

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

**DERIA J. FRANCIS, Individually and
as parent and natural guardian of
K.K. and M.P., minor children**
2027 Tucker Road
Hopkins, South Carolina 29061

and

DATHAN R. STUKES
2027 Tucker Road
Hopkins, South Carolina 29061

Plaintiffs,

v.

**MAC'S CONVENIENCE STORES,
LLC, d/b/a CIRCLE K # 4705672**
c/o Corporation Service Company
1160 Dublin Road, Suite 400
Columbus, Ohio 43215

and

CIRCLE K STORES INC.
c/o Corporation Service Company
1160 Dublin Road, Suite 400
Columbus, Ohio 43215

and

SHANNON M. WALSH
603 South Poe Road, Apartment 2
North Baltimore, Ohio 43872

Defendants.

Case No.:

Judge:

COMPLAINT

With Jury Demand Endorsed Hereon

Charles E. Boyk (0000494)
Michael A. Bruno (0033780)
Andrea R. Young (0096334)
Zackary M. Shaffer (0099010)
Charles E. Boyk Law Offices, LLC
1500 Timberwolf Drive
Holland, OH 43528
Telephone: (419) 241-1395
Facsimile: (419) 241-8731
cboyk@charlesboyk-law.com
mbruno@charlesboyk-law.com
ayoung@charlesboyk-law.com
zshaffer@charlesboyk-law.com

Attorneys for Plaintiffs

Plaintiffs Deria J. Francis, individually and as parent and natural guardian of K.K. and M.P., minor children, and her husband Dathan R. Stukes bring this Complaint and allege as follows:

NATURE OF THE ACTION

1. This is an action for personal injuries and damage suffered by Plaintiffs as a direct and proximate result of an incident that occurred on May 23, 2025, in Bowling Green, Wood County, Ohio. In support of their claims, Plaintiffs state as follows:

THE PARTIES

2. Plaintiff Deria J. Francis, who serves as a minister, and Dathan R. Stukes, who serves as a pastor in Manning, South Carolina are individuals who reside in Hopkins, South Carolina.
3. Plaintiff Deria J. Francis is the parent and natural guardian of K.K., a minor child thirteen years of age, who is a resident of South Carolina and resides in the city of Hopkins.
4. Plaintiff Deria J. Francis is the parent and natural guardian of M.P., a minor child eight years of age, who is a resident of South Carolina and resides in the city of Hopkins.
5. Upon information and belief, Defendant Mac's Convenience Stores, LLC, D/B/A Circle K # 4705672 (hereinafter "Circle K # 4705672") is a limited liability corporation incorporated in the State of Delaware and is licensed to do business in the state of Ohio. Upon information and belief, Mac's Convenience Stores, LLC, is a franchisee of Defendant Circle K Stores, Inc. Corporation Service Company is

the statutory agent for Mac's Convenience Stores, LLC, and accepts service on its behalf.

6. Upon information and belief, Defendant Circle K Stores, Inc., is an Arizona corporation licensed to do business in the state of Ohio. Circle K Stores, Inc., is headquartered in the state of Arizona. Upon information and belief, Defendant Circle K Stores, Inc., is the franchise owner of the gas station in this incident. Corporation Service Company is the statutory agent for Circle K Stores, Inc, and accepts service on its behalf.
7. Upon information and belief, Defendant Shannon M. Walsh is an individual and resident of Ohio and resides in the city of North Baltimore.

JURISDICTION AND VENUE

8. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.
9. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332 because Plaintiffs' citizenship is diverse from that of Defendants, and because the amount in controversy exceeds seventy-five thousand dollars (\$75,000.00).
10. Venue is proper in this Court pursuant to Civil Rule 28 U.S.C. § 1391(b)(2) because the battery giving rise to the claim described herein occurred in Wood County, Ohio, which is located in this judicial district.

FACTUAL ALLEGATIONS

11. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.

12. At all relevant times, Plaintiffs Deria J. Francis and Dathan R. Stukes were Black church ministers.
13. On May 23, 2025, Plaintiffs were traveling from South Carolina to attend a church conference in Detroit.
14. On May 23, 2025, Plaintiffs were business invitees at the Circle K located at 1602 East Wooster Street in Bowling Green, Ohio 43402.
15. At all relevant times, Plaintiff Deria J. Francis was eight weeks pregnant.
16. At all relevant times, Defendant Shannon M. Walsh was an employee, statutory employee, agent, and/or servant of Defendant Circle K, and/or Circle K Store # 4705672, and was acting in the scope and course of her employment.
17. Upon information and belief, Defendant Circle K and/or Defendant Circle K Store # 4705672 is a gas station open to the public.
18. Defendant Circle K Stores, Inc., maintains a customer rewards program that incentivizes business invitees to enter their rewards number in order to receive points that can be redeemed for rewards.
19. Defendant Circle K Store #4705672 implemented this rewards program as a franchisee of Defendant Circle K Stores, Inc.
20. Plaintiff Deria J. Francis and Dathan R. Stukes were rewards members in Defendant Circle K Stores, Inc.'s program.
21. Plaintiff Deria J. Francis forgot to put her number in for the Circle K rewards program, and requested that Defendant Shannon M. Walsh cancel the transaction so that Plaintiff Deria J. Francis could put her number in.
22. Defendant Shannon M. Walsh is a White woman.

23. Defendant Shannon M. Walsh declined the request because it might have taken a couple days for the money already paid to return her bank account.
24. Plaintiff Deria J. Francis repeated the request to cancel the transaction to receive the rewards as she did not care that the money would take a couple days to return to her account.
25. Defendant Shannon M. Walsh again declined the request and became agitated.
26. Defendant Shannon M. Walsh yelled for Plaintiff Deria J. Francis to “get the fuck out.”
27. Defendant Shannon M. Walsh proceeded to throw a jar full of change at Plaintiff Deria J. Francis.
28. The jar full of change struck Plaintiff Deria J. Francis.
29. Plaintiff Deria J. Francis tried to leave Circle K, but Defendant Shannon M. Walsh came from behind the counter and grabbed Plaintiff Deria J. Francis by her hair.
30. Defendant Shannon M. Walsh then slammed Plaintiff Deria J. Francis into a drink container near the register and began striking Plaintiff Deria J. Francis with a closed fist.
31. Defendant Shannon M. Walsh called Plaintiff Deria J. Francis “an animal,” and “ghetto.”
32. Plaintiff Deria J. Francis’ minor children K.K. and M.P. witnessed Defendant Shannon M. Walsh’s violent attack on their mother Plaintiff Deria J. Francis.
33. Bowling Green Police and Bowling Green EMS responded to the scene of the Incident.
34. As a result, Plaintiff Deria J. Francis had significant bruising throughout her body

35. Later that week, Plaintiff Deria J. Francis had a miscarriage.

36. Defendant Shannon M. Walsh was subsequently charged with assault in violation of Ohio Revised Code § 2903.13 in Bowling Green Municipal Court.

37. Defendant Shannon M. Walsh pled no contest to negligent assault and was required to undergo anger management training.

FIRST CAUSE OF ACTION
(Negligence – Defendant Shannon M. Walsh)

38. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.

39. Defendant Shannon M. Walsh owed Plaintiff a duty of care to adhere to the laws of the State of Ohio and to not act in such a manner that may cause injury to Plaintiff.

40. As a cashier of a public establishment, Defendant Shannon M. Walsh also owed a duty to act reasonably toward patrons, including Plaintiff Deria J. Francis.

41. Defendant Shannon M. Walsh breached these duties and was negligent by failing to adhere to local and state laws and by coming into physical contact with Plaintiff.

42. As a direct and proximate result of Defendant Shannon M. Walsh's conduct, Plaintiff Deria J. Francis sustained serious personal injuries, including but not limited to loss of pregnancy, severe and lasting psychological trauma, and extensive bruising throughout her body.

43. As a direct and proximate result of Defendant Shannon M. Walsh's conduct, Plaintiffs K.K. and M.P. suffered severe and lasting psychological trauma from watching their mother, Plaintiff Deria J. Francis, be attacked.

44. As a direct and proximate result of Defendant Shannon M. Walsh's conduct, Plaintiff Deria J. Francis was required to undergo medical care, incurred medical expenses, along with other economic losses, and incurred great pain, suffering, severe mental anguish, and emotional distress. Further, Plaintiff Deria J. Francis believes these injuries are permanent in nature that will require future medical care and expenses, and she believes that she will continue to endure great pain, suffering, severe mental anguish, and emotional distress.

SECOND CAUSE OF ACTION
(Assault – Defendant Shannon M. Walsh)

45. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.

46. The acts of Defendant Shannon M. Walsh, as described above, constitute an intentional offer or attempt, without authority or consent, to harm or offensively touch Plaintiff.

47. Defendant Shannon M. Walsh's actions reasonably placed Plaintiff in fear of such contact.

48. Defendant Shannon M. Walsh's conduct constitutes assault upon Plaintiff, Deria J. Francis.

49. As a direct and proximate result of Defendant Shannon M. Walsh's conduct, Plaintiff Deria J. Francis sustained serious personal injuries, including but not limited to loss of pregnancy, severe and lasting psychological trauma, and extensive bruising throughout her body.

50. As a direct and proximate result of Defendant Shannon M. Walsh's conduct, Plaintiffs K.K. and M.P. suffered severe and lasting psychological trauma from watching their mother, Plaintiff Deria J. Francis, be attacked.

51. As a direct and proximate result of Defendant Shannon M. Walsh's conduct, Plaintiff Deria J. Francis was required to undergo medical care, incurred medical expenses, along with other economic losses, and incurred great pain, suffering, severe mental anguish, and emotional distress. Further, Plaintiff believes these injuries are permanent in nature that will require future medical care and expenses, and she believes that she will continue to endure great pain, suffering, severe mental anguish, and emotional distress.

THIRD CAUSE OF ACTION
(Battery – Defendant Shannon M. Walsh)

52. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.

53. Defendant Shannon M. Walsh knowingly committed an act causing harmful contact by deliberately throwing objects at Plaintiff and striking Plaintiff with a snack rack as Plaintiff was leaving the establishment.

54. Defendant Shannon M. Walsh acted with intent to cause harmful contact with Plaintiff and/or with knowledge that such conduct was substantially certain to occur.

55. Therefore, Defendant Shannon M. Walsh's conduct was an intentional, unconsented contact with Plaintiff, Deria J. Francis, which constitutes battery upon Plaintiff, Deria J. Francis.

56. As a direct and proximate result of Defendant Shannon M. Walsh's conduct, Plaintiff Deria J. Francis sustained serious personal injuries, including but not limited to loss of pregnancy, severe and lasting psychological trauma, and extensive bruising throughout her body.

57. As a direct and proximate result of Defendant Shannon M. Walsh's conduct, Plaintiffs K.K. and M.P. suffered severe and lasting psychological trauma from watching their mother, Plaintiff Deria J. Francis, be attacked.

58. As a direct and proximate result of Defendant Shannon M. Walsh's conduct, Plaintiff was required to undergo medical care, incurred medical expenses, along with other economic losses, and incurred great pain, suffering, severe mental anguish, and emotional distress. Further, Plaintiff believes these injuries are permanent in nature that will require future medical care and expenses, and she believes that she will continue to endure great pain, suffering, severe mental anguish, and emotional distress.

FOURTH CAUSE OF ACTION
***(Negligent Hiring – Defendant Mac's Convenience Stores, LLC,
Circle K Stores, Inc.)***

59. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.

60. Defendants Circle K # 4705672 and Circle K Stores Inc. have a duty to ensure that its hired employees and/or agents are qualified and competent for their respective positions.

61. Defendant Circle K # 4705672 and/or Defendant Circle K Stores, Inc., breached this duty owed to Plaintiffs by hiring Defendant Shannon M. Walsh and therefore

subjecting Plaintiffs to her service and assistance, which caused the injuries described herein.

62. Defendant Circle K # 4705672 and/or Defendant Circle K Stores, Inc., knew or reasonably should have known that Defendant Shannon M. Walsh was not competent for the position in which he was employed.

63. Furthermore, prior to the incident referenced herein, Defendant Circle K # 4705672 and/or Defendant Circle K Stores, Inc., knew or reasonably should have known Defendant Shannon M. Walsh had violent tendencies that made her unsuitable for a position that involves interaction with the business's patrons.

64. Alternatively, upon information and belief, Defendant Circle K # 4705672 and/or Circle K Stores, Inc., failed to make an appropriate inquiry into whether Defendant Shannon M. Walsh was competent for the position.

65. As result of Defendant Circle K # 4705672's and/or Circle K Stores, Inc.'s, actions and/or omissions, it created, permitted, and/or perpetuated the harm that Plaintiffs suffered, which it should have prevented.

66. As a direct and proximate result of Defendant Circle K # 4705672's and/or Defendant Circle K Stores, Inc.'s negligent hiring, Plaintiff Deria J. Francis sustained serious personal injuries, including the loss of her pregnancy, significant enduring psychological trauma, and widespread bodily bruising.

67. As a direct and proximate result of Defendant Circle K # 4705672's and/or Defendant Circle K Stores, Inc.'s negligent hiring, Plaintiffs K.K. and M.P. suffered severe and lasting psychological trauma from watching their mother, Plaintiff Deria J. Francis, be attacked.

68. As a direct and proximate result of Defendant Circle K # 4705672's and/or Defendant Circle K Stores, Inc.'s negligent hiring, Plaintiff Deria J. Francis was required to undergo medical care, incurred medical expenses, along with other economic losses, and incurred great pain, suffering, severe mental anguish, and emotional distress. Further, Plaintiff Deria J. Francis believes these injuries are permanent in nature that will require future medical care and expenses, and she believes that she will continue to endure great pain, suffering, severe mental anguish, and emotional distress.

FIFTH CAUSE OF ACTION
***(Negligent Training– Defendant Mac's Convenience Stores, LLC,
Circle K Stores, Inc.)***

69. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.

70. Defendant Circle K # 4705672 and Defendant Circle K Stores, Inc., owed Plaintiffs the duty to ensure that its employees and/or agents were properly trained and knew how to appropriately interact with the business's patrons.

71. Upon information and belief, Defendant Shannon M. Walsh engaged in unsafe practices and would interact with the business's patrons in an unreasonable and unsafe manner while employed by Defendant Circle K # 4705672 and/or Defendant Circle K Stores, Inc.

72. Upon information and belief, Circle K # 4705672 and/or Defendant Circle K Stores, Inc., either failed to develop adequate policies, procedures, and practices or failed to train Defendant Shannon M. Walsh on proper policies, procedures, and practices.

73. Due to Defendant Circle K # 4705672's and/or Defendant Circle K Stores, Inc.'s failure to implement proper policies and/or failure to adequately train its employees/agents, Defendant Shannon M. Walsh engaged in conduct that Defendants should have instructed its employees to avoid.
74. As a direct and proximate result of Defendant Circle K # 4705672's and/or Defendant Circle K Stores, Inc.'s negligent training, Plaintiff Deria J. Francis sustained serious personal injuries, including the loss of her pregnancy, significant enduring psychological trauma, and widespread bodily bruising.
75. As a direct and proximate result of Defendant Circle K # 4705672's and/or Defendant Circle K Stores, Inc.'s negligent training, Plaintiffs K.K. and M.P. suffered severe and lasting psychological trauma from watching their mother, Plaintiff Deria J. Francis, be attacked.
76. As a direct and proximate result of Defendant Circle K # 4705672's and/or Defendant Circle K Stores, Inc.'s negligent training, Plaintiff Deria J. Francis was required to undergo medical care, incurred medical expenses, along with other economic losses, and incurred great pain, suffering, severe mental anguish, and emotional distress. Further, Plaintiff Deria J. Francis believes these injuries are permanent in nature that will require future medical care and expenses, and she believes that she will continue to endure great pain, suffering, severe mental anguish, and emotional distress.

SIXTH CAUSE OF ACTION
***(Negligent Supervision— Defendant Mac’s Convenience Stores, LLC,
Circle K Stores Inc.)***

77. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.
78. Defendant Circle K # 4705672’s and/or Defendant Circle K Stores, Inc., knew, or reasonably should have known, that an individual who is not qualified or trained may be unfit for a position that requires the individual to interact with the business’s patrons.
79. Defendant Circle K # 4705672’s and Defendant Circle K Stores, Inc., had a duty to safeguard its patrons, including Plaintiff, from employees/agents who are unfit and/or who may present a certain risk of harm to them.
80. Defendant Circle K # 4705672’s and/or Defendant Circle K Stores, Inc., knew, or reasonably should have known, of Defendant Shannon M. Walsh’s incompetence, lack of knowledge of proper procedures and practices, and violent tendencies.
81. Yet, Defendant Circle K # 4705672’s and/or Defendant Circle K Stores, Inc., hired Defendant Shannon M. Walsh and failed to properly supervise her breaching its duty to protect its patrons, including Plaintiff, from her unfit, improper, and unsafe practices.
82. As a result of Circle K’s failure to properly supervise Defendant Shannon M. Walsh, she—in the course and scope of her employment—negligently and/or intentionally caused harm to Plaintiff Deria J. Francis.

83. As a direct and proximate result of Defendant Circle K # 4705672's and/or Defendant Circle K Stores, Inc.'s negligent supervision, Plaintiff Deria J. Francis sustained serious personal injuries, including the loss of her pregnancy, significant enduring psychological trauma, and widespread bodily bruising.

84. As a direct and proximate result of Defendant Circle K # 4705672's and/or Defendant Circle K Stores, Inc.'s negligent supervision, Plaintiffs K.K. and M.P. suffered severe and lasting psychological trauma from watching their mother, Plaintiff Deria J. Francis, be attacked.

85. As a direct and proximate result of Circle K # 4705672's and/or Defendant Circle K Stores, Inc.'s negligent supervision of Defendant Shannon M. Walsh, Plaintiff Deria J. Francis was required to undergo medical care, incurred medical expenses, along with other economic losses, and incurred great pain, suffering, severe mental anguish, and emotional distress. Further, Plaintiff Deria J. Francis believes these injuries are permanent in nature that will require future medical care and expenses, and she believes that she will continue to endure great pain, suffering, severe mental anguish, and emotional distress.

SEVENTH CAUSE OF ACTION
***(Vicarious Liability – Defendant Mac's Convenience Stores, LLC,
Circle K Stores, Inc.)***

86. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.

87. Based on information and belief, Defendant Shannon M. Walsh was at all relevant times an employee, statutory employee, agent, servant, or independent contractor for Defendant Circle K # 4705672's and/or Defendant Circle K Stores, Inc.

88. Defendant Circle K # 4705672's and/or Defendant Circle K Stores, Inc., is liable for the negligence of its employees, statutory employees, agents, servants, or independent contractors under the doctrine of respondent superior or vicarious liability.

89. Because Defendant Shannon M. Walsh was negligent as set forth above, and because at all relevant times she was in the scope and course of her employment as an employee, statutory employee, agent, servant, or independent contractor for Defendant Circle K # 4705672's and/or Defendant Circle K Stores, Inc., Defendant Circle K # 4705672's and/or Defendant Circle K Stores, Inc. is liable for the negligence of its employee and/or agent Defendant Shannon M. Walsh

EIGHTH CAUSE OF ACTION

(Loss of Spousal Consortium - Plaintiffs Deria J. Francis and Dathan R. Stukes)

90. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.

91. Plaintiff Deria J. Francis is Plaintiff Dathan R. Stukes' legal spouse and has been his legal spouse at all times relevant to this Complaint.

92. Plaintiff Dathan R. Stukes states that as a result of all Defendants' conduct, he has been deprived of the love, affection, services, consortium, and society of his wife, Plaintiff Deria J. Francis. Plaintiff Dathan R. Stukes further states that as a result of all Defendants' conduct, the enjoyment and quality of his life and his ability to carry on the normal activities of his daily life with his wife have been impaired.

93. Plaintiff Deria J. Francis states that as a result of all Defendants' conduct, she has been deprived of the love, affection, services, consortium, and society of her

husband, Plaintiff Dathan R. Stukes. Plaintiff Deria J. Francis further states that as a result of all Defendants' conduct, the enjoyment and quality of her life and her ability to carry on the normal activities of her daily life with her husband have been impaired.

NINTH CAUSE OF ACTION
(Loss of Consortium - Plaintiffs K.K. and M.P.)

1. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.
2. Plaintiffs K.K. and M.P. are the legal and biological children of Plaintiff Deria J. Francis and have been her legal children at all times relevant to this Complaint.
3. Plaintiff K.K. states that as a result of all Defendants' conduct, he has been deprived of the love, affection, services, consortium, and society of his mother, Plaintiff Deria J. Francis. Plaintiff K.K. further states that as a result of all Defendants' conduct, the enjoyment and quality of his life and his ability to carry on the normal activities of his daily life with his mother have been impaired.
4. Plaintiff M.P. states that as a result of all Defendants' conduct, he has been deprived of the love, affection, services, consortium, and society of his mother, Plaintiff Deria J. Francis. Plaintiff M.P. further states that as a result of all Defendants' conduct, the enjoyment and quality of his life and his ability to carry on the normal activities of his daily life with his mother have been impaired.

WHEREFORE, Plaintiffs pray for judgment against Defendants Shannon M. Walsh and Mac's Convenience Stores, LLC, D/B/A Circle K # 4705672, and Defendant Circle K Stores, Inc. on each of the claims against them, in an amount exceeding Seventy-Five

Thousand Dollars (\$75,000.00), and together with interest, costs, reasonable attorney fees associated herewith, and such other and further relief as the Court may deem just.

Respectfully submitted,

/s/ Charles E. Boyk

Charles E. Boyk (0000494)

Michael A. Bruno (0033780)

Andrea R. Young (0096334)

Zackary M. Shaffer (0099010)

Attorneys for Plaintiffs

JURY DEMAND

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

Respectfully submitted,

/s/ Charles E. Boyk

Charles E. Boyk (0000494)

Michael A. Bruno (0033780)

Andrea R. Young (0096334)

Zackary M. Shaffer (0099010)

Attorneys for Plaintiffs