

COURT OF CLAIMS OF OHIO

EUGENE WRINN, JR.
1945 Weatherhead Hollow Rd.
Guilford, Vermont 05301

Plaintiff

vs.

STATE OF OHIO
Ohio State Highway Patrol
Lima Patrol Post
2005 East Fourth St.
Lima, OH 45804

DAREN JOHNSON
Ohio State Highway Patrol
Lima Patrol Post
2005 East Fourth St.
Lima, OH 45804

G. K. MANLEY
Ohio State Highway Patrol
Lima Patrol Post
2005 East Fourth St.
Lima, OH 45804

Defendants.

Case No. **2006-05934**

Judge **JUDGE J. CRAIG WRIGHT**

COMPLAINT

ORIGINAL

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2006 SEP 13 AM 10:45

FILED
COURT OF CLAIMS
OF OHIO

I. INTRODUCTION.

1. This is an action for claims of assault and battery, intentional infliction of emotional distress, and failure to protect. These claims are brought against Sergeant Daren L. Johnson and Trooper G.K. Manley of the Ohio State Highway Patrol. These claims are also brought against the State of Ohio pursuant to Section 2743.02(A)(2) of the Ohio

Revised Code.

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II. PARTIES.

2. Plaintiff, Eugene Wrinn, Jr. is resident of the State of Vermont.

3. Defendant State of Ohio employed Sergeant Daren Johnson and Trooper G.

K. Manley at all times relevant to this action.

4. Defendant Daren Johnson was a Sergeant for the Ohio State Highway Patrol at all times relevant to this action.

5. Defendant G. K. Manley was a Trooper for the Ohio State Highway Patrol at all times relevant to this action.

III. JURISDICTION.

6. The Court of Claims has jurisdiction over this matter pursuant to Section 2743.02 of the Ohio Revised Code.

IV. FACTS.

7. On September 16, 2005 at approximately 2:00 AM, the plaintiff, Eugene Wrinn, Jr. ("Wrinn") was driving his vehicle in Allen County, Ohio. As Wrinn merged into the northbound lanes of Interstate 75 ("I-75") near State Route 309, Wrinn lost control of his vehicle due to heavy rain. His vehicle came to rest facing southbound in the northbound lanes of I-75. The vehicle stalled and Wrinn was unable to restart the vehicle in time to avoid being struck head-on by a tractor-trailer that was traveling northbound on I-75.

8. Wrinn and his two passengers suffered injuries as a result of the crash.

9. Wrinn suffered a head injury and lost consciousness.

10. Defendant, Sergeant Daren L. Johnson ("Sergeant Johnson") of the Ohio State Highway Patrol was the first law enforcement officer to arrive on the scene. When

Sergeant Johnson arrived on the scene, Wrinn was still slumped over in the driver's seat of the vehicle.

11. As Sergeant Johnson approached the vehicle, Wrinn started to regain consciousness and attempted to exit the vehicle. Sergeant Johnson told Wrinn to remain in the vehicle.

12. Due to his head injury, Wrinn was disoriented and unable to comprehend Sergeant Johnson's instructions.

13. Still disoriented, Wrinn attempted to walk away from the vehicle.

14. Although Wrinn attempted to walk away from Sergeant Johnson, Wrinn did not act in a menacing or threatening manner toward Sergeant Johnson or anyone at scene of the crash.

15. Sergeant Johnson grabbed Wrinn in attempt to prevent him from walking away. Wrinn pulled away from Sergeant Johnson and a struggle ensued.

16. Sergeant Johnson used excessive force in the struggle with Wrinn.

17. Sergeant Johnson knew that Wrinn had just been injured in a motor vehicle crash.

18. Even knowing that Wrinn was already injured, Sergeant Johnson struck Wrinn several times with a flashlight using an overhand swing.

19. At least one of the strikes impacted the back of Wrinn's head causing severe injuries including a large laceration.

20. After being struck with the flashlight, Wrinn attempted to walk away from Sergeant Johnson. Sergeant Johnson then cycled his Taser on Wrinn's back, causing Wrinn to fall to the ground.

21. Still disoriented, Wrinn attempted to walk away again but Sergeant Johnson kicked Wrinn in the back of the legs causing Wrinn to fall to the ground again.

22. When Trooper G.K. Manley of the Ohio State Highway Patrol arrived, he and Sergeant Johnson forcefully took Wrinn to the ground and attempted to handcuff Wrinn.

23. Trooper G.K. Manley also struck Wrinn with a flashlight.

24. Other law enforcement officers from other agencies arrived and assisted Sergeant Johnson and Trooper Manley with handcuffing Wrinn, who was prone on the ground writhing in pain.

25. Even though Wrinn was obviously injured and in severe pain, Defendants Johnson and Manley used excessive force in handcuffing Wrinn.

26. Some of the officers from other agencies also used excessive against Wrinn.

27. An officer from the Lima Police Department delivered approximately twelve (12) knee strikes to Wrinn's abdomen and thorax.

28. An officer from the Lima Police Department stepped on Wrinn's head and pushed Wrinn's head into the pavement with his foot.

29. Wrinn was handcuffed and his legs were secured with a tow strap from one of the patrol cars. Wrinn was then transported to the Lima Memorial Hospital.

30. As a result of this incident, Wrinn was hospitalized for approximately five days and received other medical treatment. He was treated for several injuries including the trauma to his head. Numerous staples were required to close the large lacerations on his head. Wrinn's injuries also included several cuts and bruises on his wrists from the handcuffs. Wrinn incurred medical expenses in excess of \$30,000.00.

31. As a direct and proximate result of the Defendants' actions, Wrinn suffered severe, debilitating, and permanent physical and mental injuries. He is expected to receive additional treatment for these injuries in the future.

32. As a direct and proximate result of the Defendants' actions, Wrinn lost wages, he is expected to lose additional wages in the future, and his earning capacity has been harmed.

33. As a direct and proximate result of this incident, Wrinn endured substantial pain and suffering and will continue to endure pain and suffering in the future.

34. As a direct and proximate result of this incident, Wrinn suffered extreme emotional distress and will continue to suffer emotional distress in the future.

35. Wrinn received a traffic citation for failure to control but has not received any criminal charges related to this incident.

**FIRST CAUSE OF ACTION
(Assault and Battery)**

36. Plaintiff incorporates herein by reference the allegations contained in paragraphs 1 through 35.

37. Sergeant Johnson and Trooper Manley intentionally used force against Wrinn that was excessive and unjustified.

38. The actions of Sergeant Johnson and Trooper Manley constitute assault and battery.

39. As a direct and proximate result of the above, Wrinn suffered severe physical and mental injuries for which the Defendants are liable.

**SECOND CAUSE OF ACTION
(Intentional Infliction of Emotional Distress)**

40. Plaintiff incorporates herein by reference the allegations contained in paragraphs 1 through 39.

41. Sergeant Johnson and Trooper Manley intentionally used force against Wrinn that was excessive and unjustified.

42. Sergeant Johnson and Trooper Manley did not consider that Wrinn had suffered a severe head injury and was unable to comprehend their instructions.

43. Instead of rendering assistance to Wrinn, Sergeant Johnson and Trooper Manley ignored Wrinn's numerous cries in pain while they repeatedly struck him or otherwise caused him further injury.

44. The actions of Sergeant Johnson and Trooper Manley were extreme and outrageous.

45. As a direct and proximate result of the above, Wrinn suffered physical injuries and emotional distress for which the Defendants are liable.

**THIRD CAUSE OF ACTION
(Failure to Protect)**

46. Plaintiff incorporates herein by reference the allegations contained in paragraphs 1 through 45.

47. Sergeant Johnson and Trooper Manley placed Wrinn into their custody.

48. Sergeant Johnson and Trooper Manley had a duty to protect Wrinn from harm while he was in their custody.

49. Sergeant Johnson and Trooper Manley breached that duty by failing to protect Wrinn from the excessive use of force by the other officers at the scene.

50. As a direct and proximate result of the above, Wrinn suffered severe physical and mental injuries for which the Defendants are liable.

**FOURTH CAUSE OF ACTION
(Liability of the State of Ohio)**

51. Plaintiff incorporates herein by reference the allegations contained in paragraphs 1 through 50.

51. Sergeant Johnson and Trooper Manley are officers or employees of the State of Ohio pursuant to Section 109.36 of the Ohio Revised Code.

52. Pursuant to Section 2743.02(A)(2) of the Ohio Revised Code, the State of Ohio is liable for the actions of Sergeant Johnson and Trooper Manley if they are determined to have personal immunity pursuant to Section 9.86 of the Ohio Revised Code.

WHEREFORE, Plaintiff Eugene Wrinn, Jr. requests that this Court:

- (a) Enter judgment in his favor and against the Defendants;
- (b) Award compensatory damages;
- (c) Award punitive damages;
- (d) Award all costs and expenses incurred in the prosecution of this action;
- (e) Award all reasonable attorneys' fees;
- (f) Award such other relief as the Court deems just and proper

Respectfully submitted,



Cary Rodman Cooper
Counsel for Plaintiff