

FILED
LUCAS COUNTY

2019 JUL -3 AM 9:10

COMMON PLEAS COURT
BERNIE QUILTER
CLERK OF COURT

IN THE COMMON PLEAS COURT OF LUCAS COUNTY, OHIO

PATRICK RODRIGUEZ,
1500 Brooke Park Drive, Apt. #3
Toledo, Ohio 43612

and

LAURA RODRIGUEZ,
1500 Brooke Park Drive, Apt. #3
Toledo, Ohio 43612

Plaintiffs,

v.

CHRISTOPHER J. MARTINEZ
6002 E. Cobblestones Lane
Sylvania, Ohio 43560

Defendant.

) Case No.: **G-4801-CI-0201902974-000**
) **Judge**
) Judge: **LINDSAY D. NAVARRE**
)
) **COMPLAINT**
)
) *(Jury Demand Endorsed Hereon)*
)
) Charles E. Boyk (0000494)
) Kathleen R. Harris (0088079)
) Charles E. Boyk Law Offices, LLC
) 405 Madison Ave., Suite 1200
) Toledo, Ohio 43604
) Telephone: (419) 241-1395
) Facsimile: (419) 241-8731
) cboyk@charlesboyk-law.com
) kharris@charlesboyk-law.com
)
) Attorneys for Plaintiffs
)
)

Now come Plaintiffs Patrick Rodriguez and Laura Rodriguez, by and through undersigned counsel, and hereby file this Complaint for damages arising out of an automobile collision that occurred on or about July 14, 2017. In support of their claims, Plaintiffs state as follows:

THE PARTIES

1. Plaintiff Patrick Rodriguez and his wife Laura Rodriguez are individuals and residents of Toledo, Lucas County, Ohio.
2. Defendant Christopher J. Martinez is an individual and a resident of Sylvania, Lucas County, Ohio.

JURISDICTION AND VENUE

3. The Lucas County Common Pleas Court has jurisdiction over this matter pursuant to R.C. 2305.01.
4. Venue is proper in this Court pursuant to Civil Rule 3(C)(1) and 3(C)(6), as this is the county in which the Defendant resides and the county in which all or part of the claims for relief arose.
5. Pursuant to Civil Rule 8(A), Plaintiffs state that they seek a judgment in excess of \$25,000.00.

FACTUAL ALLEGATIONS

6. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.
7. On or about July 14, 2017, Plaintiff Patrick Rodriguez was lawfully operating his vehicle westbound on Erie Street and stopped at a red light at the intersection with San Reno Drive in Sylvania, Lucas County, Ohio.
8. At the same time, Defendant Christopher J. Martinez was operating a vehicle westbound on Monroe Street in Sylvania, Lucas County, Ohio, approaching the intersection with Erie Street.
9. Defendant turned left from Monroe Street onto Erie Street, failed to maintain assured clear distance ahead, and collided with Plaintiff Patrick Rodriguez's stopped vehicle.
10. Defendant was cited with failure to maintain assured clear distance ahead.
11. Plaintiff Patrick Rodriguez was transported from the scene to Flower Hospital, where he began treating for serious personal injuries.

FIRST CAUSE OF ACTION

(Negligence)

12. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.
13. Defendant Christopher J. Martinez owed Plaintiff Patrick Rodriguez a duty of care to adhere to the traffic laws of the State of Ohio and Sylvania, Ohio and not to operate the vehicle he was driving in such a manner that may cause injury to Plaintiff.
14. Defendant breached this duty by failing to maintain assured clear distance ahead and colliding with Plaintiff Patrick Rodriguez's vehicle.
15. As a direct and proximate result of Defendant's negligence and breach of his duty of care, Plaintiff Patrick Rodriguez sustained serious personal injuries, including but not limited to injuries to his neck, back, right shoulder, knee, and hip. Patrick was required to undergo medical care and incurred medical care costs, and he incurred great pain, suffering, severe mental anguish, and emotional distress along with other economic damages.
16. Further, Plaintiffs believe the injuries to Plaintiff Patrick Rodriguez are permanent in nature and that he will require future medical care and 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 – Plaintiff Laura Rodriguez)

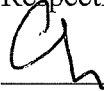
17. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.
18. Plaintiff Laura Rodriguez is Plaintiff Patrick Rodriguez's legal spouse and has been his legal spouse at all times relevant to this Complaint.

19. Plaintiff Laura Rodriguez 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 Patrick Rodriguez.

20. Plaintiff Laura Rodriguez 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 as a result of the Defendant's negligence.

WHEREFORE, Plaintiffs pray for judgment against Defendant Christopher J. Martinez 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,



Charles E. Boyk
Kathleen R. Harris
Attorneys for Plaintiffs

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 their respective addresses listed on the caption.



Charles E. Boyk
Kathleen R. Harris
Attorneys for Plaintiff