

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

2015 DEC 17 PM 2:25
PI 101-2

JULIE CAPUANO, Special Administrator of)
the Estate of DANIEL CAPUANO, deceased,)
)
Plaintiff,)
v.)
)
ANILROSHI, LLC,)
)
Defendant.)

2015L012727
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COMPLAINT AT LAW

COUNT I – WRONGFUL DEATH/NEGLIGENCE

NOW COMES the plaintiff, JULIE CAPUANO, Special Administrator of the Estate of DANIEL CAPUANO, deceased, by and through her attorneys, MOTHERWAY & NAPLETON, LLP, and complaining of the defendant, ANILROSHI, LLC, (hereinafter “ANILROSHI”), states:

1. On December 14, 2015, defendant, ANILROSHI, owned a two-story brick commercial building located at 9213-9219 S. Baltimore Avenue located in the City of Chicago.

2. Prior to December 14, 2015, defendant, ANILROSHI, was acting as the general contractor on a major construction project in regard to the aforesaid building and were obliged to comply with safety and health regulations for construction promulgated by the Occupational Safety and Health Administration (hereinafter “OSHA”) and Chicago Building Code.

3. On December 14, 2015 at approximately 3:00 a.m., plaintiff’s decedent, DANIEL CAPUANO, was among a group of Chicago Fire Department firemen who were battling a smoky blaze in the aforesaid commercial building when he encountered an open elevator shaft and fell two stories into the basement of the aforesaid building.

4. On or before December 14, 2015, defendant, ANILROSHI, by and through its agents, employees, and servants, was negligent in one or more of the following respects:

- a. Allowed unprotected sides and edges around the perimeter of an open elevator shaft in violation of OSHA standard 1926.501(b)(1) and Article II of the Chicago Building Code;
- b. Failed to provide protection from falling through holes more than six (6) feet above lower levels by covers or guardrail systems erected above such holes in violation of OSHA standard 1926.501(b)(4)(i) and Article II of the Chicago Building Code;
- c. Permitted gaping holes on the second floor of the aforesaid building, including the open elevator shaft;
- d. Failed to obtain the proper City of Chicago building permits to safely decommission an elevator;
- e. Failed to obtain the proper City of Chicago building permits to perform a major construction of the building;
- f. Failed to supply fall protection near the open elevator shaft;
- g. Failed to warn occupants of the 2nd floor, in any manner or fashion, of the open elevator shaft and other holes within the flooring of the 2nd floor.

5. As a proximate result of the aforesaid occurrence, the plaintiff's decedent, DANIEL CAPUANO, was injured and died on December 14, 2015.

6. DANIEL CAPUANO, left surviving him as his only heirs and next of kin, JULIE CAPUANO, his wife; Amanda Capuano, his daughter; Andrew Capuano, his son; and Nicholas Capuano, his son, each of whom suffered the profound loss of his love, affection, care, attention, companionship, comfort, guidance and protection.

7. The plaintiff, JULIE CAPUANO, is the duly appointed Special Administrator of the Estate of DANIEL CAPUANO, deceased, by virtue of an order appointing her in the Circuit Court of Cook County, Law Division.

WHEREFORE, plaintiff, JULIE CAPUANO, Special Administrator of the Estate of DANIEL CAPUANO, deceased, demands judgment against the defendant, ANILROSHI, LLC, in an amount in excess of the jurisdictional limits of the Circuit Court of Cook County, Law Division.

COUNT II – SURVIVAL ACTION/NEGLIGENCE

NOW COMES the plaintiff, JULIE CAPUANO, Special Administrator of the Estate of DANIEL CAPUANO, deceased, by and through her attorneys, MOTHERWAY & NAPLETON, LLP, and complaining of the defendant, ANILROSHI, LLC, (hereinafter “ANILROSHI”), states:

1-4. Plaintiff, JULIE CAPUANO, Special Administrator of the Estate of DANIEL CAPUANO, deceased, repeats and realleges paragraphs 1 through 4 of Count I of this Complaint as if fully set forth herein.

5. As a proximate result of one or more of the foregoing negligent acts or omissions of defendant, ANILROSHI, LLC, plaintiff’s decedent, DANIEL CAPUANO, suffered damages of a personal and pecuniary nature, including conscious pain and suffering, emotional distress, disability, and medical expenses and had he lived he would have been entitled to bring this action and this action has survived his death.

6. The plaintiff, JULIE CAPUANO, is the duly appointed Special Administrator of the Estate of DANIEL CAPUANO, deceased, by virtue of an order appointing her in the Circuit Court of Cook County, Law Division, and she brings this survival action pursuant to 735 ILCS 5/27-6.

WHEREFORE, plaintiff, JULIE CAPUANO, Special Administrator of the Estate of DANIEL CAPUANO, deceased, demands judgment against the defendant, ANILROSHI, LLC, in an amount in excess of the jurisdictional limits of the Circuit Court of Cook County, Law Division.

COUNT III – WILFUL AND WANTON MISCONDUCT

NOW COMES the plaintiff, JULIE CAPUANO, Special Administrator of the Estate of DANIEL CAPUANO, deceased, by and through her attorneys, MOTHERWAY & NAPLETON, LLP, and complaining of the defendant, ANILROSHI, LLC, (hereinafter “ANILROSHI”), states:

1. On December 14, 2015, defendant, ANILROSHI, owned a two-story brick commercial building located at 9213-9219 S. Baltimore Avenue located in the City of Chicago.

2. Prior to December 14, 2015, defendant, ANILROSHI, was acting as the general contractor on a major construction project in regard to the aforesaid building and were obliged to comply with safety and health regulations for construction promulgated by the Occupational Safety and Health Administration (hereinafter “OSHA”) and Chicago Building Code.

3. On December 14, 2015, plaintiff’s decedent, DANIEL CAPUANO, was among a group of Chicago Fire Department firemen who were battling a smoky blaze in the aforesaid commercial building when he encountered an open elevator shaft and fell two stories into the basement of the aforesaid building.

4. On and before December 14, 2015, defendant, ANILROSHI, acted with an utter indifference to and/or conscious disregard for safety in one or more of the following respects:

- a. Allowed unprotected sides and edges around the perimeter of an open elevator shaft in violation of OSHA standard 1926.501(b)(1) and Article II of the Chicago Building Code;

- b. Failed to provide protection from falling through holes more than six (6) feet above lower levels by covers or guardrail systems erected above such holes in violation of OSHA standard 1926.501(b)(4)(i) and Article II of the Chicago Building Code;
 - c. Permitted gaping holes on the second floor of the aforesaid building, including the open elevator shaft;
 - d. Failed to obtain the proper City of Chicago building permits to safely decommission an elevator;
 - e. Failed to obtain the proper City of Chicago building permits to perform a major construction of the building;
 - f. Failed to supply fall protection near the open elevator shaft;
 - g. Failed to warn occupants of the 2nd floor, in any manner or fashion, of the open elevator shaft and other holes within the flooring of the 2nd floor.
5. As a proximate result of the aforesaid occurrence, the plaintiff's decedent,

DANIEL CAPUANO, was injured and died on December 14, 2015.

6. DANIEL CAPUANO, left surviving him as his only heirs and next of kin, JULIE CAPUANO, his wife; Amanda Capuano, his daughter; Andrew Capuano, his son; and Nicholas Capuano, his son, each of whom suffered the profound loss of his love, affection, care, attention, companionship, comfort, guidance and protection.

7. The plaintiff, JULIE CAPUANO, is the duly appointed Special Administrator of the Estate of DANIEL CAPUANO, deceased, by virtue of an order appointing her in the Circuit Court of Cook County, Law Division.

WHEREFORE, plaintiff, JULIE CAPUANO, Special Administrator of the Estate of DANIEL CAPUANO, deceased, demands judgment against the defendant, ANILROSHI, LLC, in an amount in excess of the jurisdictional limits of the Circuit Court of Cook County, Law Division.

COUNT IV – WILFUL AND WANTON/SURVIVAL ACTION

NOW COMES the plaintiff, JULIE CAPUANO, Special Administrator of the Estate of DANIEL CAPUANO, deceased, by and through her attorneys, MOTHERWAY & NAPLETON, LLP, and complaining of the defendant, ANILROSHI, LLC, (hereinafter “ANILROSHI”), states:

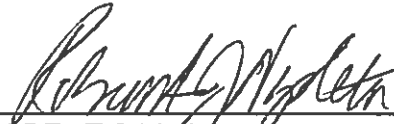
1-4. Plaintiff, JULIE CAPUANO, Special Administrator of the Estate of DANIEL CAPUANO, deceased, repeats and realleges paragraphs 1 through 4 of Count I of this Complaint as if fully set forth herein.

5. As a proximate result of one or more of the foregoing negligent acts or omissions of defendant, ANILROSHI, LLC, plaintiff's decedent, DANIEL CAPUANO, suffered damages of a personal and pecuniary nature, including conscious pain and suffering, emotional distress, disability, and medical expenses and had he lived he would have been entitled to bring this action and this action has survived his death.

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WHEREFORE, plaintiff, JULIE CAPUANO, Special Administrator of the Estate of DANIEL CAPUANO, deceased, demands judgment against the defendant, ANILROSHI, LLC, in an amount in excess of the jurisdictional limits of the Circuit Court of Cook County, Law Division.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert J. Napleton", written over a horizontal line.

ROBERT J. NAPLETON
Attorney for plaintiff

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