

# Law Bulletin

Information Network





3. Near River Road, Golf Road is a four (4) lane roadway with no median barrier, 2 lanes west and 2 lanes east. There, Golf Road crosses over the Des Plaines River, and is an Illinois State Highway, known as Route 58; which is maintained, at least in part, by the Illinois Department of Transportation, whose parent agency is the State of Illinois.

4. It was known to Defendant(s) at the time of designing, engineering, planning, constructing Golf Road near the Des Plaines River, that the River routinely floods and overfills its banks. And that along the River, a flood plain existed to accept overflow from the River.

5. From the time Golf Road was planned, designed, and constructed, it is has become known to Defendant(s) that Golf Road is regularly flooded by river water, and when the temperature drops below freezing, ice forms on the roadway. Defendant(s) knew that such conditions existed on March 11, 2009, and failed to remedy the conditions or maintain the roadway in such a way as to render the road safe.

6. On March 11, 2009, Golf Road became flooded and ice formed on the roadway. As a proximate cause of the ice, Plaintiff was struck by a car driven by Ms. Sameksha Khurana, who was driving east on Golf Road, and whose car spun out of control when it struck the ice.

7. Plaintiff was severely injured in the impact, suffering severe bodily injuries, loss of regular and routine life, and pain and suffering. Plaintiff also suffered certain economic harm resulting from the accident, including hospital and medical care expenses exceeding \$250,000, as well as the loss of income and wages.

8. Defendant(s) failed to use ordinary care in designing, engineering, planning, constructing, and later maintaining Golf Road near the River, by failing to properly consider the River's flooding in its designs, engineering, plans, and construction. That Defendant(s) failed to use ordinary care in the regular maintenance and repairs of the roadway after building.

9. Defendants had notice of the River hazards and chose to willfully disregard those hazards to keep expenses down, despite the obvious danger to human life.

WHEREFORE, Plaintiff prays against certain unknown Defendant Architect(s), Engineer(s), Designer(s), and Road Maintenance Organization(s) a judgment in an amount exceeding \$50,000, and what is shown by the proofs.

## COUNT II

Plaintiff complains of City of Des Plaines, Illinois, the County of Cook, Illinois, and the State of Illinois as Respondents in discovery pursuant to the Illinois Code of Civil Procedure, 735 ILCS §5/2-402, as follows:

10. Respondents paid and otherwise directed the designing, engineering, planning, constructing, and later maintaining Golf Road near the River.

11. Respondents have actual and constructive possession of unique documents and evidence that will lead Plaintiff to the Defendant(s) named in this action.

12. Under information and belief, there have been multiple similar automobile accidents at this location of Golf Road since its construction. Plaintiff requires the documents related to those accidents as evidence of Defendant(s) negligence.

WHEREFORE, Plaintiff prays against the City of Des Plaines, Illinois, the County of Cook, Illinois, and the State of Illinois as Respondents in discovery pursuant to the Illinois Code of Civil Procedure, 735 ILCS §5/2-402, for certain court orders commanding Respondents to produce discovery to allow Plaintiff actual notice of certain unknown Defendant Architect(s), Engineer(s), Designer(s), and Road Maintenance Organization(s) as complained of in this Complaint.

Respectfully submitted this 10<sup>th</sup> day of  
March, 2010 by,



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Plaintiff

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Jury Demanded