

PARTIES

1. Plaintiffs Kevin Fitts and Chanelle A. Fitts are individuals and residents of the State of Pennsylvania.
2. Defendant David L. Porter is an individual and a resident of the State of Ohio.

JURISDICTION AND VENUE

3. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
4. This Court has original jurisdiction over this matter under 28 U.S.C. § 1332 because Plaintiffs' citizenship is diverse from the Defendant's citizenship, and because the amount in controversy exceeds seventy-five thousand dollars (\$75,000.00).
5. Venue is proper in this Court under 28 U.S.C. 1391(b) because the collision described herein occurred in Ottawa County, Ohio, which is located in this judicial district.

FACTUAL ALLEGATIONS

6. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.
7. On or about August 24, 2017, Plaintiff Kevin Fitts was operating his vehicle westbound on State Route 2 approaching the intersection with State Route 358 in Ottawa County, Ohio.
8. At the same time, Defendant David L. Porter was operating his vehicle northbound on State Route 358 near the intersection with State Route 2.
9. At all relevant times, traffic on State Route 358 had a stop sign at the intersection with State Route 2, while State Route 2 had no traffic control device.
10. Defendant David L. Porter failed to yield at the stop sign on State Route 358 and proceeded into the intersection with State Route 2 in front of Plaintiff Kevin Fitts's oncoming vehicle.

The two vehicles collided in the intersection, and after impact Plaintiff's vehicle struck a utility pole and curb, sustaining heavy damage.

11. Plaintiff Kevin Fitts was transported from the scene by ambulance and presented to the Magruder Hospital Emergency Room, where he began treating for serious personal injuries including to his left collar bone and left shoulder.
12. Defendant David L. Porter was cited for a violation of R.C. 4511.43 related to his failure to yield the right-of-way at the stop sign.

FIRST CAUSE OF ACTION

13. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.
14. Defendant David L. Porter owed Plaintiff Kevin Fitts a duty of care to adhere to the traffic laws of the State of Ohio and not to operate the vehicle he was driving in such a manner that may cause injury to Plaintiff.
15. Defendant Porter breached these duties, including by failing to yield the right-of-way at the stop sign and pulling out in front of Plaintiff's oncoming vehicle.
16. As a direct and proximate result of Defendant's negligence and breach of his duty of care, Plaintiff Kevin Fitts sustained serious personal injuries including but not limited to left collar bone, left shoulder, left leg, and neck injuries. Among other things he suffered a partial rotator cuff tear that required surgery. Kevin Fitts was required to undergo medical care and incurred medical care costs, and he incurred great pain, suffering, severe mental anguish, and emotional distress. Further, Plaintiffs believe the injuries to Kevin Fitts are permanent in nature and that he will require future medical care and future medical care

costs, and that he will continue to endure great pain, suffering, mental anguish, and emotional distress.

SECOND CAUSE OF ACTION
(Loss of Spousal Consortium)

17. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.
18. Plaintiff Chanelle A. Fitts is Plaintiff Kevin Fitts's legal spouse and has been his legal spouse at all times relevant to this Complaint.
19. Plaintiff Chanelle A. Fitts states that as a result of the Defendant's negligence, she has been deprived of the love, affection, services, consortium, and society of her husband, Plaintiff Kevin Fitts.
20. Plaintiff Chanelle A. Fitts further states that the enjoyment and quality of her life and her ability to carry on the normal activities of her daily life with her husband have been impaired.

WHEREFORE, Plaintiffs pray for judgment against Defendant David L. Porter on each of the claims against him 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,

/s/ Charles E. Boyk

Charles E. Boyk

Kathleen R. Harris

Attorneys for Plaintiffs

JURY DEMAND

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

/s/ Charles E. Boyk

Charles E. Boyk

Kathleen R. Harris

Attorney for Plaintiff