

FILED

2009 JUN 22 P 2: 21

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

TIFFANY YUHASZ
5828 Churchill Way
Medina, Ohio 44256

Plaintiff,

v.

CLEAR CHANNEL
COMMUNICATIONS, INC.
200 E. Basse Road
San Antonio, Texas 78209

Also serve Statutory Agent:

Csc-Lawyers Incorporation Service
(Corporation Service Company)
50 W. Broad Street
Columbus, Ohio 43215

and

CLEAR CHANNEL
BROADCASTING, INC.
200 Concord Plaza
Suite 600
San Antonio, Texas 78216

Also serve Statutory Agent:

Csc-Lawyers Incorporating Service
(Corporation Service Company)
50 W. Broad Street
Columbus, Ohio 43215

and

CASE NO. STEVEN J TERRY ^{Complaint}
CV 09 696361

JUDGE:

COMPLAINT
(Trial by Jury Demanded)

\$110.00 DEPOSITED
61301
JUN 22 2009
SECURE COSTS
GERALD E. FUERST, Clerk of Courts
PER *[Signature]* DEPUTY

ROVERMEDIA, INC.)
860 Via De La Paz)
Suite D-2)
Pacific Palisades, California 90272)

Also serve Statutory Agent:)
Csc-Lawyers Incorporating Service)
(Corporation Service Company))
50 W. Broad Street)
Columbus, Ohio 43215)

and)

DOMINIC DIETER)
1300 West Ninth Street)
Suite 730)
Cleveland, Ohio 44113)

and)

SHANE FRENCH)
33647 Saint Francis Drive)
Avon, Ohio 44011-3724)

and)

TEQUILA RANCH, LLC)
1229 West Sixth Street)
Cleveland, Ohio 44113)

Also serve Statutory Agent:)
Michael Schwartz)
32100 Solon Road)
Suite 201)
Solon, Ohio 44139)

and)

TENABLE PROTECTIVE SERVICES)
2423 Payne Avenue)
Cleveland, Ohio 44114)

Also serve Statutory Agent:)
Todd J. Anderson)
2423 Payne Avenue)
Cleveland, Ohio 44114)

and)
)
)
 JOHN DOE LEGAL ENTITIES 1-10)
 (Real Names and Addresses Unknown))
)
 and)
)
 JOHN DOES/JANE DOES 1-10)
 (Real Names and Addresses Unknown))
)
 Defendants.)

Now comes Plaintiff, Tiffany Yuhasz, and for her claims for relief states as follows:

1. At all times material hereto, the material acts and/or omissions at bar took place in Cuyahoga County, Ohio.

2. At all times material hereto and at the time of the incident at bar, Plaintiff Tiffany Yuhasz was an individual who resided in Medina County, Ohio and was a citizen of the State of Ohio.

3. At all times material hereto, Defendant Clear Channel Communications, Inc. was/is a corporation for profit, organized and existing under the laws of the State of Nevada and/or some other state with its principal place of business in San Antonio, Texas. At all times material hereto Defendant Clear Channel Communications, Inc. did/does business as radio station WMMS 100.7 FM located in and broadcasting from Cleveland, Cuyahoga County, Ohio and held property, conducted substantial business in, and had employees and agents and substantial business contacts in Cuyahoga County and the State of Ohio.

4. At all times material hereto Defendant Clear Channel Broadcasting, Inc., was/is a corporation for profit organized and existing under the laws of the State of Nevada and/or some other state. At all times material hereto Defendant Clear Channel Broadcasting, Inc. did/does business as radio station WMMS 100.7 FM located in and broadcasting from Cleveland, Cuyahoga County, Ohio and held property, conducted substantial business in, and had employees, agents and substantial business contacts in Cuyahoga County and the State of Ohio.

5. At all times material hereto Defendant Clear Channel Communications, Inc. and/or Clear Channel Broadcasting, Inc. were/are registered and licensed to do business in the State of Ohio and operate radio broadcasting out of Cleveland, Ohio. Said Defendants shall be referred to jointly hereinafter as "Clear Channel."

6. At all times material hereto Defendant RoverMedia, Inc. was/is an Ohio corporation for profit organized and existing under the laws of the State of Ohio and/or some other state and has/had its principal place of business in the State of Ohio. At all times material hereto Defendant RoverMedia, Inc. does/did business as "Rover's Morning Glory" morning radio show on radio station WMMS 100.7 FM in Cleveland, Cuyahoga County, Ohio under contract and/or agreement with Clear Channel.

7. At all times material hereto Clear Channel directed and controlled, had the duty and responsibility to direct and control, and/or had the right to direct and control the actions and/or conduct of RoverMedia, Inc., its agents and employees.

8. At all times material hereto Defendant Dominic Dieter was/is an individual who resides in Cuyahoga County, Ohio and who at all times material hereto was an agent/employee of Clear Channel, RoverMedia, Inc., and/or Defendant Shane

French, who at all times material hereto was acting in the course, scope and in furtherance of said agency and/or employment as it relates to his conduct, acts and/or omissions at bar. At all times material hereto Dominic Dieter goes by the radio personality name "Dieter".

9. At all times material hereto Defendant Shane French was/is an individual who resides in Lorain County, Ohio and/or some other county and goes by the radio personality name "Rover". At all times material hereto Defendant Shane French was an agent/employee of Clear Channel and/or RoverMedia, Inc. and at all times material hereto was acting in the course, scope and in furtherance of his employment with Clear Channel and/or RoverMedia, Inc. as it relates to his conduct at bar.

10. At all times material hereto, and prior to June 10, 2008 Defendants Shane French, Clear Channel and/or RoverMedia, Inc. directed, encouraged, condoned, requested and/or ratified extreme, outrageous, willful, wanton, reckless and criminal conduct by Defendant Dominic Dieter as part of the course and scope of his employment with them. Said conduct often resulted in serious physical injury to Dominic Dieter and/or other individuals as well as serious damage to property. Such conduct further resulted in arrest, and in one instance, criminal conviction of accomplice Shane French for disorderly conduct on or about May 23, 2008 by the City of Cleveland Municipal Court. Such outrageous and dangerous conduct was requested and/or encouraged by Shane French, Clear Channel and/or RoverMedia, Inc. for the purpose of drawing and maintaining radio listeners and ratings, for profit and increasing the outlaw criminal personality of Dominic Dieter.

11. RoverMedia, Inc. and Shane French also encouraged, condoned and ratified the criminal, dangerous and illegal acts of Dominic Dieter by placing video and photographic evidence of these numerous acts on their website and on the internet to further the presonalti of the show and Dominic Dieter's outrageous and outlaw celebrity, for profit.

12. At all times material hereto Defendants Clear Channel, RoverMedia, Inc. and Shane French knew and/or should have known of the danger presented by Dominic Dieter to others, including his conduct even after the incident at bar, yet they failed to retrain, limit, counsel, or redirect his behavior to prevent criminal and dangerous acts and/or behavior. In fact, said Defendants often willfully and knowingly encouraged said conduct for the purpose of increasing Dominic Dieter and the morning show's outlaw personality and celebrity. Dominic Dieter historically accumulated numerous incidents of assault and physical injury upon himself, other persons and property which were known and/or should have been known to said Defendants and his aggressive and dangerous behavior and conduct was condoned, ratified and left unrestrained and undeterred by said Defendants at times material hereto. In fact, Defendants even joked about Dominic Dieter's violent conduct being fueled and caused in part as a result of steroid use and/or rage when his aggressive and uncontrolled violent verbal and physical outbursts would occur during the scope of his employment and/or agency with Defendants.

13. At all times material hereto Clear Channel, RoverMedia, Inc. and/or Shane French had a duty to investigate Dominic Dieter's dangerous, violent and aggressive history and background prior to employing and/or entering into an agency relationship

with him, train, supervise, limit, evaluate, direct, control, counsel and reprimand Dominic Dieter while he was an agent and/or employee of theirs, and deter, prevent and discourage criminal and extreme, outrageous and dangerous conduct by him while he was an agent and/or employee of theirs as it would relate to himself, co-workers and/or third parties.

14. At all times material hereto Clear Channel, RoverMedia, Inc. and/or Shane French were careless, negligent, reckless, malicious, and/or willful and wanton in their employing, retaining, ratifying and lack of deterring and punishing criminal, outrageous and dangerous acts by Dominic Dieter. In fact, Defendants allowed and created an environment where extreme and outrageous employment and/or agency conduct of Dominic Dieter was almost certain to cause serious and substantial bodily injury to himself and/or others while he was in the course, scope and in furtherance of his agency and/or employment with said Defendants and did, in fact, cause such harm.

15. At all times material hereto Clear Channel, RoverMedia, Inc. and/or Shane French are legally responsible for the conduct of Dominic Dieter under the doctrines of respondeat superior, principal/agent, and/or because they controlled and/or had the right to control and/or encouraged and participated in the conduct and actions of Dominic Dieter at bar.

16. At all times material hereto, as a result of past behavior, condoned and expected behavior, and the ratification and encouragement of the aforementioned behavior of Dominic Dieter, Defendants knew and/or reasonably should have foreseen the conduct of Dominic Dieter at bar, including but not limited to the conduct which occurred as it relates to Plaintiff Tiffany Yuhasz herein.

17. On or about June 20, 2008, Clear Channel, RoverMedia, Inc., Shane French, Defendants John Doe Legal Entities 1-5 (whose real names and addresses are unknown), Defendants John Does/Jane Does 1 – 5 (whose real names and addresses are unknown) promoted, sponsored, organized and/or operated a street party on West Sixth Street in the City of Cleveland and State of Ohio under the name “Roverfest”. Dominic Dieter was present at said event in the course, scope and in furtherance of his employment and/or agency with Defendants aforementioned.

18. At all times material hereto Defendant Tequila Ranch, LLC was/is an Ohio Limited Liability Company with its principal place of business in Solon, Ohio and does business as “Tequila Ranch” at 1229 West Sixth Street, Cleveland, Ohio. At all times material hereto Tequila Ranch, LLC was/is licensed to sell liquor in the State of Ohio and did so on June 20, 2008.

19. Tequila Ranch, LLC had a duty at all times material hereto to comply with the liquor laws of Ohio and standards of alcohol control, serving, and sales on June 20, 2008 during Roverfest. Tequila Ranch, LLC was careless, negligent, reckless, and/or willful and wanton in the operation of their establishment on said date by including, but not limited to, selling alcoholic beverage through its agents and/or employees to a noticeably intoxicated Dominic Dieter, allowing Dominic Dieter to leave its premises controlled by its liquor license with a bottle of beer/alcoholic beverage and/or by allowing Dominic Dieter to leave its premises and walk up to, and upon, the Roverfest stage with a glass bottle of beer/alcoholic beverage.

20. At all times material hereto Defendant Tenable Protective Services was/is a corporation for profit organized and existing under the laws of the State of Ohio and/or

some other state with its principal place of business at 2423 Payne Avenue in the City of Cleveland, County of Cuyahoga and State of Ohio. Said Defendant shall hereinafter be referred to as “Tenable”.

21. At all times material hereto Tenable, John Doe Legal Entities 6-10 and/or John Does/Jane Does 6-10 had the duty to provide security and safety services at Roverfest and/or at Tequila Ranch to insure the safety and security of the patrons, licensees, and/or business invitees of Tequila Ranch LLC and/or Roverfest. This duty included the duty to make sure alcoholic beverage sold and/or provided inside Tequila Ranch and/or elsewhere did not leave the appropriate licensed premises, to make sure it was safely packaged, and also to make sure no glass beer bottles were allowed to leave the respective liquor licensed premises, including those of Tequila Ranch and enter the confines and/or stage of Roverfest.

22. At times material hereto and on June 20, 2008 Tenable, John Doe Legal Entities 6-10 and/or John Does/Jane Does 6-10 were careless, negligent, reckless, malicious and/or willful and wanton in performing their security and safety duties in that they allowed Dominic Dieter to leave the liquor licensed premises of Tequila Ranch and/or some other premise, enter Roverfest and the stage of Roverfest, while noticeably under the influence of alcohol and while carrying an alcoholic beverage, to wit: a glass bottle of beer.

23. On June 20, 2008, Plaintiff Tiffany Yuhasz was a business invitee and/or licensee of Defendants aforementioned who was owed a duty of care and safety by Defendants while she attended Roverfest. Plaintiff Tiffany Yuhasz’s attendance at this

event was at the invitation of Defendants aforementioned and provided a business benefit to said Defendants.

24. On June 20, 2008, and in conformance with his past dangerous and criminal conduct which was encouraged, condoned and ratified by Defendants aforementioned, and after drinking substantial alcohol with the encouragement of Defendants, and while in the course and scope of his employment and/or agency with Defendants, Dominic Dieter obtained a bottle of beer at Tequila Ranch and/or some other licensed location, exited the liquor establishment past Tenable and/or other John Doe/Jane Doe 6-10 safety and security onto West Sixth Street, a public road, and entered upon the Roverfest stage. He thereafter, without any warning to Tiffany Yuhasz, threw the glass bottle of beer high into the air in a willful, wanton, reckless, malicious, intentional, negligent and/or careless manner and it thereafter came violently crashing down onto the forehead and face of Plaintiff Tiffany Yuhasz, causing her serious physical injury to her forehead and face. This conduct was thereafter ratified and condoned by Defendants aforementioned.

25. Subsequent to the incident set forth in Paragraph 24 above, Dominic Dieter was criminally convicted by the Cuyahoga County Court of Common Pleas on January 22, 2009 in Case Number CR-08-515748-A for assault for said incident pursuant to Ohio Revised Code Section 2903.13(B). Said conviction was for recklessly causing serious physical harm to Tiffany Yuhasz.

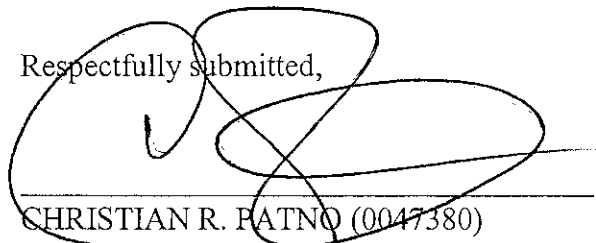
26. In hitting Tiffany Yuhasz with a bottle on June 20, 2008, Dominic Dieter harmfully and offensively touched her without her consent and did so in a manner that was incited, encouraged, aided and abetted by Defendants herein.

27. The conduct of Defendants aforementioned in directly and proximately causing physical injury to Plaintiff Tiffany Yuhasz as set forth above constituted a flagrant and conscious disregard of the safety of persons who might be harmed, including Tiffany Yuhasz, was careless, negligent, reckless, willful and wanton and malicious and had the great probability of causing substantial physical harm to persons, including Tiffany Yuhasz and did, in fact, cause such harm to Tiffany Yuhasz.

28. As a direct and proximate result of the carelessness, negligence, recklessness, willfulness, wantonness, and/or malice of Defendants aforementioned, Plaintiff Tiffany Yuhasz sustained significant permanent damage and disfigurement to her face and forehead, lacerations, abrasions, physical and mental pain and suffering, scarring, medical and paramedical care and expense in excess of \$4,000, lost income and reduced earning capacity, nerve damage, pigmentation change, plastic surgical care, tissue loss and indentation of her forehead. Tiffany Yuhasz verily believes some other damages to be ongoing and permanent in nature.

WHEREFORE, Plaintiff Tiffany Yuhasz demands compensatory and punitive damages against Defendants Clear Channel Communications, Inc., Clear Channel Broadcasting, Inc., RoverMedia, Inc., Dominic Dieter, Shane French, Tequila Ranch, LLC, Tenable Protective Services, John Doe Legal Entities 1-10, and John Does/Jane Does 1-10 in an amount in excess of \$25,000 together with costs and interest herein taxed.

Respectfully submitted,



CHRISTIAN R. PATNO (0047380)

McCARTHY, LEBH, CRYSTAL

& LIFFMAN CO., L.P.A.

101 Prospect Avenue, West

1800 Midland Building

Cleveland, Ohio 44115

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Attorney for Plaintiffs

JURY DEMAND

Plaintiff hereby demands a trial by jury comprised of the maximum number of jurors allowed by law.



Christian R. Patno