

2019 JAN 31 P 2:55

CINDY A. HOFNER

IN THE COMMON PLEAS COURT OF WOOD COUNTY, OHIO

**LISA TRUMBULL, Individually and as
Natural Parent and Legal Guardian of
Trace Trumbull, Minor Child**
119 North Bates Street
North Baltimore, Ohio 45872

Plaintiff,

v.

JENNIFER MEGGITT
314 West Broadway Street
North Baltimore, Ohio 45872

Defendant.

) Case No.: 2019CV0058

) Judge: JUDGE REGER

) COMPLAINT

) *(Jury Demand Endorsed Hereon)*

) Charles E. Boyk (0000494)

) Michael A. Bruno (0033780)

) Kathleen R. Harris (0088079)

) Charles E. Boyk Law Offices, LLC

) 405 Madison Ave., Suite 1200

) Toledo, Ohio 43604

) Telephone: (419) 241-1395

) Facsimile: (419) 241-8731

) cboyk@charlesboyk-law.com

) kharris@charlesboyk-law.com

) Attorneys for Plaintiff

Now comes Plaintiff Lisa Trumbull, individually and as natural parent and legal guardian of Trace Trumbull, her minor son, by and through the undersigned counsel, and hereby files this Complaint for strict liability and negligence against Defendant Jennifer Meggitt, arising out of a dog bite to Trace Trumbull's face. In support of her Complaint, Plaintiff states as follows:

THE PARTIES

1. Plaintiff Lisa Trumbull and her minor son Trace Trumbull are individuals and residents of North Baltimore, Wood County, Ohio.

2. Upon information and belief, Defendant Jennifer Meggitt is an individual and a resident of North Baltimore, Henry County, Ohio.

JURISDICTION AND VENUE

3. The Wood County Common Pleas Court has jurisdiction over this matter pursuant to R.C. 2305.01.
4. Venue is proper in this Court pursuant to Civil Rule 3(C)(1) and 3(C)(6), as this is the county in which the Defendant resides and in which all or part of the claim for relief arose.
5. Pursuant to Civil Rule 8(A), Plaintiff states that she seeks damages in excess of twenty-five thousand dollars (\$25,000.00).

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

6. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
7. On or about March 18, 2017, 10-year-old Trace Trumbull arrived for a birthday party at the residence of Defendant, located at 304 N. Main Street in North Baltimore, Wood County, Ohio.
8. When the door at 304 N. Main Street was opened, Defendant's Great Dane, Duke, jumped out the door, lunged at Trace, and bit him on the face.
9. At all relevant times, Defendant owned, kept, or harbored the dog that bit Trace Trumbull.
10. At no time relevant to this Complaint was Trace committing or attempting to commit criminal trespass or any other criminal offense.
11. At no time relevant to this Complaint was Trace teasing, tormenting, or abusing Duke the Great Dane.

FIRST CAUSE OF ACTION
(Strict Liability of Defendant)

12. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
13. Pursuant to R.C. 955.28(B), Defendant is strictly liable to Plaintiff and Trace Trumbull for the injuries and damages they sustained as a result of the bite from Defendant's dog.
14. As a direct and proximate result of the bite by Defendant's dog, Trace Trumbull sustained permanent personal injuries and damages. These include serious puncture wounds and bites on his face that required him to undergo hospital and medical care; permanent scarring; serious psychological trauma leading to ongoing phobia of dogs; significant hospital and medical care expenses; and Trace's great pain, suffering, severe mental anguish, and emotional distress. Further, Plaintiff believes these injuries are permanent in nature and will require future medical care and future medical care costs, including future surgery to reduce scarring, and that Trace will continue to endure great pain, suffering, mental anguish, and emotional distress.

SECOND CAUSE OF ACTION
(Negligence of Defendant)

15. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
16. At all times relevant to this Complaint, the dog involved in this incident was dangerous and vicious.
17. At all times relevant to this Complaint, Defendant had knowledge of her dog's dangerousness and viciousness.

18. Defendant owed a duty to Plaintiff and Trace Trumbull to control her dangerous and vicious dog and to keep it from harming Trace.
19. Defendant owed Plaintiff and Trace Trumbull a duty to protect Trace and remove the hazard created by the dog.
20. Defendant breached her duties to Plaintiff and Trace Trumbull by her actions and/or inactions, which allowed the dog to attack Trace. This constituted negligence conduct by the Defendant.
21. As a direct and proximate result of Defendant's negligence, Trace Trumbull sustained permanent personal injuries and damages. These include serious puncture wounds and bites on his face that required him to undergo hospital and medical care; permanent scarring; serious psychological trauma leading to ongoing phobia of dogs; significant hospital and medical care expenses; and Trace's great pain, suffering, severe mental anguish, and emotional distress. Further, Plaintiff believes these injuries are permanent in nature and will require future medical care and future medical care costs, including future surgery to reduce scarring, and that Trace will continue to endure great pain, suffering, mental anguish, and emotional distress.

THIRD CAUSE OF ACTION
(Loss of Consortium – Plaintiff Lisa Trumbull)

22. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully restated herein.
23. Plaintiff Jennifer Trumbull is the lawful mother of Trace Trumbull, a minor.
24. Plaintiff Jennifer Trumbull states that as a result of the strict liability and negligence of the Defendant, set forth herein, she has been deprived of the love, affection, services, consortium, and society of her child, Trace Trumbull.

25. Plaintiff Jennifer Trumbull further states that as a result of the strict liability and negligence of the Defendant, set forth herein, the enjoyment and quality of her life and her ability to carry on the normal activities of her daily life with her son, Trace Trumbull, have been impaired.

WHEREFORE, Plaintiff prays that judgment be entered against Defendant in an amount exceeding Twenty-Five Thousand Dollars (\$25,000.00), together with interest, costs, reasonable attorney fees associated herewith, and such other relief as the Court may deem just.

Respectfully submitted,



Charles E. Boyk
Kathleen R. Harris
Attorneys for Plaintiff

JURY DEMAND

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

Respectfully submitted,



Charles E. Boyk
Kathleen R. Harris
Attorneys for Plaintiff

PRAECIPE

TO THE CLERK:

Please serve summons and Complaint upon Defendant by certified mail, return receipt requested, at the address listed on the caption.



Charles E. Boyk
Kathleen R. Harris
Attorneys for Plaintiff