

IN THE COURT OF CLAIMS OF OHIO

LYNDSEY HOWELL  
2829 POLK HOLLOW ROAD  
CHILLICOTHE OH 45601

Plaintiff

-v-

THE STATE OF OHIO --  
OHIO UNIVERSITY  
1 OHIO UNIVERSITY  
ATHENS OH 45701-2979

and

THE OHIO UNIVERSITY  
POLICE DEPARTMENT  
1 OHIO UNIVERSITY  
ATHENS OH 45701-2979

and

ERIC HOSKINSON  
1 OHIO UNIVERSITY  
ATHENS OH 45701-2979

Defendants

**ORIGINAL**

2013-00001

Case Number:

Judge:

Jury Demanded Against  
Appropriate Defendants

2013 JAN -2 PM 3:56

FILED  
COURT OF CLAIMS  
OF OHIO

COMPLAINT

1. Pursuant to Statute and Rule the State of Ohio is subject to jurisdiction in this Court.
2. Ohio University is a State University, is subject to all relevant duties pursuant to law, and is subject to jurisdiction in this Court.

**ON COMPUTER**

3. The Ohio University Police Department is the designated law enforcement agency of Ohio University and at all relevant times was so operating.
4. Eric Hoskinson was at all relevant times a duly authorized and designated Officer of the Ohio University Police Department and at all relevant times claimed to be acting as an Ohio University Police officer.
5. So far as Plaintiff knows, Eric Hoskinson was at all relevant times acting pursuant to his authority as an Officer of the Ohio University Police Department, and the Ohio University.
6. So far as Plaintiff knows, Eric Hoskinson was at all relevant times acting within the scope of his authority as an Officer of the Ohio University Police Department, and the Ohio University, despite the fact that he was doing so in a grossly negligent manner.
7. Lyndsey Howell is a resident of the State of Ohio and on 21 January 2012 was a student at Ohio University.
8. All actions, occurrences, and events occurred in the State of Ohio, County of Athens on 21 January 2012.
9. At all relevant times:
  - a. The State of Ohio was the duly constituted governmental agency for Ohio;

- b. Ohio University was a duly constituted State University;
  - c. The Ohio University Police Department was the law enforcement division of Ohio University;
  - d. Eric Hoskinson was a duly appointed officer of the Ohio University Police Department;
  - e. Eric Hoskinson was acting pursuant to the authority vested in him by the Department, the University, and the State of Ohio.
10. In the early morning hours of 21 January 2012 Ms Howell was driving her motor vehicle within the State of Ohio when she was stopped by Officer Eric Hoskinson .
11. In the process of arresting Ms Howell Officer Eric Hoskinson broke her left thumb, and severely bruised her fingers, by improperly and wrongfully handcuffing her.
12. At all relevant times the actions of Officer Eric Hoskinson in causing the physical injuries to Ms Howell were grossly negligent.
13. At all relevant times the actions of Officer Eric Hoskinson in causing the physical injuries to Ms Howell were willful, wanton, and with a careless disregard for the natural and probable consequences thereof.
14. The actions and failures of the Defendants were the direct and proximate cause of the injuries suffered by Ms Howell.

15. The injuries suffered by Ms Howell were the direct and proximate result of the actions and failures of the Defendants.
16. As a direct and proximate result of the injuries that she suffered at the hands of the Defendants:
  - a. Ms Howell had her thumb broken and her fingers injured;
  - b. Ms Howell incurred medical expenses for treatment by physicians and medical facilities;
  - c. Ms Howell suffered a great deal of pain;
  - d. The studies of Ms Howell were severely impinged and debilitated as she was required to use a single hand in a course of study that required the use of both hands and was in the "hands on" phase of her training.
17. Police are taught a procedure for handcuffing an arrestee specifically designed to prevent the type of injury suffered by Ms Howell and obviously Officer Eric Hoskinson failed to use such procedure.
18. At all relevant times Officer Eric Hoskinson was either improperly trained or acted improperly.
19. At all relevant times the State of Ohio, the Ohio University Police Department and the Ohio University knew or had just cause to know that Officer Eric Hoskinson would injure persons that he had arrested.

20. At all relevant times the State of Ohio, the Ohio University Police Department and the Ohio University failed to properly train and/or supervise Officer Eric Hoskinson so that he would not injure persons that he had arrested.
21. At all relevant times the State of Ohio, the Ohio University, the Ohio University Police Department and Officer Eric Hoskinson failed in their duties to Ms Howell and she was therefore injured.
22. As a direct result of the forgoing Ms Howell is entitled to fair and just compensation for her injuries from each of the Defendants as their respective liability may dictate.

WHEREFORE: Lindsey Howell demands judgment against the Defendants as may be appropriate and as their interests may appear, in an amount in excess of \$25,000.00 to compensate her for her pain, suffering, medical expenses, medical treatment, and such other and further losses as may be appropriate.

RESPECTFULLY SUBMITTED,

  
VINCENT DePASCALE, Trial Attorney  
786 NORTHWEST BOULEVARD  
GRANDVIEW HEIGHTS, OH 43212  
(614) 298-8200 S.C. # 0013227  
ATTORNEY FOR LINDSEY HOWELL

JURY DEMAND

Here Plaintiff demands a trial by a Jury as to those Defendants and claims so subject.

A handwritten signature in black ink, appearing to read "Vincent DePascale". The signature is written in a cursive, flowing style with a large initial "V".

VINCENT DePASCALE  
ATTORNEY FOR LINDSEY HOWELL