

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

JENNIFER BUCKENMEYER,
Administrator of the Estate of Aaron)
Buckenmeyer, Deceased
12310 Old State Line Road
Swanton, Ohio 43558

Plaintiff,

v.

DICK'S SPORTING GOODS, INC.
c/o Corporation Service Company
50 West Broad Street, Suite 1330
Columbus, Ohio 43215

and

CARL V. STAHL
4119 Lyman Avenue
Toledo, Ohio 43612

Defendants.

) Case No.:

) Judge:

) **COMPLAINT**

) ***(Jury Demand Endorsed Hereon)***

) Charles E. Boyk (0000494)

) Kathleen R. Harris (0088079)

) Andrea R. Young (0096334)

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) Attorneys for Plaintiffs

Now comes Plaintiff Jennifer Buckenmeyer, Administrator of the Estate of Aaron Buckenmeyer, deceased, and hereby files this Complaint against Defendants Dick's Sporting Goods, Inc. and Carl V. Stahl for injuries and damages sustained by decedent Aaron Buckenmeyer as a result of loss-prevention-officer Stahl assaulting Mr.

Buckenmeyer at Dick's Sporting Goods in Toledo, Lucas County, Ohio, on or about July 2, 2020. In support of her claims, Plaintiff states as follows:

THE PARTIES

1. Plaintiff Jennifer Buckenmeyer is an individual and a resident of Swanton, Lucas County, Ohio and the mother of Aaron Buckenmeyer. Aaron Buckenmeyer died intestate on December 12, 2020, and on January 25, 2021, the Lucas County Probate Court appointed Jennifer Buckenmeyer the Administrator of Aaron's Estate.
2. Defendant Dick's Sporting Goods, Inc. is a corporation organized under the laws of the State of Delaware, with its principal place of business in the State of Pennsylvania, and which at all relevant times operated a store at 5001 Monroe Street, Toledo, Lucas County, Ohio, 43623.
3. Defendant Carl V. Stahl is an individual and a resident of Toledo, Lucas County, Ohio who at all relevant times was employed as a loss prevention officer at Dick's Sporting Goods on Monroe Street and acting in the course and scope of that employment.

JURISDICTION & VENUE

4. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
5. The Lucas County Common Pleas Court has jurisdiction over this matter pursuant to R.C. 2305.01.

6. Venue is proper in this Court pursuant to Civil Rule 3(C)(1) and 3(C)(6), as this is the county in which Defendant Stahl resides and the county in which all or part of the claims for relief arose.
7. Pursuant to Civil Rule 8(A), Plaintiff states that she seeks a judgment in excess of Twenty-Five Thousand Dollars (\$25,000.00).

FACTUAL ALLEGATIONS

8. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
9. On or about July 2, 2020, 36-year-old Aaron Buckenmeyer visited the Dick's Sporting Goods location at 5001 Monroe Street in Toledo, Lucas County, Ohio.
10. At all relevant times, Defendant Carl Stahl was acting in the course and scope of his employment as a loss prevention officer for Defendant Dick's Sporting Goods.
11. While Aaron was still in the store, Defendant Stahl approached him in a threatening posture – made more intimidating by the size differential between the two men – and accused Aaron of concealing small food items in a bag.
12. Defendant Stahl stood so close to Aaron that they were separated by mere inches.
13. Suddenly, without provocation, Defendant Stahl reached forward and grabbed Aaron Buckenmeyer by the neck, slamming him forcefully down to the ground.
14. Defendant Stahl placed Aaron in a chokehold and pinned him against the floor, punching him and continuing to use a chokehold even as Aaron, an asthmatic who plainly sounded out of breath, called out multiple times that he could not breathe.
15. Defendant Stahl continued restraining and physically assaulting Aaron Buckenmeyer for approximately five minutes, shouting at him, punching him

repeatedly, and at one point even picking Aaron up and slamming him back to the ground face first before taking swing after swing at him.

16. For the duration of the attack, bystanders shouted at Defendant Stahl that Aaron Buckenmeyer had asthma and was not resisting.

17. Additional Dick's Sporting Goods employees stood by and watched the assault on Aaron Buckenmeyer, standing in a circle and recording videos that went viral but taking no action to remove Defendant Stahl or call him off the attack.

18. Aaron Buckenmeyer was beaten and bloodied, sustained serious injuries, and sought emergency medical treatment after the assault.

19. Aaron Buckenmeyer was never charged with theft in connection with this trip to Dick's Sporting Goods, never once left or attempted to leave the Dick's Sporting Goods premises and was not even standing anywhere near the door prior to Defendant Stahl approaching and violently attacking him.

20. Videos and photos of Defendant Stahl beating Aaron Buckenmeyer were shared widely on YouTube and social media, and by local Toledo news sources, and TMZ put the footage on a national stage.

21. Upon information and belief, Defendant Stahl had a history of violence and violent encounters in his work as a loss protection officer of which Defendant Dick's Sporting Goods, Inc. was aware or of which it should have been aware had the company conducted reasonable investigation prior to employing Defendant Stahl in its retail store.

22. Toledo Police responded to Dick's Sporting Goods, arrested Defendant Stahl, and took him downtown for further questioning in connection with the assault.

FIRST CAUSE OF ACTION
(Battery – Defendant Stahl)

23. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
24. Defendant Stahl's attack on Aaron Buckenmeyer constituted a knowing and unlawful physical touching.
25. Defendant Stahl's unlawful and knowing beating of Aaron Buckenmeyer was harmful, offensive, intentional, and nonconsensual.
26. Defendant Stahl lacked probable cause to stop Aaron, and/or Stahl's assault constituted using undue restraint and violence upon Aaron Buckenmeyer.
27. Defendant Stahl's unlawful contact with Aaron Buckenmeyer constitutes battery.
28. As a direct and proximate result of the battery, Aaron Buckenmeyer sustained serious personal injuries to his head, face, and neck, along with sustaining great pain and suffering, severe mental anguish, and emotional distress for the duration of his life.

SECOND CAUSE OF ACTION
(Intentional Infliction of Emotional Distress – Defendant Stahl)

29. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
30. By his actions described herein, Defendant Stahl knew or should have known that his physical contact with and assault on Aaron Buckenmeyer would cause Aaron to suffer emotional distress and mental anguish that no reasonable person could be expected to endure.

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

32. As a direct and proximate result of this intentional infliction of emotional distress, Aaron Buckenmeyer sustained serious personal injuries to his head, face, and neck, along with sustaining great pain and suffering, severe mental anguish, and emotional distress for the duration of his life.

THIRD CAUSE OF ACTION
(Vicarious Liability – Defendant Dick's Sporting Goods)

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

34. At all relevant times, Defendant Stahl was the employee and/or agent of Defendant Dick's Sporting Goods, Inc. Defendant Stahl was at all times operating within the course and scope of his employment with Defendant Dick's Sporting Goods, Inc., and Defendant Stahl was at all times operating in furtherance of the business interests of Defendant Dick's Sporting Goods, Inc.

35. Defendant Dick's Sporting Goods, Inc. is vicariously liable for the acts of Defendant Stahl described herein and the associated damages described herein.

FOURTH CAUSE OF ACTION
(Negligence – Defendant Dick's Sporting Goods, Inc.)

36. Plaintiff incorporates by reference each preceding or succeeding paragraph as though fully rewritten herein.

37. Defendant Dick's Sporting Goods, Inc. had a duty to act reasonably in hiring, training, supervising, and retaining its loss prevention officers, including Defendant Stahl.

38. Defendant Dick's Sporting Goods, Inc. failed in these duties by failing to reasonably investigate Defendant Stahl's background prior to hiring him and/or by hiring Defendant Stahl despite actual or constructive knowledge of a history of violence.
39. Defendant Dick's Sporting Goods, Inc. further failed in its duties by failing to reasonably train Defendant Stahl in lawful loss prevention tactics.
40. Defendant Dick's Sporting Goods, Inc. further failed in its duties by failing to reasonably supervise Defendant Stahl in his loss prevention duties, including on the date of the assault on Aaron Buckenmeyer, when no manager intervened to stop the unlawful attack.
41. Defendant Dick's Sporting Goods, Inc. further failed in its duties by retaining Defendant Stahl as an employee despite actual or constructive knowledge of his dangerous tendencies and behaviors as a loss prevention officer.
42. As a direct and proximate result of Defendant Dick's Sporting Goods, Inc.'s breaches of its duties of care, Aaron Buckenmeyer sustained serious personal injuries to his head, face, and neck, along with sustaining great pain and suffering, severe mental anguish, and emotional distress for the duration of his life.

FIFTH CAUSE OF ACTION
(Punitive Damages – All Defendants)

43. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
44. The acts of Defendant Stahl 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, Defendant Stahl's unlawful, violent, and prolonged attack on Aaron Buckenmeyer

was outrageous and demonstrated a conscious disregard for Aaron's rights and well-being that had a great probability of causing substantial harm to Aaron Buckenmeyer, and which did in fact cause substantial harm to him.

45. The acts and omissions of Defendant Dick's Sporting Goods, Inc. described herein likewise constitute malice as that term is used in R.C. 2315.21 and interpreted by the courts of the State of Ohio. In particular, Defendant Dick's Sporting Goods, Inc.'s actions in employing a man with a history of violence in a loss prevention role, failing to provide training for that man, and failing even to call him off the attack when he was holding a customer in a chokehold and pummeling the man for approximately five minutes were outrageous and demonstrated a conscious disregard for Aaron's rights and well-being that had a great probability of causing substantial harm to Aaron Buckenmeyer, and which did in fact cause substantial harm to him.

46. Defendant Dick's Sporting Goods, Inc. explicitly or at the very least implicitly authorized Defendant Stahl's malicious conduct described herein, all of which was undertaken to facilitate or promote the business interests of Defendant Dick's Sporting Goods, Inc.

47. Plaintiff is entitled to and demand punitive damages against all Defendants in an amount to be determined by the trier of fact.

WHEREFORE, Plaintiff prays for judgment to be entered against Defendant Dick's Sporting Goods, Inc. and Defendant Carl V. Stahl in an amount exceeding Twenty-Five Thousand Dollars (\$25,000.00), and for punitive damages, together with interests, costs,

reasonable attorney fees associated herewith, and such other relief as the Court may deem just.

Respectfully submitted,

/s/ Kathleen R. Harris
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,

/s/ Kathleen R. Harris
Charles E. Boyk
Kathleen R. Harris
Attorneys for Plaintiffs

PRAECIPE

TO THE CLERK:

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

/s/ Kathleen R. Harris
Charles E. Boyk
Kathleen R. Harris
Attorneys for Plaintiffs