

LUCAS COUNTY COMMON PLEAS COURT

CASE DESIGNATION

TO: Bernie Quilter, Clerk of Courts

CASE NO.

JUDGE

G-4801-CI-0201901933-000

Judge

GARY G. COOK

The following type of case is being filed:

Professional Malpractice

Legal Malpractice (L)

Medical Malpractice (M)

Product Liability (B)

Other Tort (C)

Workers' Compensation

State Funded (D)

Self Insured (K)

Administrative Appeal (F)

Commercial Docket

By submitting the complaint, with the signature of the Attorney, the Attorney affirms that the name of person with settlement authority and his/her direct phone number will be provided upon request to a party or counsel in this matter

Other Civil

Consumer Fraud (N) Forfeiture

Appropriation (P) Court Ordered

Other Civil (H) Certificate of Title

Copyright Infringement (W)

This case was previously dismissed pursuant to CIVIL RULE 41 and is to be assigned to Judge _____, the original Judge at the time of dismissal. The previously filed case number was CI _____.

This case is a Declaratory Judgment case with a personal injury or related case currently pending. The pending case number is _____, assigned to Judge _____.

This case is to be reviewed for consolidation in accordance with Local Rule 5.02 as a companion or related case. This designation sheet will be sent by the Clerk of Courts to the newly assigned Judge for review with the Judge who has the companion or related case with the lowest case number. The Judge who would receive the consolidated case may accept or deny consolidation of the case. Both Judges will sign this designation sheet to indicate the action taken. If the Judge with the lowest case number agrees to accept, the reassignment of the case by the Administration Judge shall be processed. If there is a disagreement between the Judges regarding consolidation, the matter may be referred to the Administrative Judge.

Related/companion case number _____ Assigned Judge _____

Approve/Deny _____ Date _____ Approve/Deny _____ Date _____

Attorney Charles E. Boyk (0000494)
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Toledo, Ohio 43604
Telephone 419-241-1395

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

G-4801-CI-0201901933-000

LINDA M. CUNNING
319 Lorraine Place
Rossford, Ohio 43460

Case No.:

Judge
GARY G. COOK

Judge:

Plaintiff,

COMPLAINT

(Jury Demand Endorsed Hereon)

v.

GRANGE MUTUAL CASUALTY
COMPANY
c/o CT Corporation Systems
4400 Easton Commons Way, Ste. 125
Columbus, OH 43219

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And

CAILA BARRINGER
3457 Cragmoor Avenue
Toledo, Ohio 43614

Attorneys for Plaintiff

Defendants.

NOW COMES Plaintiff, by and through undersigned counsel, and hereby files her
Complaint for damages arising and resulting from an automobile collision that occurred on
or about May 6, 2017, and in support of her claims, hereby alleges and avers as follows:

THE PARTIES

1. Plaintiff Linda Cunning is and at all relevant times was a resident of Rossford, Wood County, Ohio.
2. Upon information and belief, at all relevant times Defendant Caila Barringer is and was a resident of Toledo, Lucas County, Ohio.
3. Defendant Grange Mutual Casualty Company is an insurance company licensed to sell insurance in the State of Ohio, which sold an insurance policy, including un-insured and under-insured coverage to Linda M. Cunning. A copy of the policy and/or policy declarations page is attached ***not*** as neither are in the possession of Plaintiff.

JURISDICTION AND VENUE

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

FACTS

7. On May 6, 2017, at approximately 4:30 PM, Plaintiff Linda M. Cunning was traveling southbound on Broadway Avenue behind Defendant Caila Barringer.
8. Plaintiff saw Defendant Caila Barringer pull off the roadway on the right-hand side of the street and proceed to attempt a left-hand u-turn into oncoming traffic.

9. Plaintiff was unable to react to Defendant Caila Barringer's actions and the two vehicles collided.

10. Defendant Caila Barringer was cited by Toledo Police Department for failure to observe lanes of travel pursuant to O.R.C. § 4511.25.

FIRST CAUSE OF ACTION
(Negligence – Defendant Caila Barringer)

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

12. In operating a motor vehicle on a public roadway Defendant Caila Barringer owed a duty of care to Plaintiff Linda M. Cunning to operate her vehicle in a safe manner and in accordance with the laws of the State of Ohio.

13. Defendant Caila Barringer breached that duty of care by failing to use reasonable care while driving the automobile and failing to follow applicable traffic laws.

14. As a direct and proximate result of Defendant Caila Barringer's negligence and breach of her duty of care, Plaintiff Linda M. Cunning has sustained serious and permanent personal injuries to her head, neck, back and leg causing incursion of substantial medical expenses, pain and suffering, mental anguish, and emotional distress.

16. Further, Plaintiff Linda M. Cunning believes that these 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
(Declaratory Relief – Defendant Grange Mutual Casualty Company)

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

18. Defendant Grange Mutual Casualty Company's policy issued to Plaintiff Linda M. Cunning provided underinsured and uninsured coverage, as well as medical payments coverage.

19. As a direct and proximate result of Defendant Caila Barringer's negligence and breach of her duty of care, Plaintiff may possibly have incurred medical expenses over and above Defendant Caila Barringer's liability insurance policy limits of an unknown amount. Therefore, Plaintiff is bringing an underinsured claim against Defendant Grange Mutual Casualty Company.

20. Plaintiff Linda M. Cunning has sustained serious and permanent personal injuries to her head, neck, back and leg causing incursion of substantial medical expenses, pain and suffering, mental anguish, and emotional distress.

21. Further, Plaintiff Linda M. Cunning believes that these 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.

WHEREFORE, Plaintiff prays that judgment be entered against the Defendants as 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;
2. On the SECOND cause of action, a declaratory judgment of Plaintiffs' rights as it relates to collecting from the aforementioned Grange Mutual Casualty Company policy and for declaratory

judgment as to Defendant Grange Mutual Casualty Company's responsibilities to pay as it relates to collecting from the aforementioned policy, including but not limited to under- and un-insured motorist coverage; and

3. 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 Defendants 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