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

RYA BANKS, individually and as legal guardian and natural parent of RYLEE HELTON, minor child
4306 Coble Bowland Way
Canal Winchester, Ohio 43110

Plaintiffs,

v.

DUNBAR ARMORED, INC.
c/o TRAC – The Registered Agent Company
3958-D Brown Park Drive
Hilliard, Ohio 43026

And

JOHN P. HUNTSMAN
921 Breathitt Avenue
Columbus, Ohio 43207

Defendants.

Case No.:

Judge:

COMPLAINT

(Jury Demand Endorsed Hereon)

Charles E. Boyk (0000494)
Michael A. Bruno (0033780)
Charles E. Boyk Law Offices, LLC
405 Madison Ave.
Suite 1200
Toledo, Ohio 43604
Telephone: (419) 241-1395
Facsimile: (419) 241-8731
email: cboyk@charlesboyk-law.com
mbruno@charlesboyk-law.com

Attorneys for Plaintiffs

NOW COME Plaintiffs, by and through undersigned counsel, and hereby file their Complaint for damages arising and resulting from an automobile collision that occurred on or about May 5, 2017, and in support of their claims, hereby alleges and avers as follows:

PRELIMINARY STATEMENT

1. This is a negligence action based upon serious, but avoidable injuries Defendant John P. Huntsman caused to Plaintiffs Rya Banks and Rylee Helton, in his capacity as a driver for a Dunbar Armored, Inc., an armored car service.

2. On the morning of May 5, 2017, Plaintiff Rya Banks was parked at the gas pumps at Kroger, located at 3588 Gender Road, Canal Winchester, Franklin County, Ohio. Plaintiff Rya Banks' vehicle was parked immediately behind the Dunbar Armored, Inc. truck operated by Defendant John P. Huntsman and owned by Defendant Dunbar Armored, Inc.

3. Defendant John P. Huntsman attempted to back his vehicle to allow other drivers better access into the Kroger parking lot. While he was backing the Dunbar Armored, Inc. truck, he struck Plaintiff Rya Banks' vehicle, which she and her minor daughter, Rylee were passengers.

4. The impact caused injury to Plaintiffs.

5. Plaintiffs bring this Complaint against Defendants for negligence.

THE PARTIES

6. Plaintiff Rya Banks is the legal guardian and natural parent of Rylee Helton, minor child.

7. Upon information and belief, at all relevant times Defendant John P. Huntsman, is a resident of Columbus, Franklin County, Ohio.

8. Defendant Dunbar Armored, Inc. is a for profit business incorporated in the state of Maryland, with an Ohio location operating and located in Columbus, Franklin County, Ohio.

JURISDICTION AND VENUE

9. This Court has jurisdiction to hear this matter pursuant to Ohio Rev. Code § 2305.01.

10. This Court is the proper venue for this action, pursuant to Ohio R. Civ. P. 3(B)(1), (2), (3) and (6), as Defendant Huntsman, resides in and conducted activity within Franklin County,

Defendant Dunbar Armored, Inc. conducted activity that gave rise to the claims and Plaintiffs' claims for relief arose in Franklin County.

11. Pursuant to Ohio R. Civ. P. 8, Plaintiffs state that the amount in controversy exceeds $25,000.

FIRST CAUSE OF ACTION

(Negligence – Defendant John P. Huntsman)

12. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though set forth fully at length herein.

13. In operating a motor vehicle Defendant John P. Huntsman owed a duty of care to Plaintiffs to operate his vehicle in a safe manner and in accordance with the laws of the State of Ohio.

14. Defendant John P. Huntsman breached that duty of care by failing to use reasonable care while driving the automobile and failing to follow applicable traffic laws.

15. As a direct and proximate result of Defendant John P. Huntsman's negligence and breach of his duty of care, Plaintiff Rya Banks 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.

13. Further, Plaintiff Rya Banks 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.

14. As a direct and proximate result of Defendant John P. Huntsman's negligence and breach of his duty of care, Plaintiff Rylee Helton has sustained serious and permanent personal injuries to her head causing incursion of substantial medical expenses, pain and suffering, mental anguish, and emotional distress.

15. Further, Plaintiff Rylee Helton 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

(Respondeat Superior/Vicarious Liability)

28. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though set forth fully at length herein.

29. At all relevant times during the incident described and alleged herein, Defendant John P. Huntsman was acting in the scope and course of his employment, and at the direction of, Defendant Dunbar Armored, Inc.

30. Under the doctrine of vicarious liability/*respondeat superior*, principal agency and/or agency by estoppel, Defendant Dunbar Armored, Inc. is liable for the negligent acts of its agents and employees, including but not limited to the negligent actions of Defendant John P. Huntsman.

WHEREFORE, Plaintiff prays that judgment be entered against the Defendants 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; and
2. On the SECOND 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; and
3. For such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/Charles E. Boyk
Charles E. Boyk (0000494)
Attorney for Plaintiffs

JURY DEMAND

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

/s/Charles E. Boyk
Charles E. Boyk (0000494)
Attorney for Plaintiffs