

**IN THE COURT OF COMMON PLEAS
MONTGOMERY COUNTY, OHIO**

JORDAN REYES, 1400 CLIFTON AVE. CINCINNATI, OHIO 45220 Plaintiff,	:	CASE NO. 2025 CV 01254
	:	
v.	:	
DANTE MILES, 3214 BELMONT PARK DR. DAYTON, OHIO 45424 Defendant.	:	<u>TRIAL BRIEF IN SUPPORT OF PLAINTIFF</u>
	:	
	:	
	:	

Plaintiff's Counsel:

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Defendant's Counsel:

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INTRODUCTION

Plaintiff, Jordan Reyes, hereby submits the following Arbitration Brief to this Court in support of her claims against Defendant, Dante Miles, that arise from a pedestrian-vehicle collision on March 15, 2025, in downtown Nashville, Tennessee.

Defendant's failure to exercise reasonable care while operating a motor vehicle through a controlled intersection resulted in striking the Plaintiff within a marked crosswalk and causing serious injuries. As a direct and proximate result of Defendant's negligence, Plaintiff suffered significant physical harm, required extensive and ongoing medical treatment, and sustained a substantial disruption and setback to her academic progress and future career.

PARTIES

Plaintiff: Jordan Reyes is a 27-year-old law student at the University of Cincinnati who currently resides in Cincinnati, Ohio.

Defendant: Dante Miles is a 33-year-old resident of Dayton, Ohio, and a rideshare driver. At the time of the incident, Mr. Miles was operating a 2022 Toyota Camry in downtown Nashville.

BACKGROUND AND STATEMENT OF FACTS

This action arises from a motor vehicle-pedestrian collision at a controlled intersection in downtown Nashville, Tennessee. On March 15, 2025, Jordan Reyes was crossing the street in a marked crosswalk at the intersection of 5th Street and Jefferson Ave after attending a law convention nearby.

Rideshare app data indicates Mr. Miles had recently completed a rideshare drop-off immediately prior to entering the intersection. Text message records produced in discovery further reflect that Mr. Miles had been engaged in an adversarial exchange with his passenger that diverted his attention from the roadway while operating the vehicle, resulting in striking Ms. Reyes inside the marked crosswalk at approximately 9:20 pm.

Following the collision, Ms. Reyes was transported to Vanderbilt University Medical Center for emergency evaluation and treatment. Diagnostic imaging was performed in the emergency department and revealed a closed head injury and a fractured pelvis. Ms. Reyes was discharged with instructions for orthopedic follow-up care.

Following the incident, Ms. Reyes began treatment with orthopedic specialists and was placed on non-weight-bearing restrictions for approximately four weeks. She required the use of walking aids during this time and underwent follow-up imaging to monitor healing. Additionally, Ms. Reyes participated in physical therapy to address mobility limitations and pain management.

Despite ongoing treatment, Ms. Reyes continued to experience persistent pain and functional limitations affecting her daily life. She also experienced ongoing symptoms associated with her head injury, including headaches, dizziness, and difficulty concentrating, which impacted her ability to fully participate in academics.

Ms. Reyes continued medical care over an extended period and ultimately underwent additional evaluation for neurological symptoms. These ongoing issues led to surgical intervention, including a discectomy procedure performed on December 2, 2025, to address nerve compression associated with her injuries. Following surgery, Ms. Reyes continued rehabilitation in an effort to restore strength, mobility, and daily functioning.

ARGUMENT

Under Ohio law, establishing a negligence claim requires the party making the claim to demonstrate the existence of a duty, a breach of that duty, and an injury resulting therefrom.

Zieger v. Burchwell, 2010-Ohio-2174, 13 (12th Dist.), *Menifee v. Ohio Welding Prods., Inc.*, 15 Ohio St.3d 75, 77 (1984).

I. Defendant Dante Miles Owed Plaintiff Jordan Reyes a Duty of Reasonable Care

The element of duty is established if the plaintiff can demonstrate that the defendant owed them a legal duty of care to act like a reasonably prudent person under the same circumstances to prevent harm. *Westfall v. Lemon*, 2015-Ohio-384, ¶¶ 13, 16.

Pursuant to *Ohio R.C.* § 4511.13(A)(1)(a)(i) and § 4511.46 (A), a driver proceeding through an intersection must yield the right of way to pedestrians lawfully within an associated crosswalk, even if the driver is facing a steady green light. The named statutes explicitly mandate that a driver maintain a lookout, slow down, and stop if necessary to protect a pedestrian, particularly when the pedestrian is in their half of the roadway.

As the driver of the Toyota Camry proceeding through the intersection of 5th Avenue and Jefferson Street in downtown Nashville, Tennessee, Defendant Dante Miles had the duty to yield the right-of-way to pedestrians within the crosswalk, including Plaintiff Jordan Reyes, and to operate his vehicle with reasonable caution to prevent harm.

II. Defendant Dante Miles Is Negligent Per Se

By striking Plaintiff Jordan Reyes, who was lawfully walking within the marked crosswalk associated with the intersection, Defendant Dante Miles breached his duty of care as a matter of law, failing to comply with traffic safety statutes.

It is undisputed that the Defendant struck the Plaintiff within a marked crosswalk, and there is no evidence that traffic signals restricted Plaintiff Jordan Reyes' lawful entry into the intersection.

Failure to comply with a legislative enactment designed to prevent accidents or perilous situations is negligence per se, with the consequence that "the plaintiff will be considered to have conclusively established that the defendant breached the duty that he or she owed to the plaintiff". See *Krause v. Streamo*, 2002-Ohio-4715, 19 and *Wallace v. Hipp*, 2012-Ohio-623, 12.

III. Alternatively, Defendant Dante Miles Breached His Duty of Care

However, even if the statute did not apply, Dante Miles breached his common-law duty to exercise ordinary care to avoid a collision with pedestrians in the marked crosswalk, including the Plaintiff. Vehicle drivers owe a general duty to other drivers and pedestrians to operate their vehicles with reasonable caution to avoid harm. See *Krause v. Streamo* at 35.

Evidence in this case clearly reveals that the Defendant entered the intersection while distracted, failing to maintain a proper lookout for pedestrians within the crosswalk. The

produced message records confirm his dangerous, self-inflicted distraction, demonstrating that the Defendant was entirely inattentive to the pedestrian in the crosswalk, thereby breaching his duty of care.

IV. Defendant's Actions Were a Direct and Proximate Cause of Plaintiff's Injuries

As a direct and proximate result of the Defendant's negligent conduct, Plaintiff Jordan Reyes sustained multiple injuries, namely a concussion, a pelvic fracture, and a disc herniation, which ultimately required surgery.

To prove causation, the plaintiff must show they suffered damages that were directly caused by and a foreseeable result of the defendant's conduct. While the defendant's conduct is a direct cause of the damages if the harm would not have happened without the defendant's actions or omissions, an injury or harm is foreseeable if a reasonable person in the defendant's situation would have anticipated that their actions or omissions could result in the type of harm that occurred, meaning the harm must have been a natural, probable, and reasonable consequence of the defendant's conduct. *Westfall v. Lemon*, at 22.

As the Plaintiff's medical records from the Vanderbilt University Medical Center Emergency Department demonstrate, Diagnostic imaging performed in the emergency department immediately following the collision revealed a closed head injury and a fractured pelvis.

Plaintiff Jordan Reyes' medical records further document a relentless progression of back pain following the collision, leading to a diagnosis of L5-S1 radiculopathy caused by a disc herniation. As testified by her neurosurgeon, Dr. Karim Bhatt, in their deposition statement on March 12, 2026, the diagnosis was confirmed by an October 13, 2025, MRI and verified during

the December 2, 2025, microscopic discectomy, where Dr. Bhatt removed the herniated disc material compressing the nerve root.

All the injuries described were the direct and foreseeable result of the Defendant striking the pedestrian Plaintiff with his vehicle. The high-energy transfer from a moving car to a human body, as seen in this case, inherently carries the risk of severe pelvic and spinal injury, making such injuries entirely foreseeable to a reasonable driver proceeding through a marked crosswalk. The evidence demonstrates a direct causal link between the collision and the injuries sustained, as affirmed by the expert opinion of Dr. Karim Bhatt. Based on the neurosurgeon's deposition, Dr. Bhatt concluded that the blunt-force impact and fall experienced from the collision are directly consistent with the Plaintiff's pelvic fracture and described spinal injury. Given the absence of prior neurological complaints or imaging, and the progression of symptoms, the doctor opines that the accident caused or significantly exacerbated the spinal condition requiring surgery.

Due to the severe, persistent nature of the Plaintiff's pain, which continued to inhibit her daily activities and academic performance, Dr. Bhatt confirmed that the performed surgery was the only viable and, therefore, necessary path to treatment.

V. Plaintiff Suffered Damages as a Result of the Collision

The plaintiff must also show that they suffered damages as a result of the defendant's breach of duty. Establishing damages requires proving that the plaintiff sustained actual, compensable harm or loss, which can be physical, financial, or emotional. Compensable damages can include quantifiable monetary loss, like medical bills, property damage, or lost wages, as well as subjective, non-monetary losses, such as pain and suffering, emotional distress,

or loss of enjoyment of life. Harm is quantifiable if the plaintiff can demonstrate the loss is actual and not speculative. *Straley v. Morris*, 2026-Ohio-213, 9.

Special Damages

As a direct result of the subject collision, Plaintiff Jordan Reyes sustained severe injuries, including a concussion and a pelvic fracture, requiring immediate emergency care and extensive, ongoing medical treatment. The plaintiff's medical records document an extensive care regimen, including orthopedic and chiropractic care, physical therapy, primary care, and neurosurgical treatment, aimed at treating the progression of intense, acute back pain. This treatment culminated in a necessary surgical intervention, specifically a microscopic discectomy. The incurred medical costs to date, which are reasonable and necessary for treatment, total \$17,114.00, as summarized in the table below.

Medical Department/Provider	AMOUNT
VUMC Emergency Department/Dr. Emily Chen, MD	\$2,912.00
Nashville Ortho Group/Dr. Samuel Freedman, DO	\$737.00
UC Health Student Services (Primary Care)/Dr. Natasha Singh, MD	\$480.00
UC Health Physical Therapy Center/Laura Kim, PT, DPT	\$3,855.00
Midtown Chiropractic Center/Dr. Tina Ortega, DC	\$1,240.00
UC Neurosurgery Associates/Dr. Karim Bhatt	\$7,890.00

TOTAL:	\$17,114.00
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Due to the demands of the intensive medical regimen, Plaintiff Jordan Reyes was further forced to take the spring semester off from working in her position as law clerk for the Hamilton County Public Defender's Office, which resulted in lost wages totaling \$5,360.00.

Future Earnings Loss

In addition, Plaintiff Reyes has suffered a measurable loss in her future earning capacity as a result of the subject collision.

While Plaintiff Jordan Reyes has shown some recovery, the physical limitations caused by the collision are permanent. According to medical expert, Dr. Karim Bhatt, Plaintiff Reyes is at increased risk for future degeneration in the affected area of her spine, may experience intermittent flare-ups, and will likely require future medical treatment in the form of physical therapy, injections, or even surgery.

Based on Plaintiff Reyes' spinal injury, reduced stamina, and her permanent physical limitations, vocational expert Dr. Allison Sheppard has opined that Ms. Reyes will be limited to lower-salaried legal writing or policy research positions, compared to the high-demand, higher-salaried positions she was heading towards before the subject collision, which Dr. Sheppard estimates to result in a total future earning loss between \$528,000 and \$635,000 depending on career path and promotion projections.

Non-economic damages

The subject collision has tragically altered Plaintiff Reyes' life, stripping her of the ability to engage in daily activities and academic opportunities, and to pursue career-supporting positions, resulting in a profound reduction in her quality of life. Given the catastrophic nature of

the accident, Plaintiff Reyes is entitled to compensation for the enduring physical ordeal and the long-term psychological impact of her permanent physical limitations, which prevent her from pursuing the legal career she fought so hard to achieve.

Summary

Overall, Plaintiff Reyes is entitled to the following damages resulting from the subject collision:

Medical Bills	\$17,114.00
Lost Wages	\$5,360.00
Future Earning Loss	\$635,000.00
Pain and Suffering	\$67,500.00
TOTAL:	\$724,974.00

VI. The Defendant's Assertion of Comparative Negligence

The Defendant has failed to meet his burden of proving that Plaintiff Reyes was comparatively negligent. Defendant Miles' assertion that Plaintiff Reyes stepped into the crosswalk suddenly, inattentive to traffic, and not leaving time for the Defendant to stop and avoid the collision, is not supported by the evidence.

Defendant Miles primarily bases his assertion on the statement of eyewitness Malik Johnson, who claims that he saw the Plaintiff holding her head down, looking at a phone, when entering the crosswalk, and that there was no time to stop when the pedestrian walked out. But this witness statement is directly contradicted by the testimony of eyewitness Patricia James, who stated that the Plaintiff paused briefly before walking across and was not looking down at a

phone. Furthermore, neither the surveillance video footage from a nearby restaurant nor the Plaintiff's text message records produced in discovery indicate in any way that she was on her phone when she entered the intersection.

The inconsistent witness statements regarding Plaintiff Reyes' conduct while entering the marked crosswalk, combined with the inconclusive video surveillance footage from a nearby restaurant, which does not clearly capture the incident, create nothing more than a theory formed on the basis of incomplete information and without definitive proof, which is insufficient to overcome the defendant's prima facie negligence.

CONCLUSION

For the foregoing reasons, the evidence establishes that Defendant Dante Miles failed to exercise reasonable care and breached his duty to yield to a pedestrian lawfully within a marked crosswalk. As a direct and proximate result of Defendant's negligence, Plaintiff Jordan Reyes suffered significant physical injuries, endured extensive medical treatment, and sustained a substantial loss of future earning capacity.

The testimony of the witnesses, the medical evidence, and the expert analysis collectively demonstrate not only that Defendant is liable, but that the impact of this incident on Plaintiff's life is both serious and long-lasting. Plaintiff acted reasonably and in accordance with traffic signals, while Defendant failed to do so.

Accordingly, Plaintiff respectfully requests that this Court find in her favor and award full and fair compensation for her injuries, losses, and diminished future earning capacity.

Dated: April 20, 2026

Respectfully submitted,

/s/ John C. Pryor

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 20, 2026 a copy of the foregoing document was electronically filed with the Clerk of Court by using the ECF system which will send notice of electronic filing to the following:

David B. Shelby, Esq.
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Cincinnati, Ohio 45202
Attorney for Defendant

/s/ John C. Pryor

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