

REESE L. LYNCH
579 FLARESTAR AVENUE
APT. K
COLUMBUS, OH 43240

V.

Defendant.

COMPLAINT JURY DEMANDED

3. Penderghast held a valid automobile insurance policy issued by Farmers Indemnity Insurance Company (“Farmers”) at the time of the automobile collision alleged herein (the “Accident”) and is an “Insured” under the terms of the policy. Penderghast filed a claim for

coverage with Farmers for the Accident, which has been assigned Claim Number 7700010072-1-4. Farmers has a duty to provide coverage for all injuries and damages alleged herein but has failed and refused to provide coverage for the injuries and damages sustained by Plaintiff as alleged herein.

4. Grange Indemnity Insurance Company and The Phia Group are non-parties who may possess a subrogated interest in this matter.

5. Jurisdiction and venue are proper in this forum.

COUNT I -- NEGLIGENCE

6. Plaintiff hereby incorporates by reference the allegations set forth in paragraphs 1 through 5 above as though fully restated here.

7. At all times relevant, Penderghast was under a duty to operate her motor vehicle in a safe and reasonable manner and to follow the instructions of all traffic control devices. Penderghast breached said duties in violation of Ohio law, proximately causing the damages and injuries described herein.

8. On or about June 14, 2023, Plaintiff was operating an automobile in a lawful manner and traveling westbound at 35 miles per hour on East 5th Avenue in Columbus, Ohio in the left-hand lane approaching the intersection of North High Street.

9. At the same time and place, Penderghast was operating an automobile and traveling eastbound on West 5th Avenue in the left-hand lane and turned northbound in front of Plaintiff's automobile, violently striking it. Defendant operated her automobile negligently and in violation of the laws of the State of Ohio, causing the damages and injuries described herein.

10. As a direct and proximate result of the negligence of Penderghast, Plaintiff suffered severe injuries to her fingers, wrist, and back, requiring surgery and/or lengthy physical rehabilitation. As a further direct and proximate result of the negligence of Penderghast, Plaintiff

has required necessary medical care, attention, and treatment and may require such care into the future necessitating future medical expenses. As a further direct and proximate result of the negligence of Penderghast, Plaintiff suffered severe pain and suffering, mental and emotional anguish, lost earnings and earning capacity, and a loss of the pleasures and enjoyment of life both temporarily and permanently. As a further direct and proximate result of the negligence of Penderghast, Plaintiff was unable to perform her artistic work as a skilled tattoo artist for at least sixty days and lost a significant sum of earnings because of the injuries she sustained to her fingers and wrist, which injuries have significantly impacted her future earning capacity.

11. Farmers has failed and refused to recognize Plaintiff's lost earnings and earning capacity and has failed and refused to compensate her for those and other losses sustained in the Accident, for which Farmers and/or Penderghast are responsible.

COUNT II – NEGLIGENCE *PER SE*

12. Plaintiff hereby incorporates by reference the allegations set forth in paragraphs 1 through 11 above as though fully restated here.

13. At all times relevant, Penderghast was under a duty to operate her motor vehicle in compliance with the laws of the State of Ohio, including Ohio Revised Code Section 2113.01(a) requiring that Penderghast follow the instructions of a traffic control device.

14. On or about June 14, 2023, Penderghast violated said statute when she failed to follow the instructions of the traffic control device at the time and place of the Accident by failing to yield to oncoming traffic, violently striking Plaintiff's vehicle head-on as it entered the intersection. Penderghast was cited for violating said statute and, upon information and belief, subsequently pled guilty and/or was found guilty of violating said statute.

15. Penderghast's actions constitute negligence *per se*. As a direct and proximate result of Penderghast's negligence *per se*, Plaintiff suffered severe injuries to her fingers, wrist, and back,

resulting in soft tissue injuries. As a further direct and proximate result of the Penderghast's negligence *per se*, Plaintiff has required necessary medical care, attention, and treatment and will require such care into the future necessitating future medical expenses. As a further direct and proximate result of Penderghast's negligence *per se*, Plaintiff suffered severe pain and suffering, mental and emotional anguish, a loss of earnings, a loss of earning capacity, and a loss of the pleasures and enjoyment of life both temporarily and permanently. As a further direct and proximate result of the negligence of Penderghast, Plaintiff was unable to perform her artistic work as a skilled tattoo artist for at least sixty days and lost a significant sum of earnings because of the injuries she sustained to her fingers and wrist, which injuries have significantly impacted her future earning capacity.

16. Farmers has failed and refused to recognize Plaintiff's lost earnings and earning capacity and has failed and refused to compensate her for those and other losses sustained in the Accident, for which Farmers and/or Penderghast are responsible.

WHEREFORE, Plaintiff prays judgment in her favor in an amount to be determined at trial but reasonably believed to exceed the jurisdictional minimum of this Court, exclusive of interest and costs, and any other and further relief the Court deems just and reasonable under the circumstances.

JURY DEMAND

The Plaintiff hereby demands a trial by jury of the maximum number of jurors permitted by law on all claims so triable.

Respectfully submitted,

LUPER NEIDENTHAL & LOGAN
A Legal Professional Association

/s/ Scott C. Walker
Scott C. Walker (0063631)

Grandview Corporate Center
1160 Dublin Road, Suite 400
Columbus, Ohio 43215-1052
(614) 221-7663 Fax: (866) 345-4948
E-mail: swalker@LNLattorneys.com
Attorney for Plaintiff