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JEFFERSON CIRCUIT COURT  
DIVISION ( ) \_\_\_\_\_  
JUDGE WHAS

GERTRUDE SCHAFTLEIN

PLAINTIFF

vs.

COMPLAINT

OHIO TRANSPORT CORPORATION  
5593 Hamilton-Middletown Rd.  
Middletown, OH 45044

Serve via Certified Mail and  
Registered Agent of Service:

Greg Thornton  
333 W. Vine Street  
Lexington, KY 40515

and

DELANE ROWE



DEFENDANTS

Serve: Certified Mail and  
Sheriff Service

\* \* \* \* \*

COMES NOW the plaintiff, Gertrude Schaftlein, by and through counsel, and for her causes of action against Defendants, Ohio Transport Corporation and Delane Rowe, states:

1. At all times relevant hereto, Plaintiff, Gertrude Schaftlein (hereinafter "Gertrude"), was a resident of Kentucky.

2. At all times relevant hereto, Defendant, Ohio Transport Corporation, was and remains registered with the Federal Motor Carrier Safety Administration with a USDOT number of 00384170 and is a corporation organized and existing under the laws of the State of Ohio with its principal place of business in Middletown, Ohio thereby making it a citizen of Ohio.

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3. At all times relevant hereto, Defendant, Delane Rowe (hereinafter "Rowe"), was a resident of Kentucky.

WHAS

4. At all relevant times, Defendant Rowe was the employee, agent, servant, and/or statutory employee for Defendant Ohio Transport Corporation, operating for the benefit of, in furtherance of the interests of, and/or within the course and scope of his employment with Defendant Ohio Transport Corporation. Accordingly, Defendant Ohio Transport Corporation is vicariously liable for the acts of Defendant Rowe.

5. The incident which forms the basis of this litigation occurred on September 6, 2023, in Louisville, Jefferson County, Kentucky.

6. The amount in controversy exceeds the jurisdictional minimum of the Jefferson Circuit Court.

7. Venue is proper under KRS § 452.450, KRS § 452.460(1) because the actions complained of and the injury to the Plaintiff took place in Jefferson County, Kentucky, making the Jefferson County Circuit Court the proper venue.

8. On September 6, 2023, at approximately 9:20 a.m., Rowe was driving a 2000 Peterbilt Motors Co. Freightliner tractor with an accompanying flatbed trailer attached northbound on Cane Run Road in Louisville, Jefferson County, Kentucky. Upon information and belief, the tractor and trailer were owned by and/or being operated on behalf of Defendant Ohio Transport Corporation.

9. As Rowe was traveling northbound on Cane Run Road, he reached an intersection with Bridwell Drive.

10. Gertrude was employed by the Louisville Metro Police Department working as a crossing guard for Wellington Elementary school at the intersection of Cane Run Road and Bridwell Drive.

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11. Gertrude was directing the intersection of Cane Run Road and Bridwell Drive in front of Wellington Elementary school as Defendant Rowe approached in his tractor-trailer.

WHAS

12. Gertrude was directing traffic.

13. Gertrude held up a stop sign indicating for traffic in Rowe’s lane of travel to stop.

14. Rowe disregarded Gertrude’s stop sign and continued to drive through the intersection.

15. Rowe struck Gertrude with his tractor-trailer.

16. Rowe’s tractor-trailer ran over Gertrude.

17. Gertrude was unable to avoid the semi-truck.

18. As a result of the incident, Gertrude was severely injured.

19. Her injuries include but are not limited to a below the knee amputation of her right leg and a fractured elbow requiring reconstructive surgery.

20. Rowe left the scene of the incident.

21. Rowe was found approximately 32 miles away and arrested for various crimes, including but not limited to disregarding signals from an officer directing traffic, disregarding a traffic control device, and leaving the scene of a car collision involving a serious physical injury.

22. Delane Rowe provided a Kentucky CDL License with the home address of [REDACTED]

[REDACTED]

23. Rowe owed a duty to Gertrude to operate his vehicle in a careful manner and/or maintain control of his vehicle, with regard for the safety and convenience of pedestrians lawfully in the crosswalk/roadway.

24. Rowe breached his duties to exercise care toward Gertrude and the traveling public.

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25. Rowe operated his truck in a negligent, careless, grossly negligent, and reckless manner, causing serious injury to Gertrude.

WHAS

26. Rowe violated state and federal statutes and regulations, including but not limited to KRS 189.570(4), KRS 189.570(7), KRS 189.580(1)(a), KRS 189.090, KRS 189.290, KRS 189.338, KRS 189.390, KRS 189.393, KRS 189.231(2), KRS 189.580(1), 601 KAR 1:005 and 49 C.F.R. §§ 350-399, which were promulgated to protect the safety of a class of people that includes Gertrude, and constitutes negligence *per se* pursuant to KRS 446.070 and Kentucky case law.

27. Ohio Transport Corporation had a duty to act reasonably in hiring, instructing, training, supervising and retaining its drivers and other employees and agents, including Rowe, and to promulgate and enforce policies, procedures, and rules to ensure that its drivers and vehicles were reasonably safe.

28. Ohio Transport Corporation had a duty to exercise reasonable care in entrusting its vehicles and equipment to responsible, competent and qualified drivers.

29. Ohio Transport Corporation was negligent, grossly negligent, careless and reckless with regard to the duties set forth in Paragraphs 27-28 above, causing serious injury to Gertrude.

30. Ohio Transport Corporation violated state and federal statutes and regulations, including but not limited to KRS 189.090, KRS 189.224, 601 KAR 1:005 and 49 C.F.R. §§ 350-399, which were promulgated to protect the safety of a class of people that includes Gertrude, and constitutes negligence *per se* pursuant to KRS 446.070 and Kentucky case law.

31. As a direct and proximate result of the negligence and negligence *per se* of the Defendants Ohio Transport Corporation and/or Delane Rowe, Plaintiff Gertrude Schaftlein sustained temporary and permanent injuries to her body, causing great physical and mental pain and anguish, including the loss of enjoyment of life, and she will continue to suffer such damages

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in the future; that she has incurred large sums of money for medical expenses in treatment of said injuries and will be required to incur large sums of money for medical expenses in the future; and that she has lost wages and that her ability to earn wages in the future is impaired due to her injuries being permanent. Additionally, she has suffered negligent infliction of emotional distress and/or severe emotional distress.

32. Ohio Transport Corporation and Delane Rowe acted with extreme indifference, gross negligence, and reckless disregard for the consequences of their actions as well as exhibiting a reckless disregard for the life, safety and health of others, including Gertrude, warranting the imposition of punitive damages pursuant to KRS 411.184 and 411.186.

33. Furthermore, punitive damages are supported by Kentucky’s declaration that tractor trailers endanger the lives and safety of the traveling public, which includes Gertrude, pursuant to KRS 189.670, which states:

It is hereby declared to be the public policy of this state that heavy motor trucks, alone or in combination with other vehicles, increase the cost of highway construction and maintenance, interfere with and limit the use of highways for normal traffic thereon, and endanger the safety and lives of the traveling public, and that the regulations embodied in this chapter with respect to motor trucks, semitrailer trucks and semitrailers are necessary to achieve economy in highway costs, and to permit the highways to be used freely and safely by the traveling public.

WHEREFORE, Plaintiff, Gertrude Schaftlein, hereby demands as follows:

- A) Judgment against Defendants, Ohio Transport Corporation and Delane Rowe, for a fair and reasonable amount in compensatory damages;
- B) Judgment against Defendants, Ohio Transport Corporation and Delane Rowe, for a fair and reasonable amount in non-apportioned punitive damages;
- C) Trial by jury;
- D) Post-judgment interest;

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- E) Court costs; and
- F) Any and all other relief to which the plaintiff may be entitled.

WHAS

Respectfully submitted,

**DIXIE LAW GROUP, PSC**

/s/ Justin B. May

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Justin B. May, Esq.  
 Lindsey Goetz, Esq.  
 4919 Dixie Highway  
 Suite B  
 Louisville, KY 40216  
 jmay@dixielawgroup.com  
 lgoetz@dixielawgroup.com  
 (502) 290-2397 - Telephone  
 (502) 449-9774 - Fax  
*Counsel for Plaintiff*

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