

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

INJURED PERSON	)	
	)	
Plaintiff,	)	
	)	
v.	)	
RESPONSIBLE PARTY, and	)	
RESPONSIBLE PARTY	)	Case No.
	)	
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, and RESPONSIBLE PARTY, states as follows:

**ALLEGATIONS COMMON TO ALL DEFENDANTS**

1. On and before August 21, 2012, Plaintiff, INJURED PERSON, resided at 7439 Tripp in the Village of Skokie, County of Cook, State of Illinois.
2. On and before August 21, 2012, Defendant, RESPONSIBLE PARTY, (“RESPONSIBLE PARTY”) was an Illinois corporation and conducted business in Cook County, Illinois.
3. On and before August 21, 2012, Defendant, RESPONSIBLE PARTY (“RESPONSIBLE PARTY”), was an Illinois corporation and conducted business in Cook County, Illinois.
4. On and before August 21, 2012, Defendant, RESPONSIBLE PARTY was in the business of selling to the general public various medical supplies and when appropriate would install various medical supplies in the homes of customers and the public at large in Illinois.

5. On and before August 21, 2012, Defendant, RESPONSIBLE PARTY was in the business of providing at home health care services to the general public in Illinois.

6. On and before August 21, 2012, Plaintiff, INJURED PERSON, hired defendant RESPONSIBLE PARTY to provide at home health care services for him following a surgery to replace his hip.

7. On and before August 21, 2012 defendant RESPONSIBLE PARTY contracted with defendant RESPONSIBLE PARTY to purchase and install a certain medical supply for INJURED PERSON, specifically a locking raised toilet seat with arms, (“MEDICAL SUPPLY”) and to install this medical supply in the home of Plaintiff, [INJURED PERSON](#).

8. On August 21, 2012, an unknown agent, servant, or employee of defendant RESPONSIBLE PARTY, in the course and scope of his employment, came to Plaintiff’s home at 7439 N. Tripp in Skokie, IL to install the MEDICAL SUPPLY in Plaintiff’s bathroom.

9. On August 21, 2012, the unknown RESPONSIBLE PARTY employee assigned to install the aforementioned MEDICAL SUPPLY at Plaintiff’s home was at all times acting in his capacity as an employee, agent, or servant of defendant, RESPONSIBLE PARTY.

10. On August 21, 2012, at the aforementioned location, through his errors and omissions in the installation the MEDICAL SUPPLY in Plaintiff’s home, as described below, the unknown RESPONSIBLE PARTY employee caused Plaintiff INJURED PERSON to suffer serious injuries.

**COUNT I**  
**RESPONSIBLE PARTY**  
**Negligence**

NOW COMES the Plaintiff, INJURED PERSON, by and through his attorneys, BEKKERMAN LAW OFFICES, LLC, complaining of defendant RESPONSIBLE PARTY, for Count One of this Complaint at Law, states as follows:

1-10. Plaintiff adopts and re-alleges paragraphs One (1) through Ten (10) of the

Allegations Common to All Defendants of this Complaint at Law as paragraphs One (1) through Ten (10) of this Count One as set forth specifically against this Defendant.

11. On and before August 21, 2012, defendant RESPONSIBLE PARTY, through its agents, servants and employees, knew or should have known about the medical condition of Plaintiff, INJURED PERSON, and should have selected and recommended the proper medical supply, specifically the appropriate raised and locking toilet seat, to install in his home to assist him with daily living.

12. On August 21, 2012, while in Plaintiff's home installing the MEDICAL SUPPLY, the unknown RESPONSIBLE PARTY employee, in his capacity as an employee, agent, or servant of defendant, RESPONSIBLE PARTY, owed a duty of reasonable care in the installation of that medical supply to ensure that the supply would be safe and suitable for normal use by individuals, including Plaintiff, INJURED PERSON.

13. Notwithstanding this duty, on August 21, 2012, while in Plaintiff's home installing the MEDICAL SUPPLY, the unknown RESPONSIBLE PARTY employee, in his capacity as an employee, agent, or servant of defendant, RESPONSIBLE PARTY, was then and there guilty of one or more of the following acts and/or omissions:

- (a) Failed to properly inspect the MEDICAL SUPPLY to make sure it was safe and suitable for normal use prior to installation on Plaintiff's toilet;
- (b) Failed to properly evaluate whether the MEDICAL SUPPLY was the appropriate medical supply to install in Plaintiff's home toilet in light of Plaintiff's medical condition;
- (c) Failed to properly evaluate whether the MEDICAL SUPPLY was the appropriate seat and/or fit to install in Plaintiff's home toilet;
- (d) Failed to properly install the MEDICAL SUPPLY in Plaintiff's home;
- (e) Failed to properly secure and tighten the MEDICAL SUPPLY on Plaintiff's home toilet after installing it;
- (f) Failed to properly ensure that the Medline brand toilet seat he installed was secure, sturdy, and safe and suitable for use by Plaintiff after installation;

- (g) Failed to warn the Plaintiff of the dangerous conditions of the Medline brand raised toilet seat he installed, when the defendant knew, or in the exercise of ordinary care should have known, that said warning was necessary to prevent injury to the Plaintiff;

OR

- (h) Was otherwise careless and or negligent;

14. 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, by and through its employees, agents or servants, the Plaintiff, INJURED PERSON, then and there sustained a severe and permanent [injury to his hip](#) after using the raised toilet seat, and as a result has become damaged and incapacitated; has in the past and will in the future, incur legal obligations for hospital, medical, nursing, rehabilitative and related services and treatment; has been caused to suffer pain, disability, disfigurement and inconvenience; all of which injuries and conditions are permanent.

WHEREFORE, the Plaintiff, INJURED PERSON, demands judgment against the Defendant, RESPONSIBLE PARTY, in an amount in excess of \$50,000 and such additional amounts as the jury and the Court shall deem proper, and additionally, costs of said suit.

**COUNT II**  
**RESPONSIBLE PARTY**  
**Negligence**

NOW COMES the Plaintiff, INJURED PERSON, by and through his attorneys, ROSENFELD INJURY LAWYERS, complaining of defendant, RESPONSIBLE PARTY, for Count Two of this Complaint at Law, states as follows:

1-12. Plaintiff adopts and re-alleges paragraphs One (1) through Twelve(12) of Count I of this Complaint at Law as paragraphs One (1) through Twelve (12) of this Count Two as set forth specifically against this Defendant.

13. On and before August 21, 2012 defendant RESPONSIBLE PARTY was hired by Plaintiff as an at home medical care provider to assist him following his hip replacement surgery which left him partially immobilized and in need of assistance with daily activities.

14. On and before August 21, 2012, defendant RESPONSIBLE PARTY, contracted with defendant RESPONSIBLE PARTY for the purpose of providing Plaintiff a medical supply to assist him with safe daily activities in light of his medical condition, including the safe use of his toilet.

15. On and before August 21, 2012 defendant RESPONSIBLE PARTY, by and through its agents, servants, and employees, was responsible for selecting and purchasing the types of medical supplies required by Plaintiff for his at home medical care from businesses such as defendant RESPONSIBLE PARTY.

16. On and before August 21, 2012 defendant RESPONSIBLE PARTY, by and through its agents, servants and employees, was responsible for overseeing the installation of certain medical supplies required by Plaintiff for his at home medical care from businesses it contracted with, such as defendant, RESPONSIBLE PARTY.

17. On and before August 21, 2012, defendant RESPONSIBLE PARTY, through its agents, servants and employees, owed a duty of reasonable care in the selection and purchasing of medical supplies required by Plaintiff for his at home medical care and for overseeing the installation of those medical supplies by its contractors and/or vendors to ensure the safety and well-being of Plaintiff.

18. Notwithstanding this duty, on and before August 21, 2012, defendant, RESPONSIBLE PARTY, by and through its agents, servants and employees, was then and there guilty of one or more of the following acts and/or omissions:

- (a) Failed to properly select and purchase the appropriate, safe and suitable raised and locked toilet seat for Plaintiff to use in light of his medical condition;

- (b) Failed to oversee the installation of the MEDICAL SUPPLY in Plaintiff's home by the unknown employee of defendant RESPONSIBLE PARTY to ensure that the installation was properly performed;
- (c) Failed to properly test the MEDICAL SUPPLY installed by defendant RESPONSIBLE PARTY to ensure that it was safe and suitable for use by the Plaintiff in light of his medical condition;
- (d) Failed to provide Plaintiff a safe and suitable toilet seat when it knew or should have known that Plaintiff required such medical supply for his at home health care in light of his medical condition;
- (e) Failed to warn the Plaintiff of the dangerous conditions of the Medline brand raised toilet seat installed by RESPONSIBLE PARTY, when the defendant knew, or in the exercise of ordinary care should have known, that said warning was necessary to prevent injury to the Plaintiff;
- (f) Failed to properly evaluate whether the MEDICAL SUPPLY was the appropriate medical supply to install in Plaintiff's home in light of Plaintiff's medical condition;
- (g) Failed to properly evaluate whether the MEDICAL SUPPLY was the appropriate seat and/or fit to install in Plaintiff's home toilet;

OR

- (h) Was otherwise careless and or negligent;

19. 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, by and through its employees, agents or servants, the Plaintiff, INJURED PERSON, then and there sustained a severe and permanent injury to his hip after using the MEDICAL SUPPLY, and as a result has become damaged and incapacitated; has in the past and will in the future, incur legal obligations for hospital, medical, nursing, rehabilitative and related services and treatment; has been caused to suffer pain, disability, disfigurement and inconvenience; all of which injuries and conditions are permanent.

WHEREFORE, the Plaintiff, INJURED PERSON, demands judgment against the Defendant, RESPONSIBLE PARTY, in an amount in excess of \$50,000 and such additional amounts as the jury and the Court shall deem proper, and additionally, costs of said suit.

Respectfully submitted,

By: \_\_\_\_\_  
Jonathan Rosenfeld

ROSENFELD INJURY LAWYERS

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**AFFIDAVIT PURSUANT TO  
ILLINOIS SUPREME COURT RULE 222**

I, JONATHAN ROSENFELD, under oath and subject to the penalties of perjury, depose and state that the damages sought in this cause exceed the sum of FIFTY THOUSAND DOLLARS (\$50,000.00).

Pursuant to 735 ILCS 5/1-109, the undersigned certifies that the foregoing Affidavit is true and correct based upon the personal knowledge of the undersigned.

Respectfully submitted,

By: \_\_\_\_\_  
Jonathan Rosenfeld

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