

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

INJURED PERSON)	
)	
)	
Plaintiff,)	
)	
v.)	
)	No.
RESPONSIBLE PARTIES)	
)	
Defendants.)	
)	
)	
)	
)	

COMPLAINT AT LAW

NOW COMES the Plaintiff INJURED PERSON, by and through his attorneys, ROSENFELD INJURY LAWYERS, and complaining of the Defendants, RESPONSIBLE PARTY, a Foreign Limited Liability Corporation, RESPONSIBLE PARTY, an Illinois Limited Liability Corporation, and RESPONSIBLE PARTY, an Illinois Not-For-Profit Corporation, and each of them, alleges as follows:

Count I
RESPONSIBLE PARTY- NEGLIGENCE

NOW COMES the Plaintiff, INJURED PERSON, by and through his attorneys ROSENFELD INJURY LAWYERS, and complaining of the Defendant, RESPONSIBLE PARTY, a Foreign Limited Liability Corporation, alleges as follows:

1. On and before November 6, 2010, the Defendant, RESPONSIBLE PARTY, (hereinafter referred to as “RESPONSIBLE PARTY”) was a foreign limited liability corporation licensed to do business in Illinois with its registered agent located at 311 South Wacker Drive, Suite 4400, in Chicago, Cook County, Illinois.

2. On and before November 6, 2010, the Defendant, RESPONSIBLE PARTY,

(hereinafter referred to as “RESPONSIBLE PARTY”) was an Illinois limited liability corporation licensed to do business in Illinois with its registered agent located at 200 West Adams Street, in Chicago, Cook County, Illinois.

3. On and before November 6, 2010, the Defendant, RESPONSIBLE PARTY, (hereinafter referred to as “RESPONSIBLE PARTY”) was an Illinois Not-For-Profit Corporation licensed to do business in Illinois with its registered agent located at 1714 Hinman Avenue, in Evanston, Cook County, Illinois.

4. On and before November 6, 2010, Plaintiff [INJURED PERSON](#) was a student at the University of Chicago and resided in Chicago, Cook County, Illinois.

5. On and before November 6, 2010, Defendant RESPONSIBLE PARTY, owned, possessed, operated, managed, maintained and controlled or had a duty to possess, operate, manage, maintain and control, both directly and indirectly, individually and through their agents, servants and employees, a certain residential building or other structure located at 5111 S. Kimbark Avenue, in the City of Chicago, Illinois.

6. On and before November 6, 2010, Defendant RESPONSIBLE PARTY entered into an agreement for property management with Defendant RESPONSIBLE PARTY at the above location.

7. On and before November 6, 2010, Defendant RESPONSIBLE PARTY entered into an agreement for residential use by its Omnicron Omnicron chapter with Defendants RESPONSIBLE PARTY and RESPONSIBLE PARTY at the above location, with Defendants RESPONSIBLE PARTY and RESPONSIBLE PARTY retaining responsibility to manage, maintain and control said residential building located at the above location.

8. On and before November 6, 2010, Plaintiff INJURED PERSON was an invited guest of RESPONSIBLE PARTY at the above location.

9. On and before November 6, 2010 at the aforesaid time and place, the Defendant, RESPONSIBLE PARTY, had a duty to use ordinary care for the safety of the Plaintiff, INJURED

PERSON, and others lawfully invited to the above location.

10. That at the aforesaid time and place, the Defendant, RESPONSIBLE PARTY, breached its duty of ordinary care and was then and there guilty of one or more of the following careless and negligent acts and/or omissions:

- (a) Improperly operated, managed, maintained and controlled the aforesaid premises, so that as a direct and proximate result thereof, the Plaintiff was injured;
- (b) Failed to warn the Plaintiff of the dangerous condition then and there existing on the premises, when the Defendant knew, or in the exercise of ordinary care should know, that said warning was necessary to prevent injury to Plaintiff;
- (c) Failed to provide adequate safeguards to prevent the Plaintiff from injury while lawfully upon said premises;
- (d) Failed to provide adequate fall protection for Plaintiff;
- (e) Failed to ensure safe, suitable and proper ground conditions;
- (f) Failed to make a reasonable inspection of the aforesaid premises when the Defendant knew, or should have known, that said inspection was necessary to prevent injury to the Plaintiff;
- (g) Failed to warn the Plaintiff of dangerous and exposed construction materials and exposed metals on the premises;
- (h) Failed to seal or close all known construction work areas, thereby exposing construction materials and metals on the premises;
- (i) Failed to make a reasonable inspection of the aforesaid premises, when the Defendant knew, or should have known, that said inspection would have revealed dangerous and exposed construction materials throughout the premises.

11. That at the aforesaid time and place, Plaintiff was walking on the basement staircase when he fell and injured his hand on the premises floor which contained exposed and harmful construction materials and metal objects, thereby proximately causing Plaintiff to be injured.

12. That as a direct and proximate result of one or more of the aforesaid careless and negligent acts and/or omissions of the Defendant, RESPONSIBLE PARTY, the Plaintiff sustained severe and permanent injuries, both externally and internally, and was, and will be, hindered and prevented from attending to his usual duties and affairs and has lost, and will in the future lose, the

value of that time. Plaintiff also suffered great pain and anguish; both in mind and body, and will in the future continue to suffer. Plaintiff further expended and became liable for, and will expend and become liable for, large sums of money for medical care and services endeavoring to become healed and cured of said injuries.

WHEREFORE, the Plaintiff, INJURED PERSON, demands judgment against the Defendant, RESPONSIBLE PARTY, a foreign limited liability corporation, in a dollar amount to satisfy the jurisdictional limitation of this Court and such additional amounts as the jury and the Court shall deem proper, and additionally, costs of said suit.

Count II
RESPONSIBLE PARTY- PREMISES LIABILITY

NOW COMES the Plaintiff, INJURED PERSON, by and through his attorneys ROSENFELD INJURY LAWYERS, and complaining of the Defendant, RESPONSIBLE PARTY, a Foreign Limited Liability Corporation, alleges as follows:

1. On and before November 6, 2010, the Defendant, RESPONSIBLE PARTY, (hereinafter referred to as “RESPONSIBLE PARTY”) was a foreign limited liability corporation licensed to do business in Illinois with its registered agent located at 311 South Wacker Drive, Suite 4400, in Chicago, Cook County, Illinois.

2. On and before November 6, 2010, the Defendant, RESPONSIBLE PARTY, (hereinafter referred to as “RESPONSIBLE PARTY”) was an Illinois limited liability corporation licensed to do business in Illinois with its registered agent located at 200 West Adams Street, in Chicago, Cook County, Illinois.

3. On and before November 6, 2010, the Defendant, RESPONSIBLE PARTY, (hereinafter referred to as “RESPONSIBLE PARTY”) was an Illinois Not-For-Profit Corporation licensed to do business in Illinois with its registered agent located at 1714 Hinman Avenue, in Evanston, Cook County, Illinois.

4. On and before November 6, 2010, Plaintiff INJURED PERSON was a student at the University of Chicago and resided in Chicago, Cook County, Illinois.

5. On and before November 6, 2010, Defendant RESPONSIBLE PARTY, owned, possessed, operated, managed, maintained and controlled or had a duty to possess, operate, manage, maintain and control, both directly and indirectly, individually and through their agents, servants and employees, a certain residential building or other structure located at 5111 S. Kimbark Avenue, in the City of Chicago, Illinois.

6. On and before November 6, 2010, Defendant RESPONSIBLE PARTY entered into an agreement for property maintenance with Defendant RESPONSIBLE PARTY at the above location.

7. On and before November 6, 2010, Defendant RESPONSIBLE PARTY entered into an agreement for residential use by its Omnicron Omnicron chapter with Defendants RESPONSIBLE PARTY and RESPONSIBLE PARTY at the above location, with Defendants RESPONSIBLE PARTY and RESPONSIBLE PARTY retaining responsibility to manage, maintain and control said residential building located at the above location

8. On and before November 6, 2010, Plaintiff INJURED PERSON was an invited guest of RESPONSIBLE PARTY at the above location.

9. That at the aforesaid date and time and at the aforesaid place, it then and there became and was the duty of the Defendant, RESPONSIBLE PARTY, prior to and at the time of the occurrence to exercise reasonable care and caution in and about the ownership, management, maintenance, operation, control and possession of said premises so that the same would be in good, safe and proper conditions for persons legally and lawfully upon said premises to use and walk upon so as not to cause harm and injury to such persons and, in particular, the Plaintiff.

10. That notwithstanding the aforesaid duty, the Defendant, RESPONSIBLE PARTY, by and through its respective agents, servants, contractors and/or employees in the course and scope of their agency, servitude and/or employment, prior to and at the time of this occurrence, acted or failed to

act in one or more of the following ways:

- (a) Failed to maintain the premises, including the basement and other common areas utilized by lawful guests at 5111 S. Kimbark Avenue, Chicago, Illinois in a reasonable, safe and proper condition;
- (b) Improperly operated, managed, maintained and controlled the common areas and premises, including the basement at 5111 S. Kimbark Avenue, Chicago, Illinois so that as a direct and proximate result, INJURED PERSON was injured;
- (c) Allowed and permitted harmful and dangerous construction material and exposed metal to be exposed near the area of ingress and egress to the basement of the residential building at 5111 S. Kimbark Avenue, Chicago, Illinois, an area designated for use by tenants as well as their guests and invitees.
- (d) Failed to remove harmful and dangerous construction material, including exposed metal, thereby exposing said dangerous material in the basement located at 5111 S. Kimbark Avenue, Chicago, Illinois, when it knew that area was designated for and used by tenants as well as their guests and invitees in that building;
- (e) Failed to make a reasonable inspection of the property when defendant knew or reasonably should have known that inspecting the property was necessary to prevent injury to INJURED PERSON and other guests and invitees at the building;
- (f) Failed to warn INJURED PERSON of the exposed, harmful and dangerous construction materials when defendant knew or in the exercise of ordinary care, should have known that warnings were necessary to prevent injury to INJURED PERSON and other guests and invitees of the building;
- (g) Failed to close or seal off a known [construction work area](#);

OR

- (h) Was otherwise negligent or careless.

11. That at the aforesaid time and place, Plaintiff was walking on the basement staircase when he fell and injured his hand on the premises floor which contained exposed and harmful

construction materials and metal objects, thereby proximately causing Plaintiff to be injured.

12. That as a direct and proximate result of one or more of the aforesaid careless and negligent acts and/or omissions of the Defendant, RESPONSIBLE PARTY, the Plaintiff sustained severe and permanent injuries, both externally and internally, and was, and will be, hindered and prevented from attending to his usual duties and affairs and has lost, and will in the future lose, the value of that time. Plaintiff also suffered great pain and anguish; both in mind and body, and will in the future continue to suffer. Plaintiff further expended and became liable for, and will expend and become liable for, large sums of money for medical care and services endeavoring to become healed and cured of said injuries.

WHEREFORE, the Plaintiff, INJURED PERSON, demands judgment against the Defendant, RESPONSIBLE PARTY, a foreign limited liability corporation, in a dollar amount to satisfy the jurisdictional limitation of this Court and such additional amounts as the jury and the Court shall deem proper, and additionally, costs of said suit.

Count III
RESPONSIBLE PARTY- NEGLIGENCE

NOW COMES the Plaintiff, INJURED PERSON, by and through his attorneys ROSENFELD INJURY LAWYERS, and complaining of the Defendant, RESPONSIBLE PARTY, an Illinois limited liability corporation, alleges as follows:

1. On and before November 6, 2010, the Defendant, RESPONSIBLE PARTY, (hereinafter referred to as "RESPONSIBLE PARTY") was a foreign limited liability corporation licensed to do business in Illinois with its registered agent located at 311 South Wacker Drive, Suite 4400, in Chicago, Cook County, Illinois.

2. On and before November 6, 2010, the Defendant, RESPONSIBLE PARTY, (hereinafter referred to as "RESPONSIBLE PARTY") was an Illinois limited liability corporation licensed to do

business in Illinois with its registered agent located at 200 West Adams Street, in Chicago, Cook County, Illinois.

3. On and before November 6, 2010, the Defendant, RESPONSIBLE PARTY, (hereinafter referred to as “RESPONSIBLE PARTY”) was an Illinois Not-For-Profit Corporation licensed to do business in Illinois with its registered agent located at 1714 Hinman Avenue, in Evanston, Cook County, Illinois.

4. On and before November 6, 2010, Plaintiff INJURED PERSON was a student at the University of Chicago and resided in Chicago, Cook County, Illinois.

5. On and before November 6, 2010, Defendant RESPONSIBLE PARTY, owned, possessed, operated, managed, maintained and controlled or had a duty to possess, operate, manage, maintain and control, both directly and indirectly, individually and through their agents, servants and employees, a certain residential building or other structure located at 5111 S. Kimbark Avenue, in the City of Chicago, Illinois.

6. On and before November 6, 2010, Defendant RESPONSIBLE PARTY entered into an agreement for property maintenance with Defendant RESPONSIBLE PARTY at the above location.

7. On and before November 6, 2010, Defendant RESPONSIBLE PARTY entered into an agreement for residential use by its Omnicron Omnicron chapter with Defendants RESPONSIBLE PARTY and RESPONSIBLE PARTY at the above location, with Defendants RESPONSIBLE PARTY and RESPONSIBLE PARTY retaining responsibility to manage, maintain and control said residential building located at the above location.

8. On and before November 6, 2010, Plaintiff INJURED PERSON was an invited guest of RESPONSIBLE PARTY at the above location.

9. On and before November 6, 2010 at the aforesaid time and place, the Defendant, RESPONSIBLE PARTY had a duty to use ordinary care for the safety of the Plaintiff, INJURED PERSON, and others lawfully invited to the above location.

10. That at the aforesaid time and place, the Defendant, RESPONSIBLE PARTY, breached its duty of ordinary care and was then and there guilty of one or more of the following careless and negligent acts and/or omissions:

- (a) Improperly operated, managed, maintained and controlled the aforesaid premises, so that as a direct and proximate result thereof, the Plaintiff was injured;
- (b) Failed to warn the Plaintiff of the dangerous condition then and there existing on the premises, when the Defendant knew, or in the exercise of ordinary care should know, that said warning was necessary to prevent injury to Plaintiff;
- (c) Failed to provide adequate safeguards to prevent the Plaintiff from injury while lawfully upon said premises;
- (d) Failed to provide adequate fall protection for Plaintiff;
- (e) Failed to ensure safe, suitable and proper ground conditions;
- (f) Failed to make a reasonable inspection of the aforesaid premises when the Defendant knew, or should have known, that said inspection was necessary to prevent injury to the Plaintiff;
- (g) Failed to warn the Plaintiff of dangerous and exposed construction materials and exposed metals on the premises;
- (h) Failed to seal or close all known construction work areas, thereby exposing construction materials and metals on the premises;
- (i) Failed to make a reasonable inspection of the aforesaid premises, when the Defendant knew, or should have known, that said inspection would have revealed dangerous and exposed construction materials throughout the premises.

11. That at the aforesaid time and place, Plaintiff was walking on the basement staircase when he fell and injured his hand on the premises floor which contained exposed and harmful construction materials and metal objects, thereby proximately causing Plaintiff to be injured.

12. That as a direct and proximate result of one or more of the aforesaid careless and negligent acts and/or omissions of the Defendant, RESPONSIBLE PARTY, the Plaintiff sustained severe and permanent injuries, both externally and internally, and was, and will be, hindered and prevented from attending to his usual duties and affairs and has lost, and will in the future lose, the

value of that time. Plaintiff also suffered great pain and anguish; both in mind and body, and will in the future continue to suffer. Plaintiff further expended and became liable for, and will expend and become liable for, large sums of money for medical care and services endeavoring to become healed and cured of said injuries.

WHEREFORE, the Plaintiff, INJURED PERSON, demands judgment against the Defendant, RESPONSIBLE PARTY, an Illinois limited liability corporation, in a dollar amount to satisfy the jurisdictional limitation of this Court and such additional amounts as the jury and the Court shall deem proper, and additionally, costs of said suit.

Count IV
RESPONSIBLE PARTY- PREMISES LIABILITY

NOW COMES the Plaintiff, INJURED PERSON, by and through his attorneys ROSENFELD INJURY LAWYERS, and complaining of the Defendant, RESPONSIBLE PARTY, a Illinois Limited Liability Corporation, alleges as follows:

1. On and before November 6, 2010, the Defendant, RESPONSIBLE PARTY, (hereinafter referred to as “RESPONSIBLE PARTY”) was a foreign limited liability corporation licensed to do business in Illinois with its registered agent located at 311 South Wacker Drive, Suite 4400, in Chicago, Cook County, Illinois.

2. On and before November 6, 2010, the Defendant, RESPONSIBLE PARTY, (hereinafter referred to as “RESPONSIBLE PARTY”) was an Illinois limited liability corporation licensed to do business in Illinois with its registered agent located at 200 West Adams Street, in Chicago, Cook County, Illinois.

3. On and before November 6, 2010, the Defendant, RESPONSIBLE PARTY, (hereinafter referred to as “RESPONSIBLE PARTY”) was an Illinois Not-For-Profit Corporation licensed to do business in Illinois with its registered agent located at 1714 Hinman Avenue, in Evanston, Cook County, Illinois.

4. On and before November 6, 2010, Plaintiff INJURED PERSON was a student at the University of Chicago and resided in Chicago, Cook County, Illinois.

5. On and before November 6, 2010, Defendant RESPONSIBLE PARTY, owned, possessed, operated, managed, maintained and controlled or had a duty to possess, operate, manage, maintain and control, both directly and indirectly, individually and through their agents, servants and employees, a certain residential building or other structure located at 5111 S. Kimbark Avenue, in the City of Chicago, Illinois.

6. On and before November 6, 2010, Defendant RESPONSIBLE PARTY entered into an agreement for property maintenance with Defendant RESPONSIBLE PARTY at the above location.

7. On and before November 6, 2010, Defendant RESPONSIBLE PARTY entered into an agreement for residential use by its Omnicron Omnicron chapter with Defendants RESPONSIBLE PARTY and RESPONSIBLE PARTY at the above location, with Defendants RESPONSIBLE PARTY and RESPONSIBLE PARTY retaining responsibility to manage, maintain and control said residential building located at the above location

8. On and before November 6, 2010, Plaintiff INJURED PERSON was an invited guest of RESPONSIBLE PARTY at the above location.

9. That at the aforesaid date and time and at the aforesaid place, it then and there became and was the duty of the Defendant, RESPONSIBLE PARTY, prior to and at the time of the occurrence to exercise reasonable care and caution in and about the ownership, management, maintenance, operation, control and possession of said premises so that the same would be in good, safe and proper conditions for persons legally and lawfully upon said premises to use and walk upon so as not to cause harm and injury to such persons and, in particular, the Plaintiff.

10. That notwithstanding the aforesaid duty, the Defendant, RESPONSIBLE PARTY, by and through its respective agents, servants, contractors and/or employees in the course and scope of their agency, servitude and/or employment, prior to and at the time of this occurrence, acted or failed to

act in one or more of the following ways:

- (a) Failed to maintain the premises, including the basement and other common areas utilized by lawful guests at 5111 S. Kimbark Avenue, Chicago, Illinois in a reasonable, safe and proper condition;
- (b) Improperly operated, managed, maintained and controlled the common areas and premises, including the basement at 5111 S. Kimbark Avenue, Chicago, Illinois so that as a direct and proximate result, INJURED PERSON was injured;
- (c) Allowed and permitted harmful and dangerous construction material and exposed metal to be exposed near the area of ingress and egress to the basement of the residential building at 5111 S. Kimbark Avenue, Chicago, Illinois, an area designated for use by tenants as well as their guests and invitees.
- (d) Failed to remove harmful and dangerous construction material, including exposed metal, thereby exposing said dangerous material in the basement located at 5111 S. Kimbark Avenue, Chicago, Illinois, when it knew that area was designated for and used by tenants as well as their guests and invitees in that building;
- (e) Failed to make a reasonable inspection of the property when defendant knew or reasonably should have known that inspecting the property was necessary to prevent injury to INJURED PERSON and other guests and invitees at the building;
- (f) Failed to warn INJURED PERSON of the exposed, harmful and dangerous construction materials when defendant knew or in the exercise of ordinary care, should have known that warnings were necessary to prevent injury to INJURED PERSON and other guests and invitees of the building;
- (g) Failed to close or seal off a known construction work area;

OR

- (h) Was otherwise negligent or careless.

11. That at the aforesaid time and place, Plaintiff was walking on the basement staircase when he fell and injured his hand on the premises floor which contained exposed and harmful

construction materials and metal objects, thereby proximately causing Plaintiff to be injured.

12. That as a direct and proximate result of one or more of the aforesaid careless and negligent acts and/or omissions of the Defendant, RESPONSIBLE PARTY, the Plaintiff sustained severe and permanent injuries, both externally and internally, and was, and will be, hindered and prevented from attending to his usual duties and affairs and has lost, and will in the future lose, the value of that time. Plaintiff also suffered great pain and anguish; both in mind and body, and will in the future continue to suffer. Plaintiff further expended and became liable for, and will expend and become liable for, large sums of money for medical care and services endeavoring to become healed and cured of said injuries.

WHEREFORE, the Plaintiff, INJURED PERSON, demands judgment against the Defendant, RESPONSIBLE PARTY, an Illinois limited liability corporation, in a dollar amount to satisfy the jurisdictional limitation of this Court and such additional amounts as the jury and the Court shall deem proper, and additionally, costs of said suit.

Count V

RESPONSIBLE PARTY- NEGLIGENCE

NOW COMES the Plaintiff, INJURED PERSON, by and through his attorneys ROSENFELD INJURY LAWYERS, and complaining of the Defendant, RESPONSIBLE PARTY, an Illinois Not-For-Profit Corporation, alleges as follows:

1. On and before November 6, 2010, the Defendant, RESPONSIBLE PARTY, (hereinafter referred to as "RESPONSIBLE PARTY") was a foreign limited liability corporation licensed to do business in Illinois with its registered agent located at 311 South Wacker Drive, Suite 4400, in Chicago, Cook County, Illinois.

2. On and before November 6, 2010, the Defendant, RESPONSIBLE PARTY, (hereinafter referred to as "RESPONSIBLE PARTY") was an Illinois limited liability corporation licensed to do

business in Illinois with its registered agent located at 200 West Adams Street, in Chicago, Cook County, Illinois.

3. On and before November 6, 2010, the Defendant, RESPONSIBLE PARTY, (hereinafter referred to as “RESPONSIBLE PARTY”) was an Illinois Not-For-Profit Corporation licensed to do business in Illinois with its registered agent located at 1714 Hinman Avenue, in Evanston, Cook County, Illinois.

4. On and before November 6, 2010, Plaintiff INJURED PERSON was a student at the University of Chicago and resided in Chicago, Cook County, Illinois.

5. On and before November 6, 2010, Defendant RESPONSIBLE PARTY, owned, possessed, operated, managed, maintained and controlled or had a duty to possess, operate, manage, maintain and control, both directly and indirectly, individually and through their agents, servants and employees, a certain residential building or other structure located at 5111 S. Kimbark Avenue, in the City of Chicago, Illinois.

6. On and before November 6, 2010, Defendant RESPONSIBLE PARTY entered into an agreement for property maintenance with Defendant RESPONSIBLE PARTY at the above location.

7. On and before November 6, 2010, Defendant RESPONSIBLE PARTY entered into an agreement for residential use by its Omnicron Omnicron chapter with Defendants RESPONSIBLE PARTY and RESPONSIBLE PARTY at the above location, with Defendants RESPONSIBLE PARTY and RESPONSIBLE PARTY retaining responsibility to manage, maintain and control said residential building located at the above location.

8. On and before November 6, 2010, Plaintiff INJURED PERSON was an invited guest of RESPONSIBLE PARTY at the above location.

9. On and before November 6, 2010 at the aforesaid time and place, the Defendant, RESPONSIBLE PARTY, had a duty to use ordinary care for the safety of the Plaintiff, INJURED PERSON, and others lawfully invited to the above location.

10. That at the aforesaid time and place, the Defendant, RESPONSIBLE PARTY, breached its duty of ordinary care and was then and there guilty of one or more of the following careless and negligent acts and/or omissions:

- (a) Improperly operated, managed, maintained and controlled the aforesaid premises, so that as a direct and proximate result thereof, the Plaintiff was injured;
- (b) Failed to warn the Plaintiff of the dangerous condition then and there existing on the premises, when the Defendant knew, or in the exercise of ordinary care should know, that said warning was necessary to prevent injury to Plaintiff;
- (c) Failed to provide adequate safeguards to prevent the Plaintiff from injury while lawfully upon said premises;
- (d) Failed to provide adequate fall protection for Plaintiff;
- (e) Failed to ensure safe, suitable and proper ground conditions;
- (f) Failed to make a reasonable inspection of the aforesaid premises when the Defendant knew, or should have known, that said inspection was necessary to prevent injury to the Plaintiff;
- (g) Failed to warn the Plaintiff of dangerous and exposed construction materials and exposed metals on the premises;
- (h) Failed to seal or close all known construction work areas, thereby exposing construction materials and metals on the premises;
- (i) Failed to make a reasonable inspection of the aforesaid premises, when the Defendant knew, or should have known, that said inspection would have revealed dangerous and exposed construction materials throughout the premises.

11. That at the aforesaid time and place, Plaintiff was walking on the basement staircase when he fell and injured his hand on the premises floor which contained exposed and harmful construction materials and metal objects, thereby proximately causing Plaintiff to be injured.

12. That as a direct and proximate result of one or more of the aforesaid careless and negligent acts and/or omissions of the Defendant, RESPONSIBLE PARTY, the Plaintiff sustained severe and permanent injuries, both externally and internally, and was, and will be, hindered and prevented from attending to his usual duties and affairs and has lost, and will in the future lose, the value of that time. Plaintiff also suffered great pain and anguish; both in mind and body, and will in the

future continue to suffer. Plaintiff further expended and became liable for, and will expend and become liable for, large sums of money for medical care and services endeavoring to become healed and cured of said injuries.

WHEREFORE, the Plaintiff, INJURED PERSON, demands judgment against the Defendant, RESPONSIBLE PARTY, an Illinois Not-For-Profit Corporation, in a dollar amount to satisfy the jurisdictional limitation of this Court and such additional amounts as the jury and the Court shall deem proper, and additionally, costs of said suit.

Count VI
RESPONSIBLE PARTY- PREMISES LIABILITY

NOW COMES the Plaintiff, INJURED PERSON, by and through his attorneys ROSENFELD INJURY LAWYERS, and complaining of the Defendant, RESPONSIBLE PARTY, an Illinois Not-For-Profit Corporation, alleges as follows:

1. On and before November 6, 2010, the Defendant, RESPONSIBLE PARTY, (hereinafter referred to as “RESPONSIBLE PARTY”) was a foreign limited liability corporation licensed to do business in Illinois with its registered agent located at 311 South Wacker Drive, Suite 4400, in Chicago, Cook County, Illinois.

2. On and before November 6, 2010, the Defendant, RESPONSIBLE PARTY, (hereinafter referred to as “RESPONSIBLE PARTY”) was an Illinois limited liability corporation licensed to do business in Illinois with its registered agent located at 200 West Adams Street, in Chicago, Cook County, Illinois.

3. On and before November 6, 2010, the Defendant, RESPONSIBLE PARTY, (hereinafter referred to as “RESPONSIBLE PARTY”) was an Illinois Not-For-Profit Corporation licensed to do business in Illinois with its registered agent located at 1714 Hinman Avenue, in Evanston, Cook County, Illinois.

4. On and before November 6, 2010, Plaintiff INJURED PERSON was a student at the

University of Chicago and resided in Chicago, Cook County, Illinois.

5. On and before November 6, 2010, Defendant RESPONSIBLE PARTY, owned, possessed, operated, managed, maintained and controlled or had a duty to possess, operate, manage, maintain and control, both directly and indirectly, individually and through their agents, servants and employees, a certain residential building or other structure located at 5111 S. Kimbark Avenue, in the City of Chicago, Illinois.

6. On and before November 6, 2010, Defendant RESPONSIBLE PARTY entered into an agreement for property maintenance with Defendant RESPONSIBLE PARTY at the above location.

7. On and before November 6, 2010, Defendant RESPONSIBLE PARTY entered into an agreement for residential use by its Omnicron Omnicron chapter with Defendants RESPONSIBLE PARTY and RESPONSIBLE PARTY at the above location, with Defendants RESPONSIBLE PARTY and RESPONSIBLE PARTY retaining responsibility to manage, maintain and control said residential building located at the above location

8. On and before November 6, 2010, Plaintiff INJURED PERSON was an invited guest of RESPONSIBLE PARTY at the above location.

9. That at the aforesaid date and time and at the aforesaid place, it then and there became and was the duty of the Defendant, RESPONSIBLE PARTY prior to and at the time of the occurrence to exercise reasonable care and caution in and about the ownership, management, maintenance, operation, control and possession of said premises so that the same would be in good, safe and proper conditions for persons legally and lawfully upon said premises to use and walk upon so as not to cause harm and injury to such persons and, in particular, the Plaintiff.

10. That notwithstanding the aforesaid duty, the Defendant, RESPONSIBLE PARTY by and through its respective agents, servants, contractors and/or employees in the course and scope of their agency, servitude and/or employment, prior to and at the time of this occurrence, acted or failed to act in one or more of the following ways:

- (a) Failed to maintain the premises, including the basement and other common areas utilized by lawful guests at 5111 S. Kimbark Avenue, Chicago, Illinois in a reasonable, safe and proper condition;
- (b) Improperly operated, managed, maintained and controlled the common areas and premises, including the basement at 5111 S. Kimbark Avenue, Chicago, Illinois so that as a direct and proximate result, INJURED PERSON was injured;
- (c) Allowed and permitted harmful and dangerous construction material and exposed metal to be exposed near the area of ingress and egress to the basement of the residential building at 5111 S. Kimbark Avenue, Chicago, Illinois, an area designated for use by tenants as well as their guests and invitees.
- (d) Failed to remove harmful and dangerous construction material, including exposed metal, thereby exposing said dangerous material in the basement located at 5111 S. Kimbark Avenue, Chicago, Illinois, when it knew that area was designated for and used by tenants as well as their guests and invitees in that building;
- (e) Failed to make a reasonable inspection of the property when defendant knew or reasonably should have known that inspecting the property was necessary to prevent injury to INJURED PERSON and other guests and invitees at the building;
- (f) Failed to warn INJURED PERSON of the exposed, harmful and dangerous construction materials when defendant knew or in the exercise of ordinary care, should have known that warnings were necessary to prevent injury to INJURED PERSON and other guests and invitees of the building;
- (g) Failed to close or seal off a known construction work area;

OR

- (h) Was otherwise negligent or careless.

11. That at the aforesaid time and place, Plaintiff was walking on the basement staircase when he fell and injured his hand on the premises floor which contained exposed and harmful construction materials and metal objects, thereby proximately causing Plaintiff to be injured.

12. That as a direct and proximate result of one or more of the aforesaid careless and negligent acts and/or omissions of the Defendant, RESPONSIBLE PARTY, the Plaintiff sustained severe and permanent injuries, both externally and internally, and was, and will be, hindered and prevented from attending to his usual duties and affairs and has lost, and will in the future lose, the value of that time. Plaintiff also suffered great pain and anguish; both in mind and body, and will in the future continue to suffer. Plaintiff further expended and became liable for, and will expend and become liable for, large sums of money for medical care and services endeavoring to become healed and cured of said injuries.

WHEREFORE, the Plaintiff, INJURED PERSON, demands judgment against the Defendant, RESPONSIBLE PARTY, an Illinois Not-For-Profit Corporation, in a dollar amount to satisfy the jurisdictional limitation of this Court and such additional amounts as the jury and the Court shall deem proper, and additionally, costs of said suit.

Respectfully Submitted,

Jonathan Rosenfeld

ROSENFELD INJURY LAWYERS.
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