

12-Person Jury

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

*AJA SEATS, SPECIAL ADMINISTRATOR FOR
DECEASED PERSON JOHN CHRISTOPHER KYLES,
AND DUANE DUNLAP,*

PLAINTIFFS,

VS.

*VILLAGE OF DOLTON, DOLTON POLICE
SERGEANT LEWIS LACEY, DOLTON POLICE
OFFICER RYAN PEREZ (IN THEIR INDIVIDUAL
CAPACITIES), UNKNOWN POLICE OFFICERS, AND
DEMETRIUS SORRELLS,*

DEFENDANTS.

2019L012256

12 PERSON JURY TRIAL
DEMANDED

COMPLAINT

Plaintiff Aja Seats, as special administrator of deceased person, John Christopher Kyles, and Duane Dunlap, by counsel, Loevy and Loevy; Gardiner, Koch, Weisberg and Wrona; and Daniel J. Stohr, complain as follows.

INTRODUCTION

(facts common to all counts)

1. On or about Sunday, October 9, 2016, at approximately 1:00 a.m., John Christopher Kyles and Duane Dunlap were passengers in a car driven by Demetrius Sorrells.

2. Beginning in the vicinity of the intersection of Greenwood Road and Sibley Blvd., in Dolton, Illinois proceeding for approximately one mile until a fatal crash at the back side of New Zion Covenant Church, approximately 14239 Greenwood Rd., Dolton, Dolton Police Sergeant Lewis Lacey, Dolton Police Officer Ryan Perez, and unknown Dolton police officers chased the car driven by Demetrius Sorrells at a very high rate of speed.

3. John Kyles died on the scene as a result of catastrophic injuries suffered as a result of the police chase and crash.

4. John Kyles left surviving: his mother, Gelinda Kyles, his father, John Wayne Kyles, his sisters, Aja Seats, Melinda Kyles, Niecey Kyles, and brothers Cedric Chisolm, Antone Brown, and Jordan Kyles, each of whom suffered pecuniary injuries resulting from such death,

including grief, sorrow and mental suffering.

5. Aja Seats was appointed special administrator of John Kyles prior to the filing of this complaint.

6. Duane Dunlap also suffered severe, catastrophic and permanent injuries, experienced pain and suffering, and requires future medical treatment and care as a result of the police chase and crash.

COUNT I

WRONGFUL DEATH OF JOHN CHRISTOPHER KYLES – VILLAGE OF DOLTON, DOLTON'S POLICE SERGEANT LEWIS LACEY'S, DOLTON POLICE OFFICER RYAN PEREZ'S (IN THEIR INDIVIDUAL CAPACITIES), AND UNKNOWN POLICE OFFICERS' NEGLIGENCE

Plaintiff Aja Seats on behalf of Decedent John Kyles incorporates herein ¶¶ 1-6 from the introduction herein.

7. On said date and all time pertinent hereto, Defendant Village of Dolton, acting through its agents and employees, had a duty to refrain from negligent operation of its official vehicles in the exercise of their official duties as police officers.

8. That notwithstanding the aforesaid duty, the Village of Dolton, Dolton Police Sergeant Lewis Lacey, Dolton Police Officer Ryan Perez, and unknown police officers failed to exercise due care in operation of their police vehicles and were negligent in one or more of the following respects:

- a. The necessity of immediate apprehension did not outweigh the level of inherent danger created by the pursuit.
- b. Improperly engaged in pursuit when the volume of traffic made it unsafe.
- c. Chased the car in which John Christopher Kyles and Duane Dunlap were passengers at speeds and/or engaged in maneuvers which created an unwarranted danger.
- d. Failed to abandon the vehicle pursuit considering the speeds involved, volume of traffic, weather conditions, road conditions, and considering the distances that indicated that further pursuit would endanger others.
- e. Participated in caravanning and pursuit paralleling.
- f. Failed to abandon the chase when it was the most reasonable course of action.
- g. Disobeyed direct command to abandon the chase.
- h. Used an unmarked Dolton Police Department vehicle to participate in the chase.
- i. Engaged in the pursuit with one than one primary and one back-up squad car.
- j. Failed to immediately notify the dispatcher and supervisors that a pursuit was in

progress.

- k. Failed to immediately notify dispatch of the specific reason for the pursuit, including known laws violated.
- l. Engaged in a motor vehicle pursuit when the most serious offense which the pursued vehicle was wanted for was a hazardous traffic offense.
- m. Continued the pursuit for a hazardous traffic offense after the pursued vehicle disregarded stop signs.
- n. Violated rules and regulations applicable to the Dolton Police Department as to police vehicle pursuits.

9. As a direct and proximate result of one or more of the aforesaid negligent acts and or omissions by defendants, John Christopher Kyles was catastrophically injured and died from those injuries.

WHEREFORE, Plaintiff prays for judgment against Defendant Village of Dolton, Dolton Police Sergeant Lewis Lacey, Dolton Police Officer Ryan Perez, and unknown defendant Dolton Police Officers, in excess of the jurisdictional limits of the Law Division of the Circuit Court of Cook County, for costs with interest in bringing this action, and for such other relief for Plaintiff as the court deems fair and just.

COUNT II

WRONGFUL DEATH OF JOHN CHRISTOPHER KYLES – VILLAGE OF DOLTON’S, POLICE SERGEANT LEWIS LACEY’S, DOLTON POLICE OFFICER RYAN PEREZ’S (IN THEIR INDIVIDUAL CAPACITIES), AND UNKNOWN DOLTON POLICE OFFICERS’ WILLFUL AND WANTON CONDUCT

Plaintiff Aja Seats incorporates herein ¶¶ 1-6 from the introduction herein.

7. On said date and all time pertinent hereto, Defendant Village of Dolton, acting through its agents and employees, Dolton Police Sergeant Lewis Lacey, Dolton Police Officer Ryan Perez, and including other as of yet unknown police officers, had a duty to refrain from willful and wanton conduct in the operation of its official vehicles in the exercise of their official duties as police officers.

8. That notwithstanding the aforesaid duty, the Village of Dolton, Dolton Police Sergeant Lewis Lacey, Dolton Police Officer Ryan Perez, and unknown police officers failed to exercise due care in operation of their police vehicles and were willful and wanton in one or more of the following respects:

- a. The necessity of immediate apprehension did not outweigh the level of inherent danger created by the pursuit.

- b. Improperly engaged in pursuit when the volume of traffic made it unsafe.
 - c. Chased the car in which John Christopher Kyles and Duane Dunlap were passengers at speeds and/or engaged in maneuvers which created an unwarranted danger.
 - d. Failed to abandon the vehicle pursuit considering the speeds involved, volume of traffic, weather conditions, road conditions, and considering the distances that indicated that further pursuit would endanger others.
 - e. Participated in caravanning and pursuit paralleling.
 - f. Failed to abandon the chase when it was the most reasonable course of action.
 - g. Disobeyed direct command to abandon the chase.
 - h. Used an unmarked Dolton Police Department vehicle to participate in the chase.
 - i. Engaged in the pursuit with one than one primary and one back-up squad car.
 - j. Failed to immediately notify the dispatcher and supervisors that a pursuit was in progress.
 - k. Failed to immediately notify dispatch of the specific reason for the pursuit, including known laws violated.
 - l. Engaged in a motor vehicle pursuit when the most serious offense which the pursued vehicle was wanted for was a hazardous traffic offense.
 - m. Continued the pursuit for a hazardous traffic offense after the pursued vehicle disregarded stop signs.
 - n. Violated rules and regulations applicable to the Dolton Police Department as to police vehicle pursuits.
9. As a direct and proximate result of one or more of the aforesaid willful and wanton acts and or omissions by defendants, John Christopher Kyles was catastrophically injured and died from those injuries.

WHEREFORE, Plaintiff prays for judgment against Defendant Village of Dolton, Dolton Police Sergeant Lewis Lacey, Dolton Police Officer Ryan Perez, and unknown defendant Dolton Police Officers, in excess of the jurisdictional limits of the Law Division of the Circuit Court of Cook County, costs with interest in bringing this action, exemplary damages against the unknown police officers in their individual capacities, to the extent provided for by law, and for such other relief for Plaintiff as the court deems fair and just.

COUNT III

VILLAGE OF DOLTON'S, POLICE SERGEANT LEWIS LACEY'S, DOLTON POLICE OFFICER RYAN PEREZ'S (IN THEIR INDIVIDUAL CAPACITIES), AND UNKNOWN POLICE OFFICERS' NEGLIGENCE AS TO DUANE DUNLAP

Plaintiff Duane Dunlap incorporates herein ¶¶ 1-6 from the introduction and ¶¶ 7-8 of

Count I above as Count III herein.

9. As a direct and proximate result of one or more of the aforesaid willful and wanton acts and or omissions by defendants, Plaintiff Duane Dunlap was catastrophically injured.

WHEREFORE, Plaintiff Duane Dunlap prays for judgment against Defendant Village of Dolton, Dolton Police Sergeant Lewis Lacey, Dolton Police Officer Ryan Perez, and unknown defendant Dolton Police Officers, in excess of the jurisdictional limits of the Law Division of the Circuit Court of Cook County, for costs with interest in bringing this action, and for such other relief for Plaintiff as the court deems fair and just.

COUNT IV

VILLAGE OF DOLTON'S, POLICE SERGEANT LEWIS LACEY'S, DOLTON POLICE OFFICER RYAN PEREZ'S (IN THEIR INDIVIDUAL CAPACITIES), AND UNKNOWN DOLTON POLICE OFFICERS' WILLFUL AND WANTON CONDUCT AS TO DUANE DUNLAP

Plaintiff Duane Dunlap incorporates herein ¶¶ 1-6 from the introduction and ¶¶ 7-8 of Count II above as Count IV herein.

9. As a direct and proximate result of one or more of the aforesaid willful and wanton acts and or omissions by defendants, John Christopher Kyles was catastrophically injured and died from those injuries.

WHEREFORE, Plaintiff Duane Dunlap prays for judgment against Defendant Village of Dolton, Dolton Police Sergeant Lewis Lacey, Dolton Police Officer Ryan Perez, and unknown defendant Dolton Police Officers, in excess of the jurisdictional limits of the Law Division of the Circuit Court of Cook County, costs with interest in bringing this action, exemplary damages against the unknown police officers in their individual capacity, to the extent provided for by law, and for such other relief for Plaintiff as the court deems fair and just.

FACTS COMMON TO PLAINTIFFS' BREACH OF DUTY TO TRAIN AND SUPERVISE AND BREACH OF DUTY IN HIRING (COUNTS V – VII)

10. Sgt. Lacey had a bad driving record, having been involved in at least six previous on-duty automobile collisions while driving resulting in personal injury.

11. One of the earlier on-duty crashes involving personal injury occurred at the same location, 14212 Chicago Rd., Dolton as where the chase involving decedent terminated (14200 Chicago Rd., Dolton).

12. In those earlier crashed resulting in personal injury Defendant Lacey had driven

without due regard for the safety of others and of himself, was at fault and had driven negligently or recklessly to the point of willful and wanton conduct.

13. In those earlier occasions Defendant Lacey had activated his emergency equipment while driving in excess of the speed limit and endangered the life and property of others, and actually caused personal injury, in violation of the Illinois Motor Vehicle Code which prohibits officers speeding with their emergency equipment activated where such conduct “endangers” life or property.

14. Notwithstanding the Village of Dolton’s actual knowledge that Defendant Lacey’s repeated instances of unsafe driving, Defendant Dolton failed to supervise and discipline him.

15. And, on those occasions where discipline was recommended, the Village failed to follow through and actually discipline Defendant Lacey.

16. As a result of the Village of Dolton’s practice and culture of failing to prevent, investigate and discipline Sgt. Lacey’s dangerous driving, Sgt. Lacey felt free to drive negligently and recklessly with his emergency equipment activated knowing that he would not be disciplined.

17. In addition to his bad driving record, Sgt. Lacey had an excessively high number of other cases as a civil defendant, seven, plus workman’s compensation litigation arising out of injuring himself while driving with emergency equipment turned on in a dangerous manner that endangered life and property and actually resulted in injury to himself and others, in addition to totaling and damaging Dolton police vehicles. The high number of cases for one officer was a red flag that should have triggered scrutiny, yet Dolton failed to investigate and supervise Defendant Lacey.

18. In addition, Sgt. Lacey was well known to the Village of Dolton to be a supervisor who fell below the minimum standards for being a supervisor. Consequently, Sgt. Lacey was demoted –

for which he is suing Dolton, and the Murphey firm which herein purports to represent Sgt. Lacey, is simultaneously representing Dolton adverse to Sgt. Lacey – in which litigation Dolton has taken the opposite position as herein – asserting the Sgt. Lacey was incompetent. Yet even though Lacey was demoted to sergeant, and assigned to the overnight shift, the Village of Dolton, failed to give Sergeant Lacey any further training, education or supervision to remedy his supervisory deficiencies.

19. As a result, Sergeant Lacey and the Village of Dolton was negligent in supervising

Defendant Ryan Perez, a young probationary officer who had been a full-time police officer for less than a year on the date of the unlawful and tragic chase that resulted in the death of John Kyles and profound and permanent brain injury to Plaintiff Duane Dunlap

20. In addition the Defendant Village of Dolton wholly lacks any system of tracking officer as to their performance, and even fails to keep its personnel files in an organized manner allowing for a systematic on-going method of keeping track of and ascertain whether officers in their day to day activities are complying with minimal standards as to the duty of care owed to the public.

21. In addition, Dolton has wholly failed to supervise police chases in the years prior to the instant chase. As a result Dolton has one of the highest if not highest rates of police chases in Illinois. In the 5 years prior to the instant police chase, Dolton had been involved in approximately 50 police chases in which approximately half resulted in crashes involving personal injury, or death, or property damage.

22. Such a high rate of crashes, and high rate of injury or property damage, put Dolton on notice that its officers were engaging in unsafe chases, yet Dolton negligently and recklessly failed to supervise it's police officers in insisting that they follow the standard of care as police officers, thereby giving Defendants Lacey and Perez the green light to engage in an illegal chase, because they knew that no matter how reckless their conduct was that they would not be disciplined.

23. Defendant Perez was a 22 year old rookie probationary police officer having been hired less than a year before the unlawful and fatal chase at issue. In that eleven month period as a probationary officer he became a defendant in four cases, an extraordinary number for any police officer, let alone an at-will probationary officer who was subject being discharged without cause. In addition in less than one year Defendant Perez was directly responsible for the death of two person two separate occasions and is believed to have been responsible for the death of a third person. Had the Village of Dolton had a proper tracking system, Probationary Officer Ryan Perez would have been removed prior to October 9, 2016.

24. The Village of Dolton purports to have fully complied with discovery as to Defendant Perez's personnel file, which consists of 24 pages. Plaintiffs seriously doubt that, and Rule 201(k) conversations have been unsuccessful. Prior to becoming a probationary Dolton Police Officer, Defendant had been a part time Dolton police officer for 14 months while working at Walmart as a shelf stocker. Defendant Perez's "personnel file" do not show any training prior to

hiring as full time police officer other than being taught how to shoot a gun. And, the statutory requirements for hiring as full time police officer do not provide for any waiver of training as a part-time officer.

25. In addition, the standard of care in hiring police officers includes polygraph testing, psychological testing, and statutorily mandated taking and ranking on a competitive police officer eligibility list. The “personnel file” that the Village of Dolton asserts is complete fails to show that Defendant Perez was subject to the standard vetting process prior to being hire.

26. As to Defendant Lacey, he was initially hired as an “auxiliary” police officer. An “auxiliary” police officer is not a police officer as defined by Illinois law. Defendant Lacey was later was hired as a police officer. Statutorily, Defendant Lacey was not entitled to any waivers or preference by virtue of his earlier employment as an “auxiliary” police officer. Yet, Lacey was hired through the back door, having never been placed on a merit-based eligibility hiring list as is statutorily required, or having been subject to an psychological and polygraph testing, which are universally recognized as a threshold practice in exercising due care in hiring police officers.

27. Thus, it appears that the hiring of Defendants Perez and Lacey was extraordinary as to each, and each was hired through the back door instead of being vetted as part of standard law enforcement. Defendants Perez and Lacey should never had been hired, and, if they had not been hired they would not have been placed in the position to harm plaintiffs.

COUNT V

VILLAGE OF DOLTON’S BREACH OF DUTY TO TRAIN AND SUPERVISE

(As to both Plaintiffs)

Counts I-IV of this complaint are incorporated herein.

28. In committing the acts alleged in the preceding paragraphs, Dolton Police Sergeant Lewis Lacey, Dolton Police Officer Ryan Perez, and unknown defendant Dolton police officers, were members of the Dolton Police Department, and agents of Defendant Village of Dolton, acting at all relevant times within the scope of their employment.

29. The Dolton Police Department at all times relevant had a duty to properly train, supervise, and discipline Dolton Police Department Officers in relation to police pursuits.

30. The Dolton Police Department breached that duty by failing to properly train, supervise, and discipline the agents involved in the instant complained of chase in the particulars

described above and incorporated herein by reference.

31. As a direct and proximate result of one or more of the aforesaid failures to train and supervise the Dolton Police officers involved in the chase, John Christopher Kyles was catastrophically injured and died from those injuries.

WHEREFORE, Plaintiff prays for judgment against Defendant Village of Dolton in excess of the jurisdictional limits of the Law Division of the Circuit Court of Cook County, costs with interest in bringing this action, and for such other relief for Plaintiff as the court deems fair and just.

COUNT VI

VILLAGE OF DOLTON'S BREACH OF DUTY IN HIRING – NEGLIGENCE

(As to both Plaintiffs)

Counts I-IV of this complaint are incorporated herein.

32. The Defendant Village of Dolton and its police department at all times relevant had a duty to exercise due care in hiring police officers.

33. The Village of Dolton and its police department breached those duties by failing to exercise due care in hiring Defendants Lacey and Perez in the particulars described above and incorporated herein by reference.

34. As a direct and proximate result of one or more of the aforesaid failures to train and supervise the Dolton Police officers involved in the chase, John Christopher Kyles was catastrophically injured and died from those injuries.

WHEREFORE, Plaintiff prays for judgment against Defendant Village of Dolton in excess of the jurisdictional limits of the Law Division of the Circuit Court of Cook County, costs with interest in bringing this action, and for such other relief for Plaintiff as the court deems fair and just.

COUNT VII

VILLAGE OF DOLTON'S BREACH OF DUTY IN HIRING – WILLFUL AND WANTON CONDUCT

(As to both Plaintiffs)

Counts I-IV of this complaint are incorporated herein.

35. The Village of Dolton and its police department at all times relevant had a duty to refrain from willful and wanton conduct in hiring police officers.

36. The Village of Dolton and its police department breached that duty by engaging in

willful and wanton conduct in by failing to exercise due care in hiring Defendants Lacey and Perez in the particulars described above and incorporated herein by reference.

37. As a direct and proximate result of one or more of the aforesaid failure to train and supervise the Dolton Police officers involved in the chase, John Christopher Kyles was catastrophically injured and died from those injuries.

WHEREFORE, Plaintiff prays for judgment against Defendant Village of Dolton in excess of the jurisdictional limits of the Law Division of the Circuit Court of Cook County, costs with interest in bringing this action, and for such other relief for Plaintiff as the court deems fair and just.

COUNT IIX

VILLAGE OF DOLTON'S RESPONDEAT SUPERIOR LIABILITY

(As to both Plaintiffs)

Counts I-IV of this complaint are incorporated herein.

10. In committing the acts alleged in the preceding paragraphs, Dolton Police Sergeant Lewis Lacey, Dolton Police Officer Ryan Perez, and unknown Dolton Police Department police officers, were members of the Dolton Police Department, and agents of Defendant Village of Dolton, acting at all relevant times within the scope of their employment.

11. Defendant Village of Dolton is liable as principal for all torts committed by its agents.

WHEREFORE, Plaintiffs prays for judgment against Defendant Village of Dolton in excess of the jurisdictional limits of the Law Division of the Circuit Court of Cook County, costs with interest in bringing this action, and for such other relief for Plaintiffs as the court deems fair and just.

COUNT IX

VILLAGE OF DOLTON'S DUTY OF INDEMNIFICATION

(As to both Plaintiffs)

Counts I-IV of this complaint are incorporated herein.

10. Illinois law, (745 ILCS 10/9-102), provides that public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment activities.

11. Dolton Police Sergeant Lewis Lacey, Dolton Police Officer Ryan Perez, and unknown defendant Dolton Police Officers who participated in the chase were employees of the Village of Dolton who acted within the scope of their employment in committing the misconduct

described herein.

WHEREFORE, Plaintiffs pray for judgment against Defendant Village of Dolton in excess of the jurisdictional limits of the Law Division of the Circuit Court of Cook County, costs with interest in bringing this action, and for such other relief for Plaintiffs as the court deems fair and just.

COUNT X – NEGLIGENCE

(against Defendant Sorrells)

1. Plaintiffs incorporates herein ¶¶ 1-6 from the introduction herein.
7. Defendant Demetrius Sorrells owed the deceased, John Christopher Kyles, and Duane Dunlap, the duty of ordinary care.
8. Defendant Sorrells breached that duty by driving at an excessive rate of speed and ignoring police commands.
9. As a direct and proximate result of one or more of the aforesaid negligent acts and or omissions by Defendant Sorrells, Plaintiff's decedent died and Plaintiff Duane Dunlap was catastrophically injured.

WHEREFORE, plaintiff prays for judgment against Defendant Demetrius Sorrells, in excess of the jurisdictional limits of the Law Division of the Circuit Court of Cook County, for costs with interest in bringing this action, and for such other relief for plaintiffs as the court deems fair and just.

COUNT XI – SPOILIATION

(against Village of Dolton only)

- 1-6. Plaintiffs incorporates herein ¶¶ 1-6 from the introduction herein.
7. Defendant Perez's squad car was equipped with dash cam video and audio recording ability which provided that upon the squad car's emergency lights being activated the dash cam automatically turned-on.
8. Defendant Perez activated his emergency lights.
9. Dolton however had not produced the dash cam video and audio.
10. Either Defendant Perez (a) failed to preserve the dash cam video and audio after the conclusion of the chase, or (b) he destroyed the dash cam video and audio after the conclusion of the chase, or (c) he deliberately and intentionally disabled the automatic turn-on the dash cam video and audio record function at some point either before or after the chase

11. Dash cams are installed in police squad cars for the protection of the public.

12. Dolton has internal rules and regulations which require dashcam video and audio creation and retention upon squad car emergency equipment being activated.

13. Illinois state standards require creation and preservation of dashcam video and audio.

14. Dolton has admitted in a memo from a Dolton police supervisor that Dolton “failed” to preserve dashcam.

15. The state standards and the village’s internal standards created a duty upon Defendant Perez to create and preserve dashcam evidence.

16. The mechanics of the Dolton dashcam system automatically records audio and video and is retrievable by the patrol officer’s commanding officer for 16 hours after the event. Thus, a secondary internal duty was created but because Defendants Perez and Lacey concealed the chase from their commanding officers, their commanding officers failed to act to preserve the video and audio within the 16 hour time period.

17. Even if the State and Defendant Village had not created standards as to officer conduct as to creation and preservation of dash cam video, which it did, a reasonable person in Defendant Perez’s shoes should have foreseen that the evidence was material to a potential civil action or criminal action.

18. And again, even if the State and Defendant Village had not created standards as to officer conduct as to creation and preservation of dash cam video, which it did, the Village assumed the duty by creating and preserving video in this particular case as shown by the preservation of dash cam video of Officer Bruno, the fourth squad car to arrive to arrive at the chase termination point. (Officer Bruno arrived approx. two minutes later, after driving a different route at 86 mph, such that the chase is not depicted in his video.) (Bates 684.)

19. A duty was further created by Plaintiff’s October 17, 2016 letter hand-delivered to Dolton Police Chief Collins directing his attention to the probate nature of the dash cam and GPS and directing Dolton to retain such evidence.

20. The preservation order in this case, entered October 21, 2016, further required Dolton to preserve evidence, including dash cam video (Order, ¶2(c)) and GPS records (Order, ¶2(b)).

21. Outstanding discovery requests both in the criminal case and the instant case further created an affirmative duty upon the Village of Dolton to preserve evidence.

22. In light of the circumstances, it was the duty of Defendant Village of Dolton, individually, and through its agents, including counsel, to exercise ordinary care and caution to

preserve the integrity of evidence material to this potential and actual civil action arising from the chase and crash.

23. In addition to failing to preserve dash cam video and audio, Defendant Perez, either intentionally, or unintentionally, pressed a button on his GPS unit during the chase that disabled the ability of his GPS unit to record his maximum mph speed resulting in a blank maximum speed entry during the chase.

24. Said action violated Dolton's internal standards, and, in addition, Defendant Perez had assumed the duty of preserving evidence of his maximum speed in that he recorded his maximum speed prior to and after he turned off that function.

25. Defendant Dolton further engaged in spoliation by failing to preserve the audio of Officer Bruno's dash cam and failed to preserve dash cam video and audio as to officers McNeal, Johnson, and Sheehan.

26. Dolton participated in further actions and inactions spoliating evidence but those other actions are as yet unknown, in that Defendant Dolton has not yet complied with discovery as to spoliation.

27. The city is responsible under *respondeat superior* for the actions of its agents.

28. As a result of one or more of the negligent acts or omissions, or intentional acts or omissions, of Defendant Village of Dolton, through its employees and agents, known and unknown, Plaintiffs have been injured in their ability to prosecute and enforce their legal rights against the Village of Dolton defendants and have been irrevocably prejudiced by the destruction and or modification of the aforestated material evidence as above described.

29. As a direct and proximate result of said destruction and or modification Plaintiffs are severely prejudiced in their ability to prove the underlying suit against the Village of Dolton defendants.

WHEREFORE, Plaintiffs prays for judgment against Defendant Village of Dolton in excess of the jurisdictional limits of the Law Division of the Circuit Court of Cook County, for costs with interest in bringing this action, and for such other relief for plaintiffs as the court deems fair and just.

A handwritten signature in black ink, appearing to read "Daniel S. Stohr". The signature is fluid and cursive, with a large initial "D" and a long horizontal stroke at the end.

One of Plaintiffs' attorneys

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