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SUMMIT COUNTY  
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS  
SUMMIT COUNTY  
STATE OF OHIO

JASON HOUSTON  
568 St. Leger Street  
Akron, Ohio 44305,

Plaintiff,

-vs.-

THE YOUNG WOMEN'S CHRISTIAN  
ASSOCIATION OF SUMMIT COUNTY  
c/o Theresa Beyerle, President  
662 Weber Avenue  
Akron, Ohio 44303,

and

BALCH STREET COMMUNITY  
CENTER  
YWCA Fitness & Recreation Center  
c/o Rhonda Davis, Esq. Statutory Agent  
313 S. High Street  
Akron, Ohio 44308,

and

Defendants,

JOHN DOES 1-10, JANE DOES 1-10,  
DOE PARTNERSHIPS 1-10, DOE

) Case No. CV-2006-02-0881

)  
) Judge: BURNHAM UNRUH

) AMENDED COMPLAINT:

- ) 1. Negligence
- ) 2. Intentional and/or Reckless  
) Infliction of Severe Emotional  
) Distress
- ) 3. Negligent Infliction of Serious  
) Emotional Distress

) JURY DEMAND ENDORSED HEREON



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CORPORATIONS 1-10, DOE )  
 GOVERNMENTAL AGENCIES 1-10 and )  
 DOE ENTITIES 1-10, )  
 )  
 Defendant Does. )  
 )  
 )

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AMENDED COMPLAINT

Now comes, JASON HOUSTON, Plaintiff herein, by and through her attorney, Robert C. Meeker, of Blakemore, Meeker and Bowler Co., L.P.A., and hereby complains against THE YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF SUMMIT COUNTY (YWCA) and BALCH STREET COMMUNITY CENTER, doing business as YWCA Fitness & Recreation Center (Balch Street), collectively as Defendants, and John Does 1-10, Jane Does 1-10, Doe Partnerships 1-10, Doe Corporations 1-10, Doe Governmental Agencies 1-10 and Doe Entities 1-10, Defendant Does herein, as follows:

A. PARTIES

1. During all relevant times herein, Plaintiff was, and presently is, a resident of Summit County, State of Ohio.
2. During all relevant times herein, Plaintiff's residence address was located at 156 St. Leger Street, Akron, Ohio 44305.
3. Plaintiff is presently residing at 376 West Cedar Street, Akron, Ohio 44301.
4. During all relevant times herein, YWCA was a nonprofit organization created under the laws of the State of Ohio, pursuant to Chapter 1702 of the Ohio Revise Code.
5. During all relevant times herein, Balch Street was an organization created under the laws of the State of Ohio, whose business of operation is located at 220 South Balch Street, Akron,



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Ohio 44302.

6. Balch Street is doing business as and/or was operating YWCA Fitness & Recreation Center and is being made a party hereof as the successor in interest to YWCA.

7. During all relevant times herein, Defendant Does are persons, corporations, partnerships, governmental agencies and entities, whose names, identities, capacities, activities and/or responsibilities are presently unknown to Plaintiff or her attorney(s) and which in some manner presently unknown to Plaintiff, who may be liable to Plaintiff, contractually, tortiously, jointly and/or severally. Plaintiff will be obtaining updated reports, as to liability or otherwise, in connection with the claim(s) or action(s) to further determine the identities of Defendant Does. Plaintiff reserves the right to plead Defendant Does as party defendants to this action once their identities, capacities, activities and liabilities become known.

B. PRELIMINARY STATEMENT

8. Plaintiff repeats the allegations contained in paragraphs 1 through and including 7 as if fully set forth herein.

9. Plaintiff is a male born September 25, 1981.

10. Plaintiff was an aspiring football player who was in the process of training and qualifying for a sports scholarship program offered by the University of Akron, Akron, Ohio.

11. Plaintiff's goal was to become a professional football player.

12. On or about February 14, 2004, YWCA was operating a fitness and recreation center located at 220 South Balch Street, Akron, Ohio 44302.

13. YWCA's fitness and recreation center consisted of weight training equipment and exercise machines located in its premises.



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14. On or about February 14, 2004, Plaintiff was exercising on one of YWCA's exercise machines performing leg extensions attached to the machine.

15. In the process of exercising, the cable supporting the weights suddenly snapped or broke causing a steel bar to strike Plaintiff's testicles, penis and his pelvis area in a violent manner.

16. Subsequent to the incident, Plaintiff discovered that the cable was not the proper size or gauge for the exercise machine on which he was exercising and subsequently discovered that YWCA used a duct tape to cover the area of the cable where said cable snapped or broke.

17. Prior to the incident on or about February 14, 2004, the cable on the same exercise machine broke on two occasions, causing weights to fall on or about the person who was exercising on said machine.

18. All of the foregoing incidents were reported to YWCA's management.

C. CAUSES OF ACTION

**Count One**  
(Negligence)

19. Plaintiff repeats the allegations contained in paragraphs 1 through and including 18 as if fully set forth herein.

20. YWCA had a duty of reasonable care to Plaintiff to keep Plaintiff safe from serious bodily harm and injuries.

21. YWCA breached its duty of reasonable care to protect Plaintiff when it used an improper cable on the machine on which Plaintiff exercised.

22. YWCA breached its duty of reasonable care to protect Plaintiff when it used a duct tape to cover the area of the cable where said cable snapped or broke.



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23. YWCA had prior notice that the cable was prone to breaking during operation of the exercise machine, when it was informed on two previous occasions that the same cable broke on the same machine on which Plaintiff exercised.

24. YWCA had prior knowledge that the exercise machine on which Plaintiff exercise was in a dangerous condition for its intended use.

25. YWCA knew or should have known that the present state of the cable would, and, in this case, did brake causing the steel bar to violently strike.

26. YWCA knew or should have known that the steel bar that struck Plaintiff would, and, in this case, did cause substantial and great bodily injuries upon Plaintiff.

27. YWCA's breaches of duty were reckless, wanton and malicious.

28. As a direct and proximate cause of YWCA's breaches of duty to keep Plaintiff safe from harm, Plaintiff suffered bruises to his testicles, penis and the pelvis area and permanent damages to one or both of his testicles and penis.

29. As a direct and proximate cause of YWCA's breaches of duty to keep Plaintiff safe from harm, Plaintiff suffered and continues to suffer pain to his testicles, penis and the pelvis area.

30. As a direct and proximate cause of YWCA's breaches of duty, blood excreted from Plaintiff's phallus on several occasions.

31. As a direct and proximate cause of YWCA's breaches of duty, Plaintiff is unable to perform intimate physical contact without substantial pain and suffering.

32. As a direct and proximate cause of YWCA's breaches of duty, Plaintiff suffered and continues to suffer severe physical pain.

33. As a direct and proximate cause of YWCA's breaches of duty resulting in injuries to



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Plaintiff, Plaintiff is now unable to achieve his goal of becoming a professional football player.

34. As a result, Plaintiff suffered compensatory damages, in an amount in excess of \$25,000.00, the true amount of which shall be proven in court.

35. As a result, Defendant's reckless, wanton and malicious acts entitle Plaintiff to punitive damages, in an amount in excess of \$25,000.00, the true amount of which shall be proven in court.

**Count Two**

(Intentional and/or Reckless Infliction of Severe Emotional Distress)

36. Plaintiff repeats the allegations contained in paragraphs 1 through and including 35 as if fully set forth herein.

37. YWCA had prior knowledge on at least two occasions of the defective exercise machine on which Plaintiff was exercising, in that the cable on said machine twice snapped or broke.

38. Rather than replacing the cable with the correct, proper size or gauge, YWCA placed an improper size or gauge which was not designed for said machine.

39. Rather than replacing the cable with the correct, proper size or gauge, YWCA secured the improper cable with a duct tape.

40. YWCA had prior knowledge that the exercise machine on which Plaintiff exercise was in a dangerous condition for its intended use.

41. YWCA's failure to replace the cable with the proper cable designed for said exercise machine and YWCA's repeated replacement of the cable with improper cable on at least two previous occasions were intentional, reckless, negligent, and wanton and malicious acts and omissions and were, thus, outrageous acts and omissions beyond the bounds of decency in a civilized



community, causing Plaintiff to suffer extreme emotional distress, hardship and pain and suffering.

42. As a result of YWCA's outrageous conduct and Plaintiff's extreme emotional distress, Plaintiff suffered and continues to suffer damages, including, but no limited to, actual and compensatory, in excess of \$25,000.00, the true amount of which shall be proven in court.

43. Because of YWCA's acts and omissions were gross, reckless, wanton and/or malicious acts, Plaintiff is entitled to punitive damages in excess of \$25,000.00, the true amount of which shall be proven in court.

**Count Three**  
(Negligent Infliction of Serious Emotional Distress)

44. Plaintiff repeats the allegations contained in paragraphs 1 through and including 43 as if fully set forth herein.

45. Despite its actual knowledge of the dangerous condition of the exercise machine upon which Plaintiff was injured, YWCA consciously permitted the use of said machine by individuals permitted to use said machines, including Plaintiff.

46. YWCA knew or had reason to know that its failure to maintain and keep its equipment safe for their intended use would, and, in this case, did, cause the steel bar to strike Plaintiff, causing extensive physical injuries.

47. YWCA knew or had reason to know that its failure to maintain and keep its equipment safe for their intended use coupled with its knowledge of the dangerous condition thereof was outrageous.

48. YWCA knew or had reason to know that its failure to maintain and keep its equipment safe for their intended use coupled with its knowledge of the dangerous condition thereof



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would, and, in this case, did, cause Plaintiff to suffer serious emotional distress as a result of his injuries.

49. As a result of YWCA's outrageous acts and omissions, Plaintiff suffered damages in excess of \$25,000.00, the true amount of which shall be proven in court.

WHEREFORE, Plaintiff prays for judgment as follows:

1. That the Court grants relief and damages in favor of Plaintiff against Defendants as to Counts One and Two, such damages being in excess of \$25,000.00 for compensatory damages and in excess of \$25,000.00 for punitive damages, as to each Count;

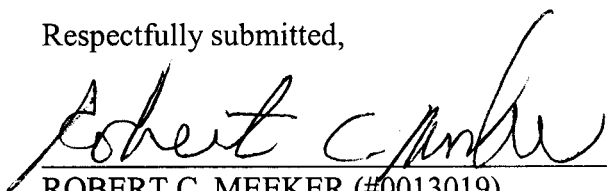
2. That the Court grants relief and damages in favor of Plaintiff against Defendants as to Count Three, such damages being in excess of \$25,000.00;

3. That the Court awards all of Plaintiff's court costs, expenses and reasonable attorney fees; and

4. The Court grants further relief and damages as the Court deems reasonable and proper.

Dated: Akron, Ohio, 3-3-06

Respectfully submitted,



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Attorney for Plaintiff  
JASON HOUSTON



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Plaintiff,

-vs.-

THE YOUNG WOMEN'S CHRISTIAN  
ASSOCIATION OF SUMMIT  
COUNTY, et al.,

Defendants.

) Case No. CV- 2006-02-0881

) Judge: Unruh

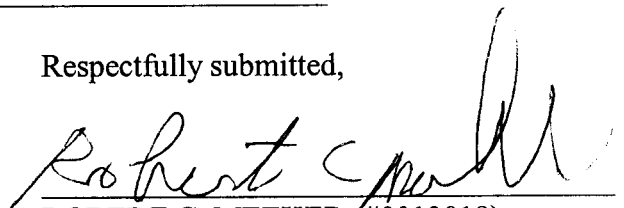
) DEMAND FOR JURY TRIAL

DEMAND FOR JURY TRIAL

Now comes, Plaintiff JASON HOUSTON, by and through his attorney, Robert C. Meeker, of Blakemore, Meeker and Bowler Co., L.P.A., and hereby demands a trial by jury of all issues so triable in this action.

Dated: Akron, Ohio, 3-3-06

Respectfully submitted,



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