

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

| | | |
|---|---|---------------------------------|
| ALLEN SYKALUK |) | CASE NO. CV-23-562091 |
| PLAINTIFF |) | |
| |) | |
| v. |) | JUDGE KELLY A. GALLAGHER |
| |) | |
| |) | |
| UNIVERSITY HOSPITAL MAIN CAMPUS, et al. |) | PLAINTIFF'S MOTION FOR |
| Defendants, |) | AMENDED COMPLAINT |
| |) | |

MOTION AND ATTACHED MEORAUNDUM IN SUPPORT OF
MOTION TO AMEND COMPLAINT
(FIRST AMENDED COMPLAINT)

Now come Plaintiffs, by and through the undersigned counsel, and pursuant to Ohio Civ. R. 15, respectfully move to amend the Complaint, to include Maria Dargel, 1234 Journey St., Rocky River, Ohio 44116, as additional Plaintiff.

Respectfully submitted,

SYKALUK LAW LLC

By: /s/Axel Sykaluk
Axel Sykaluk (0021968)
9848 Grape Vine Trl
Parma, OH 44129
Telephone: (216) 567-6823
Fax Number: (216)
Email: Axel@Sykaluklaw.com
ATTORNEY FOR PLAINTIFF

MEMORANDUM IN SUPPORT

Rule 15 of the Ohio Rules of Civil Procedure states that after responsive pleadings have been filed. “a party may amend its pleading only with the opposing party’s written consent or the court’s leave. The court should freely give leave when justice so requires.” Rule 21 of the Ohio Rules of Civil Procedure states that “parties may be dropped or added by order of the court on motion of any party or of its own initiative at any stage of the action and on such terms as are just.” Together, Rules 15 and 21 authorize the Court to allow amendments to complaints that added claims and parties when justice so requires. The Civil Rule governing amendments of pleadings is to be interpreted liberally to effectuate justice (*Patterson v. V & M Auto Body*, 63 Ohio St. 3d 573, 589 N.E.2D 1306 (1992)).

Through discovery we found that Maria Dargel, had the same thing happen to her. As such, she has an equivalent interest in the disposition of this action as the other Plaintiff.

Rule 20 of the Ohio Rule of Civil Procedure states, “All persons may join in one action as plaintiffs if they assert any right to relief jointly, severally, or in the alternative in respect of or arising out of the same transaction, occurrence, or succession or series of transactions or occurrences and if any question of law or fact common to all these person will arise in one action.” This is clearly the case in the present case.

Respectfully submitted,

By: /s/Axel Sykaluk
Axel Sykaluk (0021968)
9848 Grape Vine Trl
Parma, OH 44129
Telephone: (216) 567-6823
Fax Number: (216)
Email: Axel@Sykaluklaw.com
ATTORNEY FOR PLAINTIFF

CONCLUSION

Due to the following, the addition of Maria Dargle should be allowed to be added to Civil Case 2023 CV 562091, Cuyahoga County Court of Common Pleas, as allowed and encouraged by Ohio Civil Rules 15, 21, and 20.

Respectfully submitted,

By: /s/Axel Sykaluk
Axel Sykaluk (0021968)
9848 Grape Vine Trl
Parma, OH 44129
Telephone: (216) 567-6823
Fax Number: (216)
Email: Axel@Sykaluklaw.com
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

A copy of the foregoing was sent e-filed this 23rd day of June 2023 to:

Paulina Rohlke (0051998)
rohlkep@umichlaw.com
ATTORNEY FOR DEFENDANTS

By: /s/Axel Sykaluk
Axel Sykaluk (0021968)
ATTORNEY FOR PLAINTIFF

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

| | | |
|---|---|---------------------------------|
| ALLEN SYKALUK |) | CASE NO. CV-23-562091 |
| PLAINTIFF |) | |
| |) | |
| v. |) | JUDGE KELLY A. GALLAGHER |
| |) | |
| |) | |
| UNIVERSITY HOSPITAL MAIN CAMPUS, et al. |) | ORDER TO AMEND COMPLAINT |
| Defendants, |) | |
| |) | |

Upon motion of plaintiffs, and after due consideration thereon, the Motion to Amend Complaint 2023 CV 562091 is granted as requested.

IT IS SO ORDERED.

JUDGE KELLY A. GALLAGHER