

FILED
LUCAS COUNTY

2018 DEC 20 PM 3:30

COMMON PLEAS COURT
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**IN THE COMMON PLEAS COURT OF LUCAS COUNTY, OHIO
CIVIL DIVISION**

WALTER R. JENKINS
662 Pinewood Avenue
Toledo, Ohio 43604

Plaintiff,

v.

JENNIFER L. SMITH
4921 Borland Street
Sylvania, Ohio 43560

Defendant.

) Case No.:

) Judge:

) **COMPLAINT**

) (Jury Demand Endorsed Hereon)

) Charles E. Boyk (0000494)

) Michael A. Bruno (0033780)

) Leah O. Michael (0093135)

) *Charles E. Boyk Law Offices, LLC*

) 405 Madison Ave.

) Suite 1200

) Toledo, Ohio 43604

) Telephone: (419) 241-1395

) Facsimile: (419) 241-8731

) email: cboyk@charlesboyk-law.com

) mbruno@charlesboyk-law.com

) lmichael@charlesboyk-law.com

Attorneys for Plaintiff

NOW COMES Plaintiff, by and through undersigned counsel, and hereby files his Complaint for damages arising and resulting from an automobile collision that occurred on or about May 19, 2018, and in support of his claims, hereby alleges and avers as follows:

THE PARTIES

1. Plaintiff Walter R. Jenkins is, and at all relevant times was, a resident of Toledo, Lucas County, Ohio.
2. Upon information and belief, at all relevant times Defendant Jennifer L. Smith is a resident of Sylvania, Lucas County, Ohio.

JURISDICTION AND VENUE

3. This Court has jurisdiction to hear this matter pursuant to Ohio Rev. Code § 2305.01.
4. This Court is the proper venue for this action, pursuant to Ohio R. Civ. P. 3(B)(1), (3) and (6), as Defendant resides within and conducted activity in Lucas County and Plaintiff's claims for relief arose in Lucas County.
5. Pursuant to Ohio R. Civ. P. 8, Plaintiff states that the amount in controversy exceeds \$25,000.

FACTS

6. On May 19, 2018, at approximately 3:52 PM, Plaintiff Walter R. Jenkins exited the driveway of Speedway turning left to proceed eastbound on W. Laskey Street, in Toledo, Lucas County, Ohio.
7. After Plaintiff had established his vehicle in the eastbound direction and while completing his turn onto W. Laskey Street, Defendant Jennifer L. Smith attempted to exit the driveway of Taco Bell making a left hand turn to proceed westbound on W. Laskey.
8. Defendant Jennifer L. Smith collided with Plaintiff Walter R. Jenkins causing damage to the right front and right side of Plaintiff's vehicle.

9. Defendant Jennifer L. Smith was cited by the Toledo Police Department for failure to yield when exiting a private driveway.

FIRST CAUSE OF ACTION

(Negligence – Defendant Jennifer L. Smith)

10. Plaintiff incorporates by reference each preceding and succeeding paragraph as though set forth fully at length herein.

11. In operating a motor vehicle on a public roadway Defendant Jennifer L. Smith owed a duty of care to Plaintiff Walter R. Jenkins to operate her vehicle in a safe manner and in accordance with the laws of the State of Ohio.

12. Defendant Jennifer L. Smith breached that duty of care by failing to use reasonable care while driving the automobile and failing to follow applicable traffic laws.

13. As a direct and proximate result of Defendant Jennifer L. Smith's negligence and breach of her duty of care, Plaintiff Walter R. Jenkins has sustained serious and permanent personal injuries to his head, back, and entire body causing incursion of substantial medical expenses, destruction of personal property, pain and suffering, mental anguish, wage loss and emotional distress.

13. Further, Plaintiff believes that these injuries are permanent in nature and will require future medical care and future medical care costs, and that he will continue to endure great pain, suffering, mental anguish, and emotional distress.

WHEREFORE, Plaintiff prays that judgment be entered against the Defendant follows:

1. On the FIRST cause of action, a judgment against Defendant(s) in an amount in excess of Twenty-Five Thousand Dollars

(\$25,000.00) together with interest, costs and reasonable attorney fees associated herewith; and

2. For such other and further relief as the Court deems just and proper.

Respectfully submitted,



Charles E. Boyk (0000494)
Attorney for Plaintiff

JURY DEMAND

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



Charles E. Boyk (0000494)
Attorney for Plaintiff

PRAECIPE FOR SERVICE

TO THE CLERK:

Please serve Defendant via certified mail, return receipt requested at the addresses listed in the Caption to this Complaint.

Respectfully submitted,



Charles E. Boyk (0000494)
Attorney for Plaintiff