

FILED  
LUCAS COUNTY

2019 NOV 20 PM 2:26

COMMON PLEAS COURT  
BLERNE QUILLER  
CLERK OF COURTS

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

**G-4801-CI-0201904525-000**

**MAGGIE SPROTT**  
2532 Scottwood Avenue  
Toledo, Ohio 43610

Plaintiff,

v.

**STEPHANIE O'ROURKE**  
1047 Branleigh Drive  
Toledo, Ohio 43612

and

**EVAN O'ROURKE**  
1047 Branleigh Drive  
Toledo, Ohio 43612

Defendants.

) Case No.:

**Judge  
LINDSAY D. NAVARRE**

) Judge:

) **COMPLAINT**

) *(Jury Demand Endorsed Hereon)*

) Charles E. Boyk (0000494)

) Sam Bolotin (0014727)

) Kathleen R. Harris (0088079)

) Andrea R. Young (0096334)

) 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

) sbolotin@charlesboyk-law.com

) kharris@charlesboyk-law.com

) ayoun@charlesboyk-law.com

) *Attorneys for Plaintiff*

Now comes Plaintiff Maggie Sprott, by and through undersigned counsel, and hereby files her Complaint for damages arising out of an automobile collision that occurred on or about December 1, 2017. In support of her claims, Plaintiff states as follows:

### **THE PARTIES**

1. That at all times material hereto Plaintiff Maggie Sprott was and is an individual and resident of Toledo, Lucas County, Ohio.
2. That at all times material hereto Defendant Stephanie O'Rourke was and is an individual and a resident of Toledo, Lucas County, Ohio.
3. That at all times material hereto Defendant Evan O'Rourke was and is an individual and a resident of 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) and (C)(6) as this is the county in which the Defendants reside and the county in which all or part of the claims for relief arose.
6. Pursuant to Civil Rule 8(A), Plaintiff states that she seeks a judgment in excess of \$25,000.00.

### **FACTUAL ALLEGATIONS**

7. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
8. Around 5:50 P.M. on or about December 1, 2017, Plaintiff Maggie Sprott was lawfully operating her vehicle eastbound on West Sylvania Avenue in Toledo, Lucas County, Ohio.
9. At the same time, Defendant Stephanie O'Rourke was operating a vehicle owned by Defendant Evan O'Rourke eastbound on West Sylvania Avenue in Toledo, Lucas County, Ohio.

10. Prior to operating Defendant Evan O'Rourke's vehicle eastbound on West Sylvania Avenue, Defendant Stephanie O'Rourke had consumed an unknown number of alcoholic beverages.
11. Plaintiff Maggie Sprott's vehicle was stopped in eastbound traffic in Toledo, Lucas County, Ohio. Defendant Stephanie O'Rourke failed to stop and struck the rear of Plaintiff Maggie Sprott's vehicle causing injury to Plaintiff.
12. At the scene, Defendant Stephanie O'Rourke exhibited slurred speech, fumbled with documents, and her eyes showed visible signs of being under the influence of substances. During her field sobriety test she appeared unsteady on her feet.
13. Defendant Stephanie O'Rourke was cited for operating a vehicle under the influence and failing to keep an assured clear distance. As part of her sentence, she was fined \$150.00 and ordered to complete a Drivers Intervention Program.

**FIRST CAUSE OF ACTION**

***(Negligence/ Negligence Per Se – Defendant Stephanie O'Rourke)***

14. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
15. Defendant Stephanie O'Rourke owed Plaintiff Maggie Sprott a duty of care to adhere to the traffic laws of the State of Ohio and not to operate the vehicle she was driving in such a manner that may cause injury to Plaintiff.
16. Defendant Stephanie O'Rourke breached these duties by driving under the influence of alcohol, failing to keep an assured clear distance ahead, and striking Plaintiff's vehicle.
17. Defendant Stephanie O'Rourke was cited for violating R.C. 4511.19(A)(1)(a) and 4511.21 which constitutes *negligence per se*.

18. As a direct and proximate result of Defendant Stephanie O'Rourke's negligence and breach of her duty of care, Plaintiff Maggie Sprott sustained serious personal injuries including but not limited to injuries to her neck, shoulders, and back. She also incurred great pain, suffering, severe mental anguish, and emotional distress.
19. Plaintiff was required to undergo medical care and incurred medical care costs.
20. Plaintiff incurred lost wages due to her inability to work because of said injuries.
21. The injuries to Plaintiff Maggie Sprott are believed to be permanent in nature and that she will require future medical care and medical care costs, and that she will continue to endure great pain, suffering, mental anguish, and emotional distress.

**SECOND CAUSE OF ACTION**  
***(Negligent Entrustment – Defendant Evan O'Rourke)***

22. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
23. At all relevant times, Defendant Evan O'Rourke was the titled owner of the vehicle Defendant Stephanie O'Rourke was driving, while under the influence of alcohol, when she time she failed to stop and struck the rear of Plaintiff Maggie Sprott's vehicle.
24. Defendant Evan O'Rourke owed a duty of care not to negligently entrust his vehicle to an inexperienced, reckless, incompetent, and/or dangerous driver.
25. Defendant Evan O'Rourke breached that duty of care by negligently entrusting his automobile to Defendant Stephanie O'Rourke when Defendant Evan O'Rourke knew or reasonably should have known that Defendant Stephanie O'Rourke was an inexperienced, reckless, incompetent, and/or dangerous driver.
26. Defendant Evan O'Rourke's negligent entrustment of his vehicle to Defendant Stephanie O'Rourke directly and proximately caused the collision described herein.

27. As a direct and proximate result of Defendant Evan O'Rourke's negligent entrustment of his vehicle to Defendant Stephanie O'Rourke, Plaintiff Maggie Sprott sustained serious personal injuries including but not limited to injuries to her neck, shoulders, and back. She also incurred great pain, suffering, severe mental anguish, and emotional distress.
28. Plaintiff was required to undergo medical care and incurred medical care costs.
29. Plaintiff incurred lost wages due to her inability to work because of said injuries.
30. The injuries to Plaintiff Maggie Sprott are believed to be permanent in nature and that she will require future medical care and medical care costs, and that she will continue to endure great pain, suffering, mental anguish, and emotional distress.

**THIRD CAUSE OF ACTION**  
***(Punitive Damages – Defendant Stephanie O'Rourke)***

31. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
32. The acts of Defendant Stephanie O'Rourke 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, by driving under the influence of alcohol, Defendant Stephanie O'Rourke consciously disregarded the rights and safety of Plaintiff Maggie Sprott in a manner that had a great probability of causing substantial harm and did in fact cause that substantial harm.
33. Plaintiff is entitled to and demands punitive damages against Defendant Stephanie O'Rourke, in an amount to be determined by the trier of fact.

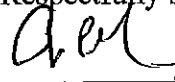
WHEREFORE, Plaintiff prays for:

- (A) Judgment against Defendants Stephanie O'Rourke and Evan O'Rourke on each of the claims against them 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, and

(B) Punitive damages against Defendant Stephanie O'Rourke in an amount to be determined at trial.

Respectfully submitted,



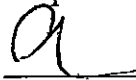
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Charles E. Boyk  
Samuel G. Bolotin  
Kathleen R. Harris  
Andrea R. Young  
*Attorneys for Plaintiff*

**JURY DEMAND**

Plaintiff hereby demand a trial by jury on all issues triable by right.

Respectfully submitted,



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Charles E. Boyk  
Samuel G. Bolotin  
Kathleen R. Harris  
Andrea R. Young  
*Attorneys for Plaintiff*

**PRAECIPE**

**TO THE CLERK:**

Please serve summons and Complaint upon Defendants by certified mail, return receipt requested, at their respective addresses listed on the caption.



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Charles E. Boyk  
Samuel G. Bolotin  
Kathleen R. Harris  
Andrea R. Young  
*Attorneys for Plaintiff*