

FILED  
LUCAS COUNTY

2017 AUG -1 PM 2:54

IN THE COURT OF COMMON PLEAS OF  
LUCAS COUNTY, OHIO  
GENERAL DIVISION

COURT OF COMMON PLEAS COURT  
BERNIE QUILTER  
CLERK OF COURTS

MAGGIE VASQUEZ-CROMER  
433 Danberry Street  
Toledo, Ohio 43609

And

JOSEPH CROMER  
433 Danberry Street  
Toledo, Ohio 43609

Plaintiff,

v.

CITY OF TOLEDO  
c/o Adam Loukx, Director Department  
of Law  
One Government Center  
Suite 2250  
Toledo, Ohio 43604

Defendant.

CASE NO. **G-4801-CI-0201703556-000**

**Judge**

JUDGE: **LINDA J. JENNINGS**

**COMPLAINT**

*(Jury Demand Endorsed Herein)*

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Michael A. Bruno (0033780)  
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*Attorneys for Plaintiffs*

Plaintiffs MAGGIE VASQUEZ-CROMER and JOSEPH CROMER, through undersigned counsel, bring this action against Defendant CITY OF TOLEDO, as follows:

**NATURE OF THE ACTION**

1. This action is based upon principles of negligence and reckless conduct, resulting the City of Toledo's failure to properly maintain, repair and upkeep the public roadways within city limits and the injuries sustained by Plaintiff Maggie Vasquez-Cromer caused by such failures.

## PARTIES, JURISDICTION, AND VENUE

2. Plaintiff Maggie Vasquez-Cromer is a resident of Toledo, Lucas County, Ohio.
3. Plaintiff Joseph Cromer is a resident of Toledo, Lucas County, Ohio.
4. Defendant City of Toledo is a municipal corporation organized and existing under the laws of the State of Ohio.
5. Defendant City of Toledo, through their Division of Streets, Bridges and Harbors maintains public roadways located within Toledo, Lucas County, Ohio.
6. The Court has original jurisdiction over this matter pursuant to R.C. § 2305.01.
7. Venue is proper in this Court pursuant to Ohio Civ. R. 3(B)(2), (3), & (6).

## FACTS

8. On the early morning of February 26, 2016, Maggie was lawfully operating a motor vehicle, traveling to work at The University of Toledo Medical Center where she serves as a registered medical assistant to the Orthopaedics Department.
9. Maggie was traveling southbound on S. Detroit Avenue/U.S. Route 24 near the intersection of Myers Road, when her vehicle struck a large pothole/chuckhole causing the right front tire of her vehicle to blow, and causing Maggie to lose control of her vehicle. (*See*, Exhibit “A” – photographs of the pothole/chuckhole).
10. Maggie’s car uncontrollably pulled to the left, causing her to cross three lanes of traffic prior to striking the curb on the opposite side of the street of which she was originally traveling.
11. Her vehicle traveled up over the curb, colliding with a guard rail on a bridge located on S. Detroit Avenue/U.S. Route 24.
12. Due to the impact of the collision, Maggie’s airbags deployed hitting her in the hands, arms, chest, face and head.

13. Maggie was hospitalized for three days due to her injuries and underwent surgical repair of a bilateral mandible fracture and tooth fracture.

**COUNT I**  
**NEGLIGENCE AND RECKLESSNESS**

14. Plaintiffs incorporate each and every preceding paragraph as if set forth herein.

15. The City of Toledo, through their Division of Streets, Bridges and Harbors has a duty to the motoring public, among other things, to inspect, maintain and repair Toledo City roads, including repairing and remedying potholes/chuckholes on S. Detroit Avenue/U.S. Route 24 near the intersection of Myers Road within Toledo, Ohio.

16. On or before February 26, 2016, the City of Toledo, through the Division of Streets, Bridges and Harbors was negligent and reckless in inspecting, maintaining and repairing S. Detroit Avenue/U.S. Route 24 near the intersection of Myers Road so that potholes/chuckholes on S. Detroit Avenue/U.S. Route 24 were not repaired and/or filled thereby creating a hazardous condition on the roadway for the motoring public.

17. On or before February 26, 2016, the City of Toledo, through the Division of Streets, Bridges and Harbors had actual and/or constructive notice of the unsafe and hazardous condition of potholes/chuckholes on S. Detroit/U.S. Route 24, including the aforementioned pothole/chuckhole Plaintiff Maggie-Vasquez Cromer struck with her vehicle.

18. Notwithstanding the actual and/or constructive notice of the unsafe and hazardous condition of potholes/chuckholes at the aforementioned accident site, the City of Toledo, through the Division of Streets, Bridges and Harbors failed to repair and remedy these potholes/chuckholes.

19. Notwithstanding the actual and/or constructive notice of the hazardous condition of the potholes/chuckholes at the aforementioned accident site, the City of Toledo, through the

Division of Streets, Bridges and Harbors failed to alert or warn the motoring public of their location.

20. The direct and proximate result of the negligence and recklessness of the City of Toledo, through the Division of Streets, Bridges and Harbors in failing to warn, remedy and/or repair the potholes/chuckholes located on S. Detroit Avenue/U.S. Route 24 near the intersection of Myers Road, resulted in Plaintiff Maggie Vasquez-Cromer hitting the aforementioned pothole/chuckhole, crossing three lanes of traffic, jumping a curb and striking a guard rail which resulted in her suffering traumatic injury to her hands, arms, chest, face and head requiring emergency medical care, extended hospitalization, surgery, and she further incurred medical expenses, lost wages, and pain and suffering.

**COUNT II**  
**LOSS OF CONSORTIUM**

21. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though set forth fully at length herein.

22. Plaintiff Joseph Cromer is the legal spouse of Plaintiff Maggie Vasquez-Cromer, and was such at the time of the accident referenced herein.

23. Plaintiff Joseph Cromer states that as a result of the negligence and recklessness of Defendant City of Toledo, he has been deprived of the love, affection, services, consortium, and society of his spouse, Plaintiff Maggie Vasquez-Cromer; and that the enjoyment and quality of his life and his ability to carry on the normal activities of his daily life with his spouse have been impaired.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs seek judgment against Defendant City of Toledo, as follows:

1. On COUNT I, 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 COUNT II, 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. For pre-judgment interest; and
4. For such further and other relief the court deems just, equitable, and proper.

Respectfully submitted,



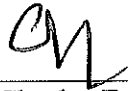
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*Attorney for Plaintiffs*

**JURY DEMAND**

Plaintiffs hereby respectfully demand a jury trial as to all issues contained herein.



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Charles E. Boyk, Esq.  
Attorney for Plaintiffs

**PRAECIPE**

Please serve summons and complaint upon Defendant by certified mail, return receipt requested, at the addresses listed on the caption.



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Charles E. Boyk, Esq.  
Attorney for Plaintiffs



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**PLAINTIFF'S  
EXHIBIT**  
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