

3. That sometime prior to the date aforesaid, the Defendant, XXXXX XXXXX XX., leased the aforementioned forklift to XXXXX XXXXX XXXXX, where the Plaintiff, INJURED PARTY, was working as a temporary warehouse worker.

4. That at all times pertinent hereto, the Plaintiff, INJURED PARTY, was in the course of his employment with Paramount Staffing under the direction of XXXXX XXXXX XXXXX. located at Address, City, State, in the County of Cook, State of Illinois.

5. On or about Date, Year, at 1:00 a.m., during the course of his work, the Plaintiff, INJURED PARTY, was performing work and operating said forklift in the a manner in which it was intended.

6. That on or about Date, Year at 1:00 a.m., and on occasions prior to said date, the Defendant, XXXXX XXXXX XXX., had inspected, maintained, tested and certified that said forklift was safe and fit for use in the manner in which it was intended.

7. On or about Date, Year at 1:00 a.m., the Plaintiff, INJURED PARTY, was operating said forklift and was attempting to bring the forklift to a stop when the braking mechanism on said forklift failed thus causing the forklift to become involved in a collision thus causing severe injuries to the Plaintiff.

8. That on or about the date aforesaid and at all times and places hereinafter mentioned, and prior and subsequent thereto, it was the duty of the Defendant, XXXXX XXXXX XXXX to exercise reasonable care and caution in the repair, maintenance, inspection, testing, examination and/or certification of said forklift in order to prevent injury to individuals using said forklift.

9. That on or about the date aforesaid, the Defendant, XXXXX XXXXX
XXXX, notwithstanding its duty was then and there guilty of one or more of the
following negligent acts or omissions:

- a. allowed and/or permitted said forklift device to be and remain in an
unreasonably dangerous condition so that the Plaintiff was greatly injured;
- b. allowed and/or permitted the use of said forklift when it knew or should
have known that to do so could and/or would cause an unreasonable risk
of injury to those that used the device, namely the Plaintiff, herein;
- c. failed to and/or refused to properly and/or adequately repair, inspect, test
and/or examine said forklift and/or baking system although the Defendant
knew or should have known that to do so would cause an unreasonable
risk of injury to those that used the device, namely the Plaintiff, herein;
- d. certified said forklift as safe even though said product failed to have any
and/or adequate properties and/or ability to prevent said product from
severely causing injury to those that used the device or those that were in
close proximity to the device, namely the Plaintiff, herein;
- e. failed to properly maintain the brakes on the forklift in issue;
- f. failed to and/or refused to properly and/or adequately test said devices
before allowing same to be used and/or placed into operation;

10. That as a direct and proximate result of one or more of the aforesaid
negligent acts and/or omissions of the Defendant, XXXXX XXXXX XXXX., the forklift
did then and there severely injure the Plaintiff, INJURED PARTY, thereby causing the
plaintiff to sustain severe and disabling injuries.

WHEREFORE, Plaintiff, INJURED PARTY, demands judgment against the Defendant, XXXXX XXXXX XXX., in an amount in excess of \$50,000.00 plus costs of suit.

ROSENFELD INJURY LAWYERS

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