

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<p><b>JESSICA ROSADO, ADMINISTRATOR OF THE ESTATE OF CARLOS G. ARZUAGA, DECEASED</b> 307 Earhart Court Claymont, Delaware 19703</p> <p style="text-align: center;"><b>Plaintiff,</b></p> <p><b>v.</b></p> <p><b>MAREG TRANSPORT, LLC</b> c/o Jibril Jilaow 13733 Wentworth Avenue, Apt. 44 Burnsville, Minnesota 55337</p> <p><b>and</b></p> <p><b>SAKARIYE HASSAN JILAOW</b> 13733 Wentworth Avenue, Apt. 44 Burnsville, Minnesota 55337</p> <p style="text-align: center;"><b>Defendants.</b></p>	<p>) <b>Case No.: 3:19-cv-362</b> ) ) <b>Judge:</b> ) ) <b>PLAINTIFF'S COMPLAINT</b> ) <b>WITH JURY DEMAND ENDORSED HEREON</b> ) ) Charles E. Boyk, Esq. (0000494) ) Kathleen R. Harris (0088079) ) Charles E. Boyk Law Offices, LLC ) 405 Madison Avenue, Suite 1200 ) Toledo, Ohio 43604 ) Telephone: (419) 241-1395 ) Facsimile: (419) 241-8731 ) cboyk@charlesboyk-law.com ) kharris@charlesboyk-law.com ) ) <i>Attorneys for Plaintiff</i> ) ) )</p>
---	---

Plaintiff Jessica Rosado, Administrator of the Estate of Carlos G. Arzuaga, deceased, hereby brings this wrongful death action seeking compensatory and punitive damages against Defendants Mareg Transport, LLC and Sakariye Hassan Jilaow. In support of her Complaint, Plaintiff states as follows:

**PARTIES**

1. Plaintiff Jessica Rosado is an individual and a resident of the State of Delaware.
2. Defendant Mareg Transport, LLC is a motor vehicle carrier that upon information and belief is a limited liability company organized under the laws of the State of Minnesota and with its principal place of business in Burnsville, Minnesota.
3. Defendant Sakariye Hassan Jilaow is an individual who upon information and belief is a resident of Burnsville, Minnesota, and who was driving a truck for Defendant Mareg Transport, 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 Sandusky 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. Decedent Carlos G. Arzuaga was a 36-year-old father of three minor children at the time of the incident described in this Complaint.

9. On October 22, 2018, Mr. Arzuaga was operating a Honda Accord westbound on the Ohio turnpike in Sandusky County, Ohio, headed toward his home in Delaware, when he pulled his vehicle to the right and stopped partly in the shoulder and partly in the far-right westbound lane of travel.
10. It was dark out, and at all relevant times Mr. Arzuaga's vehicle lights were on.
11. At the same time, Jeremy Puckett was operating a Dodge van westbound on the Ohio turnpike, following Mr. Arzuaga.
12. When Mr. Arzuaga pulled to the right and stopped his vehicle, Mr. Puckett also pulled the van he was operating to the right, stopping directly behind Mr. Arzuaga's Honda.
13. Mr. Puckett was also stopped partly in the shoulder and partly in the far-right westbound lane of travel. His vehicle lights were on, and he activated his emergency hazard lights.
14. Defendant Sakariye Hassan Jilaow was driving a 2008 Freightliner semi-truck, VIN 1FUJA6CK68LZ06903, proceeding in the far-right westbound lane of the Ohio turnpike at the same time Mr. Arzuaga and Mr. Puckett were stopped on the turnpike.
15. Defendant Jilaow owned the semi-truck, which was painted with Defendant Mareg Transport, LLC's logo and DOT information, and at all relevant times Defendant Jilaow was operating the truck in the course and scope of his employment and/or agency with Defendant Mareg Transport, LLC.
16. Prior to the incident described herein, Defendant Sakariye Hassan Jilaow received multiple traffic citations, including for speeding and failure to stop.
17. Although both Mr. Arzuaga and Mr. Puckett had their vehicle lights on and Mr. Puckett had activated his emergency hazard lights, Defendant Jilaow slammed into the back of the Dodge van driven by Mr. Puckett.

18. After striking the Dodge van, Defendant Jilaow slammed the semi-truck into Mr. Arzuaga's Honda and Mr. Arzuaga himself.
19. Mr. Arzuaga's Honda sustained catastrophic damage, including but not limited to the following:
  - a. The entire left rear quarter panel and rear passenger door were peeled off the vehicle;
  - b. The entire roof was collapsed inward toward the front of the cab;
  - c. The driver's side front door was pushed to the front fender of the vehicle with the door panel peeled away from the door frame;
  - d. The steering wheel and left side of the dashboard were crushed inward toward the passenger side of the vehicle; and
  - e. A piece of the front seat was ripped off down the entire length of the driver's seat.
20. The Mareg Transport semi-truck also sustained severe damage, including but not limited to the following:
  - a. The entire grill and passenger side of the front bumper were broken off;
  - b. Heavy contact damage to the front axle, with the left front steer tire being perpendicular to the truck's cab;
  - c. The passenger side wheel was broken off the axle; and
  - d. The entire right front fender, along with a large portion of the hood, were ripped off the truck.
21. The semi-truck's impact caused horrific blunt force trauma injuries to Carlos G. Arzuaga, killing him at the scene of the collision.

**FIRST CAUSE OF ACTION**

***(Negligent Hiring, Training, Supervision, and/or Retention – Defendant Mareg Transport, LLC)***

22. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
23. Defendant Mareg Transport, LLC had a duty to act reasonably in hiring Defendant Sakariye Hassan Jilaow 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 Sakariye Hassan Jilaow's work history, credentials, and fitness to operate a commercial motor vehicle. Accordingly, Defendant Mareg Transport, LLC was negligent by hiring Defendant Sakariye Hassan Jilaow when it knew or reasonably should have known that Defendant Jilaow was incompetent or unqualified to operate a commercial motor vehicle based on his driving record and/or criminal history, or otherwise.
24. Defendant Mareg Transport, LLC had a duty to properly train Defendant Sakariye Hassan Jilaow, and to promulgate and enforce rules and regulations to ensure its vehicles and drivers, including Defendant Jilaow, were reasonably safe. Defendant Mareg Transport, LLC breached these duties by failing to train Defendant Sakariye Hassan Jilaow to operate the commercial 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 Jilaow, would adhere to safe driving standards in commercial motor vehicles.
25. Defendant Mareg Transport, LLC had a duty to act reasonably in supervising the conduct of Defendant Sakariye Hassan Jilaow as required by the Federal Motor Carrier Safety Regulations and the laws of the State of Ohio. Defendant Mareg Transport, LLC breached these duties, including but not limited to by failing to conduct required background checks and/or by failing

to require Defendant Sakariye Hassan Jilaow's adherence to statutes or regulations prohibiting driving while ill or fatigued, governing how to safely operate a commercial motor vehicle, and governing maximum driving times.

26. Defendant Mareg Transport, LLC had a duty to act reasonably in retaining Defendant Sakariye Hassan Jilaow. Defendant Mareg Transport, LLC breached this duty and was negligent for reasons including but not limited to Defendant Mareg Transport, LLC's failure to conduct required background checks and/or by hiring or continuing to employ Defendant Sakariye Hassan Jilaow when it knew or reasonably should have known Defendant Jilaow was not qualified due to his driving history, and where Defendant Mareg Transport, Inc. knew or reasonably should have known that Defendant Jilaow was not competent to operate the vehicle in questions.
27. Defendant Mareg Transport, LLC's breaches set forth herein constitute negligence.
28. Carlos G. Arzuaga died as a direct and proximate result of Defendant Mareg Transport, LLC's negligence.

**SECOND CAUSE OF ACTION**  
*(Negligence Per Se – Defendant Sakariye Hassan Jilaow)*

29. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
30. Defendant Sakariye Hassan Jilaow 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 the Federal Motor Carrier Safety Regulations.
31. At the relevant time and place, Defendant Sakariye Hassan Jilaow was negligent per se by failing to maintain assured clear distance ahead and colliding with the van, the Honda, and Carlos Arzuaga, in violation of Ohio Revised Code 4511.21(A).

32. Decedent Carlos G. Arzuaga was in the class of individuals contemplated by the State legislature as the intended class to be protected by the relevant laws.
33. Defendant Sakariye Hassan Jilaow's statutory violation directly and proximately caused Carlos G. Arzuaga's death.
34. Defendant Jilaow is negligent per se based on this statutory violation.

**THIRD CAUSE OF ACTION**  
*(Negligence – Defendant Sakariye Hassan Jilaow)*

35. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
36. At all relevant times, Defendant Sakariye Hassan Jilaow owed a duty to Carlos G. Arzuaga 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.
37. Defendant Sakariye Hassan Jilaow breached his duty of care, including by failing to maintain assured clear distance ahead, failing to maintain reasonable control of the semi-truck, and crashing into the Dodge van, the Honda, and Carlos Arzuaga.
38. Carlos G. Arzuaga was killed as a direct and proximate result of Defendant Sakariye Hassan Jilaow's negligence.

**FOURTH CAUSE OF ACTION**  
*(Vicarious Liability – Defendant Mareg Transport, LLC)*

39. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
40. Defendant Sakariye Hassan Jilaow was an employee, statutory employee, agent, servant, or independent contractor for Defendant Mareg Transport, LLC.

41. Defendant Mareg Transport, 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.

42. Because Defendant Sakariye Hassan Jilaow 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 Mareg Transport, LLC, Defendant Mareg Transport, LLC is liable for Defendant Jilaow's negligence.

**FIFTH CAUSE OF ACTION**  
***(Wrongful Death – All Defendants)***

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

44. Defendant Mareg Transport, LLC and Defendant Sakariye Hassan Jilaow, jointly and severally, failed to adhere to and deviated from the requisite standards of care set forth in the preceding causes of action.

45. Such failures and deviations directly caused and/or contributed to cause Carlos G. Arzuaga to be put in peril and ultimately die.

46. As a direct and proximate result of the failures and deviations, Carlos's next of kin sustained pecuniary loss, including but not limited to funeral, burial, internment, and estate expenses.

47. As a direct and proximate result of Defendants' joint and several negligence, Carlos's next of kin sustained injuries and damages including but not limited to:

- a. Loss of support from the reasonably expected earning capacity of Carlos G. Arzuaga;
- b. Loss of Carlos G. Arzuaga's services;



- c. Loss of Carlos G. Arzuaga's society, including loss of companionship, care, assistance, attention, protection, love, advice, guidance, counsel, instruction, training, and education;
- d. Loss of prospective inheritance; and
- e. Mental anguish.

**SIXTH CAUSE OF ACTION**  
***(Punitive Damages – All Defendants)***

48. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
49. The acts and/or omissions of Defendant Mareg Transport, LLC and Defendant Sakariye Hassan Jilaow described herein constitute malice as that term is used in Ohio Revised Code 2315.21 and interpreted by the courts of the State of Ohio. In particular, the acts and/or omissions of the Defendants demonstrate actual malice by way of a conscious disregard for the rights and safety of Carlos G. Arzuaga that had a great probability of causing substantial harm to him, and which did in fact cause substantial harm to him including death.
50. Plaintiff is entitled to and demands punitive damages in an amount to be determined by the trier of fact.

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. Compensatory damages in an amount to be determined at trial, exceeding the sum of \$75,000.00;
- B. Reasonable attorneys' fees and costs;
- C. Prejudgment interest;
- D. Punitive damages; and

E. Such other and further relief as the Court deems just, equitable, and proper.

Respectfully submitted,

/s/ Charles E. Boyk \_\_\_\_\_

Charles E. Boyk

Kathleen R. Harris

Attorneys for Plaintiff

**JURY DEMAND**

Plaintiff hereby demands a jury trial as to all issues contained herein.

/s/ Charles E. Boyk \_\_\_\_\_

Charles E. Boyk

Kathleen R. Harris

Attorneys for Plaintiff