

FILED
LUCAS COUNTY

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

G-4801-CI-0201804499-000

MARY MEYER
250 Manor Drive
Room 11-1
Perrysburg, Ohio 43551

Plaintiff,

v.

**MOBILE CARE EMS & TRANSPORT,
INC.**
c/o Dominic J. Spinazze
5470 Main Street, Suite 300
Sylvania, OH 43560

and

JOHN DOE
Name Unknown
Address Unknown

) Case No.:

) Judge:

) **COMPLAINT**

) *(Jury Demand Endorsed Hereon)*

) Charles E. Boyk (0000494)
) Kathleen R. Harris (0088079)
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) Attorneys for Plaintiffs

Judge
MYRON C. DUHART

Now comes Plaintiff Mary Meyer, by and through the undersigned counsel, and hereby files this Complaint against Defendants Mobile Care EMS & Transport, Inc. and John Doe for injuries arising out of an incident in which Plaintiff was not properly restrained in the rear of a medical transport vehicle. In support of her claims, Plaintiff states as follows:

THE PARTIES

1. Plaintiff Mary Meyer is an individual and a resident of Perrysburg, Wood County, Ohio.

2. Defendant Mobile Care EMS & Transport, Inc. is an Ohio corporation with its principal place of business in Sylvania, Lucas County, Ohio and is in the business of providing medical transport services.
3. Defendant John Doe was at all relevant times an employee and/or agent of Defendant Mobile Care EMS & Transport, Inc. and was at all relevant times acting in the course and scope of his employment with Defendant Mobile Care EMS & Transport, Inc. as a driver for that company. On the date of the incident described herein, Defendant John Doe was transporting Plaintiff Mary Meyer back to her residence at Manor Care in Perrysburg, Ohio from a dialysis appointment in Toledo when he negligently failed to restrain her and then braked hard on I-475, throwing Mary and her wheelchair forward in the transport vehicle and breaking both of her ankles.

JURISDICTION AND VENUE

4. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
5. The Lucas County Common Pleas Court has jurisdiction over this matter pursuant to R.C. 2305.01.
6. Venue is proper in this Court pursuant to Civil Rule 3(C)(2), 3(C)(3), and 3(C)(6), as this is the county in which Defendant Mobile Care EMS & Transport, Inc. has its principal place of business, the county in which the defendants conducted activity giving rise to the claim for relief, and the county in which all or part of the claim for relief arose.
7. Pursuant to Civil Rule 8(A), Plaintiff states she seeks damages in excess of twenty-five thousand dollars (\$25,000.00).

FACTUAL ALLEGATIONS

8. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
9. On or about January 5, 2018, Defendant John Doe, in the course and scope of his employment and/or agency with Defendant Mobile Care EMS & Transport, Inc., was transporting Plaintiff Mary Meyer back to her residence at Manor Care in Perrysburg, Ohio from a dialysis appointment in Toledo.
10. Plaintiff Mary Meyer was at all relevant times wheelchair-bound.
11. Defendant John Doe failed to properly secure Ms. Meyer and/or her wheelchair in the back of the Mobile Care EMS & Transport, Inc. vehicle.
12. As he was driving southbound on I-475 in Lucas County, Ohio, near the Anthony Wayne Trail, Defendant John Doe suddenly braked hard.
13. Due to the hard braking and the fact that she and/or her wheelchair were not properly restrained and/or secured in the back of the transport vehicle, Mary Meyer was thrown forward in her wheelchair and fractured both of her ankles.
14. The Maumee Fire Division responded and assessed Ms. Meyer as having a visible deformity to her left ankle.
15. Immediately after the injury, Mary Meyer was transported to nearby St. Luke's Hospital, where she was admitted and diagnosed with bilateral tibia/fibula fractures. Ms. Meyer spent several days in the hospital before being discharged back to her long-term residence at Manor Care in Perrysburg. She returned to the hospital for another multi-day admission less than a week later.

16. Due to Mary Meyer's tibia/fibula fractures, she underwent an extended and painful recovery process that involved both physical and occupational therapy, along with medication to lessen her agonizing pain.
17. Ms. Meyer's injuries left her unable to participate in the many leisure activities within her residence that previously brought joy to her life. After once being a motivated, active resident in good spirits at Manor Care, Mary's pain and limitations due to her broken bones left her feeling depressed and wishing for the end of her life.
18. Ms. Meyer also experienced significant anxiety related to the crash, particularly with respect to having to get into any transport vehicle. She was required to enter a transport vehicle twice a day three days a week for dialysis appointments. Mary required anti-anxiety medication to endure the transport process, and at one point she contemplated stopping dialysis altogether due to anxiety and her loss of enjoyment in life following her serious fractures. Stopping those dialysis treatments would have been fatal to her.

FIRST CAUSE OF ACTION
(Negligence Against Defendant Mobile Care EMS & Transport, Inc.)

19. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
20. Defendant Mobile Care EMS & Transport, Inc. had a duty to ensure that Plaintiff Mary Meyer was safely restrained and/or secured in its vehicle on the date of the incident described in this Complaint.
21. Defendant Mobile Care EMS & Transport, Inc. also had a duty to ensure its employees and agents were properly trained in how to restrain and/or secure wheelchairs and persons, like Mary Meyer, safely within its transport vehicles.

22. Defendant Mobile Care EMS & Transport, Inc. breached its duties to Plaintiff by failing to ensure that she and/or her wheelchair were safety secured or restrained within the transport vehicle on the date described herein, and/or by failing to ensure that Defendant John Doe was adequately trained in how to safely secure persons and wheelchairs in the vehicle.
23. As a direct and proximate result of Defendant Mobile Care EMS & Transport, Inc.'s negligence and breach of its duties of care, Plaintiff Mary Meyer sustained serious and permanent personal injuries including, but not limited to, bilateral tibia/fibula fractures. As a further direct and proximate result of Defendant Mobile Care EMS & Transport, Inc.'s negligence, Mary Meyer was required to undergo hospital and medical care and incurred hospital and medical care costs. Plaintiff Mary Meyer also incurred great pain and suffering, severe mental anguish, and severe emotional distress, along with the inability to participate in activities she previously enjoyed and a loss of enjoyment in her life.
24. Further, Plaintiff Mary Meyer believes her injuries are permanent in nature and that they will require future medical care and future medical care costs, and that she will continue to endure great pain, suffering, mental anguish, emotional distress, and loss of enjoyment in life.

SECOND CAUSE OF ACTION
(Negligence Against John Doe)

25. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
26. Defendant John Doe had a duty to ensure that Plaintiff Mary Meyer was safely restrained and/or secured in the Mobile Care EMS & Transport, Inc. vehicle on the date of the incident described in this Complaint.

27. Defendant John Doe breached his duty to Plaintiff by failing to ensure that she and/or her wheelchair were safety secured and/or restrained within the transport vehicle on the date described herein.
28. As a direct and proximate result of Defendant John Doe's negligence and breach of its duties of care, Plaintiff Mary Meyer sustained serious and permanent personal injuries including, but not limited to, bilateral tibia/fibula fractures. As a further direct and proximate result of Defendant John Doe's negligence, Mary Meyer was required to undergo hospital and medical care and incurred hospital and medical care costs. Plaintiff Mary Meyer also incurred great pain and suffering, severe mental anguish, and severe emotional distress, along with the inability to participate in activities she previously enjoyed and a loss of enjoyment in her life.
29. Further, Plaintiff Mary Meyer believes her injuries are permanent in nature and that they will require future medical care and future medical care costs, and that she will continue to endure great pain, suffering, mental anguish, emotional distress, and loss of enjoyment in life.

THIRD CAUSE OF ACTION
(Respondeat Superior Liability Against Mobile Care EMS & Transport, Inc.)

30. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
31. At all relevant times, Defendant John Doe was an employee or agent of Defendant Mobile Care EMS & Transport, Inc.
32. Defendant John Doe was acting within the course and scope of his employment and/or agency with Defendant Mobile Care EMS & Transport, Inc. when he negligently failed to safely secure or restrain Mary Meyer and/or her wheelchair on the date described herein.

33. Defendant Mobile Care EMS & Transport, Inc. is responsible for the negligent acts of Defendant John Doe under the doctrine of respondeat superior.

34. As a direct and proximate result of Defendant John Doe's negligence, the Plaintiff suffered the serious personal injuries and damages addressed above, for which Defendant Mobile Care EMS & Transport, Inc. is liable.

WHEREFORE, Plaintiff prays that judgment be entered in her favor and against the Defendants in excess of Twenty-Five Thousand Dollars (\$25,000.00) on each count set forth herein, together with interest, costs, and reasonable attorney fees associated herewith, and such other relief as the Court may deem just and proper.

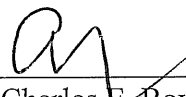
Respectfully submitted,



Charles E. Boyk
Kathleen R. Harris
Attorneys for Plaintiff

JURY DEMAND

Plaintiff respectfully demands a trial by jury on all issues triable by right.



Charles E. Boyk
Kathleen R. Harris
Attorney for Plaintiff

PRAECIPE

TO THE CLERK:

Please serve summons and complaint upon Defendant Mobile Care EMS & Transport, Inc. by certified mail, return receipt requested, at that Defendant's address listed on the caption.

Please serve summons and complaint upon Defendant John Doe by personal service as follows:

John Doe
Name Unknown
Address Unknown



Charles E. Boyk
Kathleen R. Harris
Attorneys for Plaintiff