

COMMONWEALTH OF KENTUCKY
PENDLETON CIRCUIT COURT
CASE NO. _____

TRAVIS DAVID WOOD, a minor,
by and through his Conservator and
Next Friend, Toni Kay Wood

And

JORDAN ELIZABETH WOOD, a minor,
by and through her Conservator and
Next Friend, Toni Kay Wood

And

DWIGHT D. WOOD

And

TONI KAY WOOD

PLAINTIFFS

VS.

XXL TRUCKING, LLC
130 Riverview Drive
West Liberty, KY 41472

SERVE: Danny Ray Fannin, Agent
130 Riverview Drive
West Liberty, KY 41472

ALSO SERVE AT: 51 Wells Hill Lane
West Liberty, KY 41472

AND

FRANCISCO YULFO
c/o XXL TRUCKING, LLC
130 Riverview Drive
West Liberty, KY 41472

DEFENDANTS

COMPLAINT WITH JURY DEMAND

Come now the Plaintiffs and for their Complaint state as follows:

PARTIES AND JURISDICTION

1. Dwight D. Wood, natural father of Daniel Jacob Wood, Travis David Wood and Jordan Elizabeth Wood, is at this time and has been at all relevant times a citizen of the Commonwealth of Kentucky and resident of Pendleton County, Kentucky.

2. Toni Kay Wood, natural mother of Daniel Jacob Wood, Travis David Wood and Jordan Elizabeth Wood, is at this time and has been at all relevant times a citizen of the Commonwealth of Kentucky and resident of Pendleton County, Kentucky.

3. Travis Davis Wood, a minor, is at this time and has been at all relevant times a citizen of the Commonwealth of Kentucky, resident of Pendleton County, Kentucky, and student enrolled in the Pendleton County School system.

4. Upon information and belief, Defendant XXL Trucking, LLC is a limited liability company authorized to conduct business in the Commonwealth of Kentucky and has a principal office at 130 Riverview Drive, West Liberty, KY 41472.

5. Upon information and belief, Defendant Francisco Yulfo is a resident of Kentucky, and at all times relevant herein, was an employee or agent of the Defendant XXL Trucking, LLC.

6. This Court has jurisdiction pursuant to Kentucky law, including but not limited to KRS 160.310.

7. Venue is appropriate in this Court.

8. The claims of Plaintiffs exceed the minimal jurisdictional amount of this Court.

FACTS

9. On May 1, 2008, a school bus owned and operated by the Pendleton County Board of Education was involved in a collision with a dump truck owned and operated by XXL Trucking, LLC on Kentucky Highway 22 in Pendleton County, Kentucky.

10. At the time of said collision, Travis David Wood was a passenger on said school bus.

11. At the time of said collision, Jordan Elizabeth Wood was a passenger on said school bus.

12. At the time of said collision, Daniel Jacob Wood was a passenger on said school bus.

13. Defendant Francisco Yulfo operated said dump truck in a negligent manner which proximately caused said vehicle to travel left of the center line on Kentucky Highway 22 and collide with said school bus.

14. Said collision resulted in the injury and death of Daniel Jacob Wood, the brother of Travis David Wood and Jordan Elizabeth Wood.

15. Said collision resulted in physical and emotional injuries to Travis David Wood and Jordan Elizabeth Wood.

16. Defendant Yulfo exhibited negligence in his operation of the school bus by failing to maintain control of the bus, failing to comply with Kentucky law, including but not limited to KRS 189.390 and KRS 189.290 and/or common law duties.

CLAIMS FOR DAMAGES

17. Plaintiffs reiterate and adopt by reference all preceding paragraphs of this Complaint.

18. As a proximate result of the negligent conduct of Defendants, Daniel Jacob Wood was injured and killed.

19. As a proximate result of the negligent conduct of Defendants, Travis David Wood suffered severe personal and emotional injuries and medical expenses and will incur future medical expenses; has endured pain and suffering of body and mind to date and will do so in the future and permanently.

20. As a proximate result of the negligent conduct of the Defendants, Jordan Elizabeth Wood suffered personal and emotional injuries and has endured pain and suffering of body and mind to date and will do so in the future and permanently.

21. As a proximate result of the negligent conduct of the Defendants, Toni Kay Wood has suffered a loss of consortium and will do so in the future and permanently.

22. As a proximate result of the negligent conduct of the Defendants, Dwight D. Wood has suffered a loss of consortium and will do so in the future and permanently.

23. The wrongful acts of the Defendants herein constitute negligence, violation of statutory and/or regulatory duties and negligence per se.

24. Plaintiffs are entitled to recover damages from the Defendants pursuant to Kentucky law.

WHEREFORE, Plaintiffs demand judgment against Defendants herein for such amount as will reasonably and fairly compensate them for their injuries as set forth herein; for their costs herein expended; for a trial by jury; prejudgment interest; and for any and all other relief to which they may appear entitled.

Respectfully submitted,

TALIAFERRO, SHIROONI,
CARRAN & KEYS, PLLC.

BY: _____

PHILIP TALIAFERRO (69700)

ALICE G. KEYS (38345)

1005 Madison Avenue

Covington, KY 41012

Phone: (859) 291-9900

Fax: (859) 291-3014

Email: akeys@tmsck.com

INSTRUCTIONS FOR SERVICE BY PENDLETON COUNTY SHERIFF:

Please serve Defendants via personal service.