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IN THE COURT OF CLAIMS OF OHIO
FRANKLIN COUNTY, OHIO

GARY DUNN
#210543
1990 Harmon Avenue
Columbus, OH 43223

Plaintiff,

vs.

DEPARTMENT OF REHABILITATION
AND CORRECTION,
c/o Gary C. Mohr, Director
770 West Broad Street
Columbus, OH 43222

Defendant.

2013-00142
CASE NO.

JUDGE

ORIGINAL

COMPLAINT

Now comes Plaintiff Gary Dunn, by and undersigned counsel, and for his Complaint against Defendant hereby states as follows:

PARTIES

1. At all times relevant herein, Plaintiff was an inmate at the Franklin Medical Center, sometimes referred to as the Corrections Medical Center, under a sentence for the commission of a felony and under the control and jurisdiction of the Defendant Ohio Department of Rehabilitation.
2. Defendant Department of Rehabilitation and Correction (herein referred to as "DRC") is a governmental entity and/or agency which controls and operates penitentiaries in the State of Ohio including the Franklin Medical Center.
3. Defendant DRC headquarters are located at 770 West Broad Street, in the City of Columbus, the County of Franklin, State of Ohio.
4. As a governmental agency, Defendant DRC is not immune from suit in accordance with the language of R.C. § 2743.02(A)(1) and §2743.02(A)(2).

JURISDICTION

5. Plaintiff incorporates all preceding paragraphs as if fully restated herein.

ON COMPUTER

6. Jurisdiction is proper for this Court because a State entity is a named Defendant and this Court has exclusive original jurisdiction over civil cases involving the State of Ohio as per R.C. § 2743 *et seq.*

FACTS

7. Plaintiff incorporates all preceding paragraphs as if fully restated herein.
8. On October 3, 2012 Plaintiff Gary Dunn was among a group of inmates and DRC employees traveling in a prison transport vehicle from a medical appointment at Pickaway Correctional Institute (“PCI”), returning to the Franklin Medical Center (“FMC”).
9. Plaintiff was seated in a wheelchair in the rear of the vehicle.
10. Plaintiff Dunn’s wheelchair was secured to the floor of the vehicle, but Plaintiff was not secured to the wheelchair itself through the use of any type of seat or lap belt restraint.
11. The driver of the prison transport vehicle, a DRC employee, exited the vehicle at the I-71 N Frank Rd exit.
12. Upon exiting, the DRC employee driver of the vehicle failed to follow traffic safety rules in that the driver failed to yield to fellow motorists traveling north on Frank Rd.
13. As a result of his failure to yield, the DRC employee driver slammed on the vehicle’s brakes to narrowly avoid hitting a car lawfully traveling north on Frank Rd.
14. As a result of the DRC driver slamming on the vehicle’s breaks, Plaintiff Dunn was ejected from his wheelchair, thrust forward within the passenger compartment of the vehicle, coming to rest only after striking his head on the wheelchair of a fellow passenger and striking his body against the floor of the vehicle.
15. Plaintiff Dunn would lay on the floor of the vehicle in great pain for the duration of the ride to the FMC.
16. Upon arrival at FMC Plaintiff Dunn was briefly examined by FMC staff before being rushed to The Ohio State University Wexner Medical Center for emergency treatment.
17. Plaintiff Dunn was diagnosed by OSU Medical Center staff with a fractured left tibia and fibia, a large gash on his head, and numerous cuts, scrapes and contusions, all as the result of the motor vehicle incident on October 3, 2012.

18. During Plaintiff's hospitalization, it was determined by OSU Medical Center staff that two toes on Plaintiff's right foot, which were damaged in the October 3, 2012 motor vehicle incident, needed to be amputated.
19. In November Plaintiff would undergo surgery at the OSU Medical Center to amputate two toes on his right foot.
20. Prior to the October 3, 2012 incident, Plaintiff had a small bedsore on his left heel.
21. During Plaintiff's hospitalization, this bedsore would become infected with methicillin-resistant Staphylococcus aureus, commonly abbreviated as "MRSA" or commonly referred to as a staff infection; the extent of the infection was revealed to medical personnel during the surgery to amputate Plaintiff's toes.
22. Despite attempts at treatment, the MRSA infection has worsened and spread throughout Plaintiff's lower left leg; he is scheduled to undergo amputation of his left leg above the knee within a matter of days.

COUNT ONE (Negligence)

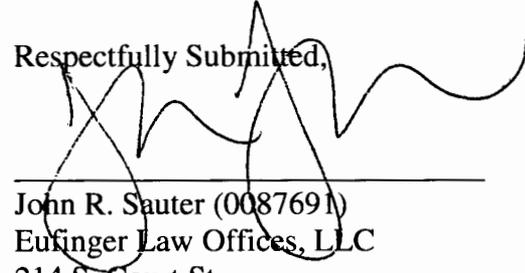
23. The State of Ohio, through the Department of Rehabilitation and Correction, owes a common-law duty of reasonable care and protection from unreasonable risks of harm to inmates in its custody and care.
24. At all times relevant, the driver of the prison transport vehicle mentioned herein was an employee of the Department of Rehabilitation and Correction and was acting within the scope of his or her employment and in the furtherance of the interests of the State of Ohio on October 3, 2012.
25. On October 3, 2012, Defendant, through the actions of an employee, breached its duty of care, thereby causing injury to the Plaintiff.
26. As a direct and proximate result of the negligence of an employee of Defendant Department of Rehabilitation and Correction, Plaintiff has suffered injuries to his left leg, right foot, left side of his body and head as well as mental anguish and suffering. During Plaintiff's subsequent hospitalization he developed a MRSA infection which will require the amputation of his left leg.

27. Defendant Department of Rehabilitation and Correction is liable to Plaintiff for the tortious acts and omissions of its employees under the doctrine of respondeat superior.

DEMAND FOR JUDGMENT

WHEREFORE, Plaintiff Gary Dunn demands judgment against the Defendant in an amount exceeding Twenty-Five Thousand Dollars (\$25,000), together with interest and costs of this action and any and all other relief deemed appropriate by this Court.

Respectfully Submitted,



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