

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
WILL COUNTY, ILLINOIS**

INJURED PERSON, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 RESPONSIBLE PARTIES )  
 )  
 Defendants. )  
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 )

**COMPLAINT AT LAW**

NOW COMES the plaintiff, INJURED PERSON, by and through her attorneys, ROSENFELD INJURY LAWYERS, and complaining of defendants, RESPONSIBLE PARTIES, states as follows:

**COUNT 1-(RESPONSIBLE PARTY )**  
**NEGLIGENCE**

1. On and prior to July 23, 2010, the defendant RESPONSIBLE PARTIES owned, operated, managed, maintained, and controlled a certain property/housing complex located at 25958 S. Locust Place, City of Monee, County of Will, and State of Illinois.
2. That on July 23, 2010, the Plaintiff, INJURED PERSON, was a tenant at the property located at 25958 S. Locust Place, City of Monee, County of Will, and State of Illinois, and was thereby lawfully on said property.
3. That on or about said date and at all times material herein, Plaintiff, INJURED PERSON, was in exercise of ordinary care for her own safety and was free from contributory negligence.

4. That on said property on and before July 23, 2010 was an attic located above the second floor apartment where Plaintiff, INJURED PERSON resided.
5. That on said property on and before July 23, 2010, the attic contained a concealed and [hazardous defect](#) in its floor located at or near the attic access opening. The concealed defect was covered by vermiculite insulation and did not have any floor joist support and thus could not support the weight of a human being.
6. That on said property on and before July 23, 2010 the attic also contained the air conditioning unit for the residence where Plaintiff INJURED PERSON resided.
7. That on July 23, 2010, Plaintiff, INJURED PERSON, was in the attic at the property located at 25958 S. Locust Place, City of Monee, County of Will, and State of Illinois repairing the air conditioning unit and at that time and place was caused to fall through the concealed and hazardous defect in the attic floor located at or near the attic access opening due to the deteriorated and unsafe condition in the area of the attic which was and had been deteriorated and concealed for a long period of time prior to this incident.
8. At all times material hereto, it was the duty of the defendant, RESPONSIBLE PARTY, operating individually and by and through his duly authorized agents and servants acting on his behalf, to exercise ordinary care for the safety of the Plaintiff to operate, manage and control said property in a reasonably safe manner.
9. That at the time and place aforesaid, defendant RESPONSIBLE PARTY, was then and there negligent and careless of one or more of the following acts:
  - a) Carelessly and negligently allowed said attic to remain in a dangerous and hazardous condition when he knew or with reasonable knowledge should have known that persons such as the Plaintiff could walk upon and through this area;

- b) Failed to warn persons such as the Plaintiff of the unsafe and hazardous condition that had been created and existed in said attic;
- c) Carelessly and negligently created a dangerous and hazardous condition by failing to regularly and routinely inspect said area in the attic thereby creating and directly causing a dangerous and hazardous condition to exist;
- d) Carelessly and negligently failed to repair the area in said attic in a timely manner when he knew or should have known with reasonable knowledge that individuals, including the Plaintiff, were likely to use said area and thereby become injured;
- e) Failed to install proper safety devices such as floor joist support in the concealed opening in the attic in a timely and efficient manner when he knew or should have known with reasonable knowledge that individuals, including the Plaintiff, were likely to use said area and thereby become injured;
- f) Failed to properly design, construct, erect and maintain a safe and proper attic space area at the said property when he knew or should have known with reasonable knowledge that individuals, including the Plaintiff, were likely to use said area and thereby become injured;

OR

- g) Was otherwise careless and negligent in the design, construction, maintenance, or operation of the property, including the attic area.

10. That as a direct and proximate result of one or more of the aforesaid careless and negligent acts, or omissions, the Plaintiff, INJURED PERSON, suffered [severe injuries](#) both internally and externally of a permanent and lasting nature which have caused and will continue to cause pain in body and mind; and the Plaintiff was caused to expend and in the future will be compelled to expend large sums of money for medical care in endeavoring to be cured of said injuries; and the Plaintiff was caused to and did lose much time from her employment, thereby incurring losses of large sums of money; the Plaintiff has been and in the future will be prevented from attending to her usual affairs and duties.

WHEREFORE, the Plaintiff, [INJURED PERSON](#), prays for judgment against the defendant, RESPONSIBLE PARTY, in a sum in excess of FIFTY THOUSAND DOLLARS (\$50,000.00) plus the costs of bringing this action.

**COUNT II-(RESPONSIBLE PARTY)**

1-9. Plaintiff adopts and re-alleges Paragraphs One (1) through Ten (10) of Count One of this Complaint at Law as Paragraphs One (1) through Ten (10) inclusive of this Count Two, directed toward RESPONSIBLE PARTY, as though fully set forth herein.

WHEREFORE, the Plaintiff, INJURED PERSON, prays for judgment against the Defendant, RESPONSIBLE PARTY, in a sum in excess of FIFTY THOUSAND DOLLARS (\$50,000.00) plus the costs of bringing this action.

Respectfully submitted,

ROSENFELD INJURY LAWYERS

By: \_\_\_\_\_  
[Jonathan Rosenfeld](#)

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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,

ROSENFELD INJURY LAWYERS

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

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