

Canton Hockey Association for physical personal injuries suffered by J.B. and parental loss of consortium injuries suffered by Daniel and Jennifer due to their son's serious injuries during a youth hockey game at the Huntington Center in Toledo, Lucas County, Ohio on February 25, 2018.

PARTIES

1. Plaintiffs Daniel and Jennifer Bisson and their minor son J.B. are individuals who are citizens of Canada with their current domicile in the State of Ohio.
2. Defendant Raymond J. Foley is an individual who upon information and belief resides in the State of Michigan.
3. Defendant Plymouth Canton Hockey Association is a nonprofit corporation organized under the laws of Michigan and with its principal place of business in the State of Michigan that at all relevant times operated several youth hockey teams, including the Plymouth Stingrays.

JURISDICTION AND VENUE

4. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.
5. This Court has original jurisdiction over this matter under 28 U.S.C. § 1332 because Plaintiffs are citizens of Canada and residents of Ohio, and the Defendants are citizens and residents of Michigan and because the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00).
6. Venue is proper in this Court under 28 U.S.C. § 1391(b) because the incident described herein occurred in Lucas County, Ohio, which is located in this judicial district.

FACTUAL ALLEGATIONS

7. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.
8. On February 25, 2018, J.B. was thirteen years old and played youth hockey with the Sylvania North Stars, a AAA travel hockey league based in Sylvania, Ohio.
9. J.B. had been playing hockey since he was three-years-old, and by age thirteen he was a skilled player looking forward to trying out for, and more than likely joining, either a Detroit AAA travel team or a Maryland AAA travel team the following season.
10. On February 25, 2018, the Sylvania North Stars played an exhibition-style game against the Plymouth Stingrays at the Huntington Center in downtown Toledo, Ohio.
11. By the end of the first period, Sylvania was leading Plymouth 4-0. The North Stars' lead was 6-2 in the last two minutes of the third and final period.
12. As the game progressed and the Sylvania North Stars increased and then maintained their lead, the style of gameplay became increasingly chippy between the opposing players.
13. Throughout the game, Defendant Raymond Foley was a Plymouth Stingrays assistant coach and was working the bench door for Plymouth.
14. During the game, Defendant Raymond Foley was observed to be upset and yelling loudly at players during stoppage of play and between periods, audible across the entire arena.
15. Upon information and belief, on the date of this game Plymouth's head coach Darrin Sylvester was not permitted to be on the bench, as he was serving a match penalty for reasons that are unknown to the Plaintiffs.
16. With less than two minutes to play in the game, J.B. broke away with the puck and began skating along the boards toward Plymouth's goal.

17. A Plymouth player wearing jersey number 8, upon information and belief a minor with the initials C.K., skated fast across the ice toward J.B., pursuing J.B. to put a solid hit on him and stop the play.
18. As C.K. skated toward J.B., it was clear that C.K. would hit J.B. directly in front of or in the immediate vicinity of the Plymouth bench door.
19. At the time C.K. was pursuing J.B. to make the impending check at the bench door, there were no Plymouth players near the bench door to exit the ice or preparing to enter the game from off the ice. There was nothing to indicate that a line change was occurring or imminent for either team.
20. As J.B. skated up along the boards beside his own North Stars bench, Defendant Raymond Foley cracked the Plymouth bench door open. Then, immediately before J.B. was hit by the Plymouth player pursuing him, and when it was clear that the Plymouth player was about to check J.B. hard against the wall right at the Plymouth bench door, Defendant Raymond Foley opened the Plymouth bench door wide, exposing the edges and corners of a portion of the wall.
21. The Plymouth player hit J.B., slamming him against the exposed edges and/or corners of the wall. The impact with the wall threw J.B. backwards and he then fell hard to the ice, writhing in pain and unable to get to his feet.
22. J.B. was taken off the ice, skating off under his own power but unable to finish the game. He was taken off the bench and originally assessed by Toledo Walleye Training Staff who were onsite. The Walleye trainer informed Plaintiff Daniel Bisson that J.B. had a broken clavicle. J.B.'s parents then took him directly to urgent care to seek immediate medical care. On the way there, J.B. vomited in the car and suffered from a stomachache along with

tremendous pain to his left shoulder area. X-rays confirmed a closed displaced fracture of J.B.'s left clavicle. He was sent home with instructions to take Ibuprofen for pain and to follow up with orthopedics.

23. After J.B. and his parents returned home, J.B.'s mother Plaintiff Jennifer Bisson helped him shower and put him to bed to rest. As J.B. lay in bed, he continued to complain of stomach pain. When Plaintiff Jennifer Bisson had J.B. use the bathroom, J.B. urinated dark blood. Upon seeing all the blood J.B.'s parents Plaintiffs Jennifer and Daniel Bisson rushed him to the emergency room. The time between J.B. returning home from urgent care and being rushed to the emergency room was approximately or less than half an hour.

24. At the emergency room, J.B. was noted to have a contusion over his left pelvic wing. A CT scan revealed a serious grade four laceration of J.B.'s left kidney, and he was admitted to the Toledo Children's Hospital Pediatric Intensive Care Unit. J.B. remained in the hospital until February 27, 2018.

25. After being released from the hospital, J.B. was off school for approximately a week, and also missed additional class for follow-up appointments. Due to his injuries, he was not permitted to engage in contact activities, including hockey, for approximately three months.

26. Following J.B.'s injury, he continues to have scarring in his left kidney due to the laceration and is required to undergo yearly blood pressure monitoring to rule out complications related to the kidney injury. He also continued to experience kidney pain in the months following his injury.

27. J.B. was unable to play the remainder of the 2017-2018 hockey season because of his injuries. He was also unable to try out for either a Detroit or Maryland AAA travel team as

he had planned, which would have given him exposure to higher levels of play more suited to his ability level, as well as exposure to hockey scouts. In fact, J.B. remained unable to try out for any team for the following season. He was offered a position on the AA North Stars – down a level from his previous level of play – because the team knew him. Instead of moving forward like other teammates of his skill level, J.B. spent a year playing down a level in the 2018-2019 season, unable to advance according to his pre-injury ability level. This has impeded his progress and opportunities as a hockey player and had a significant mental and emotional impact on him.

FIRST CAUSE OF ACTION

(Reckless and/or Wanton Misconduct by Defendant Raymond Foley)

28. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.
29. Defendant Raymond Foley owed a duty of care to J.B. to operate Plymouth's bench door according to the rules and customs of hockey and so as to prevent severe injury to him.
30. Defendant Raymond Foley breached this duty of care by opening the bench door in front of an active play, and when there was no line change occurring or imminent.
31. Defendant Raymond Foley knew or reasonably should have known, based on the rules, customs, and practices of hockey, that the bench door should not be opened in front of an active play like the one in which the Plymouth player checked J.B. into the boards, due to the great probability that significant harm would result to the players.
32. Defendant Raymond Foley's conduct was reckless because he knew or reasonably should have known that opening the bench door in front of an active play, and when there was no line change occurring or imminent, created an unreasonable risk of harm to the players on

the ice, including J.B., and that the risk of harm created by his conduct was substantially greater than that which would be necessary to make his conduct negligent.

33. Defendant Raymond Foley's conduct in opening the bench door under the circumstances described in this Complaint was wanton, as it demonstrated a complete failure to exercise any care whatsoever toward J.B. under circumstances in which there was a great probability that harm would result, and Defendant Raymond Foley knew or should have known of that great probability of harm.

34. As a direct and proximate result of Defendant Raymond Foley's reckless and/or wanton misconduct, J.B. sustained serious and permanent personal injuries including but not limited to a fractured left clavicle and grade four left kidney laceration. He was required to undergo hospital and medical care, including admission to the pediatric intensive care unit. Hospital and medical care costs were incurred as a result of Defendant Raymond Foley's reckless and/or wanton misconduct, and J.B. experienced great pain, suffering, severe mental anguish, and emotional distress. Further, Plaintiffs believe J.B.'s injuries are permanent in nature and will require future medical care and medical care costs, and that J.B. will continue to endure pain, suffering, mental anguish, and emotional distress.

SECOND CAUSE OF ACTION

(Reckless and/or Wanton Misconduct by Defendant Plymouth Canton Hockey Association)

35. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.

36. Defendant Plymouth Canton Hockey Association owed a duty of care to J.B. to ensure that its coaches, including Defendant Raymond Foley, were properly trained and supervised so as to prevent injury to players, including J.B.

37. Defendant Plymouth Canton Hockey Association breached this duty of care by giving Defendant Raymond Foley responsibility for the Plymouth Stingrays bench door when Defendant Foley was not properly trained in how to operate the door, and/or by failing to ensure that he received necessary and appropriate supervision while working the bench door on the date set forth in this Complaint.
38. Defendant Plymouth Canton Hockey Association knew, or reasonably should have known, that by failing to ensure Defendant Raymond Foley was properly trained, and/or by failing to provide necessary and appropriate supervision of him while he worked the bench door, it created an unreasonable risk of harm to the players on the ice, including J.B., and that the risk of harm created was substantially greater than that which would be necessary to make Defendant Plymouth Canton Hockey Association's conduct negligent.
39. Defendant Plymouth Canton Hockey Association's failure to ensure Defendant Raymond Foley was properly trained, and/or failure to provide necessary and appropriate supervision of him while he worked the bench door was wanton, as it demonstrated a complete failure to exercise any care whatsoever toward J.B. under circumstances in which there was a great probability that harm would result, and Defendant Plymouth Canton Hockey Association knew or should have known of that great probability of harm.
40. As a direct and proximate result of Defendant Plymouth Canton Hockey Association's reckless and/or wanton misconduct, J.B. sustained serious and permanent personal injuries including but not limited to a fractured left clavicle and grade four left kidney laceration. He was required to undergo hospital and medical care, including admission to the pediatric intensive care unit. Hospital and medical care costs were incurred as a result of Defendant Plymouth Canton Hockey Association's reckless and/or wanton misconduct, and J.B.

experienced great pain, suffering, severe mental anguish, and emotional distress. Further, Plaintiffs believe J.B.'s injuries are permanent in nature and will require future medical care and medical care costs, and that J.B. will continue to endure pain, suffering, mental anguish, and emotional distress.

THIRD CAUSE OF ACTION

(Loss of Consortium Against Defendant Raymond Foley and Defendant Plymouth Canton Hockey Association)

41. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.
42. Plaintiffs Daniel and Jennifer Bisson are the parents and natural guardians of J.B., a minor.
43. Plaintiffs Daniel and Jennifer Bisson state that as a result of the reckless and/or wanton misconduct of Defendants Raymond Foley and Plymouth Canton Hockey Association, they have been deprived of the love, affection, services, consortium, and society of their child, J.B.
44. Plaintiffs Daniel and Jennifer Bisson further state that as a result of the reckless and/or wanton misconduct of the Defendants set forth herein, the enjoyment and quality of their lives and their ability to carry on the normal activities of their lives with their son, J.B., have been impaired.

FOURTH CAUSE OF ACTION

(Vicarious Liability Against Defendant Plymouth Canton Hockey Association)

45. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.
46. Defendant Raymond Foley was at all relevant times an agent of Defendant Plymouth Canton Hockey Association because Defendant Plymouth Canton Hockey Association had

the right and/or authority to control and/or direct the manner and means of Defendant Raymond Foley's conduct as an assistant coach for the Plymouth Stingrays.

47. Pursuant to the doctrine of vicarious liability and/or respondeat superior liability, Defendant Plymouth Canton Hockey Association is vicariously liable for the wrongful acts of its agents, including but not limited to the reckless and/or wanton acts of Defendant Raymond Foley set forth in this Complaint.

48. Because Defendant Raymond Foley acted recklessly and/or wantonly, and because he was at all relevant times acting in the course and scope of his coaching role as an agent of Defendant Plymouth Canton Hockey Association, Defendant Plymouth Canton Hockey Association is liable for Defendant Raymond Foley's conduct, which directly and proximately caused the damages set forth in this Complaint.

WHEREFORE, Plaintiffs pray that judgment be entered against Defendants in an amount exceeding Seventy-Five Thousand Dollars (\$75,000.00), together with interest, costs, reasonable attorney fees associated herewith, and such other relief as the Court may deem just.

Respectfully submitted,

/s/ Charles E. Boyk
Charles E. Boyk
Kathleen R. Harris
Attorneys for Plaintiffs

JURY DEMAND

Plaintiffs hereby demand a trial by jury on all issues triable by right.

Respectfully submitted,

/s/ Charles E. Boyk
Charles E. Boyk
Kathleen R. Harris
Attorneys for Plaintiffs