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COURT OF CLAIMS OF OHIO

IN THE COURT OF CLAIMS OF OHIO
ORIGINAL

Eugene Wrinn, Jr.,
Plaintiff,

v.

Ohio State Highway Patrol,
Defendant.

) Case No. 2006-05934
)
) Judge Alan C. Travis
)
) **FIRST AMENDED COMPLAINT**
)
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I. INTRODUCTION.

1. This is a damage action for assault and battery, intentional infliction of emotional distress, failure to protect, reckless conduct, and for negligent supervision, training, retention, and discipline. These claims against the State and the Ohio State Highway Patrol arise from the conduct of the OSHP and its employees, including Sergeant Daren L. Johnson, Trooper G. K. Manley, and Lieutenant K. J. Koverman.

II. PARTIES.

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

ON COMPUTER

3. Defendant State of Ohio employed Sergeant Daren Johnson, Trooper G. K. Manley, and Lieutenant K. J. Koverman at all times relevant to this action.

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

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

6. K. J. Koverman ("Lieutenant Koverman") was a Lieutenant for the Ohio State Highway Patrol at all times relevant to this action.

7. As many as eight employees of the Ohio State Highway Patrol were on the accident scene, involved in the incident with Eugene Wrinn, Jr., or involved in the investigation of the excessive force claims made against the OSHP stemming from the incident.

III. JURISDICTION.

8. The Court of Claims has jurisdiction over this case under § 2743.02 of the Ohio Revised Code.

IV. FACTS.

A. The OSHP Officers' Employment History.

9. In 1993, Daren Johnson began his employment with the OSHP as a trooper at the OSHP Lima post, and remained at the Lima post as a trooper until 2000, when he was assigned to the OSHP Academy as an instructor.

10. Trooper Manley began with the OSHP in 1991 as a cadet dispatcher at the Lima post. He has continued to work at the Lima post as a trooper since 1992. At all times relative to the Amended Complaint, Sergeant Johnson was Trooper Manley's immediate supervisor.

11. Upon information and belief, the OSHP does not offer any training in how to assess or deal with accident victims with closed-head injuries. Sergeant Johnson, Trooper

Manley, and Lieutenant Koverman have never received any training on how to assess and deal with closed-head injury victims as part of their OSHP training.

12. Since being employed by the OSHP, Sergeant Johnson has had a variety of disciplinary problems and personal issues that have resulted in formal and informal discipline, including but not limited to, verbal and written reprimands, additional training, anger management courses, and suspensions.

13. Sergeant Johnson has been disciplined by the OSHP a number of times, at least beginning in 2003.

14. Lieutenant Koverman was Sergeant Johnson's and Trooper Manley's supervisor at the Lima post from 2002 through Lieutenant Koverman's retirement at the end of 2005.

15. On or about January 24, 2004, Sergeant Johnson was involved in a workplace confrontation with another sergeant in front of subordinates.

16. On or about January 25, 2004, Sergeant Johnson cursed at a suspect. The OSHP disciplined Sergeant Johnson for this confrontation in addition to his previous confrontation with another sergeant.

17. On or about April 12, 2004, the OSHP suspended Sergeant Johnson for 3 days, with 2 days held in abeyance for a two-year probationary period pending acceptable future behavior, as a result of the January 24, 2004 and January 25, 2004 incidents. Sergeant Johnson entered an Employee Assistance Program ("EAP") to address his issues.

18. On or about May 28, 2004, Sergeant Johnson improperly provoked an intoxicated suspect to challenge him to a fight; when the suspect reacted, Sergeant Johnson tasered him. Sergeant Johnson was issued a written reprimand for conduct unbecoming an officer as a result of this incident, and ordered to take anger management training. Sergeant Johnson also received discipline to address his improper use of a taser.

19. In early 2005, and at times throughout her employ at the Lima post, Sergeant Mary Cosgrove made formal and informal complaints alleging that the OSHP Lima post was a hostile work environment, based at least in part upon Lieutenant Koverman's leadership, or lack thereof, and Sergeant Johnson's behavior. Among other things, Sergeant Cosgrove complained that Lieutenant Koverman was unwilling to initiate an investigation into or otherwise address her complaints about Sergeant Johnson. Lieutenant Koverman determined that Sergeant Johnson had created a hostile work environment and Sergeant Johnson was reprimanded.

20. In June 2005, Sergeant Johnson inappropriately offered leave to an OSHP Trooper, for which he was subsequently disciplined for failing to supervise or perform his supervisory duties.

21. On or about August 25, 2005, the OSHP Findlay post received an anonymous letter alleging that Sergeant Johnson inappropriately conducted himself while on and off duty. Among other things, the anonymous letter alleged that Sergeant Johnson called in false locations, had extended personal conversations with his girlfriend while on duty, had sexual relations with his girlfriend while on duty, that Sergeant Johnson had harassed and threatened his girlfriend, and other conduct involving using and abusing his position as an OSHP officer.

22. During the internal investigation of the anonymous letter, the OSHP interviewed Sergeant Johnson's then-girlfriend, Jennifer Mengerink. On or about August 29, 2005, Ms. Mengerink reported to the OSHP that Sergeant Johnson had to admit his wrongdoings, that Sergeant Johnson had a lot of personal issues going on, that Sergeant Johnson was seeing a counselor once a month, that she had told Sergeant Johnson he needed counseling, that Sergeant Johnson is depressed, he needs sleep, his house is in disarray, that something is not quite right with him, that Sergeant Johnson was looking for a person who gave her a black eye, that Sergeant Johnson was a basket case ever since she told him that the OSHP wanted to interview

her, that Sergeant Johnson told her that he could just disappear forever, and that Sergeant Johnson told her not to talk to Sergeant Brewster, who was investigating the anonymous complaints against Sergeant Johnson. The internal investigation into the anonymous letter confirmed that Johnson had lied and called in false locations and that he had acted improperly by having extended personal phone calls while on duty. Ms. Mengerink denied knowledge of the other allegations at that time. As a result of the internal investigation, Sergeant Johnson was suspended for 3 days in December 2005. But no timely action was taken respecting Sergeant Johnson's behavior related to the OSHP by Ms. Mengerink.

23. On September 16, 2005, during the pendency of the internal investigation into the anonymous letter, Sergeant Johnson used excessive, deadly force against Wrinn. Lieutenant Koverman conducted the initial response to resistance investigation into the amount of force that Sergeant Johnson and Trooper Manley used against Wrinn. The OSHP concluded that Sergeant Johnson's use of force was appropriate. Sergeant Johnson was reprimanded for failing to use his microphone appropriately related to the Wrinn incident.

24. In June 2006, Sergeant Johnson physically assaulted his girlfriend, Jennifer Mengerink. Ms. Mengerink claimed that Sergeant Johnson had prohibited her from leaving her house, he had threatened her, and he physically injured her arm by grabbing her when she would not comply with what he wanted. Ms. Mengerink received medical treatment for her injuries. Sergeant Johnson's assault on Ms. Mengerink resulted in a police investigation. The Lima News ran articles about the assault in which Ms. Mengerink admitted to Sergeant Johnson's forcing her to lie on his behalf during OSHP internal investigations. In the Lima News articles, Ms. Mengerink again reported concern for Sergeant Johnson's mental state. Upon information and belief, the OSHP did not discipline Sergeant Johnson for assaulting Ms. Mengerink.

25. Sergeant Johnson has been disciplined for failing to adhere to – at least – the following OSHP policies and procedures: proper use of a taser; activating his microphone and video equipment; conduct unbecoming an officer; creating a hostile work environment; and calling in false locations.

B. The September 16, 2005 Accident and Excessive Force Incident.

26. On September 16, 2005, at approximately 2:00 a.m., the Plaintiff, Eugene Wrinn, Jr., 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, center lane of I-75. The vehicle stalled and Wrinn was unable to restart the vehicle in time to avoid being struck head-on by a semi-truck tractor-trailer that was traveling northbound on I-75. Traffic was light on I-75 at the time of the accident and throughout the early morning of the incident. Neither Sergeant Johnson nor any other OSHP officer set up a road block or used other means to stop traffic.

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

28. Wrinn suffered a head injury and lost consciousness.

29. Sergeant Daren L. 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. Wrinn’s passengers told Sergeant Johnson that Wrinn was hurt. Sergeant Johnson did not ask Wrinn’s passengers any questions, including what their injuries were or what was wrong with Wrinn, and he did not listen to Wrinn’s passengers’ concerns about Wrinn’s condition.

30. When Sergeant Johnson approached the vehicle, he thought Wrinn was dead. Wrinn started to regain consciousness and attempted to exit the vehicle. Sergeant Johnson told Wrinn to remain in the vehicle.

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

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

33. Wrinn attempted to walk away from Sergeant Johnson. Wrinn did not act in a menacing or threatening manner toward Sergeant Johnson or anyone at the scene of the crash. Sergeant Johnson pursued Wrinn each and every time when Wrinn walked away from him at the accident scene. Wrinn never ran from Sergeant Johnson, and Wrinn never ran or attempted to run from the accident scene.

34. Sergeant Johnson told Wrinn to sit down or he would hit Wrinn. At some point, Wrinn sat down on the highway. Sergeant Johnson continued to pursue Wrinn around the accident scene on the highway.

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

36. At some point, Wrinn and Sergeant Johnson were on the concrete median on I-75. Wrinn put his hands on Sergeant Johnson's arms, but he was not violent towards Sergeant Johnson. Sergeant Johnson pushed Wrinn into the median.

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

38. Sergeant Johnson knew that Wrinn had just been injured in a motor vehicle crash. Sergeant Johnson never assessed Wrinn's injuries.

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

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

41. 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. Sergeant Johnson cycled the taser on Wrinn at least twice at the scene of the accident.

42. 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. Sergeant Johnson delivered knee strikes and elbow strikes to Wrinn's body.

43. Wrinn again walked away and sat down in front of the semi-truck and remained seated for at least 20-30 seconds before Sergeant Johnson began to again use force excessively against Wrinn.

44. Sergeant Johnson never told Wrinn that he was under arrest. Neither Trooper Manley nor any of the other law enforcement officers told Wrinn at any time that he was under arrest.

45. 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.

46. Trooper Manley also struck Wrinn with a flashlight.

47. Wrinn never struck Sergeant Johnson, nor did he ever swing at Sergeant Johnson. Wrinn never struck Trooper Manley, nor did he ever swing at Trooper Manley.

48. Wrinn did not attempt to do bodily harm to Sergeant Johnson, Trooper Manley, or anyone else.

49. 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.

50. Even though Wrinn was obviously injured and in severe pain, Sergeant Johnson and Trooper Manley used excessive force in handcuffing Wrinn.

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

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

53. An officer from the Lima Police Department stepped on Wrinn's head and pushed Wrinn's head into the pavement with his foot. Wrinn was also pepper sprayed numerous times by the officers.

54. 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.

55. Lieutenant Koverman arrived on the accident scene at approximately 3:00 a.m. Lieutenant Koverman, Sergeant Johnson, and Trooper Manley went to Lima Memorial Hospital immediately following the incident. At the hospital, the OSHP officers spoke with the other law enforcement officers who were at the accident scene, took witness statements, and spoke with Wrinn's passengers.

56. 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. Over 40 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 \$40,000.

57. 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.

58. 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 impaired.

59. 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.

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

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

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

62. Plaintiff incorporates herein by reference the allegations contained in paragraphs 1 through 61.

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

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

65. 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)**

66. Plaintiff incorporates herein by reference the allegations contained in paragraphs 1 through 65.

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

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

69. 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.

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

71. 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)**

72. Plaintiff incorporates herein by reference the allegations contained in paragraphs 1 through 71.

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

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

75. 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.

76. 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
(Negligent Training with Closed-Head Injury Victims)**

77. Plaintiff incorporates herein by reference the allegations contained in paragraphs 1 through 76.

78. An inherent part of the OSHP officer's job is to respond to traffic accidents and to assist car accident victims.

79. Sergeant Johnson, Trooper Manley, and the other OSHP officers who arrived on the accident scene were incompetent to respond to traffic crashes because they had not received any training related to assessing or dealing with closed-head injuries.

80. The OSHP had actual or constructive knowledge that it did not offer any training on assessing, assisting, or dealing with closed-head injury accident victims.

81. Due the accident on September 16, 2005, Wrinn had a closed-head injury and was disoriented.

82. Sergeant Johnson failed to assess or recognize that Wrinn had a closed-head injury when Wrinn appeared disoriented and failed to comply with Sergeant Johnson's instructions.

83. Sergeant Johnson's inability to assess, recognize, or deal with a closed-head injury traffic victim, caused Sergeant Johnson, Trooper Manley, and the other law enforcement officers to use excessive force on Wrinn.

84. As a direct and proximate result of the OSHP's failure to train its officers on how to assess, assist, and/or deal with closed-head injury accident victims, Wrinn suffered severe physical and mental injuries for which the Defendants are liable.

**FIFTH CAUSE OF ACTION
(Negligent Training, Supervision, and Discipline of Sergeant Johnson)**

85. Plaintiff incorporates herein by reference the allegations contained in paragraphs 1 through 84.

86. The OSHP failed to properly train Sergeant Johnson to be an acceptable employee or supervisor.

87. Sergeant Johnson was incompetent to be an OSHP Sergeant in September 2005 due to his conduct unbecoming an officer, inappropriate attitude, personal issues, anger issues, and his continued failure to comply OSHP organizational rules, policies, and procedures.

88. Sergeant Johnson had an employment history that contained many disciplinary problems in a short period of time.

89. The OSHP and Lieutenant Koverman knew or should have known that Sergeant Johnson had anger, personality, professional, and personal issues that affected his work performance but they failed to properly train or supervise Sergeant Johnson regarding these issues or OSHP policies and procedures.

90. The OSHP had actual knowledge of Sergeant Johnson's penchant for violating OSHP policies and procedures. The OSHP also had actual knowledge of Sergeant Johnson's anger management and behavioral problems from OSHP internal investigations and OSHP discipline that he received related to his behavior with co-workers at the Lima post, his personal issues with his girlfriend, and his inciting suspects.

91. The OSHP failed to appropriately supervise or discipline Sergeant Johnson for consistently violating organizational rules, in part, by failing to assess appropriate levels of discipline given his work history.

92. For example, the OSHP failed to appropriately discipline Sergeant Johnson for provoking and inciting an intoxicated suspect, whom he then inappropriately tasered, while he was still under a two-year suspension-abeyance agreement. Upon information and belief, the OSHP failed to apply the two-day suspension to Sergeant Johnson for his inappropriate conduct despite the fact that he violated OSHP policies and procedures mere months after being placed on probation.

93. Although the OSHP ordered Sergeant Johnson to attend a class on dealing with difficult people, it failed to properly assess, address, supervise, and counteract Sergeant Johnson's aggressive behavior.

94. Upon information and belief, the OSHP failed to follow up with or otherwise properly address with Sergeant Johnson any of the issues that led to, contributed to, or resulted in his continued discipline.

95. The OSHP failed to implement and enforce the two-day suspension held in abeyance despite Sergeant Johnson's violating OSHP policies and procedures at least five times within the first year and a half of his probationary period.

96. Sergeant Johnson's improper training, supervision, and discipline resulted in his use of excessive force against Wrinn on September 16, 2005.

97. Sergeant Johnson has been the subject of a criminal investigation for an assault on his then-girlfriend, Jennifer Mengerink, while an OSHP employee. Upon information and belief, the OSHP failed to do anything, let alone properly supervise or discipline Sergeant Johnson regarding his 2006 assault on Jennifer Mengerink. This is so, despite Ms. Mengerink's claim in 2006 that Sergeant Johnson had forced her to lie for him in the 2005 OSHP internal investigation(s) involving Sergeant Johnson.

98. As a direct and proximate result of the OSHP's failure to train, supervise, and/or discipline Sergeant Johnson, Wrinn suffered severe physical and mental injuries for which the Defendants are liable.

**SIXTH CAUSE OF ACTION
(Negligent Retention)**

99. Plaintiff incorporates herein by reference the allegations contained in paragraphs 1 through 98.

100. Sergeant Johnson has a history of criminal, tortious, and dangerous conduct. Sergeant Johnson has consistently exhibited aggressive and violent behavior towards people in his personal life, his co-workers, and suspects he has encountered in his profession, i.e., Wrinn.

101. Upon information and belief, the OSHP did not conduct any investigation into whether Sergeant Johnson had compromised an internal investigation into his improper and aggressive behavior, despite its having found Sergeant Johnson had lied about his official whereabouts as a part of that 2005 investigation.

102. Sergeant Johnson has been disciplined for some of his aggressive behavior and conduct unbecoming an officer.

103. Yet the OSHP has chosen to retain Sergeant Johnson as an employee despite knowing through its own investigation or through conducting other reasonable investigations that Sergeant Johnson is a danger to the public that the OSHP is bound to serve.

**SEVENTH CAUSE OF ACTION
(Reckless Conduct)**

104. Plaintiff incorporates herein by reference the allegations contained in paragraphs 1 through 103.

105. Sergeant Johnson knew that Wrinn had been in a serious head-on collision with a semi-truck and that Wrinn's head was bleeding when he approached the accident scene. Trooper Manley also knew that Wrinn had been in a serious head-on collision with a semi-truck.

106. A reasonable person would have known that Wrinn was disoriented and unable to appreciate or understand commands due to a potential head-injury after being in a serious head-on collision with a semi-truck.

107. Sergeant Johnson and Trooper Manley knew or should have known that Wrinn was disoriented because Wrinn never refused to comply or did anything other than walk away

from Sergeant Johnson. Neither Sergeant Johnson nor Trooper Manley assessed Wrinn's injuries. But both Sergeant Johnson and Trooper Manley thought Wrinn was acting unusual.

108. Sergeant Johnson's and Trooper Manley's conduct in using excessive force against Wrinn through tasing Wrinn, handcuffing Wrinn, hitting Wrinn in the head with a flashlight, hitting Wrinn with a flashlight, yelling at Wrinn, cursing at Wrinn, and failing to protect Wrinn from the other law enforcement officers' excessive force created an unnecessary risk of harm to Wrinn.

109. Sergeant Johnson and Trooper Manley recklessly used force against Wrinn that was excessive and unjustified.

110. Sergeant Johnson and Trooper Manley disregarded the known risk of serious physical harm that their respective and collective conduct and excessive force could do to Wrinn.

111. The actions of Sergeant Johnson and Trooper Manley constitute reckless conduct. Accordingly, the waiver in Revised Code § 2743.02(A)(1) is void because Sergeant Johnson and Trooper Manley acted recklessly with the force they used against Wrinn while they were within the course and scope of their OSHP employ.

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

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

113. Plaintiff incorporates herein by reference the allegations contained in paragraphs 1 through 112.

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

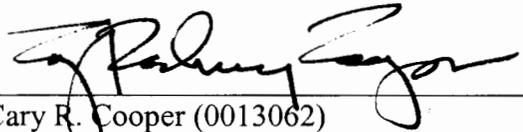
115. Pursuant to § 2743.02(A)(2) of the Ohio Revised Code, the State of Ohio is liable for the actions of Sergeant Johnson and Trooper Manley if they are determined to have personal immunity pursuant to § 9.86 of the Ohio Revised Code.

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 all costs and expenses incurred in the prosecution of this action; and
- (d) award such other relief as the Court deems just and proper.

Dated: March 2, 2010

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served this 2nd day of March, 2010 by ordinary U.S. mail, postage prepaid, upon: **James P. Dinsmore**, Assistant Attorney General, Court of Claims Defense Section, 150 East Gay St., 18th Floor, Columbus, Ohio 43215-3130; **Anthony Geiger**, Law Director, CITY OF LIMA, 209 N. Main St., 6th Floor, Lima, Ohio 45901; upon **Todd M. Raskin** and **Carl E. Cormany**, MAZANEC, RASKIN, RYDER & KELLER CO., L.P.A., 100 Franklin's Row, 34305 Solon Road, Cleveland, Ohio 44139; upon **Michael S. Loughry**, MAZANEC, RASKIN, RYDER & KELLER CO., L.P.A., 250 Civic Center Drive, Suite 400, Columbus, Ohio 43215; and upon **Jane M. Lynch** and **Jared A. Wagner**, GREEN & GREEN, LAWYERS, 800 Performance Place, 109 North Main Street, Dayton, Ohio 45402-1290.



Cary Rodman Cooper
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