

PARTIES

1. Plaintiff Richard L. Hager is an individual and a resident of the State of Ohio.
2. Defendant Drop Ship, LLC is a motor vehicle carrier that upon information and belief is a limited liability company organized under the laws of the State of Indiana and with its principal place of business in Indianapolis, Indiana.
3. Defendant Steven L. Love is an individual who upon information and belief is a resident of Indianapolis, Indiana, and was driving a truck for Defendant Drop Ship, LLC in the course and scope of his employment and/or agency with that company at the time of the incident described herein.

JURISDICTION AND VENUE

4. Plaintiff incorporates 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 Plaintiff's citizenship is diverse from each of the Defendants' citizenship, 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 collision described herein occurred in Allen County, Ohio, which is located in this judicial district.

FACTUAL ALLEGATIONS

7. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
8. At all relevant times, Defendant Drop Ship, LLC owned a 2016 Freightliner M2 with vehicle identification number 3ALHC5DV9GDHP1580, US DOT number 2276059.

9. At all relevant times, Defendant Steven L. Love was acting in the course and scope of his employment and/or agency with Defendant Drop Ship, LLC.
10. Prior to the incident described herein, Defendant Steven L. Love received multiple traffic citations, including for violations of the Federal Motor Carrier Safety Regulations.
11. On June 19, 2017, Defendant Steven L. Love was operating Defendant Drop Ship, LLC's 2016 Freightliner, described above, traveling northbound on Stewart Road in Allen County, Ohio, approaching the intersection with Lincoln Highway.
12. At the same time, Plaintiff Richard L. Hager was the seat-belted driver of a 2000 GMC Yukon/Denali and was proceeding lawfully westbound on Lincoln Highway in Allen County, Ohio, approaching the intersection with Stewart Road.
13. At all relevant times, traffic on Stewart Road had a stop sign at the intersection with Lincoln Highway, while traffic on Lincoln Highway did not have any traffic control device at that intersection.
14. Defendant Steven L. Love failed to yield at the stop sign on Stewart Road and proceeded into the intersection in front of Plaintiff Richard L. Hager's oncoming vehicle. The two vehicles collided in the intersection, with the truck driven by Defendant Steven L. Love smashing into the driver's side of Plaintiff Richard L. Hager's vehicle.
15. Plaintiff Richard L. Hager's vehicle was destroyed in the collision, and Mr. Hager was trapped in the vehicle and had to be extricated by mechanical means when emergency crews arrived.
16. Due to the crash and impact on his driver's side door, Mr. Hager's left arm was lacerated to the point that his bone was visible. He was bleeding severely, requiring EMS workers to apply a tourniquet. Mr. Hager also sustained cuts and abrasions to his head.

17. Once extricated from the vehicle, Plaintiff Richard L. Hager was transported by ambulance to St. Rita's Hospital in Lima, Ohio, where he began treating for serious injuries including his left arm, head, neck, hip, and back. He had lost a substantial amount of blood from the wound to his arm and also suffered chipped teeth, a scalp laceration, headache, neck and back pain, and other injuries.
18. Mr. Hager underwent surgery at the hospital to diagnose the wound, cauterize it, and repair tendon, muscle, and a major peripheral nerve. It was determined he had sustained a radial nerve laceration, triceps laceration, and brachial radialis laceration.
19. Several months later, Mr. Hager underwent another surgery including radial nerve transfer.
20. Mr. Hager underwent extensive physical therapy during a long, painful recovery process and also treated for neck and back pain.
21. Mr. Hager still suffers from complications with his left arm and hand, including significantly reduced nerve function. Mr. Hager also suffers permanent scarring as a result of the gash to his left arm. Future surgery is likely.
22. The Ohio State Highway Patrol cited Defendant Steven L. Love for failure to stop at the stop sign and yield the right of way, under R.C. 4511.43(A).

FIRST CAUSE OF ACTION
(Negligent Entrustment – Defendant Drop Ship, LLC)

23. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
24. Upon information and belief, at all times relevant hereto Defendant Steven L. Love was operating a truck owned by Defendant Drop Ship, LLC as a truck driver for Drop Ship, LLC.

25. On June 19, 2017, Defendant Love caused a box truck versus automobile collision while operating a truck owned by Drop Ship, LLC, and while in the course and scope of his employment or agency with Drop Ship, LLC.
26. Defendant Drop Ship, LLC had a duty to act reasonably in investigating the work history, credentials, and fitness of Defendant Steven L. Love when entrusting a commercial motor vehicle to him, including Defendant Love's driving record.
27. Defendant Drop Ship, LLC owed a duty to Plaintiff not to negligently entrust its vehicle to a negligent, reckless, incompetent and/or dangerous driver.
28. Defendant Drop Ship, LLC breached that duty of care by negligently entrusting its vehicle to Defendant Steven L. Love when Drop Ship, LLC knew or reasonably should have known that Defendant Love was an inexperienced, incompetent, or dangerous driver.
29. As a direct and proximate result of Defendant Drop Ship, LLC's negligent entrustment, Plaintiff Richard L. Hager sustained the serious and permanent personal injuries set forth in this Complaint. These injuries required medical and hospital care, including surgeries, and caused Mr. Hager to incur substantial medical and hospital care costs, along with pain and suffering, lost wages, mental anguish, and emotional distress.
30. Further, Plaintiff Richard L. Hager believes his injuries are permanent in nature and will require future medical care and future medical care costs, including future surgery, and that he will continue to endure great pain, suffering, mental anguish, and emotional distress.

SECOND CAUSE OF ACTION

(Negligent Hiring, Training, Supervision, and/or Retention – Defendant Drop Ship, LLC)

31. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.

32. Defendant Drop Ship, LLC had a duty to act reasonably in hiring Defendant Steven L. Love and breached that duty by failing to conduct proper background checks into his criminal and/or work history or otherwise failing to conduct an appropriate investigation into Defendant Steven L. Love's work history, credentials, and fitness to operate a commercial motor vehicle. Accordingly, Defendant Drop Ship, LLC was negligent by hiring Defendant Steven L. Love when it knew or reasonably should have known that Defendant Love was incompetent or unqualified to operate a commercial motor vehicle based on his driving record and/or criminal history, or otherwise.
33. Defendant Drop Ship, LLC had a duty to properly train Defendant Steven L. Love, and to promulgate and enforce rules and regulations to ensure its vehicles and drivers, including Defendant Steven L. Love, were reasonably safe. Defendant Drop Ship, LLC breached these duties by failing to train Steven L. Love to operate the commercial motor vehicle he drove at the time of the collision, and by failing to promulgate and enforce rules and regulations to ensure its drivers, including Defendant Love, would adhere to safe driving standards in commercial motor vehicles.
34. Defendant Drop Ship, LLC had a duty to act reasonably in supervising the conduct of Defendant Steven L. Love as required by the Federal Motor Carrier Safety Regulations, including but not limited to parts 391, 392, 395, 396, and 397 and the laws of the State of Ohio. Defendant Drop Ship, LLC breached these duties by failing to conduct required background checks and/or by failing to require Defendant Steven L. Love's adherence to statutes or regulations prohibiting driving while ill or fatigued, governing how to drive, and governing maximum driving times.

35. Defendant Drop Ship, LLC had a duty to act reasonably in retaining Defendant Steven L. Love. Defendant Drop Ship, LLC breached this duty and was negligent for reasons including but not limited to Defendant Drop Ship, LLC's failure to conduct required background checks and/or by hiring or continuing to employ Defendant Steven L. Love when it knew or reasonably should have known Defendant Love was not qualified due to his driving history, and where Defendant Drop Ship, LLC knew or reasonably should have known Defendant Love was not competent to operate the vehicle in question.
36. As a direct and proximate result of Defendant Drop Ship, LLC's negligence, Plaintiff Richard L. Hager sustained the serious and permanent personal injuries set forth in this Complaint. These injuries required medical and hospital care, including surgeries, and caused Mr. Hager to incur substantial medical and hospital care costs, along with pain and suffering, lost wages, mental anguish, and emotional distress.
37. Further, Plaintiff Richard L. Hager believes his injuries are permanent in nature and will require future medical care and future medical care costs, including future surgery, and that he will continue to endure great pain, suffering, mental anguish, and emotional distress.

THIRD CAUSE OF ACTION
(Negligence Per Se – Defendant Steven L. Love)

38. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
39. Defendant Steven L. Love had a duty to exercise ordinary care and caution for the safety and welfare of other motorists, including by adhering to the laws of the State of Ohio and Federal Motor Carrier Safety Regulations.
40. At the relevant time and place, Defendant Steven L. Love was negligent per se by failing to yield the right-of-way at the stop sign and entering the intersection in front of Plaintiff

Richard L. Hager when Plaintiff's vehicle was in the intersection or so close to the intersection as to constitute an immediate hazard during the time that Defendant Love proceeded into the intersection, in violation of R.C. 4511.43(A).

41. Plaintiff Richard L. Hager is in the class of individuals contemplated by the State legislature as the intended class to be protected by the relevant laws.
42. Defendant Steven L. Love's statutory violation directly and proximately caused Plaintiff Richard L. Hager's injuries and damages.
43. Defendant Steven L. Love is negligent per se based on this statutory violation.

FOURTH CAUSE OF ACTION
(Negligence – Defendant Steven L. Love)

44. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
45. At all relevant times, Defendant Steven L. Love owed a duty to Plaintiff Richard L. Hager to use due care and caution in his operation of a commercial motor vehicle, and was required to obey all local traffic ordinances, the statutes of Ohio, the Federal Motor Carrier Safety Regulations, and the rules of common law.
46. Defendant Steven L. Love breached his duty of care, including by failing to yield the right-of-way at a stop sign and failing to maintain appropriate lookout and alertness.
47. As a direct and proximate result of Defendant Steven L. Love's negligence, Plaintiff Richard L. Hager sustained the serious and permanent personal injuries set forth in this Complaint. These injuries required hospital and medical care, including surgeries, and caused Mr. Hager to incur substantial medical and hospital care costs, along with pain and suffering, lost wages, mental anguish, and emotional distress.

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

FIFTH CAUSE OF ACTION
(Vicarious Liability – Defendant Drop Ship, LLC)

49. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.

50. Defendant Steven L. Love was an employee, statutory employee, agent, servant, or independent contractor for Defendant Drop Ship, LLC at all relevant times.

51. Defendant Drop Ship, LLC is liable for the negligence of its employees, statutory employees, agents, servants, or independent contractors under the doctrine of respondeat superior or vicarious liability.

52. Because Defendant Steven L. Love was negligent as set forth above, and because he was at all relevant times in the scope and course of his employment as an employee, statutory employee, agent, servant, or independent contractor for Defendant Drop Ship, LLC, Defendant Drop Ship, LLC is liable for Defendant Love's negligence.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against the Defendants on each of the above-stated claims, with the following damages to be awarded:

- A. General damages in an amount within this Court's jurisdiction that will conform to proof at the time of trial;
- B. Special damages in an amount within this Court's jurisdiction that will conform to proof at the time of trial;
- C. Loss of earnings according to proof at the time of trial;

- D. Medical expenses, past and future, according to proof at the time of trial;
- E. Past and future mental and emotional distress, according to proof at the time of trial;
- F. Attorney fees;
- G. Cost of suit incurred herein;
- H. Pre-judgment interest as provided by law; and
- I. Such other and further relief as the Court may deem just and proper.

Respectfully submitted,

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

JURY DEMAND

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

/s/ Charles E. Boyk
Charles E. Boyk
Kathleen R. Harris
Attorney for Plaintiff