

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

**D.R., a minor child, by and through  
BREANNA M. RUSSELL and  
CHRISTOPHER L. RUSSELL, as parents  
and natural guardians**  
16550 Hodgeman Road  
Lot Number 21  
Weston, Ohio 43569

and

**BREANNA M. RUSSELL, individually**  
16550 Hodgeman Road  
Lot Number 21  
Weston, Ohio 43569

and

**CHRISTOPHER L. RUSSELL,  
individually**  
16550 Hodgeman Road  
Lot Number 21  
Weston, Ohio 43569

Plaintiffs

v.

**ERIE SHORES COUNCIL, INC., BOY  
SCOUTS OF AMERICA**  
c/o Robert D. D'Avignon  
5600 West Sylvania Avenue  
Toledo, Ohio 43623

and

**CHRISTOPHER H. COAKLEY**  
417 East Truman Street  
Bowling Green, Ohio 43402

Case No.: **CI2026-00859**

Judge: **Cook, Gary G.**

**COMPLAINT**

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

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*Attorneys for Plaintiffs*

and )  
 )  
**DAVID A. CLARK, individually, and as** )  
**parent and natural guardian of L.C., a** )  
**minor child** )  
 1048 Village Drive )  
 Bowling Green, Ohio 43402 )  
 )  
 and )  
 )  
**L.C., a minor child, by and through** )  
**David A. Clark, as parent and natural** )  
**guardian** )  
 1048 Village Drive )  
 Bowling Green, Ohio 43402 )  
 )  
 Defendants. )

Now come Plaintiffs D.R., a minor child, by and through Breanna M. Russell and Christopher L. Russell, as parents and natural guardians, Breanna M. Russell, individually, and Christopher L. Russell, individually, by and through the undersigned counsel, and hereby submit this Complaint against Defendants Erie Shores Council, Inc., Boy Scouts of America, Christopher H. Coakley, David A. Clark, individually, and as parent and natural guardian of L.C., a minor child, and L.C., a minor child, by and through David A. Clark, as parent and natural guardian, for injuries and damages arising from a battery that occurred on or about December 4, 2025. In support of their claims, Plaintiffs state as follows:

**THE PARTIES**

1. D.R. is currently five (5) years old and resides with his parents in Weston, Wood County, Ohio. In furtherance of protecting his identity and given the sensitive nature of the subject matter of his Complaint, D.R. is a minor child, only his initials are being used. (See *Doe v. Roe*, 2024-Ohio-2716 (8th Dist.), citing *Doe v. Porter*,

370 F.3d 558 (6th Cir.2004), holding “a party may proceed under a pseudonym, where a ‘plaintiff’s privacy interests substantially outweigh the presumption of open judicial proceedings.’”) The identity of D.R. will be disclosed to the Defendants with service of this Complaint.

2. Plaintiffs Breanna M. Russell and Christopher L. Russell (collectively, “Parents”), the parents and natural guardians of Plaintiff D.R., a minor child, bring this action in accordance with Ohio Civ. R. 17(B) on behalf of D.R., and also bring individual claims for loss of filial consortium.
3. Defendant, Erie Shores Council, Inc., Boy Scouts of America (hereinafter “Erie Shores Council”), is a nonprofit organization licensed to do business in the state of Ohio. Upon information and belief, Defendant Erie Shores Council manages and operates the local Boy Scout chapters throughout northwest Ohio. Robert D. D’Avignon is the statutory agent of Erie Shores Council and accepts service on its behalf.
4. Defendant Christopher H. Coakley is a resident of Bowling Green, Wood County, Ohio. Upon information and belief, Defendant Christopher H. Coakley was an agent of Defendant Erie Shores Council and/or David A. Clark at the time of the incident.
5. Defendant L.C., a minor child, is a resident of Bowling Green, Wood County, Ohio. Upon information and belief, Defendant L.C., assaulted Plaintiff D.R.
6. Defendant David A. Clark is a resident of Bowling Green, Wood County, Ohio. Upon information and belief, Defendant David A. Clark is the parent and natural guardian of Defendant L.C., a minor child. Additionally, upon information and belief,

Defendant David A. Clark was an agent of Defendant Erie Shores Council at the time of the incident.

### **JURISDICTION AND VENUE**

7. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.
8. The Lucas County Common Pleas Court has jurisdiction over this matter pursuant to R.C. 2305.01.
9. Venue is proper in this Court pursuant to Civil Rule 3(C)(2) as Lucas is the county in which the defendant has his or her principal place of business.
10. Pursuant to Civil Rule 8(A), Plaintiffs state that they seek a judgment in excess of Twenty-Five Thousand Dollars (\$25,000.00)

### **STATEMENT OF THE FACTS**

11. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.
12. Upon information and belief, Defendant Erie Shores Council operates, manages, and publicly promotes their organization to children by providing and hosting educational opportunities for scouting in a safe manner.
13. Defendant Erie Shores Council has linked to a webpage that shows all the ways they are committed to the safety of the children who participate in their programs.
14. Defendant Erie Shores Council is a mandatory reporter of all physical altercations that occur at their sponsored events.

15. Upon information and belief, Defendant David A. Clark is a pack committee chairman for Pack 422. Defendant David A. Clark helps administer, operate, and support a cub scout pack, including the one in which Plaintiff D.R. and Defendant L.C. were members.
16. On December 4, 2025, First Christian Church hosted a pack meeting for Pack 422.
17. Plaintiff D.R. and Defendant L.C. attended the event hosted at First Christian Church on December 4, 2025.
18. Upon information and belief, pack meetings are typically divided by age group.
19. Upon information and belief, Defendant L.C. is in an older group than Plaintiff D.R. and the two are usually separated during pack events.
20. Defendant L.C. is more physically developed than Plaintiff D.R.
21. Plaintiff D.R. has a cognitive and/or developmental disability.
22. Upon information and belief, Defendant L.C. has a history of physically attacking Plaintiff D.R. and had been told to keep his hands to himself on numerous occasions prior to the incident in this Complaint.
23. On December 4, 2025, the children were not divided by age group as there were not enough supervisors to do so.
24. Defendant Christopher H. Coakley was the pack leader in charge of supervising the Pack 422 meeting.
25. Defendant Christopher H. Coakley stepped outside to vape, leaving only two other registered leaders in the room to supervise the entirety of Pack 422.

26. While Defendant Christopher H. Coakley was outside vaping, Defendant L.C. proceeded to punch Plaintiff D.R. in the head, kick him in the stomach, thus knocking Plaintiff D.R. over, and then stomped on his leg.
27. Plaintiff D.R. had to be taken to the Emergency Room at Wood County Hospital by Plaintiff Breanna M. Russell for treatment of his injuries.
28. Plaintiff D.R. suffered a right comminuted oblique fracture of the proximal femoral diaphysis, a serious and painful break in his thighbone.
29. Due to the severity of the fracture, Plaintiff D.R. required emergency surgery on December 5, 2025, during which flexible titanium elastic nails were surgically inserted into his femur to stabilize the fracture.
30. Following surgery, Plaintiff D.R. was placed in a hip spica cast, which immobilized his right leg in a flexed position, severely limiting his mobility and independence.
31. Plaintiff D.R. experienced significant pain requiring multiple doses of morphine and other pain medications during his treatment and recovery.
32. As a result of his injuries, Plaintiff D.R. has been unable to attend school and requires assistance with basic daily activities including transfers, mobility, and personal care.
33. Plaintiff D.R. will require continued treatment including physical therapy, cast removal after several weeks, and the surgical rods will remain in his leg for approximately six months to one year.
34. Plaintiffs believe that Plaintiff D.R. will suffer permanent limitations and disabilities as a result of his injuries, the full extent of which remain to be determined.

35. Defendant Erie Shores Council, and/or Defendant David A. Clark, and/or Defendant Christopher H. Coakley, did not report the incident until four (4) days after the incident on December 8, 2025.

36. Plaintiff Breanna M. Russell filed a police report with the Bowling Green Police Department on December 10, 2025.

**FIRST CAUSE OF ACTION**  
***(Battery – Defendant L.C.)***

37. Plaintiff D.R. incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.

38. Defendant L.C. knowingly committed an act causing harmful contact by deliberately punching Plaintiff D.R. in the head, kicking him in the stomach, and stomping his leg.

39. Defendant L.C. acted with intent to cause harmful contact with Plaintiff D.R. and/or with knowledge that such conduct was substantially certain to occur.

40. Therefore, Defendant L.C.'s conduct was an intentional unconsented contact with Plaintiff D.R., which constitutes battery upon Plaintiff D.R.

41. As a direct and proximate result of Defendant L.C.'s conduct, Plaintiff D.R. sustained serious personal injuries including but not limited to a broken femur.

42. As a direct and proximate result of Defendant L.C.'s conduct, Plaintiff D.R. was required to undergo medical care and incurred medical care costs.

43. As a direct and proximate result of Defendant L.C.'s conduct, Plaintiff D.R. has incurred great suffering, severe mental anguish, and emotional distress. Further, Plaintiff D.R. believes his injuries are permanent in nature and that he will require

future psychological care and expense, and that he will continue to endure great suffering, mental anguish, and emotional distress.

**SECOND CAUSE OF ACTION**

***(Negligent Supervision – Defendants Christopher H. Coakley and David A. Clark)***

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

45. Defendant Christopher H. Coakley, and/or David A. Clark knew or should have reasonably known, that an individual with a history of physically attacking Plaintiff D.R. would present an increased risk of harm to Plaintiff D.R.

46. Christopher H. Coakley, and/or David A. Clark had a duty to safeguard minors, including Plaintiff D.R., from other minors who may present them with a certain risk of harm.

47. Christopher H. Coakley, and/or David A. Clark knew or reasonably should have known of Defendant L.C.'s history of physically attacking Plaintiff D.R.

48. Yet Christopher H. Coakley, and/or David A. Clark failed to properly supervise Plaintiff L.C., breaching their duty to protect minors, including Plaintiff D.R. from Defendant L.C.'s conduct.

49. As a result of Defendant Christopher H. Coakley's, and/or David A. Clark's failure to properly supervise Defendant L.C., he intentionally caused harm to Plaintiff D.R.

50. As a direct and proximate result of Defendant Christopher H. Coakley's, and/or David A. Clark's negligent supervision of Defendant L.C., Plaintiff D.R. suffered severe personal injuries, including a broken femur.

51. As a direct and proximate result of Defendant Christopher H. Coakley's, and/or David A. Clark's negligent supervision of Defendant L.C., Plaintiff D.R. was required to undergo medical care and incurred medical care costs.

52. As a direct and proximate result of Defendant Christopher H. Coakley's, and/or David A. Clark's negligent supervision of Defendant L.C., Plaintiff D.R. has incurred great suffering, severe mental anguish, and emotional distress. Further, Plaintiff D.R. believes his injuries are permanent in nature and that he will require future psychological care and psychological care costs, and that he will continue to endure great suffering, mental anguish, and emotional distress.

**THIRD CAUSE OF ACTION**  
***(Vicarious Liability – Defendant Erie Shores Council)***

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

54. Based on information and belief, Defendants Christopher H. Coakley and/or David A. Clark was at all relevant times an agent for Defendant Erie Shores Council.

55. Defendant Erie Shores Council is liable for the negligent conduct of its agents under the doctrine of respondent superior or vicarious liability.

56. Because Defendants Christopher H. Coakley's and/or David A. Clark's conduct was negligent as set forth above, and because at all relevant times, they were in the scope and course of their agency and being a representative for Defendant Erie Shores Council, Defendant Erie Shores Council is liable for the negligence of its agents Defendant Christopher H. Coakley and/or David A. Clark.

**FOURTH CAUSE OF ACTION**  
***(Negligence – Defendant Erie Shores Council)***

57. Plaintiffs incorporate by reference each and every allegation contained in the foregoing paragraphs as though fully rewritten herein.

58. At all times relevant to this action, Defendant Erie Shores Council, Inc. owed a duty of care to Plaintiff D.R. to provide a safe environment for scout activities, to implement and enforce adequate safety policies and supervision requirements, to properly train and supervise its pack leaders and volunteers, to ensure age-appropriate grouping of scouts, to protect minor scouts from foreseeable harm, and to comply with mandatory reporting obligations under Ohio law.

59. Defendant Erie Shores Council, Inc. breached its duties of care to Plaintiff D.R. in one or more of the following ways:

- a. Failing to implement adequate safety policies and supervision requirements for scout meetings and activities;
- b. Failing to properly train pack leaders and volunteers on supervision requirements, child safety protocols, and age-appropriate grouping;
- c. Failing to ensure adequate supervision ratios for meetings involving minor children;
- d. Allowing Defendant L.C., an older child, who is more developed, with a known history of violent behavior toward Plaintiff D.R., to remain in the same pack as five-year-old Plaintiff D.R.;
- e. Failing to separate Defendants L.C. and D.R. into age-appropriate groups despite knowledge that Defendant L.C. had previously attacked Plaintiff D.R.;

- f. Failing to implement protective measures to prevent attacks after learning of Defendant L.C.'s history of physically attacking Plaintiff D.R.
- g. Failing to adequately supervise and monitor Defendant David J. Coakley to ensure he maintained proper supervision of the scouts under his care;
- h. Failing to adequately supervise and monitor Defendant David A. Clark to ensure proper oversight of pack activities and safety protocols;
- i. Negligently credentialing, retaining, and/or supervising Defendants Coakley and Clark despite their failures to provide adequate supervision;
- j. Failing to timely report the December 4, 2025 battery incident to the appropriate authorities for four days;
- k. Failing to comply with mandatory reporting obligations under Ohio Revised Code § 2151.421 and other applicable laws; and
- l. Otherwise failing to exercise reasonable care for the safety and well-being of Plaintiff D.R.

60. As a direct and proximate result of Defendant Erie Shores Council, Inc.'s negligence, Plaintiff D.R. suffered severe physical injuries, pain and suffering, emotional distress, and other damages as set forth above.

61. As a direct and proximate result of Defendant Erie Shores Council, Inc.'s negligence, Plaintiffs Breanna M. Russell and Christopher L. Russell have incurred medical expenses and other economic damages as set forth above.

**FIFTH CAUSE OF ACTION**

***(Negligent Infliction of Emotional Distress – Plaintiffs Breanna M. Russell and Christopher L. Russell)***

62. Plaintiffs Breanna M. Russell and Christopher L. Russell incorporate by reference each and every allegation contained in the foregoing paragraphs as though fully rewritten herein.

63. Defendants Christopher H. Coakley, David A. Clark, and Erie Shores Council, Inc. owed a duty of care to Plaintiffs Breanna M. Russell and Christopher L. Russell to properly supervise Plaintiff D.R., to ensure his safety during scout activities, to prevent foreseeable harm, and to timely notify them of any incidents involving their minor child.

64. Defendants Christopher H. Coakley, David A. Clark, and Erie Shores Council, Inc. breached their duties of care by failing to adequately supervise Plaintiff D.R., allowing him to be violently attacked by Defendant L.C., and failing to notify the appropriate authorities for four days.

65. As a direct and proximate result of Defendants' negligence, Plaintiffs Breanna M. Russell and Christopher L. Russell suffered severe emotional distress, including but not limited to anxiety, fear for their child's safety, anguish over their child's injuries, distress from the delayed notification, and ongoing emotional trauma from witnessing their child's continued suffering.

66. The emotional distress suffered by Plaintiffs Breanna M. Russell and Christopher L. Russell was severe, reasonable, and foreseeable under the circumstances.

**SIXTH CAUSE OF ACTION**

***(Loss of Filial Consortium – Plaintiffs Breanna M. Russell and Christopher L. Russell)***

67. Plaintiffs Breanna M. Russell and Christopher L. Russell incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.

68. Plaintiffs Breanna M. Russell and Christopher L. Russell are the legal and natural parents of Plaintiff D.R. and have been his legal parents at all times relevant to this Complaint.

69. Plaintiff Breanna M. Russell states that as a result of all Defendants' conduct, she has been deprived of the love, affection, services, consortium, and society of her son, Plaintiff D.R. Plaintiff Breanna M. Russell further states that as a result of all Defendants' conduct, the enjoyment and quality of her life and her ability to carry on the normal activities of her daily life with her son have been impaired.

70. Plaintiff Christopher L. Russell states that as a result of all Defendants' conduct, he has been deprived of the love, affection, services, consortium, and society of his son, Plaintiff D.R. Plaintiff Christopher L. Russell further states that as a result of all Defendants' conduct, the enjoyment and quality of his life and his ability to carry on the normal activities of his daily life with his son have been impaired.

**SEVENTH CAUSE OF ACTION**

***(Loss of Parental Consortium – Plaintiff D.R.)***

71. Plaintiff D.R. incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.

72. Plaintiff D.R. is the legal and natural son of Plaintiffs Breanna M. Russell and Christopher L. Russell and has been their legal son at all times relevant to this Complaint.

73. Plaintiff D.R. states that as a result of all Defendants' conduct, he has been deprived of the love, affection, services, consortium, and society of his mother, Plaintiff Breanna M. Russell. Plaintiff D.R. further states that as a result of all Defendants' conduct, the enjoyment and quality of his life and his ability to carry on the normal activities of his daily life with his mother have been impaired.

74. Plaintiff D.R. states that as a result of all Defendants' conduct, he has been deprived of the love, affection, services, consortium, and society of his father, Plaintiff Christopher L. Russell. Plaintiff D.R. further states that as a result of all Defendants' conduct, the enjoyment and quality of his life and his ability to carry on the normal activities of his daily life with his father have been impaired.

WHEREFORE, Plaintiff D.R. prays for:

(A) Judgment against all Defendants, jointly and severally, for his injuries arising from Causes of Action One, Two, Three, Four, and Seven, in an amount exceeding Twenty-Five Thousand Dollars (\$25,000), together with interest, costs, and such other and further relief as the Court may deem just;

Plaintiffs Breanna M. Russell and Christopher L. Russell, individually pray for:

(B) Judgment against all Defendants, jointly and severally, for the negligent infliction of emotional distress from the incident arising from Cause of Action Five, and for their loss of filial consortium arising from Cause of Action Six, in an amount exceeding Twenty-Five Thousand (\$25,000.00), together with interest, costs, and such other and further relief as the Court may deem just;

And

All Plaintiffs pray for:

(C) Reasonable attorney fees associated herewith; and

(D) Such other and further relief as the Court may deem just.

Respectfully submitted,

/s/ Charles E. Boyk  
Charles E. Boyk (0000494)  
Attorney for Plaintiffs

**JURY DEMAND**

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

/s/ Charles E. Boyk  
Charles E. Boyk (0000494)  
Attorney for Plaintiffs

**PRAECIPE**

TO THE CLERK: SERVICE ON DEFENDANTS

Please serve summons and Complaint upon Defendants at their respective addresses listed on the caption.

*/s/ Charles E. Boyk* \_\_\_\_\_

Charles E. Boyk (0000494)

Attorney for Plaintiffs