



COMMON PLEAS COURT  
CUYAHOGA COUNTY, OHIO

DESIGNATION FORM TO BE USED TO INDICATE THE CLASSIFICATION OF THE CAUSE

CANTHIA GILLESPIE  
Plaintiff

Case No. \_\_\_\_\_

vs.  
CITY OF LAKESIDE / GARCIA MANAGEMENT  
Defendant

Judge: 2011 JAN -5 P 12: 17

Has this case been previously filed & dismissed? Yes  No

Case #: \_\_\_\_\_ Judge: \_\_\_\_\_

Is this case related to any cases now pending or previously filed Yes  No

Case #: \_\_\_\_\_ Judge: \_\_\_\_\_

GERALD E. FUERST  
CLERK OF COURTS  
CUYAHOGA COUNTY

**CIVIL CLASSIFICATIONS:** Place an (X) in ONE Classification Only.

**Professional Torts:**

- 1311 Medical Malpractice
- 1315 Dental Malpractice
- 1316 Optometric Malpractice
- 1317 Chiropractic Malpractice
- 1312 Legal Malpractice
- 1313 Other Malpractice

**Product Liability:**

- 1330 Product Liability

**Other Torts:**

- 1310 Motor Vehicle Accident
- 1314 Consumer Action
- 1350 Misc Tort

**Workers Compensation:**

- 1550 Workers Compensation
- 1531 Workers Comp. Asbestos

**Foreclosures:**

Utilize Separate For Designation Form

Judge: KATHLEEN ANN SUTULA

CV 11 745167

**Commercial Docket:**

- 1386 (Temp.Sup.R. 1.03)

**Administrative Appeals:**

- 1540 Employment Services
- 1551 Other

**Other Civil:**

- 1500 Replevin/Attachment
- 1382 Business Contract
- 1384 Real Estate Contract
- 1390 Cognovit Contract
- 1391 Other Contract
- 1490 Foreign Judgement
- 1491 Stalking Civil Protection Order
- 1501 Misc Other
- 1502 Petition to contest Adam Walsh Act

**Amount of Controversy:**

- None Stated
- Less than \$25,000
- Prayer Amount 15000+

**Parties have previously attempted one of the following prior to filing:**

- Arbitration
- Early Neutral Evaluation
- Mediation
- None

I certify that to the best of my knowledge the within case is not related to any now pending or previously filed, except as noted above.

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\$ 1000 DEPOSITED  
JAN 05 2011  
CLERK OF COURTS  
GERALD S. FUERST  
PER [Signature] DEPUTY

FILED

2011 JAN -5 P 12:17

GERALD E. FUERST  
CLERK OF COURTS  
IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

CYNTHIA GILLESPIE  
11118 Clifton Blvd., Apt. 305  
Cleveland, OH 44102

Plaintiff,

vs.

CITY OF LAKEWOOD, OHIO  
Attn: Jennifer Mladek  
12650 Detroit Avenue  
Lakewood, OH 44107, and

GANLEY MANAGEMENT CO.  
c/o Thomas D. Ganley  
10802 Glen Forest Trail  
Brecksville, OH 44141

Defendant.

Case No.

Complaint  
KATHLEEN ANN SUTUL  
CV 11 745167

Judge

COMPLAINT FOR NEGLIGENCE

JURY TRIAL DEMANDED

NOW COMES the Plaintiff, CYNTHIA GILLESPIE, by and through her undersigned attorney, WAYNE PEARSALL, and files this Complaint for Negligence against the Defendants, CITY OF LAKEWOOD, OHIO and GANLEY MANAGEMENT COMPANY, and respectfully states as follows:

COUNT ONE

1. On January 5, 2009, the Defendant, City of Lakewood, Ohio, was a municipal corporation duly organized and existing under the laws of the State of Ohio.

2. On the stated date, the Defendant owned, maintained and controlled a public sidewalk running east and west on Detroit Avenue between Grace Avenue and Clarence Avenue on the southerly side of Detroit Avenue.

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3. It was the duty of the Defendant, City of Lakewood, Ohio, a municipal corporation, to own, maintain and control the sidewalk in a manner so as not to negligently cause injuries to persons lawfully and rightfully walking on the sidewalk, including the Plaintiff.

4. Notwithstanding that duty, the Defendant, City of Lakewood, Ohio, a municipal corporation, failed to maintain the sidewalk and failed to warn the public of known defects, to-wit: an uneven section of sidewalk.

5. As a direct and proximate result of the above negligent acts or omissions, the Plaintiff was caused to slip, stumble and fall and be thrown with great force onto the sidewalk.

6. As a result of the negligence of the City of Lakewood, Ohio, the Plaintiff suffered permanent injuries to both her knees and hands and medical bills.

#### COUNT TWO

7. Plaintiff incorporates the allegations from Paragraphs One through Six herein the same as though fully set out in this cause of action at length.

8. The Defendant, GANLEY MANAGEMENT CO., is a corporation duly licensed to business in the State of Ohio, engaged in the business of automobile sales to the public. At all times relevant herein, the Defendant was operating his business adjacent to the property described above.

9. That a sidewalk ordinance exists in Lakewood, Ohio that requires adjacent property owners to be responsible for the maintenance and the repair of sidewalks.

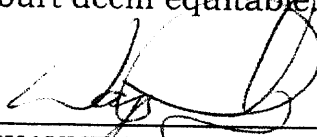
10. It was therefore additionally the duty of the Defendant, GANLEY MANAGEMENT CO., to maintain and control the sidewalk in a manner so as not to negligently cause injuries to persons lawfully and rightfully walking on the sidewalk, including the Plaintiff.

11. Notwithstanding that duty, the Defendant, GANLEY MANAGEMENT CO., failed to maintain the sidewalk and failed to warn the public of known defects, to-wit: an uneven section of sidewalk.

12. As a direct and proximate result of the above negligent acts or omissions, the Plaintiff was caused to slip, stumble and fall and be thrown with great force onto the sidewalk.

13. As a result of the negligence of GANLEY MANAGEMENT CO., the Plaintiff suffered permanent injuries to both her knees and hands and medical bills.

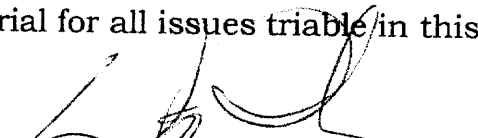
Wherefore, Plaintiff demands judgment against Defendants in a sum in excess of \$15,000.00 plus interest and costs for all medical bills incurred as a result of the Defendants' negligence, for pain and also for suffering and for all other relief the trier of fact and the Court deem equitable.



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Jury Demand

The Plaintiff demands a jury trial for all issues triable in this case.



WAYNE PEARSALL (0076138)