. The Plaintiffs are residents of Henry County, Georgia.
2. Defendant Holly Kasiorkiewicz is a resident of Toledo, Lucas County, Ohio.
3. Defendant State Farm Insurance Co. is an insurance company licensed to sell insurance in the State of Ohio, which issued a policy to Jessica Rodriguez, the driver of the vehicle Plaintiff Kristy Weirich was a passenger in at the time of the accident. The policy is not attached because it is not in the Plaintiffs' possession.
4. On or about February 25, 2008, Plaintiff Kristy Weirich was a passenger in a vehicle being driven by Jessica Rodriguez, who is not named as a party in this lawsuit. Jessica Rodriguez was traveling eastbound on Sylvania Avenue in Lucas County, Ohio, when she was struck from the passenger side by a vehicle driven by Defendant Holly Kasiorkiewicz. The Toledo Police cited Ms. Kasiorkiewicz for emerging from a driveway without stopping at the sidewalk.
5. Defendant Holly Kasiorkiewicz owed a duty of care to Kristy Weirich not to operate a vehicle in such a manner that may cause injury to her.
6. Defendant Holly Kasiorkiewicz 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 Holly Kasiorkiewicz's negligence, Plaintiff Kristy Weirich sustained serious permanent personal injuries.
8. As a direct result of Defendant Holly Kasiorkiewicz's negligence, Plaintiff Kristy Weirich sustained serious personal injuries to her neck, back, left

shoulder, right ankle, chest and entire body. Plaintiff Kristy Weirich 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:

9. Plaintiffs incorporate by reference the above paragraphs as if fully restated herein.
10. Plaintiff Ashley Weirich, a minor, is the daughter of Plaintiff Kristy Weirich.
11. Plaintiff Ashley Weirich 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 Defendants, the Plaintiffs state:

12. Plaintiffs incorporate by reference the above paragraphs as if fully restated herein.

13. The vehicle that the Plaintiff was occupying was covered under a policy of insurance issued by the Defendant State Farm Insurance Company to the Plaintiff. A copy of the policy is not attached because it is not in the possession of the Plaintiff.
14. The policy of insurance issued to Jessica Rodriguez by the Defendant State Farm Insurance Company provided underinsured and uninsured coverage as well as medical payments coverage.
15. As a direct and proximate result of this accident, the Plaintiffs have incurred numerous 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 declaratory judgment to determine the Plaintiffs' rights and the Defendant State Farm 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.

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