

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

**CHRISTOPHER THOMAS, Individually
and as Administrator of the Estate of
JAN THOMAS, Deceased**
5227 Gleason Street
Canal Winchester, OH 43110

Plaintiff,

vs.

**MOUNT CARMEL HEALTH SYSTEM
dba MOUNT CARMEL WEST**
c/o CT Corporation System, Statutory Agent
4400 Easton Commons Way, Suite 125
Columbus, OH 43219

and

TRINITY HEALTH CORPORATION
c/o CT Corporation System, Statutory Agent
4400 Easton Commons Way, Suite 125
Columbus, OH 43219

and

**MOUNT CARMEL MEDICAL GROUP,
A REGISTERED TRADE NAME OF
MOUNT CARMEL HEALTH PROVIDERS, INC.**
Attn: Administrator
6150 Broad Street
Columbus, OH 43213

and

**MOUNT CARMEL MEDICAL GROUP,
A REGISTERED TRADE NAME OF
MOUNT CARMEL HEALTH PROVIDERS, INC.**
c/o CT Corporation, Statutory Agent
4400 Easton Commons Way, Suite 125
Columbus, OH 43219

and

Case No.: 19 CV 000573

Judge Laurel Beatty Blunt

FIRST AMENDED COMPLAINT

**JURY DEMAND ENDORSED
HEREON**

**AFFIDAVIT OF MERIT
ATTACHED**

WILLIAM S. HUSEL, D.O.
4757 Aberdeen Avenue
Dublin, OH 43016

and

MARIAH BAIRD, R.N.
c/o Mount Carmel West Hospital
793 West State Street
Columbus, OH 43222

and

MARIAH BAIRD, R.N.
12588 London Road
Orient, OH 43146-9223

and

TYLER A. RUDMAN, R.N.
c/o Mount Carmel West Hospital
793 West State Street
Columbus, OH 43222

and

TYLER A. RUDMAN, R.N.
5126 Thornhill Court
Grove City, OH 43123

and

JOSHUA JACKSON, R.PH.
c/o Mount Carmel West Hospital
793 West State Street
Columbus, OH 43222

and

JOSHUA JACKSON, R.PH.
1055 Birchmont Road
Columbus, OH 43220

and

JOHN DOE CORPORATIONS #1-5

Names and Addresses
Unknown to Plaintiff,

and

JOHN DOE PHYSICIANS #1-5

Names and Addresses
Unknown to Plaintiff,

and

JOHN DOE NURSES #1-5

Names and Addresses
Unknown to Plaintiff,

and

JOHN DOE PHARMACISTS #1-5

Names and Addresses
Unknown to Plaintiff,

and

JOHN DOE EMPLOYEES #1-5

Names and Addresses
Unknown to Plaintiff

Defendants.

COMPLAINT

Now comes Christopher Thomas, Individually and as Administrator of the Estate of Jan Thomas, by and through counsel, and for his causes of action states as follows:

PARTIES

1. Until her death on March 1, 2015, Plaintiff's decedent, Jan Thomas, was a resident of Columbus, Ohio.
2. Plaintiff's decedent, Jan Thomas, died on March 1, 2015 as a result of lethal dose of Fentanyl.

3. Plaintiff Christopher Thomas was appointed as Administrator of the Estate of Jan Thomas by the Probate Court of Franklin County Ohio on January 22, 2019 in Case No. 595771.

4. At all times relevant herein, Defendant Mount Carmel Health System dba Mount Carmel West (hereinafter referred to as “Defendant Mount Carmel”) was a not-for-profit corporation, incorporated under the laws of the State of Ohio, with its primary place of business in Franklin County, Ohio, which employed physicians, nurses, administrators and other personnel to help facilitate or otherwise evaluate, care for, and treat patients, including Plaintiff Jan Thomas, each acting within the course and scope of his or her employment and authority.

5. At all times relevant herein, Defendant Trinity Health Corporation (hereinafter referred to as “Defendant Trinity Health”) was a not-for-profit corporation, incorporated under the laws of the State of Ohio, with its primary place of business in Franklin County, Ohio, which employed physicians, nurses, administrators and other personnel to help facilitate or otherwise evaluate, care for, and treat patients, including Plaintiff Jan Thomas, each acting within the course and scope of his or her employment and authority.

6. At all times relevant herein, Defendant Mount Carmel Medical Group, a Registered Trade Name of Mount Carmel Health Providers, Inc. (hereinafter referred to as “Defendant Mount Carmel Medical Group”) was a not-for-profit corporation, incorporated under the laws of the State of Ohio, with its primary place of business in Franklin County, Ohio, which employed physicians, specifically Defendant Dr. Husel, nurses, administrators and other personnel to help facilitate or otherwise evaluate, care for, and treat patients, including Plaintiff Jan Thomas, each acting within the course and scope of his or her employment and authority.

7. At all times relevant herein, Defendant William S. Husel, D.O. (hereinafter referred to as “Defendant Dr. Husel”) was a resident of the State of Ohio, duly licensed to practice medicine in the State of Ohio, specifically with a primary place of business located in Franklin County, Ohio, and a primary residence located in Delaware County, Ohio, and held himself out as a medical doctor as he received and treated patients for consideration.

8. At all times relevant herein, Defendant Mariah Baird, R.N. (hereinafter referred to as “Defendant Nurse Baird”) was a resident of Franklin County, Ohio, duly licensed to practice nursing in the State of Ohio and was involved in the care of Jan Thomas on March 1, 2015. At all times relevant herein, Defendant Nurse Baird was providing nursing care and services as an employee and/or agent of Defendant Mount Carmel.

9. At all times relevant herein, Defendant Tyler A. Rudman, R.N. (hereinafter referred to as “Defendant Nurse Rudman”) was a resident of Franklin County, Ohio, duly licensed to practice nursing in the State of Ohio and was involved in the care of Jan Thomas on March 1, 2015. At all times relevant herein, Defendant Nurse Baird was providing nursing care and services as an employee and/or agent of Defendant Mount Carmel.

10. At all times relevant herein, Defendant Joshua Jackson, R.Ph. (hereinafter referred to as “Defendant Pharmacist Jackson”) was a resident of Franklin County, Ohio, duly licensed to practice pharmacy in the State of Ohio and was involved in the care of Jan Thomas on March 1, 2015. At all times relevant herein, Defendant Nurse Baird was providing pharmacy care and services as an employee and/or agent of Defendant Mount Carmel.

11. At all times relevant herein, Defendant Mount Carmel acted through its agents and employees including, but not limited to, Defendants Dr. Husel, John Doe Physicians #1-5, John Doe Nurses #1-5, John Doe Pharmacists #1-5, and John Doe Employees #1-5, who were

within the course and scope of their express, implied, or apparent authority as agents of this corporate Defendant.

12. At all times relevant herein, John Doe Physicians #1-5, John Doe Nurses #1-5, John Doe Pharmacists #1-5, and John Doe Employees #1-5 were residents of the State of Ohio and held themselves out to be employees, nurses, agents, or other personnel of Defendant Mount Carmel and/or John Doe Corporations #1-5.

13. The true names and capacities of John Doe Physicians #1-5, John Doe Nurses #1-5, John Doe Pharmacists #1-5, and John Doe Employees #1-5 are unknown to Plaintiff at this time, and Plaintiff has accordingly sued these unknown Defendants under said fictitious names. When the true names of said John Doe Physicians #1-5, John Doe Nurses #1-5, John Doe Pharmacists #1-5, and John Doe Employees #1-5 have been ascertained, Plaintiff will seek leave to amend his Complaint accordingly. Plaintiff is informed and believes that John Doe Defendants are legally responsible for the events and occurrences herein described, and that John Doe Defendants caused injuries and damages to Plaintiff's decedent, Jan Thomas.

14. At all times relevant herein, John Doe Corporations #1-5 were professional corporations, incorporated or acting under the laws of the State of Ohio, which employed physicians, nurses, and other personnel to evaluate, care for, and treat patients of John Doe Corporations #1-5.

15. The true names and capacities of John Doe Corporations #1-5 are unknown to the Plaintiff at this time and Plaintiff has accordingly sued these unknown Defendants under said fictitious names. When the true names of said John Doe Corporations have been ascertained, Plaintiff will seek leave to amend his Complaint accordingly. Plaintiff is informed and believes that John Doe Corporations are legally responsible for the events and occurrences herein

described, and that John Doe Corporations caused injuries and damages to Plaintiff's decedent, Jan Thomas.

16. At all times relevant herein, Defendants Mount Carmel and John Doe Corporations #1-5 acted through its/their agents, employees and/or independent contractors who were within the course and scope of their employment and authority including, but not limited to, the named Defendants as well as other physicians, nurses, technicians, administrators and other caregivers.

17. At all times relevant herein, the acts and omissions performed by employees, servants or agents of Defendants Mount Carmel and/or John Doe Corporations #1-5 were within the scope of their express, implied or apparent authority as agents of said Defendants.

JURISDICTION AND VENUE

18. Jurisdiction is conferred on this Court by R.C. 2305.01.

19. Pursuant to Rules 3(B)(2) and (6) of the Ohio Rules of Civil Procedure, venue is proper in Franklin County, Ohio, as one or more of the Defendants have their principal place of business in Franklin County and Franklin County is the county in which all or part of the claim for relief arose.

SERVICE OF PROCESS

20. Service of process is permitted on Defendants pursuant to Civ. R. 4.2(A) and (F).

COMMON FACTUAL ALLEGATIONS

21. On or about February 28, 2015, Plaintiff's decedent, Jan Thomas, was transported to Defendant Mount Carmel by squad after becoming unresponsive at home. Jan was admitted to ICU where she came under the care of Defendant Dr. Husel.

22. Upon information and belief, Defendant Husel ordered that 800 micrograms of the drug Fentanyl be given to Jan Thomas through her IV.

23. This excessive dosage was grossly inappropriate and was ordered negligently and not properly reviewed or was intentionally prescribed by Dr. Husel for the purpose of causing Jan Thomas to die.

24. Despite the grossly inappropriate order for an excessive dosage of Fentanyl, Mount Carmel's electronic medical records system either failed to alert Jan Thomas' health care providers that the order appeared to be placed in error or her health care providers ignored the alert because the dosage.

25. Defendant Pharmacist Jackson reviewed and approved Defendant Husel's grossly inappropriate order for an excessive dosage of Fentanyl and the Fentanyl was made available to Defendant Nurse Baird to be administered to Jan Thomas.

26. Defendant Pharmacist Jackson knew that the ordered dosage of Fentanyl was excessive and grossly inappropriate, served no therapeutic purpose or function, and would only serve to cause the death of Jan Thomas.

27. Defendant Nurse Baird administered the lethal dose of Fentanyl to Jan Thomas at eleven minutes after midnight on March 1, 2015, knowing that such dose was grossly inappropriate.

28. Defendant Nurse Rudman reviewed and approved Defendant Husel's grossly inappropriate order for an excessive dose of Fentanyl which ultimately was made available to Defendant Nurse Baird to be administered to Jan Thomas.

29. Jan Thomas died on March 1, 2015 at 12:11 a.m., within minutes of being administered the lethal dose of Fentanyl.

30. On or about December 28, 2018, one of Mount Carmel's chief nursing officers contacted Jan Thomas' family to advise that the hospital was conducting an internal investigation after discovering that a number of patients under the care of Defendant Dr. Husel had died after receiving lethal doses of Fentanyl. Prior to this call, Plaintiff had no reason to believe that the death of Jan Thomas was the result of any wrongful act on the part of Mount Carmel or its agents, including Defendant Dr. Husel.

PLAINTIFF'S FIRST CAUSE OF ACTION
[Medical Negligence]

31. Plaintiff incorporates by reference any and all statements and allegations contained in Paragraphs 1 through 30 as if fully rewritten in this First Cause of Action.

32. Defendants named herein, individually and by and through employees and/or agents, jointly and severally, were negligent, and fell below the accepted standard of care, skill and diligence for health care providers and medical provider employees in Ohio or other similar communities in their care and treatment of Plaintiff's decedent, Jan Thomas. Specifically, said Defendants, individually and by and through their doctors, nurses, pharmacists, administrators, staff, and employees, failed to meet the accepted standard of care, skill, and diligence in the treatment they provided Jan Thomas by ordering, approving and administering a lethal dose of Fentanyl. Defendants were negligent in other respects as well.

33. As a direct and proximate result of the aforementioned negligence and failures of the Defendants named herein, individually, and by and through employees and/or agents, Jan Thomas died.

34. The care and treatment rendered to Jan Thomas by employees, agents, and servants of said Defendants named herein fell below the accepted standards of care, skill, and diligence for physicians, nurses, pharmacists, administrators, staff, and other health care or other

personnel, and breached their duties of reasonable care owed to Jan Thomas, and that breach proximately resulted in injury, and ultimately, the death of Jan Thomas.

35. Defendant Mount Carmel, by and through agents, servants and employees, is liable for the negligent acts and omissions of its agents and employees involved in the care and treatment of the decedent.

36. As a direct and proximate result of the failure of the Defendants named herein, individually and by and through agents and/or employees, to discharge their duties of care owed to Jan Thomas and their failure to meet the accepted standards of care, skill, and diligence, Jan Thomas suffered physical pain, mental anguish, medical expenses, and ultimately, death.

37. Defendants John Doe Physicians #1-5, John Doe Nurses #1-5, John Doe Pharmacists # 1-5, and John Doe Employees # 1-5 fell below the accepted standards of care, skill, and diligence for physicians, nurses, pharmacists, aides, technicians, employees, and other medical personnel practicing in Ohio and other similar communities in the care and treatment of Plaintiff's decedent, Jan Thomas. Specifically, said Defendants, individually and by and through their doctors, nurses, administrators, staff, and employees, failed to meet the accepted standard of care, skill, and diligence in the treatment they provided to Jan Thomas by ordering and administering a lethal dose of Fentanyl. Defendants were negligent in other respects as well.

38. As a direct and proximate result of the aforementioned negligence and failures of Defendants John Doe Physicians #1-5, John Doe Nurses #1-5, John Doe Pharmacists #1-5, and John Doe Employees #1-5, Plaintiff's decedent, Jan Thomas died.

39. The care and treatment rendered to Jan Thomas by John Doe Physicians #1-5, John Doe Nurses #1-5, John Doe Pharmacists #1-5, and John Doe Employees #1-5 fell below the accepted standards of care, skill, and diligence for physicians, nurses, pharmacists,

administrators, staff, and other health care or other personnel, and breached their duties of reasonable care owed to Jan Thomas, and that breach proximately resulted in injury, and ultimately, the death of Jan Thomas.

40. As a further direct and proximate result of the failure of Defendants John Doe Physicians #1-5, John Doe Nurses #1-5, John Doe Pharmacists #1-5, and John Doe Employees #1-5 to discharge their duties of care owed to Jan Thomas and their failure to meet the accepted standards of care, skill, and diligence, Jan Thomas suffered physical pain, mental anguish and ultimately, death.

41. Defendants John Doe Corporations #1-5, by and through agents and/or employees breached their duty of reasonable care owed to Plaintiff's decedent. Defendants John Doe Corporations #1-5 are liable for the negligent acts and omissions of its/their employees. The care and treatment rendered to Plaintiff's decedent by employees, agents, and servants of Defendants John Doe Corporations #1-5 fell below the accepted standards of care for physicians, nurses, pharmacists, and other personnel and breached their duties of care owed to Jan Thomas by ordering, approving and administering a lethal dose of Fentanyl. Defendants were negligent in other respects as well.

42. As a direct and proximate result of the aforementioned negligence and failures of the Defendant John Doe Corporations #1-5, by and through employees and/or agents, Plaintiff's decedent, Jan Thomas, died.

43. As a further direct and proximate result of the failure of employees and/or agents of Defendants John Doe Corporations #1-5, to discharge their duties of care owed to Jan Thomas and their failure to meet the accepted standards of care, skill, and diligence, Jan Thomas suffered physical pain, mental anguish, medical bills, fear of impending death and ultimately, death.

PLAINTIFF'S SECOND CAUSE OF ACTION
[Wrongful Death]

44. Plaintiff incorporates by reference any and all statements and allegations contained in Paragraphs 1 through 43, as if fully rewritten in Plaintiff's Second Cause of Action.

45. The named Defendants, individually and by and through their agents and employees, were negligent and fell below the accepted standard of care, skill and diligence for health care providers, and medical provider employees in Ohio or other similar communities in their care and treatment of Plaintiff's decedent, Jan Thomas. Specifically, said Defendants, individually and by and through their doctors, nurses, pharmacists, aides, technicians, administrators, staff and employees failed to meet the accepted standard of care, skill, and diligence owed to Jan Thomas by ordering and administering a lethal dose of Fentanyl. Defendants were negligent in other respects as well.

46. Defendants John Doe Physicians #1-5, John Doe Nurses #1-5, John Doe Pharmacists #1-5, and John Doe Employees #1-5 fell below the accepted standards of care, skill, and diligence for physicians, nurses, pharmacists, employees, and other medical personnel practicing in Ohio and other similar communities in the care and treatment of Plaintiff's decedent, Jan Thomas. Specifically, said Defendants, by and through their doctors, nurses, pharmacists, administrators, staff and employees, failed to meet the accepted standard of care, skill, and diligence owed to Jan Thomas by ordering and administering a lethal dose of Fentanyl. Defendants were negligent in other respects as well.

47. Defendants John Doe Corporations #1-5, by and through their agents and/or employees, breached their duty of reasonable care owed to Plaintiff's decedent, Jan Thomas, and Defendants John Doe Corporations #1-5 are liable for the negligent acts and omissions of their agents, employees and/or servants. The care and treatment rendered to Plaintiff's decedent, Jan

Thomas, by employees, agents, and/or servants of Defendants John Doe Corporations #1-5 fell below the accepted standards of care for physicians, nurses, pharmacists, and other personnel and breached their duty of care owed to Plaintiff's decedent, Jan Thomas.

48. As a direct and proximate result of the negligence of all named Defendants, individually and by and through agents and/or employees, and their failure to meet accepted standards of care, skill, and diligence, the decedent, Jan Thomas, died wrongfully on March 1, 2015.

49. As a direct and proximate result of the aforementioned failures and negligence of the Defendants, individually, as well as by and through their agents and/or employees, and the resulting death of the decedent, Jan Thomas, her Estate incurred funeral expenses as well as other expenses.

50. As a further direct and proximate result of the aforementioned failures and negligence of the Defendants, individually, as well as by and through their agents and/or employees, and the premature wrongful death of Jan Thomas, her heirs including, but not limited to, her son Plaintiff Christopher Thomas, and her other three sons, as well as other next of kin, suffered severe mental anguish and emotional distress. Her survivors lost the decedent's society, including loss of companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, and education. Jan Thomas' survivors expect to suffer continued mental anguish, emotional distress, and loss of support, services, and society indefinitely into the future, including the mental anguish and emotional distress in knowing the manner in which she died. The knowledge that their mother was wrongfully killed by a physician was not known until December of 2018 and has created mental anguish and emotional distress. The newly acquired

knowledge of the circumstances of Jan Thomas' death has resulted in mental anguish and emotional damage of the next of kin.

51. By virtue of the doctrine of *respondeat superior*, Defendants Mount Carmel and John Doe Corporations #1-5 are and remain liable for the decedent's death.

52. By virtue of the doctrine of *agency by estoppel*, Defendants Mount Carmel and John Doe Corporations #1-5 are and remain liable for the decedent's death.

PLAINTIFF'S THIRD CAUSE OF ACTION
[Fraud – Defendant William S. Husel, D.O.]

53. Plaintiff incorporates by reference any and all statements and allegations contained in Paragraphs 1 through 52, as if fully rewritten in Plaintiff's Third Cause of Action.

54. On March 1, 2015, Defendant Dr. Husel contacted Jan Thomas' caregiver to advise them that Jan was on life support and the life support could be withdrawn. Defendant Dr. Husel did not inform Jan's caregiver that he intended to hasten Jan's death by injecting her with a lethal dose of Fentanyl. He instead led her caregiver to believe that she would die from natural causes after she was removed from life support.

55. Defendant Dr. Husel had a duty to disclose what his true his attentions were as to purposely causing a lethal dose of Fentanyl to be administered and had he done so, her caregiver would not have allowed such action to occur. He fraudulently led her caregiver to believe that she would die a natural death after cessation of life support all the while knowing that he planned to cause her death prematurely by a lethal dose of Fentanyl. The information was material to the family's decision with respect to her continued care including the decision to remove her from life support.

56. Defendant Dr. Husel withheld information regarding Jan Thomas' prognosis with the intent of misleading her family into relying upon it.

57. The decedent's family was justified in relying upon Defendant Dr. Husel's representations regarding Jan Thomas' prognosis as he was the physician caring for her at Mount Carmel.

58. As a direct and proximate result of their reliance upon the false representations made by Defendant Dr. Husel, Jan Thomas' caregiver consented to removing her from life support, whereupon Defendant Dr. Husel administered a lethal dose of Fentanyl, hastening Jan Thomas' death.

59. Defendant Dr. Husel engaged in fraud in connection with his treatment of Jan Thomas which resulted in the aforementioned damages including, but not limited to, her wrongful death and severe mental anguish of next of kin.

PLAINTIFF'S FOURTH CAUSE OF ACTION
**[Negligent Supervision – Defendant Mount Carmel Health System
dba Mount Carmel West]**

60. Plaintiff incorporates by reference any and all statements and allegations contained in Paragraphs 1 through 59, as if fully rewritten in Plaintiff's Fourth Cause of Action.

61. On or about March 1, 2015, Defendant Mount Carmel and Mount Carmel Medical Group employed Defendants Dr. Husel, John Doe Physicians #1-5, John Doe Nurses #1-5, John Doe Pharmacists #1-5, and John Doe Employees #1-5.

62. On or about March 1, 2015, Defendants Dr. Husel, John Doe Physicians #1-5, John Doe Nurses #1-5, John Doe Pharmacists #1-5, and John Doe Employees #1-5 were incompetent and Defendant Mount Carmel knew or should have known of their incompetence.

63. Defendant Mount Carmel was negligent in its supervision of its employees including, but not limited to Defendants Dr. Husel and named Defendants, John Doe Physicians #1-5, John Doe

Nurses #1-5, John Doe Pharmacists #1-5, and John Doe Employees #1-5, and failed to ensure adequate safeguards were in place with respect to medication dosing and administration.

64. Defendant Mount Carmel's negligent supervision of its employees including, but not limited to Defendants Dr. Husel and named Defendants, John Doe Physicians #1-5, John Doe Nurses #1-5, John Doe Pharmacists #1-5, and John Doe Employees #1-5, resulted in the aforementioned damages including, but not limited to, her wrongful death and severe mental anguish of next of kin.

PLAINTIFF'S FIFTH CAUSE OF ACTION
**[Negligent Credentialing – Defendant Mount Carmel Health System
dba Mount Carmel West]**

65. Plaintiff incorporates by reference any and all statements and allegations contained in Paragraphs 1 through 64, as if fully rewritten in Plaintiff's Fifth Cause of Action.

66. Defendant Mount Carmel employed and/or granted privileges to Defendant Dr. Husel to care for patients at Mount Carmel West Hospital.

67. Defendant Mount Carmel continued to employ and/or grant privileges to Defendant Dr. Husel when, through peer review, it knew or should have discovered that Defendant Dr. Husel was incompetent and had a significant mortality rate attendant to the administration of Fentanyl and had a prior criminal record.

68. But for Defendant Mount Carmel and Mount Carmel Medical Group's negligence in the selection or retention of Defendant Dr. Husel, Dr. Husel would not have been granted staff privileges and Plaintiff's decedent, Jan Thomas, would not have been administered a lethal dose of Fentanyl.

PLAINTIFF'S SIXTH CAUSE OF ACTION
[Punitive Damages]

69. Plaintiff incorporates by reference any and all statements and allegations contained in Paragraphs 1 through 68, as if fully rewritten in Plaintiff's Sixth Cause of Action.

70. By virtue of the aforementioned failures and negligence of the named defendants, individually, as well as by and through their agents and/or employees, defendants acted willfully, wantonly, and with reckless misconduct and malice toward and conscious disregard for the safety of decedent Jan Thomas.

71. As a direct and proximate result of Defendants' conduct, Defendants are liable for punitive damages.

72. The cap on punitive damages is unconstitutional.

DEMAND

WHEREFORE, Plaintiff Christopher Thomas, Individually and as Administrator of the Estate of Jan Thomas, deceased, demands judgment against each and every Defendant named herein, jointly and severally, on all claims presented herein as to medical negligence and wrongful death or otherwise and an award of compensatory, punitive, consequential, incidental, special, and medical damages in an amount greater than Twenty-Five Thousand Dollars (\$25,000.00) together with costs herein expended and such other relief as may be just and appropriate in this case.

Respectfully submitted,

/s/ David I. Shroyer

David I. Shroyer (0024099)

Mollie K. Slater (0087765)

Colley Shroyer & Abraham Co., LPA

536 South High St., 2nd Floor

Columbus OH 43215

T: (614) 228-6453

F: (614) 228-7122

Email: dshroyer@csajustice.com

m Slater@csajustice.com

Attorneys for Plaintiff

JURY DEMAND

Now comes the Plaintiff and demands that the within matter be tried by a jury of eight (8).

/s/ David I. Shroyer

David I. Shroyer (0024099)

Attorney for Plaintiff