

FILED
LUCAS COUNTY

2019 APR -9 PM 3: 28

COMMON PLEAS COURT
BERNIE QUILTER
CLERK OF COURT

IN THE COMMON PLEAS COURT OF LUCAS COUNTY, OHIO

**C.F. and J.F., as Natural Parents and Legal
Guardians of K.F., Minor Child**
c/o Charles E. Boyk Law Offices, LLC
405 Madison Ave., Suite 1200
Toledo, Ohio 43604

Plaintiff,

v.

PAUL KWAPICH
213 Orville Dr.
Toledo, Ohio 43612

Defendant.

Case No.: **G-4801-CI-0201902062-000**

Judge: **Judge
IAN B. ENGLISH**

COMPLAINT

(Jury Demand Endorsed Hereon)

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) Attorneys for Plaintiff

Now comes Plaintiffs C.F. and J.F., as Natural Parents and Legal Guardians of K.F., their minor daughter, by and through the undersigned counsel, and hereby file this Complaint for battery, intentional infliction of emotional distress, and punitive damages against Defendant Paul Kwapich arising from Paul Kwapich's sexual assault of K.F. when K.F. was thirteen years old. In support of their Complaint, Plaintiffs state as follows:

THE PARTIES

1. Plaintiffs C.F. (father) and J.F. (mother) are the natural parents and legal guardians of K.F., a minor child. C.F. and J.F. reside in Ottawa County, Ohio. Their names are redacted to protect the privacy of K.F. in light of the sensitive nature of the subject matter of this

Complaint. The Plaintiffs' identity is known to the Defendant as the Defendant is currently undergoing criminal prosecution arising from the same facts that form the basis of this Complaint.

2. Plaintiff K.F. is currently fifteen (15) years old and resides with her parents in Port Clinton, Ohio. At the time of the incidents described herein, K.F. was thirteen (13) years old. K.F. is identified by her initials to protect her privacy in light of the sensitive nature of the subject matter of this Complaint. Her identity is well known to the Defendant as the Defendant is currently undergoing criminal prosecution arising from the same facts that form the basis of this Complaint.
3. Upon information and belief, Defendant Paul Kwapich is an individual who resides in Toledo, Lucas County, Ohio.

JURISDICTION AND VENUE

4. The Lucas 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)(1) because this is the county in which the Defendant resides.
6. Pursuant to Civil Rule 8(A), Plaintiff states that he seeks an amount in excess of \$25,000.00.

FACTUAL ALLEGATIONS

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

8. Defendant Paul Kwapich is the father of Jason Kwapich and the grandfather of M.K. Paul Kwapich was sixty-two (62) years old at the time of the sexual assault described in this Complaint.
9. At all relevant times, K.F. and M.K. were friends and soccer teammates.
10. At all relevant times, Jason Kwapich and M.K. lived in Perrysburg, Ohio.
11. Prior to the events that form the basis of this Complaint and beginning in 2016, Paul Kwapich attended K.F.'s and M.K.'s soccer tryouts, practices, and games. He often made himself available to transport M.K. and her friends, including K.F., to various places. The minor girls would also go to Defendant Paul Kwapich's property to ride four-wheelers. At that time, K.F. was twelve (12) years old.
12. When K.F. was at Defendant Paul Kwapich's house with her friend M.K. prior to the incident alleged herein, more than once the girls walked into Paul Kwapich's house and found him watching pornography in plain view of them. At least once, he left the pornography on despite knowing the minor girls had walked in and seen it.
13. Defendant Paul Kwapich had a history of engaging in inappropriate and sexualized conversation with minor girls, including K.F. Prior to the incident described herein, Mr. Kwapich had talked to K.F. about prostitutes and commented on K.F.'s butt.
14. In November 2016, Defendant Paul Kwapich made comments about K.F.'s butt and tried to wipe food off of it after K.F. sat in something at a wake after a funeral they had both attended. K.F. was still only twelve (12) years old at the time.
15. K.F. turned thirteen (13) in December 2016.
16. On April 2, 2017, Defendant Paul Kwapich provided transportation for K.F. and his granddaughter M.K. and then took them to M.K.'s home in Perrysburg, Ohio, arriving at

approximately 4:30 p.m. The girls had planned to have a sleepover and K.F. intended to spend the night at M.K.'s house that evening.

17. Jason Kwapich and his wife were not home at the time Paul Kwapich arrived with the minor girls or at any time leading up to or during the assault that occurred later that night.

18. Although K.F. and M.K. were both thirteen (13) years old and did not require supervision, Paul Kwapich stayed at his son's home in Perrysburg the rest of the afternoon and evening.

19. K.F. and M.K. both showered and shaved their legs. While the 13-year-old girls were commenting to each other about their legs being smooth, 62-year-old Paul Kwapich felt their legs.

20. At approximately 11:30 p.m., K.F., M.K., and Paul Kwapich were seated on the couch in Jason Kwapich's living room. M.K. was seated next to her grandfather Paul Kwapich, and K.F. was seated closer to an end table charging her phone.

21. M.K. asked K.F. to change seats with her, and K.F. went to sit beside Paul Kwapich on the couch. At some point thereafter and prior to the end of the assault on K.F., M.K. left the couch and went upstairs.

22. When 13-year-old K.F. was seated next to 62-year-old Paul Kwapich, Paul Kwapich placed a pillow over K.F.'s legs. He proceeded to move his hand up K.F.'s thigh and repeatedly stroked and fondled her genitalia through the thin gym shorts she was wearing. K.F. was frozen in fear and horror at what was being done to her.

23. After a period of time that felt like five minutes, K.F. finally unfroze from the horror of what was happening to her and left the room.

24. K.F. ran upstairs and told M.K. what had happened, and then called her mother J.F. At the time, K.F. was afraid to tell her mother the full extent of Paul Kwapich's actions because

she feared that her mother would physically come after Mr. Kwapich, and she did not want to ruin J.F.'s lifelong friendship with Heather Kwapich, M.K.'s mother and Paul Kwapich's daughter-in-law.

25. K.F. disclosed what Paul Kwapich had done to her to a school friend, T.W.
26. After the incident, J.F. noticed a psychological change in K.F., and though she did not know the reason for it she arranged for K.F. to begin counseling. In counseling, K.F. was finally able to report what Paul Kwapich had done to her in the Kwapich home.
27. Upon information and belief, after this incident Paul Kwapich told his granddaughter M.K. that K.F. was a snitch and a bitch.
28. Paul Kwapich is currently facing criminal charges in Perrysburg Municipal Court arising out of his sexual assault of K.F.

COUNT ONE
(Battery)

29. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
30. Defendant, 62-year-old Paul Kwapich inappropriately, unlawfully, intentionally, and knowingly touched 13-year-old K.F. in a sexual manner, unlawfully touching K.F.'s genitals through a thin layer of fabric.
31. Defendant's touching and sexual contact with K.F.'s genitals can be construed as nothing other than for his own sexual gratification.
32. Defendant's touching of K.F. was harmful, offensive, intentional, and nonconsensual, and Defendant intended his harmful contact with K.F. to occur.
33. Defendant Paul Kwapich's unlawful physical touching of K.F. constitutes sexual battery against a minor.

34. As a direct and proximate result of the sexual battery, K.F. suffered serious psychological injuries and trauma, incurred medical expenses, and incurred severe mental anguish, suffering, and emotional distress. Further, Plaintiffs believe these injuries may be permanent in nature and that K.F. will require future medical care and future medical expenses, and that she will continue to endure severe mental anguish, suffering, and emotional distress.

COUNT TWO
(Intentional Infliction of Emotional Distress)

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

36. By his actions described herein, Defendant Paul Kwapich knew or should have known that his actions of sexual contact with a 13-year-old girl would cause that minor, K.F., to suffer emotional distress and mental anguish that no reasonable person could be expected to endure.

37. Defendant Paul Kwapich's actions described herein constituted extreme and outrageous conduct beyond the bounds of decency and utterly intolerable in a civilized society.

38. As a direct and proximate result of Defendant Paul Kwapich's actions, K.F. suffered serious psychological injuries and trauma, incurred medical expenses, and incurred severe mental anguish, suffering, and emotional distress. Further, Plaintiffs believe these injuries may be permanent in nature and that K.F. will require future medical care and future medical expenses, and that she will continue to endure severe mental anguish, suffering, and emotional distress.

COUNT THREE
(Punitive Damages)

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

40. The acts of Defendant Paul Kwapich described herein constitute malice as that term is used in R.C. 2315.21 and interpreted by the courts of the State of Ohio. In particular, his actions against 13-year-old K.F. were outrageous and demonstrate a conscious disregard for the rights and well-being of K.F. that had a great probability of causing substantial harm to K.F., and which did in fact cause substantial harm to K.F.

41. Plaintiffs are entitled to and demand punitive damages against Defendant Paul Kwapich in an amount to be determined by the trier of fact.

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

Respectfully submitted,

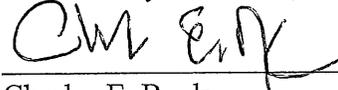


Charles E. Boyk
Kathleen R. Harris
Attorneys for Plaintiff

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 Plaintiffs

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 Plaintiffs