

IN THE COURT OF COMMON PLEAS  
MONTGOMERY COUNTY, OHIO  
CIVIL DIVISION

Jamie Smith	)	CASE NO.:
1 Urbana Ave.	)	
Dayton, Ohio 45404	)	JUDGE:
	)	
And,	)	
	)	
Jessica Smith	)	
1 Urbana Ave.	)	
Dayton, Ohio 45404	)	
	)	
Plaintiffs,	)	COMPLAINT FOR
	)	PERSONAL INJURY
v.	)	
	)	
Margaret Zemaný	)	
1150 Bishop Dr.	)	
Apt. E	)	
West Carrollton, Ohio 45449	)	
	)	
Defendant.	)	<u>Jury Demand Endorsed Hereon</u>
	)	

Now come Plaintiffs, Jamie Smith and Jessica Smith, by and through the undersigned counsel, and state for their Complaint against Defendant, Margaret Zemaný (hereinafter, "Defendant"), as follows:

**FIRST COUNT**

1. On or about April 21, 2014, Plaintiff Jamie Smith was operating his motor vehicle, a 2014 Harley Davidson Sportster, traveling on N. Main Street, in the County of Montgomery, State of Ohio.
2. At said time and place, Defendant was operating her motor vehicle traveling on Monument Ave., when at the intersection of N. Main Street and Monument Ave.

Defendant negligently failed to stop at a red light, thereby negligently entering the intersection, striking Plaintiff and causing said collision.

3. As a direct and proximate result of said negligence and as a direct and proximate result of said collision as described above, Plaintiff Jamie Smith suffered physical pain and emotional distress thereby undermining his health and well-being.
4. Further, Plaintiff Jamie Smith has suffered pain and will, with reasonable certainty, continue to so suffer in the indefinite future.
5. As a direct and proximate result said negligence, Plaintiff Jamie Smith was required to obtain medical care for his injuries and to expend sums of money, and he will with reasonable certainty, continue to require further medical care and treatment and pay additional sums therefore in the definite future.
6. As a direct and proximate result of said negligence, Plaintiff Jamie-Smith has incurred medical bills in excess of Eight Thousand Dollars (\$8,000.00).

#### **SECOND COUNT**

7. Plaintiffs re-allege the allegations contained in paragraphs 1 through 6 of this complaint as if fully rewritten herein.
8. Plaintiff Jessica Smith has been married to Plaintiff Jamie Smith for all relevant times to this action.
9. As a direct and proximate result of Defendant's negligence, Plaintiff Jessica Smith has lost the service, companionship, and consortium of her husband, Plaintiff Jamie Smith.
10. As a further direct and proximate result of the injuries her husband sustained due to the negligent conduct of Defendant, Plaintiff Jessica Smith has incurred the medical expenses of her husband, Plaintiff Jamie Smith.

**WHEREFORE**, Plaintiffs demand judgment against Defendant in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00). Additionally, Plaintiffs demand interest, costs incurred herein and any and all other just and equitable relief to which Plaintiffs are entitled.

**JURY DEMAND**

Plaintiffs demand a trial by jury in this action.

Respectfully Submitted,  
**Amendolara & Rafidi, LLC**  
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