

Trustee Sues YSU Over Truck Accident

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News Editor

YSU trustee Jack O'Connell and his wife, Janet, have filed a \$1.25 million lawsuit against YSU. The suit stems from an incident last quarter in which the couple was hit by a YSU pick-up truck while crossing Fifth Avenue after a football game.

Neither the driver, Dimitrios Mastoros, nor the O'Connells were cited for the accident. Attorney Robert Kerpsack, who is representing the O'Connells, said that does not mean his clients have no reason to seek compensation.

Kerpsack said, "Whether or not they were cited by the police doesn't have a bearing. The driver still has a legal liability. The charges are civil, not criminal."

The suit claims that the driver "failed to exercise ordinary care," Kerpsack said. O'Connell, who is the president of the Greater Youngstown AFL-CIO Labor Council, was critically injured, and his wife, Janet, was seriously injured.

The accident happened on Oct. 16, a rainy night, at the intersection of Scott Street and Fifth Avenue.

According to *The Vindicator*, Mastoros told police the couple ran



O'Connell

into the road, and that he was unable to avoid hitting them.

Kerpsack said even though the couple was not crossing at a crosswalk, they were crossing at a "key intersection," adding, "Every intersection is an imaginary crosswalk."

The O'Connells first attempted to settle out of court.

"There was a breakdown in communication," Kerpsack said of his dealings with the Continental Loss Adjusting Company, which handles claims made against the state. "We were unable to get any constructive dialogue started."

Kerpsack said O'Connell's position as a YSU trustee and his position as the attorney general's

program development liaison for northeastern Ohio "should not affect the way the claim is handled," even though the attorney general's office will represent YSU in court.

Kerpsack emphasized, "YSU will not have to pay because it is a state university." The state of Ohio will pay if the lawsuit is successful.

YSU notified the press of the suit Jan. 10, but will not make any further comments until legal counsel has been appointed by the attorney general's office.

Leon Stennis, University Relations news editor, said, "We have been told that will happen some time next week."