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DANIEL M. HERRIGAN  
IN THE COURT OF COMMON PLEAS  
SUMMIT COUNTY, OHIO  
2009 FEB 13 AM 11:24

YUSUF EVANS  
27 Charlotte Apt 6  
Akron, Ohio 44303

SUMMIT COUNTY  
CLERK OF COURTS

CASE NO. CV-2009-01-0453  
JUDGE BRENDA BURNHAM-UNRUH

**Plaintiff**

vs.

XTC  
1167 Britton Rd.  
Akron, Ohio 44305

AMENDED COMPLAINT  
(Jury Demand Endorsed Hereon)

UNKNOWN EMPLOYEE/SUBCONTRACTOR  
UNKNOWN SPELLING  
AKA: TIERRA/SIERRA/CIERRA

UNKNOWN BUSINESS  
Unknown Address

UNKNOWN CORPORATION  
Unknown Address

JOHN DOE  
Unknown Address

Jane Doe  
Unknown Address

**Defendant**

Now comes Plaintiff, Yusuf Evans, by and through counsel, John Brooks Cameron, and states the following as their complaint:

**PARTIES**

1. Plaintiff, Yusuf Evans, at all times relevant to this action, resides in the City of Akron, Summit County, Ohio.
2. The Defendant XTC, is a corporation and/or other business entity licensed to do business in the State of Ohio and/or engaged in other persistent course of conduct

or derived substantial revenue from goods used or consumed or services rendered in the State of Ohio. Defendant's principal place of business is located at 1167 Britton Rd. Akron, Ohio 44305.

**JURISDICTION AND VENUE**

3. Venue properly lies in Summit County, in which all or part of the claim for relief arose.

**BACKGROUND**

4. On or about January 29, 2008 Plaintiff was a patron of Defendant's at its Akron, Ohio facility.
5. Plaintiff was in his legal right to be participating in the entertainment value offered by Defendant's facility.
6. Defendant's employee while performing a dance on stage lost her boot in a forceful kicking motion.
7. Plaintiff was struck by the boot on the face.

**CLAIM FOR RELIEF**  
**(Employer Intentional Tort)**

8. Plaintiff restates all of the allegations in Paragraphs 1 through 7
9. Defendant, through its supervisory personnel and/or work procedures, required employees to wear certain articles of clothing including a specific type of shoe or boot.
10. Defendant, through its supervisory personnel and/or work procedures, required employees to actively participate in stage dances, while performing these dances the area around the stage becomes a hazardous area.
11. Defendant knew that harm to a patron, including Plaintiff, was substantially certain to occur if employees of Defendant's performed their job responsibilities in an active and productive manner.
12. Despite the knowledge of Defendant as to the dangerous condition, Defendant continued to allow patrons to sit at or near the stage while performances were being done.

13. Defendant through its supervisors and other managing employees acted in an intentional, deliberate, wanton, willful or conscious manner in a situation and under circumstances in which there was a great probability that substantial harm, including serious and permanent injuries, would result to Plaintiff.
14. Defendant, through its employees, consciously disregarded the rights and safety of Plaintiff under circumstances where there was a great probability of substantial harm.
15. As a direct and proximate result of the aforesaid intentional and wrongful conduct of Defendant, Plaintiff sustained serious and permanent injuries including but not limited to contusions and bruising of his face and eye and a broken nose.
16. As a further direct and proximate result of the aforesaid conduct of Defendant, Plaintiff was caused to seek medical care and attention, and in all likelihood, will be forced to seek additional care and attention into the indefinite future, all to his financial detriment.
17. As a further direct and proximate result of the aforesaid conduct of Defendant, Plaintiff's ability to live and work free from pain, discomfort, disability and restriction has been permanently impaired. Plaintiff has been and into the indefinite future will be unable to engage in his usual activities due to the aforementioned injuries he received.
18. As a further and proximate result of the aforesaid intentional and wrongful conduct of Defendant, Plaintiff is entitled to punitive damages.

#### NEGLIGENCE

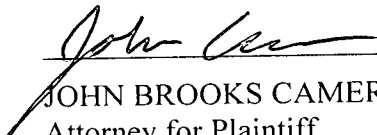
19. Unknown Employee/Sole Proprietor/Independent Contractor of XTC was negligent in performing her job duties.
20. Unknown Employee/Sole Proprietor/Independent Contractor of XTC negligently used footwear during this performance that became detached from her foot. Negligence includes but not limited to being improperly worn/wrong size/improperly adhered to her foot if necessary to hold on.
21. Do to this negligence, Unknown Employee/Sole Proprietor/Independent Contractor of XTC's boot flew off her foot and struck Plaintiff in the face, causing life long damage.

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22. Unknown Employee/Sole Proprietor/Independent Contractor of XTC is responsible for obtaining proper attire to perform in at XTC, this attire is required by, Defendant through its supervisors and other managing employees, however is not supplied by Defendant.

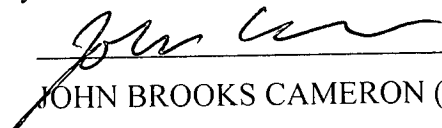
**WHEREFORE**, Yusuf Evans prays for judgment against defendant XTC in the Claim for Relief in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00) for compensatory damages and for punitive damages, under the laws of the State of Ohio, together with all costs incurred herein and reasonable attorney fees.

Respectfully submitted,

  
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JOHN BROOKS CAMERON (0055800)  
Attorney for Plaintiff  
247 East Smith Road  
Medina, Ohio 44256  
PH: (330) 722-8989  
FAX: (330) 722-5877

**JURY DEMAND**

Pursuant to Rule 38(B) of the Ohio Rules of Civil Procedure, Plaintiff hereby demands trial by the maximum number of jurors allowable by law.

  
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JOHN BROOKS CAMERON (0055800)  
Attorney for Plaintiff