

FILED
LUCAS COUNTY

2019 NOV 19 PM 2: 37

COMMON PLEAS COURT
BERNIE QUILTER
CLERK OF COURTS

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

**DARRIN SCOTT, Individually and as
Parent and Natural Guardian of Minor
Children Micah Scott and Avere Scott**
2835 Castleton Avenue
Toledo, Ohio 43623

and,

**LAURA SCOTT, Individually and as
Parent and Natural Guardian of Minor
Children Micah Scott and Avere Scott**
2835 Castleton Avenue
Toledo, Ohio 43623

Plaintiffs,

v.

**VAN TASSEL CONSTRUCTION
CORP.**
c/o Robert A. Koenig
1000 Jackson
Toledo, Ohio 43624

Defendant.

CASE NO.:

G-4801-CI-0201904505-000

JUDGE:

**Judge
LINDA J. JENNINGS**

COMPLAINT

(Jury Demand Endorsed Hereon)

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Attorneys for Plaintiffs

Now comes Plaintiff Darrin Scott and Plaintiff Laura Scott, individually and as parents and natural guardians of minor children Micah Scott and Avere Scott, by and through undersigned counsel, and hereby files this Complaint against Van Tassel Construction Corp. and The University of Toledo Medical Center Family Medicine d/b/a The University of Toledo Medical Center for injuries and damages arising from a serious personal injury sustained in Toledo, Lucas County, Ohio. In support of their claims, Plaintiffs state as follows:

THE PARTIES

1. Plaintiff Darrin Scott, his wife Plaintiff Laura Scott, and their minor children Micah and Avere Scott are individuals and residents of Toledo, Lucas County, Ohio.
2. Defendant Van Tassel Construction Corp. ("Van Tassel") is an Ohio Corporation doing business in Toledo, Lucas County, Ohio.
3. Robert A. Koenig is listed as the registered agent for Van Tassel Construction Corp.

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)(2) and 3(C)(6) as this is the county in which Defendant Van Tassel has its principal place of business and the county in which all or part of the claims for relief arose.
6. Pursuant to Civil Rule 8(A), Plaintiffs seek judgment in excess of Twenty-Five Thousand Dollars (\$25,000.00).

FACTUAL ALLEGATIONS

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

8. On or about December 26, 2018, Plaintiff Darrin Scott and Plaintiff Laura Scott were on the premises of The University of Toledo Medical Center, Family Medicine (“UTMC”) leaving from an appointment Laura Scott had with her family doctor, Michelle Boose, MD, MPH, FAAFP.

9. While walking from the UTMC facility to their car, Plaintiff Darrin Scott stepped on what appeared to be a patched/repared square of partially set concrete.

10. Upon placing his foot on the partially set concrete square, the concrete gave way and Plaintiff Darrin Scott’s foot went through, severely injuring his knee and ankle.

FIRST CAUSE OF ACTION

(Negligence- Defendant Van Tassel Construction Corp.)

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

12. At all relevant times hereto, UTMC hired, contracted and/or utilized Defendant Van Tassel for the purposes of installing and/or maintaining the concrete at the UTMC facility.

13. At all relevant times herein, Plaintiffs were lawful business invitees and guests of UTMC.

14. Defendant Van Tassel was negligent in defectively setting, patching, or repairing a square patch of concrete on UTMC’s premises.

15. Defendant Van Tassel was negligent in allowing defective conditions to exist in an area where business invitees were certain to be present and for failing to provide a reasonably safe place for invitees and/or guests. Said defects include improperly patched/repared concrete that was only partially set.

16. Defendant Van Tassel had superior knowledge regarding the condition of the concrete and failed to reasonably inspect the partially set square of concrete, all of which caused injuries and damages to Plaintiff Darrin Scott as set forth herein.

17. Defendant Van Tassel had superior knowledge regarding the condition of the concrete and failed to warn that a dangerous condition existed, all of which caused injuries and damages to Plaintiff Darrin Scott as set forth herein.

18. As a direct and proximate result of Defendant Van Tassels's negligence and breach of duty of care, Plaintiff Darrin Scott sustained serious personal injuries including but not limited to injuries to his right ankle and foot. Plaintiff Darrin Scott has been required to undergo medical care and has incurred medical care costs and other economic loss. He has also incurred great pain, suffering, severe mental anguish, and emotional distress and will continue to experience pain, suffering, mental anguish and emotional distress in the future.

SECOND CAUSE OF ACTION
(Loss of Spousal Consortium – Plaintiff Laura Scott)

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

20. Plaintiff Laura Scott is Plaintiff Darrin Scott's legal spouse and has been his legal spouse at all times relevant to this Complaint.

21. Plaintiff Laura Scott states that as a direct and proximate result of Defendant's negligence and breach of duty of care, she has suffered, and continues to suffer, a loss to the companionship, society, services, and consortium of her husband that she enjoyed before this accident.

22. Plaintiff Laura Scott further states that as a result of the Defendant's negligence, her enjoyment and quality of life and ability to carry on the normal activities of her daily life with her husband has been impaired.

THIRD CAUSE OF ACTION

(Loss of Parental Consortium – Plaintiffs Micah Scott and Averee Scott)

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

24. Plaintiff Micah Scott and Plaintiff Averee Scott are the minor children of Plaintiff Darrin Scott and Plaintiff Laura Scott.

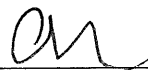
25. Plaintiff Micah Scott and Plaintiff Averee Scott state that as a direct and proximate result of Defendant's negligence, they have been deprived of the love, affection, services, consortium, and society of their father, Plaintiff Darrin Scott.

26. Plaintiff Micah Scott and Plaintiff Averee Scott further state that as a result of the Defendant's negligence, their enjoyment and quality of life and ability to carry on the normal activities of their daily life with their father has been impaired.

WHEREFORE, Plaintiffs pray for:

Judgment against Defendant on each of the claims against it 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
Andrea R. Young
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
Andrea R. Young
Attorneys for Plaintiffs

PRAECIPE

TO THE CLERK:

Please serve summons and Complaint upon Defendant by certified mail, return receipt requested, at its respective address listed on the caption.



Charles E. Boyk
Kathleen R. Harris
Andrea R. Young
Attorneys for Plaintiffs