

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

MICHELLE JOHNS, individually and as)	
special administrator of the estate of)	
LEO STEVENS, deceased, and as mother and next)	
friend of SABRINA STEVENS, minor)	
)	
Plaintiffs,)	
)	
vs.)	No:
)	
FRANCISCO CHAIDEZ, F.A. TAILGATORS,)	
an Illinois Corporation d/b/a Tailgators Sports Bar,)	
and 9247 CORP, an Illinois Corporation d/b/a)	
Murphy's Law.)	
)	
Defendants.)	

COMPLAINT

COUNT I

(Leo Stevens v. Francisco Chaidez - Wrongful Death)

NOW COMES Plaintiff, MICHELLE JOHNS, as Special Administrator of the Estate of LEO STEVENS, deceased, by her attorneys, FICHERA & MILLER, P.C., and complaining of the Defendant, FRANCISCO CHAIDEZ, states as follows:

1. On January 23, 2011 at approximately 10:24 p.m. Leo Stevens was driving and Michelle Johns, Sabrina Stevens were passengers in a 1999 GMC Yukon traveling southbound on Cicero Avenue.
2. At said time and place, the Defendant, Francisco Chaidez, was operating a 2004 Ford Expedition northbound on Cicero Avenue.
3. It was the duty of the Defendant, Francisco Chaidez, to exercise reasonable care and caution in driving his vehicle.
4. At said time and place, Michelle Johns, Sabrina Stevens, and Leo Stevens were traveling south in the southbound lane when the Defendant, Francisco Chaidez was traveling north in the southbound lane.
5. The front portion of Francisco Chaidez's vehicle collided with the front portion of Leo Stevens's vehicle.

6. Francisco Chaidez's blood alcohol content at the time of the accident was in excess of the legal limit.

7. The Defendant, Francisco Chaidez, committed one or more of the following negligent acts or omissions:

- a. Operated said vehicle without keeping proper and sufficient lookout, contrary to state and local law;
- b. Proceeded at a speed which was greater than reasonable and proper for the traffic conditions in the use of the highway, or which endangered persons or property in violation of Illinois Compiled Statute 1992, Chapter 625, Act 5, Section 11-601;
- c. Operated vehicle at night without headlights on.
- d. Drove vehicle north in the southbound lane of travel.
- e. Failed to give an audible warning with his horn when such warning was reasonably necessary to insure safety in violation of Illinois Compiled Section 1992, Chapter 625, Act 5, Section 12.601;
- f. Drove the motor vehicle at a speed and manner that was unsafe for the condition existing at the time in violation of Illinois Compiled Statute 1992, Chapter 625, Section 5/11-709(a).
- g. Failed to properly equip said vehicle with sufficient brakes contrary to laws as made and provided; and
- h. Was otherwise careless and negligent in the operation and control of the motor vehicle.

8. As a proximate result of one or more of the foregoing acts of negligence, the Decedent, Leo Stevens, suffered fatal injuries.

9. At the time of the filing of this complaint, plaintiff filed a petition to appoint Michelle Johns Special Administrator of the Estate of Leo Stevens, Deceased, for the purpose of prosecuting this action.

10. This action is brought on behalf the Estate of the deceased, Leo Stevens, pursuant to the Wrongful Death Act of Illinois, 740 ILCS 180/1.

11. At the time of the decedent's death, he left surviving the following next of kin who are entitled to recover under the Wrongful Death Act:

- a. Daughter, Sabrina Stevens
- b. Daughter, Nicole Johns
- c. Daughter, Valerie Stevens

WHEREFORE, the Plaintiff, Michelle Johns, Special Administrator of the Estate of Leo Stevens, respectfully prays that this Honorable Court enter a judgment against the Defendant, FRANCISCO CHAIDEZ in an amount in excess of \$50,000.00 plus the costs of this action.

COUNT II

(Leo Stevens v. Francisco Chaidez – Survival Action)

NOW COMES Plaintiff, MICHELLE JOHNS, as Special Administrator of the Estate of LEO STEVENS, deceased, by her attorneys, FICHERA & MILLER, P.C., and complaining of the Defendant, FRANCISCO CHAIDEZ, states as follows:

1-7. The Plaintiff reasserts and realleges the allegations contained in Paragraphs 1 through 7 of Count I as if fully restated herein.

8. As a direct and proximate result of one or more of the aforesaid negligent acts and/or omissions of the Defendant, Francisco Chaidez, Leo Stevens endured intense pain and suffering and would have been entitled to bring an action for such injuries had he survived.

9. At the time of the filing of this complaint, plaintiff filed a petition to appoint Michelle Johns Special Administrator of the Estate of Leo Stevens, Deceased, for the purpose of prosecuting this action.

10. Michelle Johns as Special Administrator of the Estate of Leo Stevens, deceased, brings this action pursuant to 755 ILCS 5/27-6 commonly referred to as the “Survival Act.”

WHEREFORE, the Plaintiff, Michelle Johns, Special Administrator of the Estate of Leo Stevens, respectfully prays that this Honorable Court enter a judgment against the Defendant, FRANCISCO CHAIDEZ, in an amount in excess of \$50,000.00 plus the costs of this action.

COUNT III

(Michelle Johns v. Francisco Chaidez – Negligence)

NOW COMES Plaintiff, MICHELLE JOHNS by her attorneys, FICHERA & MILLER, P.C., and complaining of the Defendant, FRANCISCO CHAIDEZ, states as follows:

1-7. The Plaintiff reasserts and realleges the allegations contained in Paragraphs 1 through 7 of Count 1 as if fully restated herein.

8. As a direct and proximate result of one or more of the above mentioned negligent acts of the Defendant, the Plaintiff, MICHELLE JOHNS, was greatly injured and sustaining multiple fractures, several of which requiring surgery to repair; she suffered pain, shock, anguish and

became sick and disabled during which time she was caused to expend money for medical care, surgery and attention and has been prevented from attending to her usual work and affairs thereby losing income and incurring damages.

WHEREFORE, the Plaintiff, MICHELLE JOHNS, respectfully prays that this Honorable Court enter a judgment against the Defendant, FRANCISCO CHAIDEZ, in an amount in excess of \$50,000.00 plus the costs of this action.

COUNT IV

(Sabrina Stevens v. Francisco Chaidez – Negligence)

NOW COMES Plaintiff, MICHELLE JOHNS, as mother and next friend of SABRINA STEVENS, a minor, by her attorneys, FICHERA & MILLER, P.C., and complaining of the Defendant, FRANCISCO CHAIDEZ, states as follows:

1-7. The Plaintiff reasserts and realleges the allegations contained in Paragraphs 1 through 7 of Count I as if fully restated herein.

8. As a direct and proximate result of one or more of the above mentioned negligent acts of the Defendant, the Plaintiff, SABRINA STEVENS, was greatly injured; she suffered pain, shock, anguish and became sick and disabled during which time she was caused to expend money for medical care, surgery and attention and has been prevented from attending to her usual work and affairs thereby incurring damages.

WHEREFORE, the Plaintiff, MICHELLE JOHNS, as mother and next friend of SABRINA STEVENS, respectfully prays that this Honorable Court enter a judgment against the Defendant, FRANCISCO CHAIDEZ, in an amount in excess of \$50,000.00 plus the costs of this action.

COUNT V

(Leo Stevens v. Tailgators—Dram Shop: Wrongful Death)

NOW COMES Plaintiff, MICHELLE JOHNS, as Special Administrator of the Estate of LEO STEVENS, deceased, by her attorneys, FICHERA & MILLER, P.C., and complaining of the Defendant, F.A. TAILGATORS, an Illinois Corporation d/b/a Tailgators Sports Bar (hereinafter “Tailgators”), states as follows:

1. On or about January 23, 2011, the Defendant, F.A. TAILGATORS was a corporation, authorized to do business in the State of Illinois, and owned, controlled, managed, and/or operated, and was the licensee of a certain place of accommodation, commonly known as “Tailgators” located at 9300 South Cicero Avenue, in the Village of Oak Lawn, County of Cook, State of Illinois, and in the business of serving alcoholic liquors to the general public.

2. On January 23, 2011 at approximately 10:00p.m. the Defendant sold or gave certain alcoholic beverages to one Francisco Chaidez who became intoxicated as a result.

3. As a direct and proximate result of his intoxication Francisco Chaidez drove his vehicle negligently.

4. On January 23, 2011 at approximately 10:24 p.m. Leo Stevens was driving and Michelle Johns, Sabrina Stevens were passengers in a 1999 GMC Yukon traveling southbound on Cicero Avenue.

5. At said time and place, the Defendant, Francisco Chaidez, was operating a 2004 Ford Expedition northbound on Cicero Avenue.

6. At said time and place, Michelle Johns, Sabrina Stevens, and Leo Stevens were traveling south in the southbound lane while the Defendant, Francisco Chaidez was traveling north in the southbound lane.

7. The front portion of Francisco Chaidez’s vehicle collided with the front portion of the plaintiffs’ vehicle.

8. As a direct and proximate result of his intoxication Francisco Chaidez, committed one or more of the negligent acts or omissions:

- a. Operated said vehicle without keeping proper and sufficient lookout, contrary to state and local law;
- b. Proceeded at a speed which was greater than reasonable and proper for the traffic conditions in the use of the highway, or which endangered persons or property in violation of Illinois Compiled Statute 1992, Chapter 625, Act 5, Section 11-601;
- c. Operated vehicle at night without headlights on.
- d. Drove vehicle north in the southbound lane of travel.
- e. Failed to give an audible warning with his horn when such warning was reasonably necessary to insure safety in violation of Illinois Compiled Section 1992, Chapter 625, Act 5, Section 12.601;
- f. Drove the motor vehicle at a speed and manner that was unsafe for the condition existing at the time in violation of Illinois Compiled Statute 1992, Chapter 625, Section 5/11-709(a).

- g. Failed to properly equip said vehicle with sufficient brakes contrary to laws as made and provided; and
- h. Was otherwise careless and negligent in the operation and control of the motor vehicle

4. As a proximate result of Francisco Chaidez's intoxication, the Decedent, Leo Stevens, suffered fatal injuries and Sabrina Stevens and Michelle Johns were severely injured.

5. There was in full force and effect a certain statute in the State of Illinois, 235 ILCS 5/6-21, commonly known as the Dram Shop Act, under which this action is brought.

6. At the time of the filing of this complaint, plaintiff filed a petition to appoint Michelle Johns Special Administrator of the Estate of Leo Stevens, Deceased, for the purpose of prosecuting this action.

7. This action is brought on behalf the Estate of the deceased, Leo Stevens, pursuant to the Wrongful Death Act of Illinois, 740 ILCS 180/1.

8. At the time of the decedent's death, he left surviving the following next of kin who are entitled to recover under the Wrongful Death Act:

- a. Daughter, Sabrina Stevens
- b. Daughter, Nicole Johns
- c. Daughter, Valerie Stevens

WHEREFORE, the Plaintiff, Michelle Johns, Special Administrator of the Estate of Leo Stevens, respectfully prays that this Honorable Court enter a judgment against the Defendant, F.A. TAILGATORS, in an amount in excess of \$50,000.00 plus the costs of this action.

COUNT VI

(Leo Stevens v. Tailgators—Dram Shop: Survival)

NOW COMES Plaintiff, MICHELLE JOHNS, as Special Administrator of the Estate of LEO STEVENS, deceased, by her attorneys, FICHERA & MILLER, P.C., and complaining of the Defendant, F.A. TAILGATORS, an Illinois Corporation d/b/a Tailgators Sports Bar (hereinafter "Tailgators"), states as follows:

1-10. The Plaintiff reasserts and realleges the allegations contained in Paragraphs 1 through 10 of Count IV as if fully restated herein.

11. As a direct and proximate result of Francisco Chaidez's intoxication, Leo Stevens endured intense pain and suffering and would have been entitled to bring an action for such injuries had he survived.

12. At the time of the filing of this complaint, plaintiff filed a petition to appoint Michelle Johns Special Administrator of the Estate of Leo Stevens, Deceased, for the purpose of prosecuting this action.

13. Michelle Johns as Special Administrator of the Estate of Leo Stevens, deceased, brings this action pursuant to 755 ILCS 5/27-6 commonly referred to as the “Survival Act.”

WHEREFORE, the Plaintiff, Michelle Johns, Special Administrator of the Estate of Leo Stevens, respectfully prays that this Honorable Court enter a judgment against the Defendant, F.A. TAILGATORS, in an amount in excess of \$50,000.00 plus the costs of this action.

COUNT VII

(Michelle Johns v. Tailgators—Dram Shop)

NOW COMES Plaintiff, MICHELLE JOHNS, as Special Administrator of the Estate of LEO STEVENS, deceased, by her attorneys, FICHERA & MILLER, P.C., and complaining of the Defendant, F.A. TAILGATORS, an Illinois Corporation d/b/a Tailgators Sports Bar (hereinafter “Tailgators”), states as follows:

1-10. The Plaintiff reasserts and realleges the allegations contained in Paragraphs 1 through 10 of Count IV as if fully restated herein.

11. As a direct and proximate result of Francisco Chaidez’s intoxication, the Plaintiff, MICHELLE JOHNS, was greatly injured and sustaining multiple fractures, several of which requiring surgery to repair; she suffered pain, shock, anguish and became sick and disabled during which time she was caused to expend money for medical care, surgery and attention and has been prevented from attending to her usual work and affairs thereby losing income and incurring damages.

WHEREFORE, the Plaintiff, Michelle Johns, respectfully prays that this Honorable Court enter a judgment against the Defendant, F.A. TAILGATORS, in an amount in excess of \$50,000.00 plus the costs of this action.

COUNT VIII

(Sabrina Stevens v. Tailgators—Dram Shop)

NOW COMES Plaintiff, MICHELLE JOHNS, as mother and next friend of SABRINA STEVENS, a minor, by her attorneys, FICHERA & MILLER, P.C., and complaining of the Defendant, F.A. TAILGATORS, an Illinois Corporation d/b/a Tailgators Sports Bar (hereinafter “Tailgators”), states as follows:

1-10. The Plaintiff reasserts and realleges the allegations contained in Paragraphs 1 through 10 of Count IV as if fully restated herein.

11. As a direct and proximate result of Francisco Chaidez's intoxication, the Plaintiff, the Plaintiff, SABRINA STEVENS, was greatly injured; she suffered pain, shock, anguish and became sick and disabled during which time she was caused to expend money for medical care, surgery and attention and has been prevented from attending to her usual work and affairs thereby incurring damages.

WHEREFORE, the Plaintiff, Michelle Johns, respectfully prays that this Honorable Court enter a judgment against the Defendant, F.A. TAILGATORS, in an amount in excess of \$50,000.00 plus the costs of this action.

COUNT IX

(Michelle Johns v. Tailgators—Dram Shop: Loss of Support)

NOW COMES Plaintiff, MICHELLE JOHNS, as Special Administrator of the Estate of LEO STEVENS, deceased, by her attorneys, FICHERA & MILLER, P.C., and for her loss of support complaint of the Defendant, F.A. TAILGATORS, an Illinois Corporation d/b/a Tailgators Sports Bar (hereinafter "Tailgators"), states as follows:

1-10. The Plaintiff reasserts and realleges the allegations contained in Paragraphs 1 through 10 of Count IV as if fully restated herein.

11. As a direct and proximate result of Francisco Chaidez's intoxication, Michelle Stevens suffered a loss of means of support.

12. At the time of the filing of this complaint, plaintiff filed a petition to appoint Michelle Johns Special Administrator of the Estate of Leo Stevens, Deceased, for the purpose of prosecuting this action.

WHEREFORE, the Plaintiff, Michelle Johns, Special Administrator of the Estate of Leo Stevens, respectfully prays that this Honorable Court enter a judgment against the Defendant, F.A. TAILGATORS, in an amount in excess of \$50,000.00 plus the costs of this action.

COUNT X

(Leo Stevens v. Murphy's Law—Dram Shop: Wrongful Death)

NOW COMES Plaintiff, MICHELLE JOHNS, as Special Administrator of the Estate of LEO STEVENS, deceased, by her attorneys, FICHERA & MILLER, P.C., and complaining of the Defendant, 9247 CORP, an Illinois Corporation d/b/a Murphy's Law (hereinafter "Murphy's Law"), states as follows:

1. On or about January 23, 2011, the Defendant, 9247 CORP was a corporation, authorized to do business in the State of Illinois, and owned, controlled, managed, and/or operated, and was the licensee of a certain place of accommodation, commonly known as “Murphy’s Law” located at 9247 South Cicero Avenue, in the Village of Oak Lawn, County of Cook, State of Illinois, and in the business of serving alcoholic liquors to the general public.

2. On January 23, 2011 at approximately 10:00p.m. the Defendant sold or gave certain alcoholic beverages to one Francisco Chaidez who became intoxicated as a result.

3. As a direct and proximate result of his intoxication Francisco Chaidez drove his vehicle negligently.

4. On January 23, 2011 at approximately 10:24 p.m. Leo Stevens was driving and Michelle Johns, Sabrina Stevens were passengers in a 1999 GMC Yukon traveling southbound on Cicero Avenue.

5. At said time and place, the Defendant, Francisco Chaidez, was operating a 2004 Ford Expedition northbound on Cicero Avenue.

6. At said time and place, Michelle Johns, Sabrina Stevens, and Leo Stevens were traveling south in the southbound lane when the Defendant, Francisco Chaidez was traveling north in the southbound lane.

7. The front portion of Francisco Chaidez’s vehicle collided with the front portion of the plaintiffs’ vehicle.

8. As a direct and proximate result of his intoxication Francisco Chaidez, committed one or more of the negligent acts or omissions:

- a. Operated said vehicle without keeping proper and sufficient lookout, contrary to state and local law;
- b. Proceeded at a speed which was greater than reasonable and proper for the traffic conditions in the use of the highway, or which endangered persons or property in violation of Illinois Compiled Statute 1992, Chapter 625, Act 5, Section 11-601;
- c. Operated vehicle at night without headlights on.
- d. Drove vehicle north in the southbound lane of travel.
- e. Failed to give an audible warning with his horn when such warning was reasonably necessary to insure safety in violation of Illinois Compiled Section 1992, Chapter 625, Act 5, Section 12.601;
- f. Drove the motor vehicle at a speed and manner that was unsafe for the condition existing at the time in violation of Illinois Compiled Statute 1992, Chapter 625, Section 5/11-709(a).

- g. Failed to properly equip said vehicle with sufficient brakes contrary to laws as made and provided; and
- h. Was otherwise careless and negligent in the operation and control of the motor vehicle

9. As a proximate result of Francisco Chaidez's intoxication, the Decedent, Leo Stevens, suffered fatal injuries and Sabrina Stevens and Michelle Johns were severely injured.

10. There was in full force and effect a certain statute in the State of Illinois, 235 ILCS 5/6-21, commonly known as the Dram Shop Act, under which this action is brought.

11. At the time of the filing of this complaint, plaintiff filed a petition to appoint Michelle Johns Special Administrator of the Estate of Leo Stevens, Deceased, for the purpose of prosecuting this action.

12. This action is brought on behalf the Estate of the deceased, Leo Stevens, pursuant to the Wrongful Death Act of Illinois, 740 ILCS 180/1.

13. At the time of the decedent's death, he left surviving the following next of kin who are entitled to recover under the Wrongful Death Act:

- a. Daughter, Sabrina Stevens
- b. Daughter, Nicole Johns
- c. Daughter, Valerie Stevens

WHEREFORE, the Plaintiff, Michelle Johns, Special Administrator of the Estate of Leo Stevens, respectfully prays that this Honorable Court enter a judgment against the Defendant, 9247 CORP, in an amount in excess of \$50,000.00 plus the costs of this action.

COUNT XI

(Leo Stevens v. Murphy's Law—Dram Shop: Survival)

NOW COMES Plaintiff, MICHELLE JOHNS, as Special Administrator of the Estate of LEO STEVENS, deceased, by her attorneys, FICHERA & MILLER, P.C., and complaining of the Defendant, 9247 CORP, an Illinois Corporation d/b/a Murphy's Law (hereinafter "Murphy's Law"), states as follows:

1-10. The Plaintiff reasserts and realleges the allegations contained in Paragraphs 1 through 10 of Count IX as if fully restated herein.

11. As a direct and proximate result of Francisco Chaidez's intoxication, Leo Stevens endured intense pain and suffering and would have been entitled to bring an action for such injuries had he survived.

12. At the time of the filing of this complaint, plaintiff filed a petition to appoint Michelle Johns Special Administrator of the Estate of Leo Stevens, Deceased, for the purpose of prosecuting this action.

13. Michelle Johns as Special Administrator of the Estate of Leo Stevens, deceased, brings this action pursuant to 755 ILCS 5/27-6 commonly referred to as the “Survival Act.”

WHEREFORE, the Plaintiff, Michelle Johns, Special Administrator of the Estate of Leo Stevens, respectfully prays that this Honorable Court enter a judgment against the Defendant, 9247 CORP, in an amount in excess of \$50,000.00 plus the costs of this action.

COUNT XII

(Michelle Johns v. Murphy’s Law—Dram Shop)

NOW COMES Plaintiff, MICHELLE JOHNS, as Special Administrator of the Estate of LEO STEVENS, deceased, by her attorneys, FICHERA & MILLER, P.C., and complaining of the Defendant, 9247 CORP, an Illinois Corporation d/b/a Murphy’s Law (hereinafter “Murphy’s Law”), states as follows:

1-10. The Plaintiff reasserts and realleges the allegations contained in Paragraphs 1 through 10 of Count IX as if fully restated herein.

11. As a direct and proximate result of Francisco Chaidez’s intoxication, the Plaintiff, MICHELLE JOHNS, was greatly injured and sustaining multiple fractures, several of which requiring surgery to repair; she suffered pain, shock, anguish and became sick and disabled during which time she was caused to expend money for medical care, surgery and attention and has been prevented from attending to her usual work and affairs thereby losing income and incurring damages.

WHEREFORE, the Plaintiff, Michelle Johns, respectfully prays that this Honorable Court enter a judgment against the Defendant, 9247 CORP, in an amount in excess of \$50,000.00 plus the costs of this action.

COUNT XIII

(Sabrina Stevens v. Murphy’s Law—Dram Shop)

NOW COMES Plaintiff, MICHELLE JOHNS, as mother and next friend of SABRINA STEVENS, a minor, by her attorneys, FICHERA & MILLER, P.C., and complaining of the Defendant, 9247 CORP, an Illinois Corporation d/b/a Murphy’s Law (hereinafter “Murphy’s Law”), states as follows:

1-10. The Plaintiff reasserts and realleges the allegations contained in Paragraphs 1 through 10 of Count IX as if fully restated herein.

11. As a direct and proximate result of Francisco Chaidez's intoxication, the Plaintiff, the Plaintiff, SABRINA STEVENS, was greatly injured; she suffered pain, shock, anguish and became sick and disabled during which time she was caused to expend money for medical care, surgery and attention and has been prevented from attending to her usual work and affairs thereby incurring damages.

WHEREFORE, the Plaintiff, Michelle Johns, respectfully prays that this Honorable Court enter a judgment against the Defendant, 9247 CORP, in an amount in excess of \$50,000.00 plus the costs of this action.

COUNT XIV

(Michelle Johns v. Murphy's Law—Dram Shop: Loss of Support)

NOW COMES Plaintiff, MICHELLE JOHNS, as Special Administrator of the Estate of LEO STEVENS, deceased, by her attorneys, FICHERA & MILLER, P.C., and complaining of the Defendant, 9247 CORP, an Illinois Corporation d/b/a Murphy's Law (hereinafter "Murphy's Law"), states as follows:

1-10. The Plaintiff reasserts and realleges the allegations contained in Paragraphs 1 through 10 of Count IV as if fully restated herein.

11. As a direct and proximate result of Francisco Chaidez's intoxication, Michelle Stevens suffered a loss of means of support.

12. At the time of the filing of this complaint, plaintiff filed a petition to appoint Michelle Johns Special Administrator of the Estate of Leo Stevens, Deceased, for the purpose of prosecuting this action.

WHEREFORE, the Plaintiff, Michelle Johns, Special Administrator of the Estate of Leo Stevens, respectfully prays that this Honorable Court enter a judgment against the Defendant, 9247 CORP in an amount in excess of \$50,000.00 plus the costs of this action.

Respectfully submitted,

One of the Attorneys for the Plaintiff

I, Alexander N. Hattimer, an attorney for the plaintiffs in the above-captioned case depose and state that the damages sought to this action do exceed \$50,000.00.

Alexander N. Hattimer

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