

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ANTHONY WARD
c/o WESTON HURD LLC
1300 East Ninth Street
Suite 1400
Cleveland, OH 44114

-and-

MARY WARD
c/o WESTON HURD LLC
1300 East Ninth Street
Suite 1400
Cleveland, OH 44114,

Plaintiffs,

v.

THE VILLAGE OF BUTLER
111 West Elm Street
Butler, OH 44822

-and-

FMR. MAYOR WESLEY DINGUS
142 West Elm Street
Butler, OH 44822
(In his individual and official capacity)

-and-

POLICE CHIEF ERIC WINBIGLER
c/o Butler Police Department
33 Elm Street
Butler, OH 44822
(In his individual and official capacity)

-and-

TIFFANY DINGUS
142 West Elm Street
Butler, OH 44822

CASE NO. 1:26-cv-1612

JUDGE

COMPLAINT FOR DAMAGES

**(JURY DEMAND ENDORSED
HEREON)**

-and-)
)
JOHN DOE OFFICIALS 1-5)
(Name currently unknown))
c/o Village of Butler)
111 West Elm Street)
Butler, OH 44822)
(In their individual and official capacity),)
)
-and-)
)
JOHN DOE OFFICERS 1-5)
(Name currently unknown))
c/o Village of Butler)
111 West Elm Street)
Butler, OH 44822)
(In their individual and official capacity),)
)
)
)
Defendants)

INTRODUCTION

This case is brought to address injuries and the violations of rights resulting from the misconduct of Former Mayor of the Village of Butler, Wesley Dingus, Village of Butler Police Chief, Eric Winbigler, Tiffany Dingus, and other officers and officials. Former Mayor Wesley Dingus (hereinafter “Dingus”), during official work hours and while the Mayor of the Village of Butler, Ohio (hereinafter “Butler”), operated his motor so as to strike Plaintiff Anthony Ward (hereinafter “Ward”), causing him serious and permanent physical injuries, emotional distress, and other damages. During the course of these events, and without legal justification, Winbigler shoved Ward’s grandmother, Mary Hunter, to the ground, causing her serious and permanent physical injuries, emotional distress and other damages. Further, while Ms. Hunter was trying to help her grandson while he was under the Mayor’s vehicle, Tiffany Dingus grabbed Ms. Hunter with both hands and

violently shook her. There was no provocation or legal justification for Tiffany Dingus to physically accost Ms. Hunter. The events at issue were largely captured on a surveillance camera which shows Dingus running over a defenseless Ward. As a result of Dingus' misconduct, he was arrested, charged, and indicted by a grand jury for aggravated assault, vehicular assault, falsification, and dereliction of duty.

PARTIES AND JURISDICTION

1. Plaintiff, Anthony Ward, was at all times relevant herein a resident of Richland County, Ohio.

2. Plaintiff Mary Hunter, was at all times relevant herein a resident of Richland County, Ohio.

3. Defendant, Wesley Dingus, at all times relevant herein, was employed as the Mayor of the Village of Butler, Ohio and acted in the course and scope of his employment therein. At all times relevant, Dingus acted under color of law, is a "person" under 42 U.S.C. § 1983, and is being sued in his individual and official capacity.

4. Defendant, Eric Winbigler, at all times relevant herein, was employed as the Police Chief for the Village of Butler, Ohio and acted in the course and scope of his employment therein. At all times relevant, Winbigler acted under color of law, is a "person" under 42 U.S.C. § 1983, and is being sued in his individual and official capacity.

5. Defendant, Tiffany Dingus, was at all times relevant a resident of the State of Ohio and, upon information and belief, resided in the Village of Butler, Ohio located in Richland County.

6. The Defendant City of Butler is a municipal corporation located in Richland County within the State of Ohio and, at all times relevant herein, employed

Defendants Dingus, Winbigler, and John Doe Officer 1-3, and John Doe Official 1-3. The Village of Butler is a “person” under 42 USC § 1983.

7. Defendants John Doe Officers 1-5 and John Doe Officials 1-5 are parties whose names are unknown, whose identity could not be discovered, and whose home addresses are undiscoverable to Plaintiff. They were employed by, agents of, or acting on behalf of or in conjunction with the Village of Butler, Ohio and, at all times relevant, acted under color of law and are being sued in their individual and official capacities. Defendants are “persons” under 42 U.S.C. § 1983.

8. Jurisdiction over claims arising from Defendants’ violations of the Civil Rights Act is conferred upon this Court by 28 U.S.C. § 1331, 1343 (3) and (4).

9. Jurisdiction over state law claims is conferred upon this Court by 28 U.S.C. §1367. This action is brought pursuant to claims arising under the laws of the State of Ohio, 42 U.S.C. §1983, and the Fourth and Fourteenth Amendments to the United States Constitution. This action is also brought pursuant to 28 U.S.C. §§ 1983, 1985 and 1988 as it is also an action for compensatory damages, punitive damages, and attorney fees.

10. Venue is proper in this division.

FACTS

11. Plaintiff incorporates by reference each and every allegation of Paragraphs 1 through 10 above, as if those allegations were fully rewritten.

12. On or about July 11th, 2025, Anthony Ward (“Ward”) was traveling with his grandmother Ms. Mary Huner (“Ms. Hunter”) on Interstate 95 just outside Butler, Ohio. Ms. Hunter was driving and Ward was in the passenger seat. Ms. Ward had pulled her vehicle off to the side of the road in the hopes of convincing Ward’s (former) girlfriend to

accept a ride home as opposed to walking along the side of the interstate. Ward's girlfriend had been on her cell phone talking to an unknown person. After getting off her phone, Ward's girlfriend agreed to have Ms. Hunter driver her home.

13. While stopped, and immediately prior to the girlfriend moving to get into Ms. Hunter's vehicle, Mayor Wesley Dingus ("Mayor Dingus") drove past Ms. Hunter's vehicle. However, upon Mayor Dingus observing Ms. Hunter, Ward, and the girlfriend, Mayor Dingus pulled into a driveway, turned his vehicle around but remained in the driveway, and stayed in his vehicle observing the scene.

14. When the girlfriend turned and observed Mayor Dingus' vehicle, she immediately retracted her agreement and refused to get into Ms. Hunter's vehicle.

15. Ms. Hunter and Ward then decided to leave, so they turned around and headed back to Butler, Ohio.

16. Mayor Dingus followed Ms. Hunter's vehicle.

17. Ms. Hunter then pulled into the parking lot of the Duke/Duchess gas station ("gas station") located at or near 11 W. Elm Street, Butler, Ohio.

18. Not far behind her, Mayor Dingus drove up and parked his car behind Ms. Hunter's vehicle so as to block her in. After a short period of time, Mayor Dingus drove his vehicle around the side of the gas station with the front of his vehicle pointed towards Elm Street/the alley next to the Butler Post Office. Quickly thereafter, Village of Butler Police Chief Eric Winbigler ("Winbigler") pulled his police cruiser behind Ms. Hunter's vehicle so as to again block her from leaving.

19. Winbigler exited his cruiser and as he was walking towards Ms. Hunter's vehicle, he spoke into his lapel microphone and stated, "Are you ready? Are you ready?".

20. Once at the passenger-side of Ms. Hunter's vehicle, Winbigler ordered Ward to show his hands, which Ward complied. Winbigler continued to order Ward to show his hands despite the fact that Ward was complying. Winbigler then ordered Ward to exit the vehicle. When Ward attempted to open the passenger door, Winbigler began yelling for Ward to show his hands despite the fact that he was giving Ward contradictory orders.

21. Ward ultimately was able to open the car door and stood outside Ms. Hunter's vehicle with his hands up, palms open. Ward was unarmed, non-threatening, and did not pose a danger to Winbigler or others. Upon information and belief, Ward had an active warrant for his arrest¹. However, at no time did Ward verbally abuse, threaten, assault, or otherwise say anything or act in a manner that would lead Winbigler to believe he was a threat of physical violence. Ward complied with all of Winbigler's orders.

22. However, rather than patting Ward down; or asking him to turn around and put his hands on the hood of Ms. Hunter's vehicle; or reading Ward his Miranda rights; or handcuffing him; or otherwise taking steps to arrest and/or secure Ward, Winbigler pushed Ward up against the vehicle and began verbally intimidating Ward. Winbigler made statements that, 'You're a violent criminal and I could shoot you right now', 'I could kill you right now and get away with it', or similar or same words to this effect.

23. Winbigler then put his hand on the holster of his service firearm and made another statement about Ward being a violent fugitive. Winbigler, looking directly at Ward, then unbuttoned his firearm holster.

¹In 2021, Ward pled guilty to sexual contact with a female who at the time he believed was at or above the age of consent. Ward served four and a half years and was thereafter on parole. While at a halfway house, Ward was placed in danger by circumstances beyond his control and made the wrong decision to leave the halfway house, hence a warrant was issued.

24. During this encounter with Ward, Winbigler's language, tone, demeanor, and body language/position were not what would be expected from an officer seeking to efficiently and safely effectuate an arrest. Rather, Winbigler conducted himself such that putting fear into Ward was his primary goal, despite the fact that Ward was being compliant.

25. Fearing for his safety and operating upon the belief that Winbigler was going to kill him or cause him serious bodily harm, Ward initially ran from Winbigler.

26. Ward however, grabbed his grandmother who did not want Ward to run. Winbigler was trying to grab Ward from the opposite side of his grandmother but Ward broke free.

27. At this point, Ms. Hunter asked Winbigler why he was doing this, or words to this effect. Winbigler's response was to intentionally push Ms. Hunter to the ground. At the time, Ms. Hunter was 78 years old, 110 lbs., and 5'7" tall.

28. Ms. Hunter was not engaged in any unlawful activity or otherwise doing anything which would justify Winbigler's use of force. As a result of being pushed to the ground, Ms. Hunter sustained a serious injury for which she went to Knox Community Hospital and received medical care.

29. Mayor Dingus had been sitting in his vehicle, engine running, off to the side of the gas station, pointed towards the Butler Office. Mayor Dingus' vehicle was positioned to pull out of the gas station parking lot, it was not parked or facing the gas station building.

30. Within seconds of Ward running from Winbigler, Mayor Dingus floored his vehicle and pointed it at Ward. Ward heard the screeching of tires, and a moment later

Ward felt the impact of the Mayor's vehicle on his back left side, immediately injuring Ward. Ward felt incredible pain. He felt as if his left leg was grinding and/or unstable.

31. Mayor Dingus then hit Ward a second time, again on Ward's left side.

32. Ward was able to maintain his balance and continued to try to run from the Mayor's vehicle based solely on terror, adrenaline, and the belief that he was about to be killed. Ward heard his grandmother and others screaming.

33. Ward continued to try to evade the Mayor, but the Mayor struck Ward a third time. Ward was feebly trying to run, but was losing his balance and ability to flee. The Mayor turned his vehicle specifically to strike Ward. This time, Ward was thrown onto the hood of Mayor Dingus' vehicle, at which point Mayor Dingus brakes hard enough to flip Ward off the front, right, passenger side of the car.

34. Ward ended up being trapped underneath Mayor Dingus' vehicle, under the right, passenger rear wheel-well. At this point, Mayor Dingus persists. He drives his vehicle backward and forward while Ward is trapped underneath the car.

35. Ward was screaming in pain and trying to bang on the side of the car to get Mayor Dingus to stop, which he eventually does.

36. Ms. Hunter was screaming and believed that she was witnessing her grandson being killed.

37. At one point during this incident, Mayor Dingus' wife Tiffany grabbed Ms. Hunter and violently shook her. Ms. Hunter stated words to the effect of 'What are you doing?! They tried to kill my grandson!', to which Tiffany Dingus' responds, 'He shouldn't have run', or words to that effect.

38. After approaching Ward, who remains on the ground, Chief Winbigler kneels down on Ward's injured left leg, placing all of his weight on Ward. Ward immediately felt a snap at the same place where Mayor Dingus' vehicle had injured him just moments earlier. All this occurs while Ward's left foot is trapped under the Mayor's right, rear passenger tire. He was immobile and completely incapable of fleeing. Winbigler's actions cause Ward intense and severe pain and physical injury. Again, in response to Ward and Ms. Hunter pleading for Winbigler to get off of Ward, Winbigler responds, 'He shouldn't have run', or words to this effect.

39. Ms. Hunter went to the gas station, this time to call 911.

40. Police from the neighboring town of Bellville, Ohio arrived. Upon information and belief, the responding officer from Bellville was Sgt. Gregory Tackett. Sgt. Tackett ordered Winbigler off of Ward, and also ordered Mayor Dingus to drive so that he wasn't trapping Ward underneath his vehicle.

41. Ward was taken via EMS to OhioHealth Mansfield Hospital for his injuries, all of which were serious and permanent.

42. Shortly after this event, and upon information and belief, Mayor Dingus took steps to obtain and/or destroy the surveillance security footage of this incident from the Duchess/Duke gas station. He was not successful.

43. Most of the events set forth herein were captured by surveillance and/or security video.

44. The events set forth herein garnered national news attention and videos of this incident are viewable on most state-wide media outlets.

45. As a result of these events, Mayor Dingus was arrested, and indicted by a grand jury for aggravated assault, vehicular assault, falsification, and dereliction of duty.

46. As a direct and proximate result of the acts and omissions of the Defendants, Plaintiffs Ward and Ms. Hunter suffered serious and permanent injuries, psychic injuries, and other economic and non-economic damage.

FIRST CLAIM FOR RELIEF
(Excessive Force/Deadly Force – Ward/Dingus)

47. Paragraphs 1 through 46 are incorporated as if fully rewritten herein.

48. The actions of Defendant Dingus constitute an unjustifiable and excessive use of force without legal justification. At the time Dingus used his vehicle to injure and seize Ward, Ward was not engaged in any criminal conduct other than an alleged parole violation for a non-violent offense. At no time did Ward pose a threat to the safety of Dingus, Winbigler, or others. At no time did Ward resist arrest. Rather, he fled for his own safety.

49. Dingus' actions were also objectively unreasonable because he had no basis upon which to believe Ward posed a significant threat of death or serious physical injury to Dingus, Winbigler, or others. In this regard, Dingus' use of deadly force was unlawful and a violation of Ward's Constitutional rights.

50. Dingus also seized Ward within the meaning of the 14th Amendment when, after twice striking Ward with his vehicle, he made the deliberate and purposeful decision to pin Ward to the ground by parking his vehicle's front tire on Ward's right ankle/leg. Dingus did not move his vehicle off of Ward's ankle/leg until he caused serious and permanent physical injury to Ward, and only after being ordered to move his vehicle off of Ward by a police officer from the neighboring town of Bellville, Ohio. Dingus' actions

were completely disproportionate to the circumstances he faced. Neither Dingus nor Winbigler made any effort to temper or otherwise limit the amount of force used. It bears repeating that Ward was unarmed, on foot, and did not pose a security risk. Ward did not, by his actions or words, threaten Dingus or Winbigler. Lastly, and as reflected by the video surveillance footage that captured this incident, Ward was not actively resisting arrest. On the contrary, he was fleeing for his own safety in the face of threats of deadly force.

51. Dingus' actions were objectively unreasonable, deliberate, reckless, wanton, and shocking to the conscience, all of which deprived Ward of his civil rights as secured by the Fourth and Fourteenth Amendments to the United States Constitution through 42 USC § 1983. As a direct and proximate result of Dingus' actions, Ward sustained serious and permanent physical injuries, psychic injury, and other economic and non-economic damages.

SECOND CLAIM FOR RELIEF
(Unlawful Seizure – Ward/Dingus)

52. Paragraphs 1 through 51 are incorporated as if fully rewritten herein.

53. Defendant Dingus' actions resulted in an unjustified and unlawful seizure which deprived Plaintiff Ward of his civil rights as secured by the Fourth and Fourteenth Amendments to the United States Constitution and by 42 U.S.C. §1983. Defendant Dingus intentionally terminated Plaintiff Ward's freedom of movement. Dingus intentionally struck Ward and then stopped his vehicle on Ward's left ankle and leg, pinning him to the ground, preventing him from moving, and causing him serious physical injury.

54. As a direct and proximate result of Dingus' actions, Ward sustained serious and permanent physical injuries, psychic injury, and other economic and non-economic damages.

THIRD CLAIM FOR RELIEF
(Failure to Intervene – Ward/Dingus)

55. Paragraphs 1 through 54 are incorporated as if fully rewritten herein.

56. As set forth herein, Mayor Dingus observed or had reason to know that Butler Police Chief Winbigler was violating, or planned on violating, Ward's Constitutional and statutory rights. Mayor Dingus had a realistic opportunity and the means to intercede and stop Chief Winbigler from violating Ward's rights, but he didn't. As a direct and proximate result of Dingus' failure to intervene, Ward sustained serious and permanent physical injuries, psychic injury, and other economic and non-economic losses.

FOURTH CLAIM FOR RELIEF
(Civil Liability for Criminal Acts, R.C. §2307.60 – Ward/Dingus)

57. Paragraphs 1 through 56 are incorporated as if fully rewritten herein.

58. Defendant Dingus intentionally operated his vehicle so as to repeatedly strike Ward. Dingus then intentionally stopped his vehicle on top of Ward such that Dingus' front tire crushed Ward's left ankle and fractured his left leg.

59. Dingus knowingly attempted to cause and/or caused physical harm to Ward in violation of R.C. §2903.13 (Assault). As a direct and proximate result of Dingus violating R.C. §2903.12, Ward sustained serious and permanent injuries, psychic injury, and other economic and non-economic losses.

60. Dingus knowingly caused serious physical harm to Ward in violation of R.C. §2903.11 (Felony Assault). As a direct and proximate result of Dingus violating R.C. §2903.11, Ward sustained serious and permanent injuries, psychic injury, and other economic and non-economic losses.

61. Through the intentional operation of his automobile, and while under the influence of sudden passion or in a sudden fit of rage, Dingus knowingly caused Ward serious physical harm in violation of R.C. §2903.12 (Aggravated Assault). As a direct and proximate result of Dingus violating R.C. §2903.12, Ward sustained serious and permanent injuries, psychic injury, and other economic and non-economic losses.

62. Dingus' reckless operation of his motor vehicle directly and proximately caused serious physical harm to Ward in violation of R.C. §2903.08 (Vehicular Assault). As a direct and proximate result of Dingus violating R.C. §2903.08, Ward sustained serious and permanent injuries, psychic injury, and other economic and non-economic losses.

63. Based on Dingus' conduct relative to conspiring to harm Ward; the intentional and/or reckless of his motor vehicle so as to injure Ward; failing to intervene to stop Chief Winbiger from harming and/or further harming Ward and/or depriving Ward of his civil and statutory rights; providing misstatements to investigating officials and others, as well as other misdeeds and unlawful omissions as set forth herein, Dingus violated his legal affirmative duties. As a result of this dereliction of duty, codified at R.C. §2921.44 (Dereliction of Duty), Ward sustained serious and permanent injuries, psychic injuries, and other economic and non-economic losses.

64. Mayor Dingus, acting under the color of his office, employment, and authority, did knowingly conspire to deprive Ward of his Constitutional and statutory rights in violation of R.C. §2921.45. As a result of this dereliction of duty, codified at R.C. §2921.45 (Interfering with Civil Rights), Ward sustained serious and permanent injuries, psychic injuries, and other economic and non-economic losses.

65. Dingus, while acting under color of law, statute, ordinance, regulation, and/or custom, willfully deprived Ward of his rights under the Fourth and Fourteenth Amendments to the United States Constitution in violation of 18 USCS §242 (Deprivation of Rights Under Color of Law). Dingus' intentional act of unlawfully seizing Ward and his use of excessive force to apprehend or otherwise harm Ward with his vehicle was an unlawful use of force. As a direct and proximate result of Dingus violating 18 USCS §242, Ward sustained serious and permanent injuries, psychic injury, and other economic and non-economic losses.

FIFTH CLAIM FOR RELIEF
(Assault and Battery – Ward/Dingus)

66. Paragraphs 1 through 65 are incorporated as if fully rewritten herein.

67. Defendant Dingus intentionally operated his vehicle so as to repeatedly strike Ward. Dingus then intentionally stopped his vehicle on top of Ward such that Dingus' front tire crushed Ward's left ankle and fractured his left leg. Dingus' intentional conduct was a willful attempt to cause Ward harm and was accompanied by definitive acts to cause Ward harm. Dingus' conduct reasonably placed Ward in fear of physical violence and resulted in serious permanent physical injuries and emotional trauma.

68. As a direct and proximate result of Defendant Dingus' assault and battery, Ward suffered serious and permanent physical injuries, emotional distress, and other damages.

SIXTH CLAIM FOR RELIEF
(Motor Vehicle Personal Injury – Ward/Dingus)

69. Paragraphs 1 through 68 are incorporated as if fully rewritten herein.

70. Defendant Former Mayor Dingus, acting in the course and scope of his employment, failed to exercise due care while operating his automobile and acted with a malicious purpose, in bad faith, and/or in a wanton and reckless manner. Dingus, in conjunction with Butler Police Chief Winbigler, operated his vehicle in an attempt to apprehend Ward. This action was taken in furtherance of the Village of Butler's goal to stop Ward, who was known to have an active warrant. At the time of the event, Mayor Dingus was within the municipal limits of the Village of Butler; the event was during regular working hours and while Mayor Dingus was working as the Mayor of Butler; and occurred while Dingus being paid as the Mayor of Butler. As reflected in the video surveillance footage, Dingus struck Ward with his automobile twice as Ward was trying to flee. Dingus then parked his vehicle on Ward's left leg/ankle to prevent him from further attempting to flee - crushing Ward's foot and fracturing his left femur. Mayor Dingus' actions were conducted with the consent, approval, and cooperation of Police Chief Winbigler. Mayor Dingus and Police Chief Winbigler intentionally coordinated the capture of Ward, whom they knew had an active warrant for his arrest. In this regard, Mayor Dingus was acting as the highest-level police official for the Village of Butler with the assistance of Police Chief Winbigler. Accordingly, Mayor Dingus is not entitled to the defenses and immunities set forth in R.C. §2744.01, *et seq.*, for the serious pain and injury he inflicted upon Ward.

71. As a direct and proximate result of Mayor Dingus' actions, Plaintiff Anthony Ward suffered serious and permanent physical injuries, emotional distress, and other damages.

SEVENTH CLAIM FOR RELIEF
(Negligence – Ward/Dingus)

72. Paragraphs 1 through 71 are incorporated as if fully rewritten herein.

73. Defendant Dingus had a legal duty to operate his vehicle with care and in accordance with the traffic laws of Ohio. Dingus breached that duty of care on July 11, 2025 when he negligently operated his vehicle and struck Plaintiff Ward. Dingus twice told investigators that striking Ward with his vehicle was “an accident”. As a direct and proximate result of Dingus negligently operating his vehicle, striking and/or stopping on Ward’s body, Ward sustained serious and permanent physical injuries, psychic injury, and other economic and non-economic losses.

EIGHTH CLAIM FOR RELIEF
(Negligence per se – Ward/Dingus)

74. Paragraphs 1 through 73 are incorporated as if fully rewritten herein.

75. Defendant Dingus had a legal duty to operate his vehicle with care and in accordance with the traffic laws of Ohio. Dingus breached that duty of care on July 11, 2025 when he negligently operated his vehicle and struck Plaintiff Ward. Dingus twice told investigators that striking Ward with his vehicle was “an accident”. Dingus’ negligence includes but is not limited to a violation of R.C. §4511.48 such that his conduct constitutes liability and/or negligence *per se*. As a direct and proximate result of Dingus’ negligent per se conduct, Ward sustained serious and permanent physical injuries, psychic injury, and other economic and non-economic losses.

76. Further, based on Dingus’ conduct relative to conspiring to harm Ward; the intentional and/or reckless operation of his motor vehicle so as to injure Ward; providing misstatements to investigating officials and others; failing to intervene to stop Chief

Winbigler from harming and/or further harming Ward and/or depriving Ward of his civil and statutory rights, as well as other misdeeds and unlawful omissions as set forth herein, Dingus violated his legal duties as codified at R.C. §2921.44 (Dereliction of Duty), and is therefore liable and/or negligent *per se*. As a direct and proximate result of Dingus' *per se* liability and/or negligence, Ward sustained serious and permanent injuries, psychic injuries, and other economic and non-economic losses.

77. Mayor Dingus violated his legal duties as codified at R.C. §2921.45 (Interfering with Civil Rights) when, acting under the color of his office, employment, and authority, did knowingly conspire to deprive Ward of his Constitutional and statutory rights in violation of R.C. §2921.45. Dingus' conduct therefore constitutes liability and/or negligence *per se*. As a direct and proximate result of Dingus' *per se* liability and/or negligence, Ward sustained serious and permanent injuries, psychic injuries, and other economic and non-economic losses.

NINTH CLAIM FOR RELIEF
(Ward/The Village of Butler)

78. Paragraphs 1 through 77 are incorporated as if fully rewritten herein.

79. As set forth herein, Defendant Dingus negligently operated his motor vehicle on July 11, 2025, Dingus breached the duty of care he owed to Ward, and that breach directly and proximately caused Ward to suffer serious physical injury.

80. At the time of the incident, Dingus was the Mayor of the Village of Butler. As such, Dingus was an employee of the Village of Butler when he was operating his motor vehicle.

81. At the time of this event, Dingus was acting within the scope of his employment and authority. Dingus, in conjunction with Butler Police Chief Winbigler,

operated his vehicle in an attempt to apprehend Ward. This action was taken in furtherance of the Village of Butler's goal to stop Ward, who was known to have an active warrant. At the time of the event, Mayor Dingus was within the municipal limits of the Village of Butler; the event was during regular working hours and while Mayor Dingus was working as the Mayor of Butler; and occurred while Dingus being paid as the Mayor of Butler. As reflected in the video surveillance footage, Dingus struck Ward with his automobile twice as Ward was trying to flee. Dingus then parked his vehicle on Ward's left leg/ankle to prevent him from further attempting to flee - crushing Ward's foot and fracturing his left femur. Accordingly, the Village of Butler is not entitled to the defenses and immunities set forth in R.C. §2744.01, *et seq.*, for the serious pain and injury Mayor Dingus inflicted upon Ward.

82. Based on the foregoing, the Village of Butler is liable for the injuries and damages sustained by Plaintiff Ward.

TENTH CLAIM FOR RELIEF
(Excessive Force – Ward/Winbigler)

83. Paragraphs 1 through 82 are incorporated as if fully rewritten herein.

84. The actions of Defendant Winbigler constitute an unjustifiable and excessive use of force without legal justification. At the time Winbigler pressed his knee and full body weight onto Ward's fractured leg, Ward had been seized and was not engaged in any criminal conduct. At no time did Ward pose a threat to the safety of Dingus, Winbigler, or others. Ward did not resist arrest. Rather, he fled for his safety.

85. Winbigler's actions were also objectively unreasonable because he had no basis upon which to believe Ward posed a significant threat of death or serious physical

injury to Dingus, Winbigler, or others. In this regard, Winbigler's use of force was unlawful and a violation of Ward's Constitutional rights.

86. Winbigler also seized Ward within the meaning of the 14th Amendment when he made the deliberate and purposeful decision to put his knee and body weight on Ward's fractured leg, all while Ward's ankle was trapped – crushed under the weight of Mayor Dingus' vehicle. Winbigler did not take his knee off of Ward's broken leg until after he caused serious and permanent physical, and only after being ordered to move get off of Ward by a police officer from the neighboring town of Bellville, Ohio. Winbigler's actions were completely disproportionate to the circumstances he faced. Neither Dingus nor Winbigler made any effort to temper or otherwise limit the amount of force used. It bears repeating that Ward was unarmed, on foot, and did not pose a security risk. Ward did not, by his actions or words, threaten Dingus or Winbigler. Lastly, and as reflected by the video surveillance footage that captured this incident, Ward was not actively resisting arrest. On the contrary, tried fleeing for his own safety in the face of threats of deadly force, was run down and was intentionally trapped under the Mayor's vehicle. It is under these circumstances that Chief Winbigler engaged in the gratuitously violent act of pressing his knee onto Ward's broken leg.

87. Winbigler's actions were objectively unreasonable, deliberate, reckless, wanton, and shocking to the conscience, all of which deprived Ward of his civil rights as secured by the Fourth and Fourteenth Amendments to the United States Constitution through 42 USC § 1983. As a direct and proximate result of Winbigler's actions, Ward sustained serious and permanent physical injuries, psychic injury, and other economic and non-economic damages.

**ELEVENTH CLAIM FOR RELIEF
(Unlawful Seizure – Ward/Winbigler)**

88. Paragraphs 1 through 87 are incorporated as if fully rewritten herein.

89. Defendant Winbigler's actions caused and/or contributed to an unjustified and unlawful seizure which deprived Plaintiff Ward of his civil rights as secured by the Fourth and Fourteenth Amendments to the United States Constitution and by 42 U.S.C. §1983. Defendant Winbigler intentionally terminated Ward's freedom of movement. Winbigler intentionally pressed his knee and body weight onto Ward's fractured leg, further pinning him to the ground, preventing him from moving, and causing him serious physical injury.

90. As a direct and proximate result of Winbigler's actions, Ward sustained serious and permanent physical injuries, psychic injury, and other economic and non-economic damages.

**TWELFTH CLAIM FOR RELIEF
(Failure to Intervene – Ward/Winbigler)**

91. Paragraphs 1 through 90 are incorporated as if fully rewritten herein.

92. As set forth herein, Police Chief Winbigler observed or had reason to know that Mayor Dingus was violating, or planned on violating, Ward's Constitutional and statutory rights. Chief Winbigler had a realistic opportunity and the means to intercede and stop Mayor Dingus from violating Ward's rights, but he didn't. As a direct and proximate result of Winbigler's failure to intervene, Ward sustained serious and permanent physical injuries, psychic injury, and other economic and non-economic losses.

THIRTEENTH CLAIM FOR RELIEF
(Assault and Battery – Ward/Police Chief Winbigler)

93. Paragraphs 1 through 92 are incorporated as if fully rewritten herein.

94. After Defendant Dingus intentionally operated his vehicle so as to repeatedly strike Ward, Dingus then intentionally stopped his vehicle on top of Ward such that Dingus' front tire rested on Ward's left ankle and leg. Dingus not only crushed Ward's right ankle and fractured his left leg, Dingus had Ward pinned down such that he could not move from under the vehicle, let alone flee. While Ward screamed in pain, Chief Winbigler placed his knee and full weight upon Ward's broken left leg, inducing even more excruciating pain. Dingus was defenseless and unable to get out from under Dingus' vehicle and now Winbigler's knee/body weight. It was only after an Officer from the neighboring community of Bellville, Ohio ordered Winbigler off of Ward's leg that Winbigler got off of Ward.

95. Winbigler's intentional conduct was a willful attempt to cause Ward harm and was accompanied by a definitive act to cause Ward harm. Winbigler's conduct reasonably placed Ward in fear of physical violence and resulted in serious permanent physical injury.

96. As a direct and proximate result of Winbigler's assault and battery, Ward suffered serious and permanent physical injuries, psychic injury, and other economic and non-economic damages.

FOURTEENTH CLAIM FOR RELIEF
(Civil Liability for Criminal Acts, R.C. §2307.60 – Ward/Winbigler)

97. Paragraphs 1 through 96 are incorporated as if fully rewritten herein.

98. Chief Winbigler knowingly attempted to cause and/or caused physical harm to Ward in violation of R.C. §2903.13 (Assault). As a direct and proximate result of Chief Winbigler violating R.C. §2903.12, Ward sustained serious and permanent injuries, psychic injury, and other economic and non-economic losses.

99. Chief Winbigler knowingly caused serious physical harm to Ward in violation of R.C. §2903.11 (Felonious Assault). As a direct and proximate result of Chief Winbigler violating R.C. §2903.11, Ward sustained serious and permanent injuries, psychic injury, and other economic and non-economic losses.

100. Through his cruel and inexplicable conduct, and while under the influence of sudden passion or in a sudden fit of rage, Chief Winbigler knowingly caused Ward serious physical harm in violation of R.C. §2903.12 (Aggravated Assault). As a direct and proximate result of Chief Winbigler violating R.C. §2903.12, Ward sustained serious and permanent injuries, psychic injury, and other economic and non-economic losses.

101. Chief Winbigler conspired to violate Ward's civil and statutory rights as set forth herein. Chief Winbigler also had a legal duty to intervene to stop Mayor Dingus from harming Ward and violating his rights, which he failed to do. Based on the facts and allegations contained herein, Chief Winbigler violated his legal duties as codified at R.C. §2921.44 (Dereliction of Duty). As a direct and proximate result of Chief Winbigler violating R.C. § 2921.44, Ward sustained serious and permanent injuries, psychic injury, and other economic and non-economic losses.

102. Chief Winbigler violated his legal duties as codified at R.C. §2921.45 (Interfering with Civil Rights) when, acting under the color of his office, employment, and authority, he did knowingly conspire to deprive Ward of his Constitutional and statutory

rights in violation of R.C. §2921.45. Chief Winbigler also interfered with Ward's civil rights when he intentionally pressed his knee and full body weight onto Ward's fractured leg which was pinned under Mayor Dingus' vehicle. Winbigler and Dingus ignored Ward's cries of pain and Ward's grandmother, Ms. Hunter, begging and screaming for them to get off of her grandson, which they refused to do. Ward was not a threat of bodily harm, had been seized, and was unable to flee. Chief Winbigler also had a legal duty to intervene to stop Mayor Dingus from harming Ward and violating his rights, which he failed to do. Based on the facts and allegations contained herein, Chief Winbigler violated his legal duties as codified at R.C. §2921.45. As a direct and proximate result of Chief Winbigler violating R.C. § 2921.45, Ward sustained serious and permanent injuries, psychic injury, and other economic and non-economic losses.

103. Chief Winbigler, while acting under color of law, statute, ordinance, regulation, and/or custom, willfully deprived Ward of his rights under the Fourth and Fourteenth Amendments to the United States Constitution in violation of 18 USCS §242 (Deprivation of Rights Under Color of Law). Chief Winbigler's intentional act of unlawfully seizing Ward, and his use of excessive force to further restrain or otherwise harm Ward by kneeling on Ward's fractured leg was an unlawful use of force. As a direct and proximate result of Chief Winbigler violating 18 USCS §242, Ward sustained serious and permanent injuries, psychic injury, and other economic and non-economic losses.

**FIFTEENTH CLAIM FOR RELIEF
(Negligence per se – Ward/Winbigler)**

104. Paragraphs 1 through 103 are incorporated as if fully rewritten herein.

105. Chief Winbigler conspired to violate Ward's civil and statutory rights as set forth herein. Chief Winbigler also intentionally pressed his knee and full body weight onto

Ward's fractured leg which was pinned under Mayor Dingus' vehicle. Winbigler and Dingus ignored Ward's cries of pain and Ward's grandmother, Ms. Hunter, begging and screaming for them to get off of her grandson, which they refused to do. Ward was not a threat of bodily harm, had been seized, and was unable to flee. Chief Winbigler also had a legal duty to intervene to stop Mayor Dingus from harming Ward and violating his rights, which he failed to do. Based on the facts and allegations contained herein, Chief Winbigler violated his legal duties as codified at R.C. §2921.44 (Dereliction of Duty), and is therefore liable and/or negligent *per se*. As a direct and proximate result of Chief Winbigler's *per se* liability and/or negligence, Ward sustained serious and permanent injuries, psychic injuries, and other economic and non-economic losses.

106. Chief Winbigler violated his legal duties as codified at R.C. §2921.45 (Interfering with Civil Rights) when, acting under the color of his office, employment, and authority, he did knowingly conspire to deprive Ward of his Constitutional and statutory rights in violation of R.C. §2921.45. Chief Winbigler also interfered with Ward's civil rights when he intentionally pressed his knee and full body weight onto Ward's fractured leg which was pinned under Mayor Dingus' vehicle. Winbigler and Dingus ignored Ward's cries of pain and Ward's grandmother, Ms. Hunter, begging and screaming for them to get off of her grandson, which they refused to do. Ward was not a threat of bodily harm, had been seized, and was unable to flee. Chief Winbigler also had a legal duty to intervene to stop Mayor Dingus from harming Ward and violating his rights, which he failed to do. Based on the facts and allegations contained herein, Chief Winbigler violated his legal duties as codified at R.C. §2921.45. Chief Winbigler's conduct therefore constitutes liability and/or negligence *per se*. As a direct and proximate result of Chief

Winbigler's *per se* liability and/or negligence, Ward sustained serious and permanent injuries, psychic injuries, and other economic and non-economic losses.

SIXTEENTH CLAIM FOR RELIEF
(Intentional Infliction of Emotional Distress – Ward/Dingus/Winbigler)

107. Paragraphs 1 through 106 are incorporated as if fully rewritten herein.

108. Mayor Dingus and Chief Winbigler intended to cause Ward serious emotional distress, and/or they knew or should have known that their actions would result in serious emotional distress. Mayor Dingus and Chief Winbigler's conduct was so extreme and outrageous as to go beyond all possible bounds of decency, and was/is intolerable in a civilized society, and caused mental anguish of a serious nature such that no person could be expected to endure it. As a direct and proximate result of Mayor Dingus and Chief Winbigler's conduct, Ward suffered psychic injury and serious emotional distress.

SEVENTEENTH CLAIM FOR RELIEF
(Negligent Infliction of Emotional Distress – Ward/Dingus/Winbigler)

109. Paragraphs 1 through 108 are incorporated as if fully rewritten herein.

110. During the course of events as described herein, Ward was a bystander who reasonably appreciated he and his grandmother were in peril. Both Ward and Ms. Hunter suffered serious physical harm. Ward reasonably suffered serious emotional distress as a result of this fear of peril. As a direct and proximate result of Mayor Dingus and Chief Winbigler's conduct, Ward suffered psychic injury and serious emotional distress.

EIGHTEENTH CLAIM FOR RELIEF
(Excessive Force – Ms. Hunter/Winbigler)

111. Paragraphs 1 through 110 are incorporated as if fully rewritten herein.

112. The actions of Defendant Winbigler constitute an unjustifiable and excessive use of force without legal justification. At the time Winbigler shoved Ms. Hunter to the ground, Ms. Hunter was not engaged in any criminal conduct. Ms. Hunter was unarmed and at no time did Ms. Hunter pose a threat to the safety of Dingus, Winbigler, or others. Ms. Hunter was not engaged in criminal conduct, was not resisting arrest, and was never arrested as a result of her conduct relative to this incident.

113. Winbigler's actions were also objectively unreasonable because he had no basis upon which to believe Ms. Hunter posed a threat of harm. Accordingly, Winbigler's use of force was unlawful and a violation of Ms. Hunter's Constitutional rights.

114. Winbigler's actions were objectively unreasonable, deliberate, reckless, wanton, and shocking to the conscience, all of which deprived Ms. Hunter of her civil rights as secured by the Fourth Amendment to the United States Constitution through 42 USC § 1983. As a direct and proximate result of Winbigler's actions, Ms. Hunter sustained serious and permanent physical injuries, psychic injury, and other economic and non-economic damages.

NINETEENTH CLAIM FOR RELIEF
(Assault and Battery of Mary Hunter – Eric Winbigler)

115. Paragraphs 1 through 114 are incorporated as if fully rewritten herein.

116. Defendant Winbigler, without legal justification, grabbed and shoved Mary Hunter to the ground. Ms. Hunter was unarmed, not committing a crime, and was never charged with a crime stemming from this incident. Winbigler's intentional conduct was a willful and successful attempt to put Ms. Hunter in fear of physical violence and was accompanied by definitive acts meant to cause Ms. Hunter harm. Winbigler's conduct

reasonably placed Ms. Hunter in fear of physical violence and resulted in serious permanent physical injuries and emotional trauma.

117. As a direct and proximate result of Defendant Winbigler's assault and battery, Ms. Hunter suffered serious and permanent physical injuries, psychic injury, and other damages.

**TWENTIETH CLAIM FOR RELIEF
(Civil Liability for Criminal Acts, R.C. §2307.60 – Hunter/Winbigler)**

118. Paragraphs 1 through 117 are incorporated as if fully rewritten herein.

119. Defendant Winbigler, without legal justification, grabbed and shoved Mary Hunter to the ground. Ms. Hunter was unarmed, was not committing a crime, and was never charged with a crime stemming from this incident. Winbigler's intentional conduct was a willful and successful attempt to put Ms. Hunter in fear of physical violence and was accompanied by definitive acts meant to cause Ms. Hunter harm. Winbigler's conduct reasonably placed Ms. Hunter in fear of physical violence and resulted in serious permanent physical injuries and emotional trauma.

120. Chief Winbigler knowingly attempted to cause and/or caused physical harm to Ms. Hunter in violation of R.C. §2903.13 (Assault). As a direct and proximate result of Chief Winbigler violating R.C. §2903.12, Ms. Hunter sustained serious and permanent injuries, psychic injury, and other economic and non-economic losses.

121. Chief Winbigler knowingly caused serious physical harm to Ms. Hunter in violation of R.C. §2903.11 (Felonious Assault). As a direct and proximate result of Chief Winbigler violating R.C. §2903.11, Ms. Hunter sustained serious and permanent injuries, psychic injury, and other economic and non-economic losses.

122. Through his cruel and inexplicable conduct, and while under the influence of sudden passion or in a sudden fit of rage, Chief Winbigler knowingly caused Ms. Hunter serious physical harm in violation of R.C. §2903.12 (Aggravated Assault). As a direct and proximate result of Chief Winbigler violating R.C. §2903.12, Ms. Hunter sustained serious and permanent injuries, psychic injury, and other economic and non-economic losses.

123. Chief Winbigler, while acting under color of law, statute, ordinance, regulation, and/or custom, willfully deprived Ms. Hunter of her rights under the Fourth and Fourteenth Amendments to the United States Constitution in violation of 18 USCS §242 (Deprivation of Rights Under Color of Law). Chief Winbigler's intentional act of unlawfully shoving Ms. Hunter to the ground, fracturing her hip bone was an unnecessary and unlawful use of force. As a direct and proximate result of Chief Winbigler violating 18 USCS §242, Ms. Hunter sustained serious and permanent injuries, psychic injury, and other economic and non-economic losses.

**TWENTY-FIRST CLAIM FOR RELIEF
(Hunter/The Village of Butler)**

124. Paragraphs 1 through 123 are incorporated as if fully rewritten herein.

125. As set forth herein, Defendant Winbigler negligently shoved Ms. Hunter to the ground on July 11, 2025, Winbigler breached the duty of care he owed to Ms. Hunter, and that breach directly and proximately caused Ms. Hunter to suffer serious physical injury.

126. At the time of the incident, Winbigler was the Police Chief for the Village of Butler. As such, Chief Winbigler was an employee of the Village of Butler when he shoved Ms. Hunter.

127. At the time of this event, Winbigler was acting within the scope of his employment and authority. Dingus, in conjunction with Butler Police Chief Winbigler, operated his vehicle in an attempt to apprehend Ward. This action was taken in furtherance of the Village of Butler's goal to stop Ward, who was known to have an active warrant. At the time of the event, Mayor Dingus was within the municipal limits of the Village of Butler; the event was during regular working hours and while Mayor Dingus was working as the Mayor of Butler; and occurred while Dingus being paid as the Mayor of Butler. As reflected in the video surveillance footage, Dingus struck Ward with his automobile twice as Ward was trying to flee. Dingus then parked his vehicle on Ward's left leg/ankle to prevent him from further attempting to flee - crushing Ward's foot and fracturing his left femur. Accordingly, the Village of Butler is not entitled to the defenses and immunities set forth in R.C. §2744.01, *et seq.*, for the serious pain and injury Mayor Dingus inflicted upon Ward.

128. Based on the foregoing, the Village of Butler is liable for the injuries and damages sustained by Plaintiff Ward.

TWENTY-SECOND CLAIM FOR RELIEF
(Intentional Infliction of Emotional Distress – Hunter/Dingus/Winbigler)

129. Paragraphs 1 through 128 are incorporated as if fully rewritten herein.

130. Mayor Dingus and Chief Winbigler intended to cause Ms. Hunter serious emotional distress, and/or they knew or should have known that their actions would result in serious emotional distress. Mayor Dingus and Chief Winbigler's conduct was so extreme and outrageous as to go beyond all possible bounds of decency, and was/is intolerable in a civilized society, and caused mental anguish of a serious nature such that no person could be expected to endure it. As a direct and proximate result of Mayor Dingus

and Chief Winbigler's conduct, Ms. Ward suffered psychic injury and serious emotional distress.

**TWENTY-THIRD CLAIM FOR RELIEF
(Negligent Infliction of Emotional Distress – Hunter/Dingus/Winbigler)**

131. Paragraphs 1 through 130 are incorporated as if fully rewritten herein.

132. During the course of events as described herein, Ms. Hunter was a bystander who reasonably appreciated she and her grandson were in peril. Both Ms. Hunter and Ward suffered serious physical harm. Ms. Hunter reasonably suffered serious emotional distress as a result of this fear of peril. As a direct and proximate result of Mayor Dingus and Chief Winbigler's conduct, Ms. Hunter suffered psychic injury and serious emotional distress.

DAMAGES

133. As a direct and proximate result of the acts set forth in Paragraphs 1 through 132 above, Plaintiffs Anthony Ward and Mary Hunter suffered serious and permanent physical injuries, psychic injuries, economic and non-economic losses, including but not limited to lost wages. Their physical and psychic injuries are ongoing, permanent, and with reasonable medical certainty, they will suffer pain and disability into the indefinite future.

134. As a direct and proximate result of the acts set forth in Paragraphs 1 through 132 above, Plaintiffs Ward and Hunter incurred expenses necessary for their medical care and treatment, and with reasonable medical certainty, they will incur medical expenses into the indefinite future.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against the Defendants, jointly and severally, for:

- A. Compensatory and consequential damages for all the injuries identified in an amount to be determined by the Court in excess of the Court's jurisdictional amount;
- B. Punitive damages in an amount to be determined at trial for the Defendants' wrongful conduct;
- C. Attorney fees and costs of this action; and
- D. Any and all other relief that this Court deems equitable, necessary and just.

JURY DEMAND

A jury is requested to hear this matter.

Respectfully submitted,

/s/ Paul J. Cristallo

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