

IN THE COURT OF COMMON PLEAS  
SUMMIT COUNTY, OHIO

LAWRENCE ANDREWS  
277 North Elm Ave.  
Tallmadge, OH 44278

Plaintiff,

v.

AKRON WOMEN'S MEDICAL GROUP  
692 East Market St.  
Akron, OH 44304

and

SEAN MCDONOUGH  
619 Deering Dr.  
Akron, OH 44313

and

JOHN DOE COMPANY  
Address Unknown

Defendants.

CASE NO: 2011 07 4 041

JUDGE: ASSIGNED TO JUDGE HUNTER

COMPLAINT

DANIEL M. HERRIGAN  
2011 JUL 25 PM 3:18  
SUMMIT COUNTY  
CLERK OF COURTS

Now comes Lawrence Andrews ("Plaintiff"), by and through undersigned counsel, and brings this Complaint against Akron Women's Medical Group ("AWMG"), Sean McDonough ("McDonough"), and John Doe Company ("Doe Company"), (collectively, "Defendants"), alleging as follows:

**PARTIES**

1. At all times relevant hereto, Plaintiff was an individual residing at 277 North Elm Ave., Tallmadge, Ohio, 44278.
2. At all times relevant hereto, AWMG was a company operating in Ohio with a principal place of business at 692 East Market St., Akron, Ohio 44304.

3. At all times relevant hereto, McDonough an agent of AWMG and was acting on behalf of and at AWMG's direction.
4. At all times relevant hereto, Doe Company was a company operating in Ohio with a currently unknown principal place of business.

### **JURISDICTION**

5. This Court has personal jurisdiction over all of the parties hereto. The allegations set forth herein establish that this Court also has jurisdiction over the subject matter of this Complaint.

### **VENUE**

6. Venue is proper in Summit County, Ohio under Rule 3(B)(3) of the Ohio Rules of Civil Procedure.

### **FACTUAL BACKGROUND**

7. On January 29, 2011, Plaintiff and several companions were standing on the sidewalk outside of AWMG's place of business, 692 East Market St. in Akron, Ohio ("692 Market"), holding signs in protest of AWMG's continued practice of providing abortions.
8. At all times relevant hereto, Plaintiff was standing on the sidewalk adjacent to 692 Market, property owned by the City of Akron and open to the public.
9. One of Plaintiff's companions, Michael Tice ("Tice"), requested that Plaintiff watch Tice's signs while Tice escorted another individual to her vehicle.
10. Upon receiving Tice's signs, Plaintiff planted them upright in a nearby snow bank.
11. Soon after placing the signs in the snow bank, an unidentified AWMG representative ("Rep") approached Plaintiff and seized Tice's signs from their position in the snow bank, claiming that Plaintiff was prohibited from possessing the signs at their location.
12. Plaintiff, attempting to recover his illegally-seized property, grabbed the signs and attempted to wrest them from the grip of the Rep.
13. The Rep began loudly exclaiming that Plaintiff was physically assaulting her despite the fact that Plaintiff had not made any physically contact with her person.
14. McDonough, without investigating the cause of the altercation or attempting to resolve it peacefully, approached Plaintiff and shoved him violently backwards, throwing Plaintiff onto his back.
15. Upon hitting the ground, Plaintiff struck his skull on the sidewalk, suffering severe injuries to his neck and head.

16. As the direct result of Defendants' misconduct, Plaintiff has suffered damages for which he is entitled to recovery.

**COUNT ONE  
(Assault)**

17. Plaintiff restates the allegations in paragraphs 1 through 15 as if fully rewritten herein.

18. McDonough intentionally, willfully, wantonly, and maliciously threatened to strike Plaintiff in a harmful or offensive manner such that his actions inspired in Plaintiff a reasonable fear of imminent harmful or offensive contact.

19. As McDonough was acting under the direction and authority of AWMG and Doe Company and within the scope of his employment by AWMG and Doe Company at the time he assaulted Plaintiff, AWMG and Doe Company are liable for McDonough's misconduct.

20. McDonough acted maliciously and with a conscious disregard for the rights and safety of Plaintiff that had a great probability of causing substantial harm.

21. As the direct result of Defendants' misconduct, Plaintiff has suffered damages for which he is entitled to recovery.

**COUNT TWO  
(Battery)**

22. Plaintiff restates the allegations in paragraphs 1 through 20 as if fully rewritten herein.

23. McDonough intentionally, willfully, wantonly, and maliciously struck Plaintiff in a harmful or offensive manner, causing significant injury to Plaintiff.

24. McDonough acted maliciously and with a conscious disregard for the rights and safety of Plaintiff that had a great probability of causing substantial harm.

25. As McDonough was acting under the direction and authority of AWMG and Doe Company and within the scope of his employment by AWMG and Doe Company at the time he struck Plaintiff, AWMG and Doe Company are liable for McDonough's misconduct.

26. As the direct result of Defendants' misconduct, Plaintiff has suffered damages for which he is entitled to recovery.

**COUNT THREE  
(Negligent Hiring, Supervision, Retention)**

27. Plaintiff restates the allegations in paragraphs 1 through 25 as if fully rewritten herein.

28. Prior to the January 29, 2011, incident, AMWG and Doe Company had, or should have had, full

knowledge of McDonough's criminal history, including convictions for contempt of court, disorderly conduct, public intoxication, and illegal possession of a concealed weapon. (See Case Reports, Attached as Exhibit A).

29. AWMG and Doe Company knew or should have known of McDonough's criminal history prior to hiring him, and could have prevented or avoided Plaintiff's injuries by not hiring McDonough or terminating him before he inevitably engaged in improper conduct.
30. AWMG's and Doe Company's negligent failure to properly screen McDonough prior to hiring him, failure to properly supervise his conduct while in their employ, and failure to terminate McDonough prior to his misconduct proximately caused Plaintiff's injuries
31. As the direct result of Defendants' misconduct, Plaintiff has suffered damages for which he is entitled to recovery.

**WHEREFORE**, Plaintiff hereby demands judgment on Counts One and Two against all Defendants for compensatory damages in an amount exceeding \$25,000 to be determined at trial, punitive damages in an amount exceeding \$25,000 to be determined at trial, court costs, reasonable attorney fees, and whatever further relief this court deems just and appropriate; Plaintiff hereby demands judgment on Count Three against AWMG and Doe Company for compensatory damages in an amount exceeding \$25,000 to be determined at trial, court costs, reasonable attorney fees, and whatever further relief this court deems just and appropriate.

**JURY DEMAND**

Plaintiffs demand a trial by jury on all issues contained in the herein action.

Respectfully Submitted,



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