

APPENDIX E

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

WALTER P. VARGO, JR.
4865 Shanks Phalanx Rd.
Southington, OH 44470-9534

) Case No.: 4:18-CV-01297-JRA

) Judge John R. Adams

and

) **COMPLAINT OF STEPHANIE**
) **MCCLOUD, ADMINISTRATOR, OHIO**
) **BUREAU OF WORKERS'**
) **COMPENSATION**

STEPHANIE MCCLOUD,
ADMINISTRATOR, OHIO BUREAU OF
WORKERS' COMPENSATION
30 W. Spring St.
Columbus, OH 43215,

Plaintiffs,

vs.

D & M TOURS, INC.
117 East 7th Street
Patterson, NJ 07524

and

JOSE ROMAN
P.O. Box 1082
71 Hopper St., Floor 1
Patterson, NJ 07544

and

FEDEX, INC.
c/o CT Corp.
1300 East Ninth Street
Cleveland, OH 44114

and

WILLIAM A. STAUFFER
125 Fieldstone Dr.
Carlisle, PA 17015

and

1 L.T. HARNETT TRUCKING, INC.)
2 c/o David Harnett, Stat. Agent)
3 7431 State Route 7)
4 Kinsman, OH 44428,)
5 Defendants.)

6 Plaintiff, Stephanie McCloud, Administrator, Ohio Bureau of Workers' Compensation,
7 by and through the Ohio Attorney General acting through Special Counsel duly appointed as
8 provided in section 109.08 of the Ohio Revised Code, and states as follows:

9 1. As a result of the injuries alleged in the Complaint, the BWC has paid to Plaintiff,
10 as of August 21, 2018, a total of \$119,145.07 (including \$30,607.21 in medical payments and
11 \$88,537.86 in compensation). In addition, the BWC is entitled to estimated future costs of the
12 claim, which are calculated as of August 21, 2018 at \$0.00 but which may increase. The BWC is
13 also entitled to additional sums paid to or on behalf of the Plaintiff during the pendency of this
14 action.

15 2. R.C. §4123.93 and §4123.931 provide that the BWC has an independent right of
16 recovery and is subrogated to the Plaintiff's rights against the Defendants with respect to past,
17 present, and estimated future payments of compensation, medical benefits, rehabilitation costs,
18 and any other costs or expenses paid to or on behalf of the Plaintiff by the BWC.

19 3. R.C. §4123.93 and §4123.931 of the Ohio Revised Code are constitutional under
20 both the Ohio Constitution and the United States Constitution.

21 4. R.C. §4123.93 and §4123.931 entitle the BWC to recover amounts expended for
22 medical and compensation benefits, rehabilitation costs, and any other costs or expenses paid to
23 or on behalf of the Plaintiff by the BWC, including any estimated future payments, out of any
24 funds paid by Defendants to Plaintiff in settlement, compromise, judgment, award, or other
25 recovery of this claim.

1 WHEREFORE, the Ohio Bureau of Workers' Compensation demands judgment on its
2 Complaint against the Defendants in the amount of \$119,145.06 for medical and compensation
3 benefits paid plus the estimated future costs of this claim, plus any additional amounts expended
4 for medical and compensation benefits, rehabilitation costs, and any other costs or expenses paid
5 to or on behalf of the Plaintiff by the BWC during the pendency of this proceeding, plus costs.
6

7 Respectfully Submitted,

8 **DAVE YOST**
9 **OHIO ATTORNEY GENERAL**

10 /s/ Edward T. Saadi

11 Edward T. Saadi, Esq. (#0075775)

12 EDWARD T. SAADI, LLC

13 *As Special Counsel for the Ohio Attorney General*

14 970 Windham Ct., Ste. 7

15 Boardman, OH 44512

16 (330) 782-1954; (330) 266-7489 (fax)
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **COMPLAINT OF STEPHANIE MCCLOUD, ADMINISTRATOR, OHIO BUREAU OF WORKERS' COMPENSATION** has been filed electronically on the **17th day of April, 2019**. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's electronic filing:

Irene K. Makridis, Esq.
Bradley K. Shafer, Esq.
Terese M. Fennell, Esq.
Hunter S. Havens, Esq.
Jeffrey S. Moeller, Esq.

The undersigned further certifies that a true copy of the foregoing **COMPLAINT OF STEPHANIE MCCLOUD, ADMINISTRATOR, OHIO BUREAU OF WORKERS' COMPENSATION** was served on the following parties via First Class U.S. Mail, postage prepaid, on the **17th day of April, 2019**, properly addressed as follows:

Fedex, Inc.
c/o CT Corp.
1300 East Ninth Street
Cleveland, OH 44114

L.T. Harnett Trucking, Inc.
c/o David Harnett, Stat. Agent
7431 State Route 7
Kinsman, OH 44428

**DAVE YOST
OHIO ATTORNEY GENERAL**

/s/ Edward T. Saadi

Edward T. Saadi, Esq. (#0075775)

EDWARD T. SAADI, LLC

As Special Counsel for the Ohio Attorney General

970 Windham Ct., Ste. 7

Boardman, OH 44512

(330) 782-1954

(330) 266-7489 (fax)

EdwardSaadi@aol.com