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COMMON PLEAS COURT

2019 FEB 27 P 12:13

CINDY A. HOFNER

IN THE COMMON PLEAS COURT OF WOOD COUNTY, OHIO

SHARON SWEET
210 Center Street
Findlay, Ohio 45840

and

WILLIAM SWEET
210 Center Street
Findlay, Ohio 45840

Plaintiffs,

v.

USIC LOCATING SERVICES, LLC
c/o CT Corporation System
4400 Easton Commons Way, Suite 125
Columbus, Ohio 43219

and

ANGEL L. HIBBARD
7932 Road 151
Paulding, Ohio 45879

Defendants.

) Case No.:
)
) Judge: **JUDGE MAYBERRY**
)
) **COMPLAINT**
)
) *(Jury Demand Endorsed Hereon)*
)
) Charles E. Boyk (0000494)
) Michael A. Bruno (0033780)
) Kathleen R. Harris (0088079)
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) Attorneys for Plaintiffs

Now come Plaintiffs Sharon Sweet and William Sweet, by and through the undersigned counsel, and hereby file this Complaint against Defendant USIC Locating Services, LLC and Defendant Angel L. Hibbard for injuries arising from Defendant Hibbard's negligent operation of a motor vehicle while she was in the course and scope of her employment and/or agency with Defendant USIC Locating Services, LLC. In support of their claims, Plaintiffs state as follows:

THE PARTIES

1. Plaintiffs Sharon Sweet and William Sweet are individuals and residents of Findlay, Hancock County, Ohio. Plaintiffs Sharon Sweet and William Sweet have been legally married at all times relevant to this Complaint.
2. Defendant USIC Locating Services, LLC is a limited liability company organized under the laws of Indiana and with its principal place of business in Indiana.
3. Defendant Angel L. Hibbard is an individual and a resident of Paulding, Paulding County, Ohio.

JURISDICTION AND VENUE

4. The Wood County Common Pleas Court has jurisdiction over this matter pursuant to R.C. 2305.01.
5. Venue is proper in this Court pursuant to Civil Rule 3(C)(6), as this is the county in which all or part of Plaintiffs' claims for relief arose.
6. Pursuant to Civil Rule 8(A), Plaintiffs state that they are seeking an amount in excess of \$25,000.00.

FACTUAL ALLEGATIONS

7. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.
8. On or about June 14, 2017, Plaintiff Sharon Sweet was the front-seat, seat-belted passenger in a vehicle driven by her granddaughter Skylar L. Vogelsong.
9. Ms. Vogelsong was westbound on Deweyville Road in North Baltimore, Wood County, Ohio approaching the intersection with Mitchell Road.

10. At the same time, Defendant Angel L. Hibbard was operating a vehicle owned by Defendant USIC Locating Services, LLC eastbound on Deweyville Road, approaching the intersection with Mitchell Road from the opposite direction as Ms. Vogelsong and Plaintiff Sharon Sweet.
11. Upon information and belief, at all relevant times Defendant Angel L. Hibbard was in the course and scope of her employment and/or agency with Defendant USIC Locating Services, LLC.
12. Defendant Angel L. Hibbard attempted to make a left-hand turn onto northbound Mitchell Road at the intersection of Deweyville Road and Mitchell Road.
13. In attempting her left-hand turn, Defendant Angel L. Hibbard failed to yield the right-of-way to Skylar L. Vogelsong, and the two vehicles collided in the intersection.
14. Defendant Hibbard was issued a citation by the North Baltimore Police Department for failure to yield the right-of-way on her left turn.
15. Following the crash, Plaintiff Sharon Sweet presented to the Blanchard Valley Hospital Emergency Room, where she began treating for serious injuries including injuries to her back and right shoulder.

FIRST CAUSE OF ACTION
(Negligence – Defendant Angel L. Hibbard)

16. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.
17. Defendant Angel L. Hibbard owed Plaintiff Sharon Sweet a duty of care not to operate the vehicle she was driving in a manner that could cause injury to Plaintiff Sharon Sweet, including a duty to follow all State, local, and common law traffic rules.

18. Defendant Angel L. Hibbard breached this duty by failing to yield the right-of-way to the vehicle in which Plaintiff Sharon Sweet was a passenger, by turning left in front of the oncoming vehicle, and by colliding with it in the intersection.
19. As a direct and proximate result of Defendant Angel L. Hibbard's negligence and breach of her duty of care, Plaintiff Sharon Sweet sustained serious and permanent personal injuries, including to her back and right shoulder, and including vertebral compression fractures requiring kyphoplasty. She was required to undergo hospital and medical care, incurred hospital and medical care costs, and incurred great pain, suffering, severe mental anguish, and emotional distress.
20. Further, Plaintiff Sharon Sweet believes her injuries are permanent in nature and will require future medical care and future medical care costs, and that she will continue to endure great pain, suffering, mental anguish, and emotional distress.

SECOND CAUSE OF ACTION

(Respondeat Superior Liability – Defendant USIC Locating Services, LLC)

21. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.
22. At all relevant times during the incident described herein, Defendant Angel L. Hibbard was acting in the course and scope of her employment and/or agency with Defendant USIC Locating Services, LLC.
23. Under the doctrine of respondeat superior, vicarious liability, principal agency and/or agency by estoppel, Defendant USIC Locating Services, LLC is liable for the negligent acts of its agents and employees, including but not limited to the negligent acts of Defendant Angel L. Hibbard described herein.

THIRD CAUSE OF ACTION
(Loss of Consortium – Plaintiff William Sweet)

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

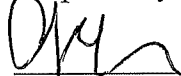
25. Plaintiff William Sweet is the legal spouse of Plaintiff Sharon Sweet and has been her legal spouse at all times relevant to this Complaint.

26. Plaintiff William Sweet states that as a result of the Defendants' negligence, he has been deprived of the love, affection, services, consortium, and society of his wife, Plaintiff Sharon Sweet.

27. Plaintiff William Sweet further states that the enjoyment and quality of his life and his ability to carry on the normal activities of his daily life with his wife have been impaired as a result of the Defendants' negligence.

WHEREFORE, Plaintiffs pray for judgment against Defendants Angel L. Hubbard and USIC Locating Services, LLC in an amount exceeding Twenty-Five Thousand Dollars (\$25,000.00) on each of the above-stated causes of action against them, together with interest, costs, and 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 Plaintiffs

JURY DEMAND

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



Charles E. Boyk
Kathleen R. Harris
Attorneys for Plaintiffs

PRAECIPE

TO THE CLERK:

Please serve summons and complaint upon Defendant Angel L. Hibbard and Defendant USIC Locating Services, LLC by certified mail, return receipt requested, at the Defendants' respective addresses listed on the caption.



Charles E. Boyk
Kathleen R. Harris
Attorneys for Plaintiffs