

**LUCAS COUNTY COMMON PLEAS COURT
CASE DESIGNATION**

TO: Bernie Quilter, Clerk of Courts

CASE NO. _____

G-4801-CI-0201902901-000

Judge

JOSEPH V. MCNAMARA

JUDGE _____

The following type of case is being filed:

Professional Malpractice

☐ Legal Malpractice (L)

☐ Medical Malpractice (M)

Product Liability (B)

☐

Other Tort (C)

☒

Workers' Compensation

☐ State Funded (D)

☐ Self Insured (K)

Administrative Appeal (F)

☐

Commercial Docket

☐

By submitting the complaint, with the signature of the Attorney, the Attorney affirms that the name of person with settlement authority and his/her direct phone number will be provided upon request to a party or counsel in this matter

Other Civil

☐ Consumer Fraud (N) ☐ Forfeiture

☐ Appropriation (P) ☐ Court Ordered

☐ Other Civil (H) ☐ Certificate of Title

This case was previously dismissed pursuant to CIVIL RULE 41 and is to be assigned to Judge _____, the original Judge at the time of dismissal. The previously filed case number was CI _____.

This case is a Declaratory Judgment case with a personal injury or related case currently pending. The pending case number is _____, assigned to Judge _____.

This case is to be reviewed for consolidation in accordance with Local Rule 5.02 as a companion or related case. This designation sheet will be sent by the Clerk of Courts to the newly assigned Judge for review with the Judge who has the companion or related case with the lowest case number. The Judge who would receive the consolidated case may accept or deny consolidation of the case. Both Judges will sign this designation sheet to indicate the action taken. If the Judge with the lowest case number agrees to accept, the reassignment of the case by the Administration Judge shall be processed. If there is a disagreement between the Judges regarding consolidation, the matter may be referred to the Administrative Judge.

Related/companion case number _____ Assigned Judge _____

Approve/Deny

Date

Approve/Deny

Date

ATTORNEY: Chad M. Tuschman, Esquire (0074534)
Williams DeClark Tuschman Co., L.P.A. (162044)
The Louisville Building
626 Madison Avenue
Suite 800
Toledo, OH 43604-1110
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FILED
LUCAS COUNTY

2019 JUN 26 PM 3:12

COMMON PLEAS COURT
BERNIE QUILTER
CLERK OF COURTS

ORIGINAL

IN THE COURT OF COMMON PLEAS OF LUCAS COUNTY, OHIO

ALAN W. GASTON
3635 Leybourne Avenue
Toledo, OH 43612

and

MICHELLE M. GASTON
3635 Leybourne Avenue
Toledo, OH 43612

Plaintiffs,

vs.

SETH A. EKLUND
625 Village Lane
Defiance, OH 43612

and

PARAGON SYSTEMS, INC.
c/o Brandon Fischer
1103 Brookpark
Marion, OH 43302

and

Praetorian Shield, Inc.
c/o Parasec Incorporated (Paracorp
Incorporated), Statutory Agent
4568 Mayfield Road #203
Cleveland, OH 44121

Defendants.

Case **G-4801-CI-0201902901-000**
Judge **JOSEPH V. MCNAMARA**

COMPLAINT, JURY DEMAND
ENDORSED HEREON AND REQUEST
FOR PRODUCTION OF DOCUMENTS

Trial Counsel:

Chad M. Tuschman (0074534)
Williams DeClark Tuschman Co., L.P.A.
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626 Madison Avenue
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ctuschman@wdtlaw.org

Attorney for Plaintiffs

FIRST COUNT

Now comes the Plaintiff, ALAN W. GASTON, by and through his attorney, and
alleges and avers as follows:

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1. That on or about the 31st day of May, 2019, the Plaintiff, Deputy Sheriff, Alan W. Gaston, entered the office of the Internal Revenue Service (hereinafter IRS) located at Four SeaGate, 422 North Summit Street, Second Floor, in the City of Toledo, Lucas County, Ohio, in order to make a personal inquiry.

2. Further pleading, Plaintiff states that the Defendant, Seth A. Eklund, was a security guard on duty assigned to the IRS office on the date of the incident.

3. Plaintiff further states that at all times pertinent herein, the Defendant, Seth A. Eklund, was acting as an officer, agent, servant and/or employee of the Defendant, Paragon Systems, Inc., and/or Praetorian Shield, Inc.

4. Further pleading, Plaintiff, Alan W. Gaston, states he was on duty and in full uniform upon entering the IRS office on the 31st day of May, 2019. Plaintiff further states that upon entering the IRS office, the Plaintiff was instructed by the Defendant, Seth A. Eklund, to remove his gun. Plaintiff did inquire of the Defendant, Seth A. Eklund, if there was a locker to secure his weapon upon which the Defendant, Seth A. Eklund, informed him no and to put his service weapon in his vehicle.

5. Further pleading, Plaintiff states that he did refuse to place his service weapon in his vehicle and attempted to discuss the matter with the Defendant, Seth A. Eklund.

6. Plaintiff states that during his attempt to discuss the matter with the Defendant, the Defendant, Seth A. Eklund, unholstered his gun and pointed it directly at the Plaintiff, Alan W. Gaston. Plaintiff then attempted to leave the building but was informed he was being detained (with Defendant, Seth A. Eklund pointing the gun directly at the Plaintiff, Alan W. Gaston in addition to grabbing his shoulder) and Plaintiff was unable to leave the building.

7. As a direct and proximate result of the assault and battery by the Defendants, Seth A. Eklund,, Paragon Systems, Inc., and Praetorian Shield, Inc., acting by and through their agents and employees, Plaintiff sustained severe emotional and psychological distress and has suffered extreme personal trauma; that in the care and treatment of his injuries, he has been required to submit to numerous and extensive psychological and emotional counseling; that he

has incurred related expenses for his care and treatment in an amount which cannot be determined nor with reasonable diligence ascertained at this time; that he will be required to incur additional related expenses into the future to an extent which cannot be determined nor with reasonable diligence ascertained at this time; that he has incurred and will continue to incur a loss of income into the future in an amount which cannot be determined nor with reasonable diligence ascertained at this time; that his injuries are permanent and partially disabling and he continues to suffer from shock, nervous reaction, inconvenience, and emotional and psychological distress with all the foregoing to his damage.

SECOND COUNT

Now comes the Plaintiff, Alan W. Gaston, by and through his attorney and alleges and avers as follows:

1. That he incorporates herein all the allegations of the First Count as if the same were fully rewritten herein.
2. As a direct and proximate result of the intentional infliction of emotional distress by the Defendants, Seth A. Eklund,, Paragon Systems, Inc., and Praetorian Shield, Inc., acting by and through their agents and employees, Plaintiff sustained severe emotional and psychological distress and has suffered extreme personal trauma; that in the care and treatment of his injuries, he has been required to submit to numerous and extensive psychological and emotional counseling; that he has incurred related expenses for his care and treatment in an amount which cannot be determined nor with reasonable diligence ascertained at this time; that he will be required to incur additional related expenses into the future to an extent which cannot be determined nor with reasonable diligence ascertained at this time; that he has incurred and will continue to incur a loss of income into the future in an amount which cannot be determined nor with reasonable diligence ascertained at this time; that his injuries are permanent and partially disabling and he continues to suffer from shock, nervous reaction, inconvenience, and emotional and psychological distress with all the foregoing to his damage.

THIRD COUNT

Now comes the Plaintiff, Alan W. Gaston, by and through his attorney and alleges and avers as follows:

1. That he incorporates herein all the allegations of the First and Second Counts as if the same were fully rewritten herein.

2. Further pleading, Plaintiff, Alan W. Gaston, states he was detained by the Defendants, Seth A. Eklund, Paragon Systems, Inc., and Praetorian Shield, Inc., acting by and through their agents and employees. Said detention constituted a deprivation of his liberty without lawful justification. Further pleading, Plaintiff states he was detained against his will by force and by threats on the part of the Defendants, Seth A. Eklund, Paragon Systems, Inc., and Praetorian Shield, Inc., acting by and through their agents and employees, which gave rise to a reasonable apprehension on his part that he could not leave the premises without interference from the Defendants, Seth A. Eklund, Paragon Systems, Inc., and Praetorian Shield, Inc., acting by and through their agents and employees. The acts of the Defendants, Seth A. Eklund, Paragon Systems, Inc., and Praetorian Shield, Inc., acting by and through their agents and employees, were characterized by a careless and wanton disregard of and indifference to the rights of the Plaintiff, Alan W. Gaston.

3. As a direct and proximate result of the false imprisonment by the Defendants, Seth A. Eklund, Paragon Systems, Inc., and Praetorian Shield, Inc., acting by and through their agents and employees, Plaintiff sustained severe emotional and psychological distress and has suffered extreme personal trauma; that in the care and treatment of his injuries, he has been required to submit to numerous and extensive psychological and emotional counseling; that he has incurred related expenses for his care and treatment in an amount which cannot be determined nor with reasonable diligence ascertained at this time; that he will be required to incur additional related expenses into the future to an extent which cannot be determined nor with reasonable diligence ascertained at this time; that he has incurred and will continue to incur a loss of income into the future in an amount which cannot be determined nor with reasonable diligence

ascertained at this time; that his injuries are permanent and partially disabling and he continues to suffer from shock, nervous reaction, inconvenience, and emotional and psychological distress with all the foregoing to his damage.

FORTH COUNT

Now comes the Plaintiff, Michelle M. Gaston, by and through her attorney and alleges and avers as follows:

1. That she incorporates herein all the allegations of the First, Second and Third Counts as if the same were fully rewritten herein.

2. Further pleading, Plaintiff states that she has been denied the services and consortium of her husband and her right to his services and consortium have been permanently impaired with all the foregoing to her damage.

WHEREFORE, Plaintiff prays for a monetary judgment against the Defendants, jointly and severally, in an amount 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.

Respectfully submitted,

WILLIAMS DECLARK TUSCHMAN CO., L.P.A.

By 

Chad M. Tuschman
Attorney for Plaintiffs

JURY DEMAND

Now come the Plaintiffs and hereby demand a trial by a jury on all issues triable of right by a jury.

Respectfully submitted,

WILLIAMS DECLARK TUSCHMAN CO., L.P.A.

By 

Chad M. Tuschman
Attorney for Plaintiffs

REQUEST FOR PRODUCTION OF DOCUMENTS

Now come the Plaintiffs, by and through their attorney, and respectfully request the Defendants to produce copies of any and all insurance policies that may be applicable to the allegations and claims contained in the Complaint and request that said production be made within twenty-eight (28) days from the receipt of this request pursuant to the Rules of Civil Procedure.

Also, you are similarly requested to produce copies of any and all statements and videotape of the Plaintiff given to you and/or your representative relative to the allegations and claims contained in the Complaint.

Respectfully submitted,

WILLIAMS DECLARK TUSCHMAN CO., L.P.A.

By 

Chad M. Tuschman
Attorney for Plaintiffs

PRAECIPE

TO THE CLERK:

Please serve a Summons and copy of this Plaintiffs' Complaint upon all Defendants via certified U.S. mail, postage prepaid, return receipt requested.

Respectfully submitted,

WILLIAMS DECLARK TUSCHMAN CO., L.P.A.

By 

Chad M. Tuschman
Attorney for Plaintiffs