

STATE OF ILLINOIS            )  
  )SS.  
COUNTY OF COOK            )

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

DENNIS J. CONNOLLY, as Father and Next            )  
Friend of CHRISTOPHER CONNOLLY, a Minor,        )  
DENNIS J. CONNOLLY, Individually, and            )  
HELEN CONNOLLY,                                        )

Plaintiffs,    )

v.    )

ST. IGNATIUS COLLEGE PREP., a Not-for-Profit        )  
Corporation,    )

Defendant.    )

No.:

***Plaintiffs demand a trial by jury.***

**COMPLAINT AT LAW**

**COUNT I - NEGLIGENCE**

Plaintiff DENNIS J. CONNOLLY, as Father and Next Friend of CHRISTOPHER CONNOLLY, a Minor, by and through his attorneys, STEVEN GREENBERGER and LAW OFFICES OF JEFFREY J. KROLL, complaining of Defendant ST. IGNATIUS COLLEGE PREP., a Not-for-Profit Corporation, states as follows:

1.        On February 28, 2007, and at all times mentioned herein, Defendant ST. IGNATIUS COLLEGE PREP., a Not-for-Profit Corporation, (hereinafter referred to as “ST. IGNATIUS”) owned, operated, managed, directed, controlled and maintained a high school commonly known by that name, located at 1076 W. Roosevelt Road, in the City of Chicago, County of Cook and State of Illinois.

2.        On and before February 28, 2007, and at all times mentioned herein, Defendant ST.

IGNATIUS, by and through its agents, employees, teachers, coaches, staff, and/or servants, acting within the course of their employment and/or agency, provided various sporting programs, club teams, and/or teams, including a junior varsity water polo team and swim team, to students enrolled at Defendant ST. IGNATIUS.

3. On and before February 28, 2007, there was in existence a model policy on hazing issued by the National Federation of High School sports that was adopted by Defendant ST. IGNATIUS.

4. On and before February 28, 2007, and at all times mentioned herein, there was a swimming pool located at 901 W. Roosevelt Road, in the City of Chicago, County of Cook and State of Illinois.

5. On and before February 28, 2007, the swimming pool located at 901 W. Roosevelt Road was used by Defendant ST. IGNATIUS for organized water sports, including the junior varsity water polo and swim teams.

6. On and before February 28, 2007, Defendant ST. IGNATIUS employed instructors, coaches and assistant coaches for water sports, including the junior varsity water polo and swim teams.

7. On and before February 28, 2007, Defendant ST. IGNATIUS, by and through its agents or employees, held practice sessions for the junior varsity water polo and swim teams.

8. On and before February 28, 2007, Plaintiff CHRISTOPHER CONNOLLY, a Minor, was a first-year student at Defendant ST. IGNATIUS and was a participant and member of the junior varsity swim team and the junior varsity water polo team.

9. On and before February 28, 2007, Luis Martinez was an agent and/or employee of

Defendant ST. IGNATIUS, and served as the junior varsity water polo coach.

10. On and before February 28, 2007, Michael Prescott was an agent and/or employee of Defendant ST. IGNATIUS, and served as the assistant coach of the swim team.

11. On and before February 28, 2007, Michael Prescott, as an agent and/or employee of Defendant ST. IGNATIUS, was Plaintiff CHRISTOPHER CONNOLLY's assistant swim team coach.

12. On and before February 28, 2007, while Plaintiff CHRISTOPHER CONNOLLY, a Minor, was a member of Defendant ST. IGNATIUS'S swim team, Michael Prescott, as an agent and/or employee of Defendant ST. IGNATIUS, nicknamed, referred to, and/or called Plaintiff, CHRISTOPHER CONNOLLY, a Minor, "Flounder," which was intended to be a derogatory name.

13. On and before February 28, 2007, Defendant ST. IGNATIUS'S junior varsity water polo team members, including, Plaintiff CHRISTOPHER CONNOLLY, a Minor, met for practice at the swimming pool located at 901 W. Roosevelt Road, in the City of Chicago, County of Cook and State of Illinois.

14. On February 28, 2007, students who attended Defendant ST. IGNATIUS and were involved with water sports at Defendant ST. IGNATIUS were in the area of the swimming pool located at 901 W. Roosevelt Road, in the City of Chicago, County of Cook and State of Illinois.

15. On February 28, 2007, students enrolled at Defendant ST. IGNATIUS threw pool equipment at Plaintiff CHRISTOPHER CONNOLLY, a Minor, including, but not limited to, buoys and kickboards.

16. On February 28, 2007, Michael Prescott, acting as an agent and/or employee of Defendant ST. IGNATIUS, told certain students who attended Defendant ST. IGNATIUS and were

involved with water sports at Defendant ST. IGNATIUS, to throw snowballs at “Flounder,” a derogatory nickname given to Plaintiff, CHRISTOPHER CONNOLLY, a Minor.

17. On February 28, 2007, Luis Martinez instructed Plaintiff, CHRISTOPHER CONNOLLY, a Minor, to “get in” the pool as the students and members of Defendant ST. IGNATIUS’S junior varsity water polo team were throwing pool equipment and snowballs at him.

18. Prior to February 28, 2007, Defendant ST. IGNATIUS knew or should have known, by and through its swimming coaches, water polo coaches, employees and other agents, that a student athlete could sustain serious injury if he or she collided with the bottom of the pool.

19. On February 28, 2007, Plaintiff CHRISTOPHER CONNOLLY, a Minor, was participating in a school-sponsored junior varsity water polo practice.

20. On February 28, 2007, Plaintiff CHRISTOPHER CONNOLLY, a Minor, was focusing his attention on following his coach’s command to get into the pool while also avoiding the barrage of pool equipment and snowballs that students were throwing at him pursuant to a command from an agent and/or employee of Defendant ST. IGNATIUS.

21. On February 28, 2007, and at all times mentioned herein, there was not a qualified and/or certified life guard at the swimming pool located at 901 W. Roosevelt Road, in the City of Chicago, County of Cook and State of Illinois.

22. On February 28, 2007, Plaintiff CHRISTOPHER CONNOLLY, a Minor, was forced to dive into the swimming pool located at 901 W. Roosevelt Road, in the City of Chicago, County of Cook and State of Illinois, and collided with the bottom of the pool.

23. On February 28, 2007, the collision with the bottom of the pool caused serious bodily injury to Plaintiff CHRISTOPHER CONNOLLY, a Minor, and rendered him a quadriplegic.

24. On and prior to February 28, 2007, Defendant ST. IGNATIUS owed a duty to provide a reasonably safe junior varsity water polo practice for its students, including Plaintiff CHRISTOPHER CONNOLLY, a Minor.

25. On and prior to February 28, 2007, Defendant ST. IGNATIUS, by and through their agents and/or employees, breached its duty to provide a reasonably safe junior varsity water polo practice for its students and was negligent in one or more of the following respects:

- a. Failed to keep Plaintiff CHRISTOPHER CONNOLLY, a Minor, safe and out of harm's way during junior varsity water polo practice;
- b. Permitted and allowed pool equipment, including, but not limited to kickboards and buoys, to be thrown at Plaintiff CHRISTOPHER CONNOLLY, a Minor, in and around the area of the pool;
- c. Permitted and allowed snowballs to be thrown at Plaintiff CHRISTOPHER CONNOLLY, a Minor, in and around the area of the pool;
- d. Created a hazardous situation by allowing pool equipment, including, but not limited to kickboards and buoys, and snowballs to be thrown at Plaintiff CHRISTOPHER CONNOLLY, a Minor, in and around the area of the pool;
- e. Created a hazardous situation by ordering Plaintiff CHRISTOPHER CONNOLLY, a Minor, to "get in" the swimming pool when it was not safe to do so;
- f. Permitted and allowed its students to haze, bully, harass and intimidate other students, including Plaintiff CHRISTOPHER CONNOLLY, a Minor;
- g. Allowed its agents, employees, teachers, coaches, staff, and/or servants to haze, bully, harass and intimidate other students, including, Plaintiff CHRISTOPHER CONNOLLY, a Minor, by calling them names;
- h. Failed to create an environment that was free from hazing, bullying, harassment and intimidation;
- i. Failed to provide a qualified and/or certified lifeguard at the swimming pool located at 901 W. Roosevelt Road, in the City of Chicago, County of Cook and State of Illinois, during the junior varsity water polo practice;

- j. Violated its policy that “No student, teacher, administrator or other school employee, contractor or volunteer shall plan, direct, encourage, aid or engage in hazing.”
- k. Violated its policy that “No student, teacher, administrator or other school employee, contractor or volunteer shall permit, condone or tolerate hazing.”

26. As a direct and proximate result of one or more of the aforesaid acts and/or omissions, Plaintiff CHRISTOPHER CONNOLLY, a Minor, sustained injuries of a personal and pecuniary nature, including quadriplegia.

WHEREFORE, Plaintiff DENNIS J. CONNOLLY, as Father and Next Friend of CHRISTOPHER CONNOLLY, a Minor, demands that judgment be entered against Defendant ST. IGNATIUS COLLEGE PREP., a Not-for-Profit Corporation, for an amount in excess of the jurisdictional limits of FIFTY THOUSAND (\$50,000.00) DOLLARS.

#### **COUNT II - WILLFUL AND WANTON**

Plaintiff DENNIS J. CONNOLLY, as Father and Next Friend of CHRISTOPHER CONNOLLY, a Minor, by and through his attorneys, STEVEN GREENBERGER and LAW OFFICES OF JEFFREY J. KROLL, complaining of Defendant ST. IGNATIUS COLLEGE PREP., a Not-for-Profit Corporation, states as follows:

1-23. Plaintiffs adopt and re-allege paragraphs 1-23 of Count I as paragraphs 1-23 of Count II as though fully set forth herein.

24. On and before February 28, 2007, Defendant ST. IGNATIUS owed a duty to Plaintiff CHRISTOPHER CONNOLLY, a Minor, to refrain from willful and wanton misconduct.

25. On and before February 28, 2007, Defendant ST. IGNATIUS with a conscious disregard or indifference to the safety of others was guilty of wilful and wanton misconduct in one

or more of the following respects:

- a. Knowingly, intentionally and with a conscious and reckless disregard for the safety of others, failed to keep Plaintiff CHRISTOPHER CONNOLLY, a Minor safe and out of harm's way during junior varsity water polo practice;
- b. Knowingly, intentionally and with a conscious and reckless disregard for the safety of others, permitted and allowed pool equipment, including, but not limited to kickboards and buoys, to be thrown at Plaintiff CHRISTOPHER CONNOLLY, a Minor, in and around the area of the pool;
- c. Knowingly, intentionally and with a conscious and reckless disregard for the safety of others, permitted and allowed snowballs to be thrown at Plaintiff CHRISTOPHER CONNOLLY, a Minor, in and around the area of the pool;
- d. Knowingly, intentionally and with a conscious and reckless disregard for the safety of others, created a hazardous situation by allowing pool equipment, including, but not limited to kickboards and buoys, and snowballs to be thrown at Plaintiff CHRISTOPHER CONNOLLY, a Minor, in and around the area of the pool;
- e. Knowingly, intentionally and with a conscious and reckless disregard for the safety of others, created a hazardous situation by ordering Plaintiff CHRISTOPHER CONNOLLY, a Minor, to "get in" the swimming pool when it was not safe to do so;
- f. Knowingly, intentionally and with a conscious and reckless disregard for the safety of others, permitted and allowed its students to haze, bully, harass and intimidate other students by calling them names, including Plaintiff CHRISTOPHER CONNOLLY, a Minor;
- g. Knowingly, intentionally and with a conscious and reckless disregard for the safety of others allowed its agents, employees, teachers, coaches, staff, and/or servants to haze, bully, harass and intimidate other students, including Plaintiff CHRISTOPHER CONNOLLY, a Minor;
- h. Knowingly, intentionally and with a conscious and reckless disregard for the safety of others failed to create an environment that was free from hazing, bullying, harassment and intimidation;
- i. Knowingly, intentionally and with a conscious and reckless disregard for the safety of others failed to provide a qualified and/or certified life guard at the swimming pool located at 901 W. Roosevelt Road, in the City of Chicago,

County of Cook and State of Illinois;

- j. Knowingly, intentionally and with a conscious and reckless disregard for the safety of others violated its policy that “No student, teacher, administrator or other school employee, contractor or volunteer shall plan, direct, encourage, aid or engage in hazing.”
- k. Knowingly, intentionally and with a conscious and reckless disregard for the safety of others violated its policy that “No student, teacher, administrator or other school employee, contractor or volunteer shall permit, condone or tolerate hazing.”

26. As a direct and proximate result of one or more of the aforesaid wilful and wanton acts and/or omissions of Defendant ST. IGNATIUS, Plaintiff CHRISTOPHER CONNOLLY, a Minor, sustained injuries of a personal and pecuniary nature, including quadriplegia.

WHEREFORE, Plaintiff DENNIS J. CONNOLLY, as Father and Next Friend of CHRISTOPHER CONNOLLY, a Minor, demands that judgment be entered against Defendant ST. IGNATIUS COLLEGE PREP., a Not-for-Profit Corporation, for an amount in excess of the jurisdictional limits of FIFTY THOUSAND (\$50,000.00) DOLLARS.

**COUNT III - NEGLIGENCE - FAMILY EXPENSE ACT**

Plaintiffs DENNIS J. CONNOLLY and HELEN CONNOLLY, by and through their attorneys, STEVEN GREENBERGER and LAW OFFICES OF JEFFREY J. KROLL, complaining of Defendant ST. IGNATIUS COLLEGE PREP., a Not-for-Profit Corporation, states as follows:

1-23. Plaintiffs adopt and re-allege paragraphs 1-23 of Count I as paragraphs 1-23 of Count III as though fully set forth herein.

24. On and prior to February 28, 2007, Defendant ST. IGNATIUS breached its duty to provide a reasonably safe junior varsity water polo practice for its students and was negligent in one or more of the following respects:

- a. Failed to keep Plaintiff CHRISTOPHER CONNOLLY, a Minor, safe and out of harm's way during junior varsity water polo practice;
- b. Permitted and allowed pool equipment, including, but not limited to kickboards and buoys, to be thrown at Plaintiff CHRISTOPHER CONNOLLY, a Minor, in and around the area of the pool;
- c. Permitted and allowed snowballs to be thrown at Plaintiff CHRISTOPHER CONNOLLY, a Minor, in and around the area of the pool;
- d. Created a hazardous situation by allowing pool equipment, including, but not limited to kickboards and buoys, and snowballs to be thrown at Plaintiff CHRISTOPHER CONNOLLY, a Minor, in and around the area of the pool;
- e. Created a hazardous situation by ordering Plaintiff CHRISTOPHER CONNOLLY, a Minor, to "get in" the swimming pool when it was not safe to do so;
- f. Permitted and allowed its students to haze, bully, harass and intimidate other students, including Plaintiff CHRISTOPHER CONNOLLY, a Minor;
- g. Allowed its agents, employees, teachers, coaches, staff, and/or servants to haze, bully, harass and intimidate other students, including Plaintiff CHRISTOPHER CONNOLLY, a Minor, by calling them names;
- h. Failed to create an environment that was free from hazing, bullying, harassment and intimidation;
- i. Failed to provide a qualified and/or certified lifeguard at the swimming pool located at 901 W. Roosevelt Road, in the City of Chicago, County of Cook and State of Illinois, during the junior varsity water polo practice;
- j. Violated its policy that "No student, teacher, administrator or other school employee, contractor or volunteer shall plan, direct, encourage, aid or engage in hazing."
- k. Violated its policy that "No student, teacher, administrator or other school employee, contractor or volunteer shall permit, condone or tolerate hazing."

25. As a direct and proximate result of the wrongful acts of the Defendant ST.

IGNATIUS, Plaintiffs DENNIS J. CONNOLLY and HELEN CONNOLLY, the mother and father

of CHRISTOPHER CONNOLLY, a Minor at the time of the incident, have become obligated to pay various medical expenses of the minor, and bring this action pursuant to the Family Expense Act, 750 ILCS 65/15.

WHEREFORE, Plaintiffs DENNIS J. CONNOLLY and HELEN CONNOLLY, and each of them, demand that judgment be entered against Defendant ST. IGNATIUS COLLEGE PREP., a Not-for-Profit Corporation, for an amount in excess of the jurisdictional limits of FIFTY THOUSAND (\$50,000.00) DOLLARS.

**COUNT IV - WILFUL & WANTON - FAMILY EXPENSE ACT**

Plaintiffs DENNIS J. CONNOLLY and HELEN CONNOLLY, and each of them, by and through their attorneys, STEVEN GREENBERGER and LAW OFFICES OF JEFFREY J. KROLL, complaining of Defendant ST. IGNATIUS COLLEGE PREP., a Not-for-Profit Corporation, state as follows:

1-23. Plaintiffs adopt and re-allege paragraphs 1-23 of Count I as paragraphs 1-23 of Count IV as though fully set forth herein.

23. On and before February 28, 2007, Defendant ST. IGNATIUS owed a duty to Plaintiff CHRISTOPHER CONNOLLY, a Minor, to refrain from willful and wanton misconduct.

24. On and before February 28, 2007, Defendant ST. IGNATIUS, with a conscious disregard or indifference to the safety of others, was guilty of wilful and wanton misconduct in one or more of the following respects:

- a. Knowingly, intentionally and with a conscious and reckless disregard for the safety of others, failed to keep Plaintiff CHRISTOPHER CONNOLLY, a Minor, safe and out of harm's way during junior varsity water polo practice;
- b. Knowingly, intentionally and with a conscious and reckless disregard for the

safety of others, permitted and allowed pool equipment, including, but not limited to kickboards and buoys, to be thrown at Plaintiff CHRISTOPHER CONNOLLY, a Minor, in and around the area of the pool;

- c. Knowingly, intentionally and with a conscious and reckless disregard for the safety of others, permitted and allowed snowballs to be thrown at Plaintiff CHRISTOPHER CONNOLLY, a Minor, in and around the area of the pool;
- d. Knowingly, intentionally and with a conscious and reckless disregard for the safety of others, created a hazardous situation by allowing pool equipment, including, but not limited to kickboards and buoys, and snowballs to be thrown at Plaintiff CHRISTOPHER CONNOLLY, a Minor, in and around the area of the pool;
- e. Knowingly, intentionally and with a conscious and reckless disregard for the safety of others, created a hazardous situation by ordering Plaintiff CHRISTOPHER CONNOLLY, a Minor, to “get in” the swimming pool;
- f. Knowingly, intentionally and with a conscious and reckless disregard for the safety of others, permitted and allowed its students to haze, bully, harass and intimidate other students by calling them names, including Plaintiff CHRISTOPHER CONNOLLY, a Minor;
- g. Knowingly, intentionally and with a conscious and reckless disregard for the safety of others, allowed its agents, employees, teachers, coaches, staff, and/or servants to haze, bully, harass and intimidate other students, including Plaintiff CHRISTOPHER CONNOLLY, a Minor;
- h. Knowingly, intentionally and with a conscious and reckless disregard for the safety of others, failed to create an environment that was free from hazing, bullying, harassment and intimidation;
- i. Knowingly, intentionally and with a conscious and reckless disregard for the safety of others, failed to provide a qualified and/or certified life guard at the swimming pool located at 901 W. Roosevelt Road, in the City of Chicago, County of Cook and State of Illinois;
- j. Knowingly, intentionally and with a conscious and reckless disregard for the safety of others, violated its policy that “No student, teacher, administrator or other school employee, contractor or volunteer shall plan, direct, encourage, aid or engage in hazing.”
- k. Knowingly, intentionally and with a conscious and reckless disregard for the

safety of others, violated its policy that “No student, teacher, administrator or other school employee, contractor or volunteer shall permit, condone or tolerate hazing.”

25. As a direct and proximate result of the wrongful act of Defendant ST. IGNATIUS, Plaintiffs DENNIS J. CONNOLLY and HELEN CONNOLLY, the mother and father of CHRISTOPHER CONNOLLY, a minor at the time of the incident, have become obligated to pay various medical expenses of the minor, and bring this action pursuant to the Family Expense Act, 750 ILCS 65/15.

WHEREFORE, Plaintiffs DENNIS J. CONNOLLY and HELEN CONNOLLY, and each of them, demand that judgment be entered against Defendant ST. IGNATIUS COLLEGE PREP., a Not-for-Profit Corporation, for an amount in excess of the jurisdictional limits of FIFTY THOUSAND (\$50,000.00) DOLLARS.

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