

an embankment. Mr. Maynard was ejected from the ATV and endured severe injuries. The Defendant then moved his cruiser in an effort to cover up the facts leading to Mr. Maynard's injuries. Mr. Maynard brings this case in order to secure fair damages and to help reform the manner in which the Jackson County sheriff deputies create roadblocks when stopping motorists.

II. JURISDICTION

2. Jurisdiction over claims arising from Defendant's violation of the Civil Rights Act is conferred upon this Court by 28 U.S.C. § 1331.

3. Jurisdiction over Mr. Maynard's state law claims is conferred upon this Court by 28 U.S.C. §1367.

III. THE PARTIES

4. Plaintiff Shane Maynard is a resident of Jackson County, Ohio and an Ohio citizen.

5. Defendant Jackson County is a unit of local government organized under the laws of the State of Ohio.

6. Defendant Scott Conley was at all times relevant to this action employed by Jackson County as a Deputy Sheriff. He is sued in both his individual and official capacities.

IV. FACTS

7. On May 20, 2007 Mr. Maynard spent several hours with a friend riding his ATV near Oak Hill, Ohio.

8. At approximately 7:00 P.M. Mr. Maynard left the recreational site intending to travel north a short distance along State Route 233 in order to go to a friend's home for a cook-out.

9. While traveling north along S.R. 233, Mr. Maynard observed a police cruiser approaching from the south. There were no sirens or lights flashing to indicate an emergency situation. Defendant Conley was operating the police vehicle.

10. Near the residence located at 635 S.R. 233 Defendant Conley turned to the left, crossed the center line, and entered the path of Mr. Maynard's ATV.

11. Defendant Conley used his cruiser to completely block Mr. Maynard's ability to proceed along S.R. 233.

12. Mr. Maynard was unable to safely stop his ATV prior to reaching the road block created by Defendant Conley's cruiser.

13. To avoid collision with the cruiser, Mr. Maynard turned his ATV onto the premises at 365 S.R. 233 while desperately applying his brakes. .

14. Mr. Maynard's ATV hit an embankment, and he was ejected from the ATV.

15. The positioning of Defendant Conley's cruiser created a roadblock that was designed to stop the ATV by physical impact if a voluntary stop did not occur.

16. The inability of Mr. Maynard to stop his ATV safely when confronted with the roadblock was completely foreseeable by Defendant Conley.

17. At the time he created the roadblock, Defendant Conley had no reason to suspect Mr. Maynard of any serious crime, Mr. Maynard did not pose an immediate threat to the safety of Defendant Conley or anyone else, and Mr. Maynard was not resisting arrest or attempting to flee from Defendant Conley.

18. Defendant Conley's use of a roadblock was unreasonable, willful and wanton in this situation.

19. Defendant Conley unreasonably seized Mr. Maynard when he created the roadblock.

20. Immediately after Mr. Maynard crashed at the scene, Defendant Conley moved his cruiser thereby spoliating the accident scene and destroying evidence critical to the proper investigation of his conduct.

21. Defendant Jackson County failed to train Defendant Conley, failed to supervise Defendant Conley, and instituted policies which caused Mr. Maynard's injuries. Defendant Conley had a pattern of previous problems regarding use of force and these incidents put the County on notice of the threat he posed to the public and of the need to train and supervise Deputy Conley.

22. The actions of the defendants caused Mr. Maynard to suffer spinal fractures and other injuries requiring back surgery followed by a lengthy, partial recovery. Mr. Maynard has also incurred medical expenses, lost wages, physical pain and suffering, mental anguish and extreme emotional distress.

V. FIRST CAUSE OF ACTION- 42 U.S.C. § 1983

23. Defendants, while acting under color of state law, deprived Mr. Maynard of his rights secured by the Fourth Amendment to the United States Constitution.

VI. SECOND CAUSE OF ACTION – SPOILIATION

24. Defendants Conley has willfully destroyed evidence related to the investigation of his seizure of the plaintiff thereby disrupting plaintiffs' ability to pursue and present his claims

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests this Court to award him:

- A. Compensatory damages in an amount to be shown at trial.
- B. Punitive Damages against Defendant Conley in his individual capacity in an amount to be shown at trial;

- C. Reasonable attorney fees;
- D. Prejudgment interest;
- E. Costs incurred in this action;
- F. Such other and further relief as the Court may deem just and proper.

Respectfully Submitted,

s/Alphonse A. Gerhardstein
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JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues triable by a jury.

s/ Alphonse A. Gerhardstein