

FILED  
COMMON PLEAS COURT

2020 MAR 30 AM 11:42

IN THE COURT OF COMMON PLEAS  
CIVIL DIVISION  
ALLEN COUNTY, OHIO

HADGHE MURPHY MILLER  
CLERK OF COURTS  
ALLEN COUNTY, OHIO

JANE DOE I

Plaintiff,

v.

JAMES A. GIDEON, M.D.  
3580 Rd. R  
Pandora, OH 45877

Defendant.

CASE NO.: **CV2020 0144**

JUDGE:

**KOHLRIESER**

**REFILED COMPLAINT**

*(with Jury Demand endorsed hereon)*

Formerly assigned to Judge Terri  
Kohlrieser under Case No.: 2017-CV-419

Wesley D. Merillat (0080253)  
Andrea R. Young (0096334)  
**CHARLES E. BOYK LAW OFFICES,  
LLC**  
405 Madison Avenue  
Suite 1200  
Toledo, Ohio 43604  
Telephone: (419) 241-1395  
Facsimile: (419) 241-8731  
Email: wmerillat@charlesboyk-law.com  
ayoung@charlesboyk-law.com

*Attorneys for Plaintiff.*

Now comes the Plaintiff, Jane Doe I, by and through her attorney, and for her Refiled  
Complaint alleges and avers as follows:

**PARTIES, JURISDICTION, AND VENUE**

1. Plaintiff Jane Doe I ("Ms. Doe") is a resident of Findlay, Hancock County, Ohio.

1 dg

2. Defendant, James A. Gideon M.D. (“Dr. Gideon”), at all times relevant, was a physician licensed to practice under the laws of the State of Ohio and was engaged in the practice of medicine in the Village of Bluffton, Allen County, Ohio.

3. This Court has original jurisdiction over this matter pursuant to R.C. § 2305.01

4. Venue is proper in this Court pursuant to Ohio Civ. R. 3(C)(3).

### **BACKGROUND FACTS**

5. At all times mentioned herein, Dr. Gideon held himself out to the general public, and particularly to Ms. Doe, to be a licensed physician engaged in the practice of rheumatology and internal medicine in Bluffton, Ohio.

6. Ms. Doe had become a patient of Dr. Gideon at his practice in Bluffton, Ohio in 2015.

7. As Ms. Doe’s physician, Dr. Gideon was in a position whereby Ms. Doe trusted and depended on him for medical treatment, including but not limited to treatment for her rheumatoid arthritis.

8. At an April 2017 appointment, Ms. Doe was taken to an examining room for treatment. Dr. Gideon entered the room alone and hugged Ms. Doe.

9. Dr. Gideon then began his examination by assisting Mrs. Doe up on to the examining table and touching her in various locations over her body, including her breasts, asking her whether she felt any pain.

10. Dr. Gideon then proceeded to remove Ms. Doe’s shirt, loosen and lift her bra and pull her pants and underwear down.

11. Dr. Gideon, with ungloved hands, then touched Ms. Doe’s breasts and advise her that her bra was contributing to her medical issues. He took her bra off and flung it across the room, telling her she did not need that anymore.

12. Dr. Gideon then administered injections, during the course of which he, with ungloved hands, ran his hands over Ms. Doe's body, including her breast, nipples, thighs and buttocks.

13. After Dr. Gideon completed his injections, Ms. Doe sat up and Dr. Gideon caressed and massaged back for a period of time advising she needed to relax before he assisted her in putting her cloths back on.

14. Dr. Gideon then advised Ms. Doe he had a gift for her, left the room and returned with a ring, which he placed on her finger.

15. As Ms. Doe was sitting on the edge of the examining table, Dr. Gideon pushed himself between her legs and pressed himself against her. He then took her face in his hands and kissed her on the lips.

16. Ms. Doe immediately left Dr. Gideon's office, feeling violated, ashamed, embarrassed, disgusted, and humiliated by what had transpired.

17. In June 2017, Dr. Gideon was suspended from the practice of medicine by the State Medical Board of Ohio for engaging in sexual misconduct, sexual impropriety, and/or sexual contact with numerous patients.

18. Dr. Gideon admitted to the State Medical Board that he 'knowingly touched the area of various patients in a manner that was not medically necessary'.

19. Dr. Gideon further admitted that he got some gratification out of his patients disrobing in front of him.

**COUNT ONE**  
**Battery**

20. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth herein.

21. Defendant Dr. Gideon inappropriately, unlawfully, intentionally, and knowingly removed Ms. Doe's clothes and made unprivileged sexual contact with Ms. Doe's breasts, nipples, and buttocks.

22. Defendant Dr. Gideon inappropriately, unlawfully, intentionally, and knowingly kissed Ms. Doe.

23. Dr. Gideon's touching and kissing of Ms. Doe was medically inappropriate and unnecessary.

24. Defendant's kissing, touching, and sexual contact with Ms. Doe's breasts, nipples, and buttocks, can be construed as nothing other than for his own sexual gratification.

25. Defendant's unlawful physical touching of Ms. Doe constitutes sexual battery and sexual misconduct.

26. As a direct and proximate result of the sexual battery and sexual misconduct of the Defendant, the Plaintiff suffered serious physical and psychological injuries and incurred medical expenses.

**COUNT TWO**  
**Intentional Infliction of Emotional Distress**

27. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth herein.

28. By his actions as described herein, Defendant Dr. Gideon knew or should have known that his actions would cause Ms. Doe to suffer emotional distress and mental anguish that no reasonable person could be expected to endure.

29. Defendant's actions as described herein constituted extreme and outrageous conduct by Defendant, beyond the bounds of decency and utterly intolerable in a civilized society.

30. As a direct and proximate result of Defendant acts, Plaintiff was subject to inappropriate sexual misconduct, has suffered serious physical, psychological, and emotional

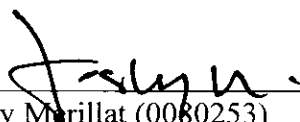
injuries, and will continue to suffer serious mental anguish, emotional distress and the loss of quality of life.

**COUNT THREE**  
**Punitive Damages**

31. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth herein.
32. The nature of the acts of Defendant, a licensed physician, with regards to Ms. Doe, his patient, were outrageous and taken with a conscious disregard and/or reckless indifference for the rights and well-being of Ms. Doe.
33. Plaintiff is entitled to a maximum award of punitive damages as allowed by law.

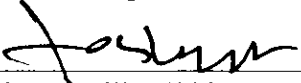
**WHEREFORE**, Plaintiff prays for a monetary judgement against the Defendant, James A. Gideon M.D., in excess of Twenty Five Thousand Dollars (\$25,000.00), interest at the maximum allowable rate per annum from the date that her cause of action accrued, trial by a jury, and her costs of Court expended herein.

CHARLES E. BOYK LAW OFFICES, LLC

BY:   
Wesley Merrillat (0080253)  
405 Madison Avenue  
Suite 1200  
Toledo, Ohio 43604  
Telephone (419) 241-1395  
Facsimile (419) 241-8731  
wmerillat@charlesboyk-law.com  
ayoung@charlesboyk-law.com  
*Attorneys for Plaintiff*

**JURY DEMAND**

Plaintiff hereby demands trial by jury of all issues so triable as a right.

By   
Wesley Merrillat (0080253)  
Andrea R. Young (0096334)  
*Attorneys for Plaintiff*

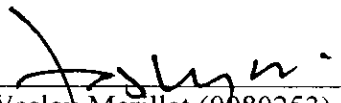
**PRAECIPE FOR SERVICE**

TO THE CLERK:

Please serve Defendants JAMES A. GIDEON c/o his attorney, Gregory Rankin, Esq. via certified mail, return receipt requested at the following address:

Gregory D. Rankin, Esq.  
Attorney for James A. Gideon  
LANE ALTON  
Two Miranova Place, Suite 220  
Columbus, Ohio 43215

Respectfully submitted,

  
Wesley Merrillat (0080253)  
Andrea R. Young (0096334)  
*Attorneys for Plaintiff*