

**SUMMIT COUNTY COMMON PLEAS  
Summit County, Ohio**

**KENNETH MOYER JR.**

**387 Wilson  
Tallmadge OH 44278**

**Plaintiff,**

**-vs.-**

**McDONALD'S  
2021 East Market Street  
Akron OH 44305**

**-and-**

**RUBBER CITY ARCHES LLC  
388 South Main Street #401-A  
Akron OH 44311**

**-and-**

**JOHN DOE**

**Defendants.**

) **CASE NO.**

)  
) **JUDGE**

)  
)  
) **COMPLAINT FOR DAMAGES**

Now comes Plaintiff KENNETH MOYER JR., by and through his undersigned attorney,  
and states as follows:

1. Plaintiff is an individual residing in Summit County, Ohio. Defendant  
McDONALD'S operated by RUBBER CITY ARCHES LLC is a fast food restaurant  
business located at 2021 East Market Street, Akron, Summit County, Ohio and doing  
business in Summit County.

2. On or about December 15, 2018 Plaintiff drove himself and Dan Wright to said McDonald's and placed a drive through order consisting of two (2) chocolate milk shakes. Plaintiff was at the drive through location from 1:05pm to 1:13pm.
3. Plaintiff further alleges that upon leaving said McDonald's he dropped Dan off at his home and during the ride noticed his milkshake straw kept clogging. Plaintiff continued to his home.
4. Plaintiff arrived home leaving the remainder of his shake, about one quarter, in the car console. He went inside then returned to retrieve his cigarettes minutes later.
5. Plaintiff thought he saw the straw moving in the cup as he began to shut the door. He saw it move again and picked up the cup and saw a mouse was alive in the cup.
6. Plaintiff panicked and yelled for his girlfriend to come outside. He received a phone call from a friend at 1:36pm wherein he told him what happened with the milkshake and the mouse.
7. Plaintiff was physically ill and vomiting for the remainder of the evening. He was panicked and not thinking clearly. Plaintiff contacted McDonald's headquarters and gave a statement while in this state.
8. Plaintiff returned to said McDonald's that evening at approximately 11:30pm to inquire about the milkshake machine.
9. Plaintiff suffered damages and continues to suffer physical and mental distress and damage due to the negligent or purposeful conduct of Defendants or Defendants' staff.

Wherefore Plaintiff prays judgment against Defendant for compensatory and punitive damages in the amount of at least \$100,000.00 and all recoverable damages in such sums as the

trier of fact deems proper including judgment against defendant for attorney fees and costs of this action and for such other and further relief as the Court deems proper.

Respectfully submitted,

/s/Christina Joliat  
CHRISTINA M. JOLIAT 0077439  
PO Box 391531  
Solon, Ohio 44139  
(440)941-5036  
cmjoliatlaw@gmail.com  
*Attorney for Plaintiff*