

2. As a result of such collision, RODGER A. ROBERTS was killed. Defendant, JOHN DOE 1, is the Administrator of the Estate of RODGER A. ROBERTS, deceased. Although Plaintiff has made reasonable efforts to learn the name of the Administrator of the Estate of RODGER A. ROBERTS, Plaintiff has not been able to do this.

3. As a direct and proximate result of the wrongful conduct of RODGER A. ROBERTS, Plaintiff sustained injuries, causing her pain, discomfort, and suffering, all of which will continue into the future. As a further result, Plaintiff has incurred and will continue to incur hospital, medical, and other expenses in excess of \$200,000; has lost and will continue to lose wages, has suffered an impairment of her earning capacity, and has experienced and will continue to experience distress, anxiety, and loss of enjoyment of life.

COUNT TWO

(Respondeat Superior)

4. Plaintiff hereby incorporates each and every allegation contained in paragraphs 1 and 3 above.

5. At all times relevant hereto, RODGER A. ROBERTS was an agent or employee of Defendant, DIRECT TRANSIT, INC. (hereinafter "DTI"), and was acting within the scope and course of his

employment at the time of the above described collision.

6. As a result of the doctrine of respondeat superior, Defendant, DTI, is liable to Plaintiff for the damages mentioned above.

COUNT THREE

(Statutory Employment Relationship)

7. Plaintiff hereby incorporates each and every allegation contained in paragraphs 1 through 6 above.

8. At all times relevant hereto, the semi-tractor and trailer vehicle operated by RODGER A. ROBERTS, was owned by Defendant, DTI.

9. Defendant, DTI, is an interstate motor carrier.

10. At the time of the occurrence in question, the semi-tractor and trailer vehicle displayed placards listing the ICC numbers of Defendant, DTI.

11. Pursuant to Section 1057.12(c)1, Title 49, C.F.R., Defendant, DTI, is irrebuttably presumed to have had an employment relationship with RODGER A. ROBERTS at the time of the crash.

12. As the statutory employer of RODGER A. ROBERTS, Defendant, DTI, is legally liable to Plaintiff for the damages alleged above.

COUNT FOUR

(Statutory Employment Relationship with John Does 2 through 10)

13. Plaintiff hereby incorporates the allegations of paragraphs 1 through 12 herein.

14. At the time of the above mentioned accident, RODGER A. ROBERTS was operating the DTI tractor trailer which was leased to Defendants, JOHN DOES 2 through 10. Although Plaintiff has made reasonable efforts to learn the names of these Defendants, Plaintiff has not been able to do this.

15. Defendants, JOHN DOES 2 through 10, are interstate motor carriers.

16. At the time of the occurrence in question, the DTI tractor trailer mentioned above displayed placards listing the I.C.C. permit numbers of Defendants, JOHN DOES 2 through 10.

17. Pursuant to Section 1057.12(c)1, Title 49, C.F.R., Defendants, John Does 2 through 10, are irrebuttably presumed to have had an employment relationship with RODGER A. ROBERTS at the time of the crash.

18. As the statutory employers of RODGER A. ROBERTS, Defendants, JOHN DOES 2 through 10, are legally liable to Plaintiff for the damages alleged above.

COUNT FIVE

(Punitive Damages)

19. Plaintiff hereby incorporates each and every allegation

contained in paragraph 1 through 18 of this Complaint herein by reference.

20. Defendants, DTI and JOHN DOES 1 through 10, in connection with the recruiting, hiring, training, supervision, management, and/or review of RODGER A. ROBERTS, engaged in conduct which demonstrated negligence, recklessness, actual malice, and a conscious disregard for the rights and safety for others so as to create a great probability of causing substantial harm to the person and property of the motoring public.

21. Defendants, DTI and JOHN DOES 1 through 10, in connection with the maintenance and/or repair of the tractor and trailer involved in the collision in question, engaged in conduct which demonstrated negligence, recklessness, actual malice, and a conscious disregard for the rights and safety for others so as to create a great probability of causing substantial harm to the person and property of the motoring public.

22. Defendants, DTI and JOHN DOES 1 through 10, in connection with its operation of the tractor and trailer as alleged herein, engaged in conduct which demonstrated negligence, recklessness, actual malice, and a conscious disregard for the rights and safety for others so as to create a great probability of causing substantial harm to the person and property of the motoring

public.

23. Defendants, DTI and JOHN DOES 1 through 10, in connection with its safety policies concerning the operations of their motor vehicles, including the tractor and trailer as alleged herein, engaged in conduct which demonstrated negligence, recklessness, actual malice, and a conscious disregard for the rights and safety for others so as to create a great probability of causing substantial harm to the person and property of the motoring public.

WHEREFORE, Plaintiff hereby demands judgment against all of the Defendants identified above, jointly and severally, in an amount in excess of Twenty-Five Thousand Dollars (\$25,000), plus all costs, expenses, and attorney's fees incurred herein.

CLARK, PERDUE, ROBERTS & SCOTT

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JURY DEMAND

Plaintiff hereby demands a trial by jury as to all
issues triable to a jury.

CLARK, PERDUE, ROBERTS & SCOTT

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