

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

INJURED PERSON,)	
)	
Plaintiff,)	
)	
v.)	
)	No.
RESPONSIBLE PARTY, a body corporate)	
and politic,)	
)	
Defendant.)	
)	
)	
)	
)	

COMPLAINT AT LAW

NOW COMES the Plaintiff, INJURED PERSON, by his attorneys, ROSENFELD INJURY LAWYERS, and complaining of the Defendant, RESPONSIBLE PARTY, a body corporate and politic, alleges as follows:

COUNT I
CONSTRUCTION NEGLIGENCE

1. On and before April 21, 2011, Plaintiff INJURED PERSON resided at 5045 Berenice Avenue, in Chicago, Cook County, IL.
2. On and before April 21, 2011, the Defendant, RESPONSIBLE PARTY, (hereinafter referred to as "RESPONSIBLE PARTY") owned the Calumet Water Reclamation Plant located at 400 East 130th Street, in Chicago, Cook County, IL.
3. On and before April 21, 2011, the Defendant, RESPONSIBLE PARTY, (hereinafter referred to as "RESPONSIBLE PARTY") operated the Calumet Water Reclamation Plant located at 400 East 130th Street, in Chicago, Cook County, IL.

4. On and before April 21, 2011, Defendant RESPONSIBLE PARTY was in charge of the erection, construction, repairs, alteration, removal and/or painting and possessed, operated, managed, maintained and controlled, both directly and indirectly, individually and through its agents, servants and employees, the Calumet Water Reclamation Plant located at 400 East 130th Street, in Chicago, Cook County, IL.

5. Prior to April 21, 2011, RESPONSIBLE PARTY entered into an agreement for certain construction, repairs, alteration and/or removal with EMPLOYER, to perform various work at the Calumet Water Reclamation Plant.

6. On and before April 21, 2011, the Plaintiff, INJURED PERSON, was an employee of EMPLOYER, at the Calumet Water Reclamation Plant.

7. On and before April 21, 2011, INJURED PERSON was assigned to work at the Calumet Water Reclamation Plant's primary settling tank number 2402.

8. Prior to the April 21, 2011, there were heavy rains in the area of the Calumet Water Reclamation Plant, and specifically the area surrounding the settling tank number 2402, causing the ground conditions in the area of settling tank number 2402 to become extremely muddy.

9. On April 21, 2011, INJURED PERSON had descended into the effluent chamber of the Calumet Water Reclamation Plant's primary settling tank number 2402 to perform work.

10. On April 21, 2011, INJURED PERSON had already descended into the chamber of the primary settling tank 2402, when CO-WORKER, a co-worker of INJURED PERSON's at EMPLOYER, fell while he was in the process of climbing down an extension ladder to reach the bottom of the same settling tank. CO-WORKER fell a significant height, landing directly on INJURED PERSON.

11. On and before April 21, 2011, at the aforesaid time and place, the Defendant, RESPONSIBLE PARTY, individually and through its agents, servants and employees, was present during the course of such erection, construction, repairs, alteration, removal and/or painting at that location. The Defendant, RESPONSIBLE PARTY participated in coordinating the work being done and designated various work methods, maintained and checked work progress and participated in the scheduling of the work and the inspection of the work. In addition, at that time and place, the Defendant, RESPONSIBLE PARTY had the authority to stop the work, refuse the work and materials and order changes in the work, in the event the work was being performed in a dangerous manner or for any other reason.

12. On and before April 21, 2011, at the aforesaid time and place, the Defendant, RESPONSIBLE PARTY, individually and through its agents, carelessly and negligently caused and permitted said premises to become and remain in a dangerous condition for persons using said premises, although the Defendant knew, or in the exercise of ordinary and reasonable care should have known, of said dangerous condition.

13. On and before April 21, 201, at the aforesaid time and place, the Defendant, RESPONSIBLE PARTY, failed to provide proper equipment and failed to erect, construct place or operate, or failed to cause to be erected, constructed, placed or operated, a safe, suitable and proper hoist, lift, stand, ladder, or tie off to facilitate and be used in the said erection, construction, repair, alteration, removal and/or painting.

14. That at all times material to this Complaint, the Defendant, RESPONSIBLE PARTY had a duty to exercise reasonable care in the erection, construction, placement, or operation of said construction site including the provision of a safe, suitable and proper hoist, lift,

stand, ladder or tie off for the Plaintiff and others then and there working and had a duty to provide Plaintiff and his co-workers a [safe and suitable place to perform their work](#).

15. Notwithstanding this duty, at that time and place, the Defendant, RESPONSIBLE PARTY, individually and by and through its agents, servants and employees, was then and there guilty of one or more of the following careless and negligent acts and/or omissions:

- (a) Failed to make a reasonable inspection of the premises and the work being done thereon, when the Defendant knew, or in the exercise of ordinary care should have known, that said inspection was necessary to prevent injury to the Plaintiff;
- (b) Improperly operated, managed, maintained and controlled the premises, so that as a direct and proximate result thereof, the Plaintiff was injured;
- (c) Failed to provide the Plaintiff and his co-workers with a safe place within which to work;
- (d) Failed to warn the Plaintiff and his co-workers of the dangerous conditions then and there existing, 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;
- (e) Failed to provide adequate safeguards to prevent the Plaintiff from injury while lawfully upon said premises;
- (f) Failed to supervise the work being done on the aforesaid premises;
- (g) Failed to provide adequate fall restraints and fall protection for Plaintiff and his co-workers while working in and around the settling tank;
- (h) Failed to provide a safe and suitable lift, hoist, scaffold or ladder for EMPLOYER'S employees to carry out their work;
- (i) Failed to ensure safe, suitable and proper ground conditions;
- (j) Required EMPLOYER crew members to work around the subject settling tank when it knew the conditions were

extremely muddy and knew the inside of the chamber contained excessive water;

- (k) Failed to provide a wide enough opening so that the slope of the ladder could be adequately extended, allowing Plaintiff and his co-workers to work safely in and around the settling tank;
- (l) Failed to provide the necessary requirements for water site control in and around the settling tank work area;

OR

- (m) Failed to schedule and/or coordinate the work of the contractors and/or subcontractors to allow work to be completed in a safe, suitable and proper manner.

16. 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 body corporate and politic, in a dollar amount to satisfy and exceed 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
PREMISES LIABILITY

1. On and before April 21, 2011, Plaintiff INJURED PERSON resided at 5045 Berenice Avenue, in Chicago, Cook County, IL.

2. On and before April 21, 2011, the Defendant, RESPONSIBLE PARTY, (hereinafter referred to as “RESPONSIBLE PARTY”) owned the Calumet Water Reclamation Plant located at 400 East 130th Street, in Chicago, Cook County, IL.

3. On and before April 21, 2011, the Defendant, RESPONSIBLE PARTY, (hereinafter referred to as “RESPONSIBLE PARTY”) operated the Calumet Water Reclamation Plant located at 400 East 130th Street, in Chicago, Cook County, IL.

4. Prior to April 21, 2011, RESPONSIBLE PARTY entered into an agreement for certain construction, repairs, alteration and/or removal with EMPLOYER, to perform various work at the Calumet Water Reclamation Plant.

5. On and before April 21, 2011, the Plaintiff, INJURED PERSON, was an employee of EMPLOYER, at the Calumet Water Reclamation Plant.

6. On and before April 21, 2011, INJURED PERSON was assigned to work at the Calumet Water Reclamation Plant’s primary settling tank number 2402.

7. Prior to the April 21, 2011, there were heavy rains in the area of the Calumet Water Reclamation Plant, and specifically the area surrounding the settling tank number 2402, causing the ground conditions in the area of settling tank number 2402 to become extremely muddy.

8. On April 21, 2011, INJURED PERSON had descended into the effluent chamber of the Calumet Water Reclamation Plant’s primary settling tank number 2402 to perform work.

9. On April 21, 2011, INJURED PERSON had already descended into the chamber of the primary settling tank 2402, when CO-WORKER, a co-worker of INJURED PERSON’s at EMPLOYER, fell while he was in the process of climbing down an extension ladder to reach the

bottom of the same settling tank. CO-WORKER fell a significant height, landing directly on [INJURED PERSON](#).

10. On and before April 21, 2011, at the aforesaid time and place, the Defendant, RESPONSIBLE PARTY, individually and through its agents, carelessly and negligently caused and permitted the Calumet Water Reclamation Plant to become and remain in a dangerous condition for persons using said premises, although the Defendant knew, or in the exercise of ordinary and reasonable care should have known, of said dangerous condition.

11. That at all times material to this Complaint, the Defendant, RESPONSIBLE PARTY had a duty to exercise reasonable care in the maintenance and operation of the Calumet Water Reclamation and had a duty as landowner and operator of the property to provide Plaintiff and his co-workers a safe and suitable place to perform their work.

12. On and before April 21, 2011 at the aforesaid time and place, the Defendant, RESPONSIBLE PARTY, well knowing its duty in this regard, carelessly and negligently caused and permitted said [premises to become and remain in a dangerous condition](#) for persons using said premises, although the Defendant knew, or in the exercise of ordinary and reasonable care should have known, of said dangerous condition.

13. Notwithstanding this duty, at that time and place, the Defendant, RESPONSIBLE PARTY, individually and by and through its agents, servants and employees, was then and there guilty of one or more of the following careless and negligent acts and/or omissions:

- (a) Failed to make a reasonable inspection of the premises and the work being done thereon, when the Defendant knew, or in the exercise of ordinary care should have known, that said inspection was necessary to prevent injury to the Plaintiff;
- (b) Improperly operated, managed, maintained and controlled the premises, so that as a direct and proximate result thereof, the Plaintiff was injured;

- (c) Failed to provide the Plaintiff and his co-workers with a safe place within which to work;
- (d) Failed to warn the Plaintiff and his co-workers of the dangerous conditions then and there existing, 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;
- (e) Failed to provide adequate safeguards to prevent the Plaintiff from injury while lawfully upon said premises;
- (f) Failed to supervise the work being done on the aforesaid premises;
- (g) Failed to provide adequate fall restraints and fall protection for Plaintiff and his co-workers while working in and around the settling tank;
- (h) Failed to provide a safe and suitable lift, hoist, scaffold or ladder for EMPLOYER'S employees to carry out their work;
- (i) Failed to ensure safe, suitable and proper ground conditions;
- (j) Required EMPLOYER crew members to work around the subject settling tank when it knew the conditions were extremely muddy and knew the inside of the chamber contained excessive water;
- (k) Failed to provide a wide enough opening so that the slope of the ladder could be adequately extended, allowing Plaintiff and his co-workers to work safely in and around the settling tank;
- (l) Failed to provide the necessary requirements for water site control in and around the settling tank work area;

OR

- (m) Failed to schedule and/or coordinate the work of the contractors and/or subcontractors to allow work to be completed in a safe, suitable and proper manner.

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, 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 body corporate and politic, in a dollar amount to satisfy and exceed 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
DIRECT NEGLIGENCE

1. On and before April 21, 2011, Plaintiff INJURED PERSON resided at 5045 Berenice Avenue, in Chicago, Cook County, IL.

2. On and before April 21, 2011, the Defendant, RESPONSIBLE PARTY, (hereinafter referred to as "RESPONSIBLE PARTY") owned the Calumet Water Reclamation Plant located at 400 East 130th Street, in Chicago, Cook County, IL.

3. On and before April 21, 2011, the Defendant, RESPONSIBLE PARTY, (hereinafter referred to as "RESPONSIBLE PARTY") operated the Calumet Water Reclamation Plant located at 400 East 130th Street, in Chicago, Cook County, IL.

4. On and before April 21, 2011, Defendant RESPONSIBLE PARTY owned, possessed, operated, managed, maintained, designed, inspected, planned and controlled and had

a duty to use ordinary care in owning, possessing, operating, managing, maintaining, designing, inspecting, planning, and controlling, both directly and indirectly, individually and through their agents, servants and employees, the Calumet Water Reclamation Plant located at 400 East 130th Street, in Chicago, Cook County, IL.

5. Prior to April 21, 2011, RESPONSIBLE PARTY entered into an agreement for certain construction, repairs, alteration and/or removal with EMPLOYER, to perform various work at the Calumet Water Reclamation Plant.

6. On and before April 21, 2011, the Plaintiff, INJURED PERSON, was an employee of EMPLOYER, at the Calumet Water Reclamation Plant.

7. On and before April 21, 2011, INJURED PERSON was assigned to work at the Calumet Water Reclamation Plant's primary settling tank number 2402.

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9. On April 21, 2011, INJURED PERSON had descended into the effluent chamber of the Calumet Water Reclamation Plant's primary settling tank number 2402 to perform work.

10. On April 21, 2011, INJURED PERSON had already descended into the chamber of the primary settling tank 2402, when CO-WORKER, a co-worker of INJURED PERSON's at EMPLOYER, fell while he was in the process of climbing down an extension ladder to reach the bottom of the same settling tank. CO-WORKER fell a significant height, landing directly on INJURED PERSON.

11. On and before April 21, 2011 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, including his co-workers such as CO-WORKER, lawfully working at the Calumet Water Reclamation Plant.

12. That at the aforesaid time and place, the Defendant, RESPONSIBLE PARTY, individually and by and through its agents, servants and employees, 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) Failed to make a reasonable inspection of the premises and the work being done thereon, when the Defendant knew, or in the exercise of ordinary care should have known, that said inspection was necessary to prevent injury to the Plaintiff;
- (b) Improperly operated, managed, maintained and controlled the premises, so that as a direct and proximate result thereof, the Plaintiff was injured;
- (c) Failed to provide the Plaintiff and his co-workers with a safe place within which to work;
- (d) Failed to warn the Plaintiff and his co-workers of the dangerous conditions then and there existing, 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;
- (e) Failed to provide adequate safeguards to prevent the Plaintiff from injury while lawfully upon said premises;
- (f) Failed to supervise the work being done on the aforesaid premises;
- (g) Failed to provide adequate fall restraints and fall protection for Plaintiff and his co-workers while working in and around the settling tank;
- (h) Failed to provide a safe and suitable lift, hoist, scaffold or ladder for EMPLOYER'S employees to carry out their work;
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- (j) Required EMPLOYER crew members to work around the subject settling tank when it knew the conditions were extremely muddy and knew the inside of the chamber contained excessive water;
- (k) Failed to provide a wide enough opening so that the slope of the ladder could be adequately extended, allowing Plaintiff and his co-workers to work safely in and around the settling tank;
- (l) Failed to provide the necessary requirements for water site control in and around the settling tank work area;

OR

- (m) Failed to schedule and/or coordinate the work of the contractors and/or subcontractors to allow work to be completed in a safe, suitable and proper manner.

13. 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 body corporate and politic, in a dollar amount to satisfy and exceed 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.

ROSENFELD INJURY LAWYERS

By: _____
Jonathan Rosenfeld

ROSENFELD INJURY LAWYERS

33 North Dearborn Street, #1930
Chicago, IL 60602
Tel: (847) 835-8895
Fax: (847) 572-1331

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

INJURED PERSON,)	
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Plaintiff,)	
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v.)	
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RESPONSIBLE PARTY, a body corporate)	
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Defendant.)	
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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.

By: _____
Jonathan Rosenfeld

ROSENFELD INJURY LAWYERS
33 North Dearborn Street, #1930
Chicago, IL 60602
Tel: (847) 835-8895
Fax: (847) 572-1331