

FILED
HURON COUNTY
COMMON PLEAS COURT

2018 DEC -7 A 11:09

SUSAN S. HAZEL
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS
HURON COUNTY, OHIO

CLETUS SNAY
39 Maple Street
Norwalk, Ohio 44857

and

KELLY SNAY
39 Maple Street
Norwalk, Ohio 44857,

PLAINTIFFS,

v.

MATTHEW BURR
6656 Young Road
Bellevue, Ohio 44811

and

DIANE L. BURR
6656 Young Road
Bellevue, Ohio 44811,

DEFENDANTS.)

) CASE NO. CVC 20180969

) JUDGE

) **COMPLAINT**

) (with jury demand endorsed hereon)

Now come Plaintiffs, Cletus Snay and Kelly Snay, and for their Complaint allege as follows:

FIRST CLAIM FOR RELIEF
(Negligence)

1. On December 19, 2016, Plaintiff Cletus Snay was driving his car westbound on TR-23, also known as Young Road, in the City of Bellevue, Huron County, Ohio, at approximately 2:45 p.m. Due to ice, Cletus Snay slid off the right side of the road and impacted a mailbox

belonging to Defendants Matthew Burr and Diane L. Burr, at 6656 Young Road, Bellevue, Ohio. Mr. Snay was wearing his safety belt.

2. Defendants were negligent, reckless and careless in erecting their mailbox, because it was supported by a thick, non-breakaway metal pipe. The mailbox was therefore defective, but it was also in violation of Federal Highway Administration guidelines. The mailbox also constituted a nuisance which Defendants unnecessarily and unreasonably maintained.
3. Due to the Defendants' carelessness, recklessness and negligence, as Plaintiff impacted the metal pipe, it caused his car to initiate a roll-over sequence. He ultimately came to rest roughly 130 feet down the road.
4. As a direct and proximate result of the Defendants' negligence, recklessness and carelessness, Plaintiff was caused to suffer serious injuries to his body, including a traumatic brain injury, multiple neck fractures, arterial dissection and respiratory failure. His injuries have caused him extreme pain and suffering and an inability to function.
5. As a direct and proximate result of the Defendants' negligence, recklessness and carelessness, Plaintiff Cletus Snay is paralyzed.
6. Plaintiff Cletus Snay's injuries are permanent.
7. Plaintiff Cletus Snay further states that he has incurred medical expenses and will continue to incur medical expenses into the indefinite future because of the seriousness of his injuries. Plaintiff requires around-the-clock healthcare for the rest of his life.
8. Plaintiff further states that he is no longer able to work and has suffered significant wage loss.

WHEREFORE, Plaintiffs pray for damages against Defendants, jointly and severally, in a sum in excess of Twenty-Five Thousand Dollars (\$25,000.00), plus attorney's fees, expenses, costs of this action and any other relief this Court deems just and equitable.

SECOND CLAIM FOR RELIEF
(Loss of Consortium)

9. Plaintiffs incorporate each and every fact, statement and allegation made and contained in their First Claim for Relief as though expressly rewritten and realleged herein as part of this Second Claim for Relief.
10. Plaintiff Kelly Snay is and was at all times herein the wife of Plaintiff Cletus Snay.
11. As a further direct and proximate result of the above-mentioned acts of negligence by the Defendants, Plaintiff Kelly Snay was caused to lose the love, affection, consortium and/or other services of her husband, Plaintiff Cletus Snay, all to her detriment.

WHEREFORE, Plaintiffs further pray for judgment against Defendants, jointly and severally, in this Second Claim for Relief, in a sum in excess of Twenty-Five Thousand Dollars (\$25,000.00), plus attorney's fees, expenses, costs of this action and any other relief this Court deems just and equitable.

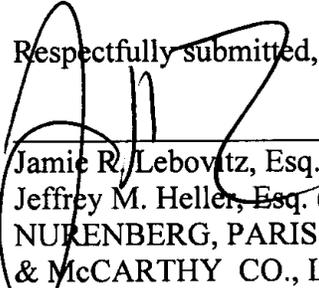
THIRD CLAIM FOR RELIEF
(Punitive Damages)

12. Plaintiffs incorporate each and every fact, statement and allegation made and contained in their First and Second Claims for Relief as though expressly rewritten and realleged herein as part of this Third Claim for Relief.

13. Plaintiffs further state that the Defendants wantonly and recklessly installed their mailbox when they knew it was installed as to not breakaway.
14. Further, Plaintiffs state the Defendants were grossly negligent in the construction, care, maintenance and management of their mailbox, when they knew or should have known the mailbox would not breakaway upon impact. Because of this construction, Defendants rendered their mailbox unfit for its purpose. The actions of Defendants constituted a conscious disregard for the rights, health and safety of the public, and had a great probability of causing substantial harm, and did cause substantial harm.
15. As a result of the Defendants' conduct, Plaintiffs are entitled to punitive damages against Defendants.

WHEREFORE, Plaintiffs pray for punitive damages against Defendants, jointly and severally, in a sum in excess of Twenty-Five Thousand Dollars (\$25,000.00), together with such other and further relief as the Court deems just, including the cost of this action

Respectfully submitted,

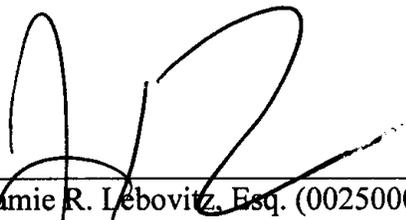


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JURY DEMAND

Plaintiffs hereby demands a trial by jury with the maximum number of jurors allowed
by law.



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