

**IN THE COMMON PLEAS COURT OF LUCAS COUNTY, OHIO**

EARL PATRICK GREGORY and MONIQUE  
GREGORY, Individually and as parents of  
JASMINE GREGORY, minor,  
4715 Ventura  
Toledo, OH 43613

Plaintiffs,

v.

ROBERT ROBERTSON  
4726 Catalina Dr.  
Toledo, OH 43615

and

SARAH ROBERTSON  
4726 Catalina Dr.  
Toledo, OH 43615

Defendants.

Case No.:

Judge

**COMPLAINT WITH JURY DEMAND AND  
ATTACHED DISCOVERY REQUESTS**

Charles E. Boyk (0000494)  
Michael A. Bruno (0033780)  
*Charles E. Boyk Law Offices, LLC*  
405 Madison Avenue, Suite 1200  
Toledo, Ohio 43604  
Telephone: (419) 241-1395  
Facsimile: (419) 241-8731  
boykdiscovery@gmail.com

Attorneys for Plaintiff

The Plaintiff, by and through counsel, alleges as follows:

**FIRST CAUSE OF ACTION**

1. The Plaintiffs reside in Toledo, Lucas County, Ohio.
2. Defendants reside in Toledo, Lucas County, Ohio.
3. On or about March 10, 2007 Plaintiff Jasmine Gregory was attacked and bitten by a dog in Toledo, Lucas County, Ohio.

4. At all times material herein, the dog involved in the incident at issue was either owned, kept, or harbored by Defendants Robert Robertson and/or Sarah Robertson, individually or collectively.
5. Defendants failed to muzzle, supervise, confine, or restrain the dog.
6. At all times material herein Defendants, owned, kept, or harbored the dog that attacked the Plaintiff at 4726 Catalina, Toledo, Lucas County, Ohio, with knowledge of its dangerous and vicious propensity, and failed to remove the hazard or warn thereof.
7. As a direct and proximate result of being bitten by the Defendants' dog, Plaintiff Jasmine Gregory sustained serious physical injuries to her face, pain and suffering, severe emotional distress, loss of enjoyment of life, medical expenses, and other consequential monetary damages.
8. The injuries and damages suffered by Plaintiff Jasmine Gregory are permanent and continuing and he will incur future pain and suffering, emotional distress, loss of enjoyment of life, and medical expenses.
9. Pursuant to 955.28(B) of the Ohio Revised Code, Defendants are strictly liable to plaintiff for his injuries and damages.

#### **SECOND CAUSE OF ACTION**

10. For the second cause of action, Plaintiffs incorporate the above paragraphs as if fully restated herein.
11. At all times material herein, the dog involved in the incident at issue was dangerous and vicious.

12. At all times material herein, Defendants had knowledge of the dog's dangerousness and viciousness.
13. At all times material herein, Defendants had a duty to the Plaintiff to control the dog and keep it from harming Plaintiff Jasmine Gregory.
14. At all times material herein, the Defendants had a duty not to allow the dog at the premises where it was harbored and to remove the hazard created by the dog.
15. Allowing the dog to be in a position to attack Plaintiff Jasmine Gregory was outrageous and the Defendants acted with reckless disregard for the safety of others including the Plaintiff.
16. As a direct and proximate result of the Defendants' conduct, Plaintiff Jasmine Gregory has suffered and will suffer in the future the injuries and damages set forth hereinabove.

### **THIRD CAUSE OF ACTION**

17. For the third cause of action, Plaintiffs incorporate the above paragraphs as if fully restated herein.
18. At all times material herein, Defendants had a duty to the Plaintiff to control the dog and keep it from harming the Plaintiff.
19. At all times material herein, the Defendants had a duty not to allow the dog at the premises where it was harbored and to remove the hazard created by the dog.
20. The Defendants breached their duty of care by failing to control the dog involved in the incident at issue, by harboring a vicious dog, and by failing to remove the hazard created by the dog.
21. As a direct and proximate result of being bitten by the dog owned, kept, or harbored by the Defendants, Plaintiff Jasmine Gregory sustained serious physical injuries to

her face, pain and suffering, severe emotional distress, loss of enjoyment of life, medical expenses, and other consequential monetary damages.

22. The injuries and damages suffered by Plaintiff Jasmine Gregory are permanent and continuing and he will incur future pain and suffering, emotional distress, loss of enjoyment of life, and medical expenses.

**WHEREFORE**, the Plaintiff prays that judgment be entered against the Defendants as follows:

1. On the FIRST CAUSE of action a judgment against Defendants in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00) together with interest, costs and reasonable attorney fees associated herewith.
2. On the SECOND CAUSE of action a judgment against Defendants in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00) together with interest, costs and reasonable attorney fees associated herewith.
3. On the THIRD CAUSE of action a judgment against Defendants in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00) together with interest, costs and reasonable attorney fees associated herewith.

Respectfully submitted,

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Charles E. Boyk  
Attorney for Plaintiff

**JURY DEMAND**

The Plaintiffs demand a trial by jury on all issues triable by right.

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Charles E. Boyk  
Attorney for Plaintiff