

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

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

KRISTINE GRYGA, Individually and as)
Independent Administrator of the Estate of)
MICHAEL GRYGA, Deceased,)
)
Plaintiff,)

v.)

MEADE ELECTRIC COMPANY, INC.,)
an Illinois Corporation and)
CONTRACTING & MATERIAL)
COMPANY a/k/a C&M, an Illinois)
Corporation,)
)
Defendants.)

No.)

Plaintiff Demands a Jury Trial

COOK COUNTY CLERK
JULIA M. HARRIS
11/11/2010 10:00 AM
FILED

COMPLAINT AT LAW

COUNT I - CONSTRUCTION NEGLIGENCE/WRONGFUL DEATH

Plaintiff, KRISTINE GRYGA, Individually and as Special Administrator of the Estate of MICHAEL GRYGA, Deceased, by and through her attorneys, CLIFFORD LAW OFFICES, P.C., complaining of Defendants, MEADE ELECTRIC COMPANY, INC., an Illinois Corporation (hereinafter "MEADE") and CONTRACTING & MATERIAL COMPANY a/k/a C&M, an Illinois Corporation (hereinafter "C&M"), states:

1. On and before March 3, 2010, Defendant MEADE, was an Illinois corporation who through its agents, employees, representatives, and servants, was responsible for the erection, construction, repair, alteration, and/or removal of certain structures at several locations as part of the Wacker Drive Construction Project, including but not limited to replacing and/or

upgrading a certain underground gas main underneath Jackson Boulevard at approximately 301 S. Wacker Drive in the City of Chicago, County of Cook, and State of Illinois..

2. On and before March 3, 2010, Defendant C&M, was an Illinois corporation who through its agents, employees, representatives, and servants, was responsible for the erection, construction, repair, alteration, and/or removal of certain structures at several locations as part of the Wacker Drive Construction Project, including but not limited to replacing and/or upgrading a certain underground gas main underneath Jackson Boulevard at approximately 301 S. Wacker Drive in the City of Chicago, County of Cook, and State of Illinois.

3. On and before March 3, 2010, Defendants, MEADE and C&M, and each of them, through their various agents, employees, representatives, and servants, provided construction materials, parts, supervision, and labor at the intersection of Jackson Boulevard and Wacker Drive at approximately 301 S. Wacker Drive for the purposes of replacing and/or upgrading the aforementioned gas main to convert it from being a low pressure main to a medium pressure main.

4. On March 3, 2010, Plaintiff's decedent, MICHAEL GRYGA, was employed by People's Gas and was performing work in the area of the same gas main.

5. On March 3, 2010, Defendants MEADE and C&M, and each of them, through their agents, servants and employees, were present during the course of such erection, construction, repairs, alteration, replacement and/or removal of the aforementioned underground gas main. Defendants MEADE and C&M, and each of them, participated in coordinating the work being done and designated various work methods, maintained and checked work progress and participated in the scheduling of the work and the inspection of the work. In addition thereto, at that time and place, Defendants MEADE and C&M, and

each of them, had the authority to stop the work, refuse the work and materials and order changes in the work, in the event the work was being performed in a dangerous manner or for any other reason.

6. On and before March 3, 2010, Defendants, MEADE and C&M, and each of them, created an excavation with wood beam shoring around a certain stretch of the aforementioned gas main for the purpose of performing pressure testing on the aforementioned gas main as part of the upgrading project.

7. On or before March 3, 2010, Defendants MEADE and C&M, and each of them, cut out a section of pipe in the area of the excavation and welded an end cap on the remaining portion of pipe to allow for pressure testing.

8. Before March 3, 2010, Defendants MEADE and C&M, and each of them, had committed to and planned to perform the pressure testing at issue.

9. Before March 3, 2010, Defendants MEADE and C&M, and each of them, were aware certain safety measures that needed to be taken before pressure testing could occur, including but not limited to verification of the location of mechanical couplings in relation to the welded end cap by tunneling and other methods.

10. On or before March 3, 2010, Defendants MEADE and C&M, and each of them, indicated to People's Gas that MEADE and C&M would not perform the pressure testing at issue.

11. On March 3, 2010, GRYGA and another People's Gas employee entered the excavation created by MEADE and C&M and where the main was exposed and prepared to perform the pressure testing at issue.

12. On March 3, 2010, GRYGA and another People's Gas employee attached couplings

to the end of the exposed welded end cap to allow compressed air to enter the 20 inch diameter pipe, and proceeded with the pressure testing.

13. At the aforementioned time and place, a section of the 20 inch diameter steel pipe, measuring approximately 9 feet, 9 and a half inches long, separated at a certain mechanical coupling that had not been exposed by the excavation or otherwise discovered by MEADE and C&M, and launched longitudinally, allowing an instantaneous release of pressurized air, which combined with the rapid pipe movement backwards into the shored excavation, causing a piece of shoring timber to dislodge, strike and fatally injure GRYGA.

14. At all times material to this Complaint, Defendants MEADE and C&M, and each of them, owed GRYGA and others a duty to exercise reasonable care in performance of their duties in connection with the aforementioned main replacement and/or upgrade, including but not limited to a duty to exercise reasonable care in the preparation, inspection, excavation, and shoring of the area surrounding the main as well as the main itself. Defendants MEADE and C&M, and each of them, further had a duty to provide GRYGA and others a safe, suitable and proper work area free from uncovered hazards, and a duty to warn GRYGA and others of any hazards related to the pressure testing that they knew or should have known of, and a duty to implement appropriate safety measures before the testing occurred.

15. Notwithstanding their duty, at said time and place, Defendants MEADE and C&M, and each of them, by and through their agents, servants and employees, were then and there guilty of one or more of the following careless and negligent acts and/or omissions:

- a. Failed to perform excavation and/or inspection of the segment of pipeline being tested to determine whether mechanical couplings were present;

- b. Failed to warn GRYGA or People's Gas that a mechanical coupling was present in the area of pipeline being pressure tested;
- c. Failed to take appropriate measures to protect GRYGA and the public in violation of 49 CFR § 192.515(a);
- d. Failed to ensure that all bends, tees, compression couplings, and end caps were properly blocked, braced and/or welded prior to pressure testing to prevent pipe movement as mandated by Main Work Orders 1.091, 1.093, and 1.090, in violation of 49 CFR § 192.13(c);
- e. Failed to ensure that all bends, tees, compression couplings, and end caps were properly blocked, braced and/or welded prior to pressure testing to prevent pipe movement as mandated by the Distribution Manual and Operating and Maintenance Work Order 7.100 in violation of 49 CFR § 192.13(c);
- f. Failed to follow the Distribution Manual and Operating and Maintenance Plan provided by People's Gas in connection with the main replacement/upgrade as contractually required;
- g. Failed to adequately communicate and coordinate with People's Gas to determine if excavation was safe and in compliance with work orders and Procedures;
- h. Failed to direct workers to undergo the damage prevention training of excavators that was required to comply with pipeline safety program
- i. Failed to safely and properly shore the excavation in the area of the pressure testing allowing a wood shoring plank to come loose and strike GRYGA during the pressure testing;
- j. Shored the excavation in the area of the pressure testing in such a way as to prevent additional tunneling above the main that could have allowed the discovery of mechanical couplings;
- k. Failed to warn GRYGA or People's Gas that proceeding with pressure testing without knowing the location of mechanical couplings was unsafe;
- l. Failed to make a reasonable inspection of the premises and the

work being done thereon, when the Defendant knew, or in the exercise of ordinary care should have known, that said inspection was necessary to prevent injury to GRYGA;

- m. Improperly operated, managed, maintained and controlled the aforesaid premises, so that as a direct and proximate result thereof, GRYGA was injured and killed;
- n. Failed to communicate and coordinate work with People's Gas so as to ensure a safe work environment;
- o. Failed to provide the GRYGA with a safe place within which to work;
- p. Failed to warn GRYGA of the dangerous conditions then and there existing, when the Defendant knew, or in the exercise of ordinary care should have known, that said warning was necessary to prevent injury and death to GRYGA;
- q. Failed to provide adequate safeguards to prevent GRYGA from injury and death while lawfully upon said premises;
- r. Failed to supervise the work being done on the aforesaid premises.

16. As a direct and proximate result of one or more of the aforesaid acts and/or omissions, Plaintiff's Decedent, MICHAEL GRYGA, sustained injuries of a personal and pecuniary nature which led to his death on March 3, 2010.

17. MICHAEL GRYGA left surviving him the following individuals: his wife, Kristine Gryga; his daughter Megan Gryga; and his son, Michael Gryga, all of whom have suffered pecuniary losses as a result of his death, including loss of support, society, companionship, love, affection, protection and consortium.

18. Plaintiff, KRISTINE GRYGA, is the duly appointed Independent Administrator of the Estate of MICHAEL GRYGA, Deceased, as evidenced by the attached letters of office

and brings this action pursuant to the Wrongful Death Statute in the State of Illinois, 740 ILCS 180/1.

WHEREFORE, Plaintiff, KRISTINE GRYGA, Individually and as Special Administrator of the estate of MICHAEL GRYGA, Deceased, demands judgment against Defendant, MEADE ELECTRIC COMPANY, INC., an Illinois Corporation, and CONTRACTING & MATERIAL COMPANY a/k/a C&M, an Illinois Corporation, in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

COUNT II – CONSTRUCTION NEGLIGENCE/SURVIVAL ACTION

Plaintiff, KRISTINE GRYGA, Individually and as Special Administrator of the Estate of MICHAEL GRYGA, Deceased, by and through her attorneys, CLIFFORD LAW OFFICES, P.C., complaining of Defendants, MEADE ELECTRIC COMPANY, INC., an Illinois Corporation and CONTRACTING & MATERIAL COMPANY a/k/a C&M, an Illinois Corporation (hereinafter “C&M”), states:

1. On and before March 3, 2010, Defendant MEADE, was an Illinois corporation who through its agents, employees, representatives, and servants, was responsible for the erection, construction, repair, alteration, and/or removal of certain structures at several locations as part of the Wacker Drive Construction Project, including but not limited to replacing and/or upgrading a certain underground gas main underneath Jackson Boulevard at approximately 301 S. Wacker Drive in the City of Chicago, County of Cook, and State of Illinois.

2. On and before March 3, 2010, Defendant C&M, was an Illinois corporation who through its agents, employees, representatives, and servants, was responsible for the erection, construction, repair, alteration, and/or removal of certain structures at several locations as part of the Wacker Drive Construction Project, including but not limited to replacing and/or

upgrading a certain underground gas main underneath Jackson Boulevard at approximately 301 S. Wacker Drive in the City of Chicago, County of Cook, and State of Illinois.

3. On and before March 3, 2010, Defendants, MEADE and C&M, and each of them through their various agents, employees, representatives, and servants, provided construction materials, parts, supervision, and labor at the intersection of Jackson Boulevard and Wacker Drive at approximately 301 S. Wacker Drive for the purposes of replacing and/or upgrading the aforementioned gas main to convert it from being a low pressure main to a medium pressure main.

4. On March 3, 2010, Plaintiff's decedent, MICHAEL GRYGA, was employed by People's Gas and was performing work in the area of the same gas main.

5. On March 3, 2010, Defendants MEADE and C&M, and each of them, through their agents, servants and employees, were present during the course of such erection, construction, repairs, alteration, replacement and/or removal of the aforementioned underground gas main. Defendants MEADE and C&M, and each of them, participated in coordinating the work being done and designated various work methods, maintained and checked work progress and participated in the scheduling of the work and the inspection of the work. In addition thereto, at that time and place, Defendants MEADE and C&M, and each of them, had the authority to stop the work, refuse the work and materials and order changes in the work, in the event the work was being performed in a dangerous manner or for any other reason.

6. On and before March 3, 2010, Defendants MEADE and C&M, and each of them, created an excavation with wood beam shoring around a certain stretch of the aforementioned gas main for the purpose of performing pressure testing on the

aforementioned gas main as part of the upgrading project.

7. On or before March 3, 2010, Defendants MEADE and C&M, and each of them, cut out a section of pipe in the area of the excavation and welded an end cap on the remaining portion of pipe to allow for pressure testing.

8. Before March 3, 2010, Defendants MEADE and C&M, and each of them, had committed to and planned to perform the pressure testing at issue.

9. Before March 3, 2010, Defendants MEADE and C&M, and each of them, were aware certain safety measures that needed to be taken before pressure testing could occur, including but not limited to verification of the location of mechanical couplings in relation to the welded end cap by tunneling and other methods.

10. On or before March 3, 2010, Defendants MEADE and C&M, and each of them, indicated to People's Gas that MEADE and C&M, would not perform the pressure testing at issue.

11. On March 3, 2010, GRYGA and another People's Gas employee entered the excavation created by Defendants MEADE and C&M, and each of them, and where the main was exposed and prepared to perform the pressure testing at issue.

12. On March 3, 2010, GRYGA and another People's Gas employee attached couplings to the end of the exposed welded end cap to allow compressed air to enter the 20 inch diameter pipe, and proceeded with the pressure testing.

13. At the aforementioned time and place, a section of the 20 inch diameter steel pipe, measuring approximately 9 feet, 9 and a half inches long, separated at a certain mechanical coupling that had not been exposed by the excavation or otherwise discovered by MEADE and C&M and launched longitudinally, allowing an instantaneous release of pressurized air,

which combined with the rapid pipe movement backwards into the shored excavation, causing a piece of shoring timber to dislodge, strike and fatally injure GRYGA.

14. At all times material to this Complaint, Defendants MEADE and C&M, and each of them, owed GRYGA and others a duty to exercise reasonable care in performance of their duties in connection with the aforementioned main replacement and/or upgrade, including but not limited to a duty to exercise reasonable care in the preparation, inspection, excavation, and shoring of the area surrounding the main as well as the main itself. Defendants MEADE and C&M, and each of them, further had a duty to provide GRYGA and others a safe, suitable and proper work area free from uncovered hazards, and a duty to warn GRYGA and others of any hazards related to the pressure testing that they knew or should have known of, and a duty to implement appropriate safety measures before the testing occurred.

15. Notwithstanding their duty, at said time and place, Defendants MEADE and C&M, and each of them, by and through their agents, servants and employees, was then and there guilty of one or more of the following careless and negligent acts and/or omissions:

- a. Failed to perform excavation and/or inspection of the segment of pipeline being tested to determine whether mechanical couplings were present;
- b. Failed to warn GRYGA or People's Gas that a mechanical coupling was present in the area of pipeline being pressure tested;
- c. Failed to take appropriate measures to protect GRYGA and the public in violation of 49 CFR § 192.515(a);
- d. Failed to ensure that all bends, tees, compression couplings, and end caps were properly blocked, braced and/or welded prior to pressure testing to prevent pipe movement as mandated by Main Work Orders 1.091, 1.093, and 1.090, in violation of 49 CFR §

192.13(c);

- e. Failed to ensure that all bends, tees, compression couplings, and end caps were properly blocked, braced and/or welded prior to pressure testing to prevent pipe movement as mandated by the Distribution Manual and Operating and Maintenance Work Order 7.100 in violation of 49 CFR § 192.13(c);
- f. Failed to follow the Distribution Manual and Operating and Maintenance Plan provided by People's Gas in connection with the main replacement/upgrade as contractually required;
- g. Failed to adequately communicate and coordinate with People's Gas to determine if excavation was safe and in compliance with work orders and Procedures;
- h. Failed to direct workers to undergo the damage prevention training of excavators that was required to comply with pipeline safety program
- i. Failed to safely and properly shore the excavation in the area of the pressure testing allowing a wood shoring plank to come loose and strike GRYGA during the pressure testing;
- j. Shored the excavation in the area of the pressure testing in such a way as to prevent additional tunneling above the main that could have allowed the discovery of mechanical couplings;
- k. Failed to warn GRYGA or People's Gas that proceeding with pressure testing without knowing the location of mechanical couplings was unsafe;
- l. Failed to make a reasonable inspection of the premises and the work being done thereon, when the Defendant knew, or in the exercise of ordinary care should have known, that said inspection was necessary to prevent injury to GRYGA;
- m. Improperly operated, managed, maintained and controlled the aforesaid premises, so that as a direct and proximate result thereof, GRYGA was injured and killed;
- n. Failed to communicate and coordinate work with People's Gas so as to ensure a safe work environment;
- o. Failed to provide the GRYGA with a safe place within which to

work;

- p. Failed to warn GRYGA of the dangerous conditions then and there existing, when the Defendant knew, or in the exercise of ordinary care should have known, that said warning was necessary to prevent injury and death to GRYGA;
- q. Failed to provide adequate safeguards to prevent GRYGA from injury and death while lawfully upon said premises;
- r. Failed to supervise the work being done on the aforesaid premises.

16. As a direct and proximate result of one or more of the aforesaid negligent acts or omissions of the Defendants MEADE and C&M, and each of them, the Deceased, MICHAEL GRYGA, sustained injuries of a personal and pecuniary nature including conscious pain and suffering prior to his death on March 3, 2010, and had he survived, he would have been entitled to bring this action for damages pursuant to 755 ILCS 5/27-6, *et seq.*, and this action survives him.

17. Plaintiff, KRISTINE GRYGA, is the duly appointed Independent Administrator of the Estate of MICHAEL GRYGA, Deceased, as evidenced by the attached letters of office.

WHEREFORE, Plaintiff, KRISTINE GRYGA, Individually and as Special Administrator of the estate of MICHAEL GRYGA, Deceased, demands judgment against Defendant, MEADE ELECTRIC COMPANY, INC., an Illinois Corporation, and CONTRACTING & MATERIAL COMPANY a/k/a C&M, an Illinois Corporation, in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

COUNT III – PREMISES LIABILITY

Plaintiff, KRISTINE GRYGA, Individually and as Special Administrator of the Estate of MICHAEL GRYGA, Deceased, by and through her attorneys, CLIFFORD LAW

OFFICES, P.C., complaining of Defendants, MEADE ELECTRIC COMPANY, INC., an Illinois Corporation (hereinafter "MEADE") and CONTRACTING & MATERIAL COMPANY a/k/a C&M, an Illinois Corporation (hereinafter "C&M") states:

1. On and before March 3, 2010, Defendant MEADE, was an Illinois corporation who through its agents, employees, representatives, and servants, was responsible for the erection, construction, repair, alteration, and/or removal of certain structures at several locations as part of the Wacker Drive Construction Project, including but not limited to replacing and/or upgrading a certain underground gas main underneath Jackson Boulevard at approximately 301 S. Wacker Drive in the City of Chicago, County of Cook, and State of Illinois.

2. On and before March 3, 2010, Defendant C&M, was an Illinois corporation who through its agents, employees, representatives, and servants, was responsible for the erection, construction, repair, alteration, and/or removal of certain structures at several locations as part of the Wacker Drive Construction Project, including but not limited to replacing and/or upgrading a certain underground gas main underneath Jackson Boulevard at approximately 301 S. Wacker Drive in the City of Chicago, County of Cook, and State of Illinois.

3. On and before March 3, 2010, Defendants, MEADE and C&M, and each of them, through their various agents, employees, representatives, and servants, provided construction materials, parts, supervision, and labor at the intersection of Jackson Boulevard and Wacker Drive at approximately 301 S. Wacker Drive for the purposes of replacing and/or upgrading the aforementioned gas main to convert it from being a low pressure main to a medium pressure main.

4. On March 3, 2010, Plaintiff's decedent, MICHAEL GRYGA, was employed by People's Gas and was performing work in the area of the same gas main.

5. On March 3, 2010, Defendants MEADE and C&M, and each of them, through their agents, servants and employees, were present during the course of such erection, construction, repairs, alteration, replacement and/or removal of the aforementioned underground gas main. Defendants MEADE and C&M, and each of them, participated in coordinating the work being done and designated various work methods, maintained and checked work progress and participated in the scheduling of the work and the inspection of the work. In addition thereto, at that time and place, Defendants MEADE and C&M, and each of them, had the authority to stop the work, refuse the work and materials and order changes in the work, in the event the work was being performed in a dangerous manner or for any other reason.

6. On and before March 3, 2010, Defendants MEADE and C&M, and each of them, created an excavation with wood beam shoring around a certain stretch of the aforementioned gas main for the purpose of performing pressure testing on the aforementioned gas main as part of the upgrading project.

7. On or before March 3, 2010, Defendants MEADE and C&M, and each of them, cut out a section of pipe in the area of the excavation and welded an end cap on the remaining portion of pipe to allow for pressure testing.

8. Before March 3, 2010, Defendants MEADE and C&M, and each of them, had committed to and planned to perform the pressure testing at issue.

9. Before March 3, 2010, Defendants MEADE and C&M, and each of them, was aware certain safety measures that needed to be taken before pressure testing could occur, including but not limited to verification of the location of mechanical couplings in relation to the welded end cap by tunneling and other methods.

10. On or before March 3, 2010, Defendants MEADE and C&M, and each of them, indicated to People's Gas that MEADE and C&M would not perform the pressure testing at issue.

11. On March 3, 2010, GRYGA and another People's Gas employee entered the excavation created by MEADE and C&M and where the main was exposed and prepared to perform the pressure testing at issue.

12. On March 3, 2010, GRYGA and another People's Gas employee attached couplings to the end of the exposed welded end cap to allow compressed air to enter the 20 inch diameter pipe, and proceeded with the pressure testing.

13. At the aforementioned time and place, a section of the 20 inch diameter steel pipe, measuring approximately 9 feet, 9 and a half inches long, separated at a certain mechanical coupling that had not been exposed by the excavation or otherwise discovered by MEADE and C&M and launched longitudinally, allowing an instantaneous release of pressurized air, which combined with the rapid pipe movement backwards into the shored excavation, causing a piece of shoring timber to dislodge, strike and fatally injure GRYGA.

14. At all times material to this Complaint, Defendants MEADE and C&M, and each of them, owed GRYGA and others a duty to exercise reasonable care in performance of their duties in connection with the aforementioned main replacement and/or upgrade, including but not limited to a duty to exercise reasonable care in the preparation, inspection, excavation, and shoring of the area surrounding the main as well as the main itself. Defendants MEADE and C&M, and each of them, further had a duty to provide GRYGA and others a safe, suitable and proper work area free from uncovered hazards, and a duty to warn GRYGA and others of any hazards related to the pressure testing that they knew or should

have known of, and a duty to implement appropriate safety measures before the testing occurred.

15. At all times material to this complaint, and for some time prior thereto, there was in full force and effect in the State of Illinois, a certain Act, commonly referred to as the Premises Liability Act, establishing the duty of an owner or occupier to entrants on the owners property, which stated in part:

The duty owed to such entrants is that of reasonable care under the circumstances under the state of the premises or acts done or omitted on them. 740 ILCS 130/2.

16. Notwithstanding their duty, at said time and place, Defendants MEADE and C&M, and each of them, by and through their agents, servants and employees, was then and there guilty of one or more of the following careless and negligent acts and/or omissions:

- a. Failed to perform excavation and/or inspection of the segment of pipeline being tested to determine whether mechanical couplings were present;
- b. Failed to warn GRYGA or People's Gas that a mechanical coupling was present in the area of pipeline being pressure tested;
- c. Failed to take appropriate measures to protect GRYGA and the public in violation of 49 CFR § 192.515(a);
- d. Failed to ensure that all bends, tees, compression couplings, and end caps were properly blocked, braced and/or welded prior to pressure testing to prevent pipe movement as mandated by Main Work Orders 1.091, 1.093, and 1.090, in violation of 49 CFR § 192.13(c);
- e. Failed to ensure that all bends, tees, compression couplings, and end caps were properly blocked, braced and/or welded prior to pressure testing to prevent pipe movement as mandated by the Distribution Manual and Operating and Maintenance Work Order 7.100 in violation of 49 CFR § 192.13(c);
- f. Failed to follow the Distribution Manual and Operating and

Maintenance Plan provided by People's Gas in connection with the main replacement/upgrade as contractually required;

- g. Failed to adequately communicate and coordinate with People's Gas to determine if excavation was safe and in compliance with work orders and Procedures;
- h. Failed to direct workers to undergo the damage prevention training of excavators that was required to comply with pipeline safety program
- i. Failed to safely and properly shore the excavation in the area of the pressure testing allowing a wood shoring plank to come loose and strike GRYGA during the pressure testing;
- j. Shored the excavation in the area of the pressure testing in such a way as to prevent additional tunneling above the main that could have allowed the discovery of mechanical couplings;
- k. Failed to warn GRYGA or People's Gas that proceeding with pressure testing without knowing the location of mechanical couplings was unsafe;
- l. Failed to make a reasonable inspection of the premises and the work being done thereon, when the Defendant knew, or in the exercise of ordinary care should have known, that said inspection was necessary to prevent injury to GRYGA;
- m. Improperly operated, managed, maintained and controlled the aforesaid premises, so that as a direct and proximate result thereof, GRYGA was injured and killed;
- n. Failed to communicate and coordinate work with People's Gas so as to ensure a safe work environment;
- o. Failed to provide the GRYGA with a safe place within which to work;
- p. Failed to warn GRYGA of the dangerous conditions then and there existing, when the Defendant knew, or in the exercise of ordinary care should have known, that said warning was necessary to prevent injury and death to GRYGA;
- q. Failed to provide adequate safeguards to prevent GRYGA from injury and death while lawfully upon said premises;

r. Failed to supervise the work being done on the aforesaid premises.

17. As a direct and proximate result of one or more of the aforesaid acts and/or omissions, and the violation of the Premises Liability Act, Plaintiff's Decedent, MICHAEL GRYGA, sustained injuries of a personal and pecuniary nature.

18. This action is brought pursuant to the Illinois Premises Liability Act, 740 ILCS 130/1 *et seq.*

19. Plaintiff, KRISTINE GRYGA, is the duly appointed Independent Administrator of the Estate of MICHAEL GRYGA, Deceased, as evidenced by the attached letters of office.

WHEREFORE, Plaintiff, KRISTINE GRYGA, Individually and as Special Administrator of the estate of MICHAEL GRYGA, Deceased, demands judgment against Defendant, MEADE ELECTRIC COMPANY, INC., an Illinois Corporation, and CONTRACTING & MATERIAL COMPANY a/k/a C&M, an Illinois Corporation, in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

COUNT IV – LOSS OF CONSORTIUM

Plaintiff, KRISTINE GRYGA, Individually and as Special Administrator of the Estate of MICHAEL GRYGA, Deceased, by and through her attorneys, CLIFFORD LAW OFFICES, P.C., complaining of Defendants, MEADE ELECTRIC COMPANY, INC., an Illinois Corporation (hereinafter "MEADE") and CONTRACTING & MATERIAL COMPANY a/k/a C&M, an Illinois Corporation (hereinafter "C&M") states:

1. On and before March 3, 2010, Defendant MEADE, was an Illinois corporation who through its agents, employees, representatives, and servants, was responsible for the erection, construction, repair, alteration, and/or removal of certain structures at several locations as

part of the Wacker Drive Construction Project, including but not limited to replacing and/or upgrading a certain underground gas main underneath Jackson Boulevard at approximately 301 S. Wacker Drive in the City of Chicago, County of Cook, and State of Illinois

2. On and before March 3, 2010, Defendant C&M, was an Illinois corporation who through its agents, employees, representatives, and servants, was responsible for the erection, construction, repair, alteration, and/or removal of certain structures at several locations as part of the Wacker Drive Construction Project, including but not limited to replacing and/or upgrading a certain underground gas main underneath Jackson Boulevard at approximately 301 S. Wacker Drive in the City of Chicago, County of Cook, and State of Illinois.

3. On and before March 3, 2010, Defendants, MEADE and C&M, and each of them, through their various agents, employees, representatives, and servants, provided construction materials, parts, supervision, and labor at the intersection of Jackson Boulevard and Wacker Drive at approximately 301 S. Wacker Drive for the purposes of replacing and/or upgrading the aforementioned gas main to convert it from being a low pressure main to a medium pressure main.

4. On March 3, 2010, Plaintiff's decedent, MICHAEL GRYGA, was employed by People's Gas and was performing work in the area of the same gas main.

5. On March 3, 2010, Defendants, MEADE and C&M, and each of them, through their agents, servants and employees, were present during the course of such erection, construction, repairs, alteration, replacement and/or removal of the aforementioned underground gas main. Defendants MEADE and C&M, and each of them, participated in coordinating the work being done and designated various work methods, maintained and checked work progress and participated in the scheduling of the work and the inspection of

the work. In addition thereto, at that time and place, Defendants, MEADE and C&M, and each of them, had the authority to stop the work, refuse the work and materials and order changes in the work, in the event the work was being performed in a dangerous manner or for any other reason.

6. On and before March 3, 2010, Defendants, MEADE and C&M, and each of them, created an excavation with wood beam shoring around a certain stretch of the aforementioned gas main for the purpose of performing pressure testing on the aforementioned gas main as part of the upgrading project.

7. On or before March 3, 2010, Defendants, MEADE and C&M, and each of them, cut out a section of pipe in the area of the excavation and welded an end cap on the remaining portion of pipe to allow for pressure testing.

8. Before March 3, 2010, Defendants, MEADE and C&M, and each of them, had committed to and planned to perform the pressure testing at issue.

9. Before March 3, 2010, Defendants, MEADE and C&M, and each of them, were aware certain safety measures that needed to be taken before pressure testing could occur, including but not limited to verification of the location of mechanical couplings in relation to the welded end cap by tunneling and other methods.

10. On or before March 3, 2010, Defendants, MEADE and C&M, and each of them, indicated to People's Gas that MEADE and C&M would not perform the pressure testing at issue.

11. On March 3, 2010, GRYGA and another People's Gas employee entered the excavation created by MEADE and C&M and where the main was exposed and prepared to perform the pressure testing at issue.

12. On March 3, 2010, GRYGA and another People's Gas employee attached couplings to the end of the exposed welded end cap to allow compressed air to enter the 20 inch diameter pipe, and proceeded with the pressure testing.

13. At the aforementioned time and place, a section of the 20 inch diameter steel pipe, measuring approximately 9 feet, 9 and a half inches long, separated at a certain mechanical coupling that had not been exposed by the excavation or otherwise discovered by MEADE and C&M and launched longitudinally, allowing an instantaneous release of pressurized air, which combined with the rapid pipe movement backwards into the shored excavation, causing a piece of shoring timber to dislodge, strike and fatally injure GRYGA.

14. At all times material to this Complaint, Defendants, MEADE and C&M, and each of them, owed GRYGA and others a duty to exercise reasonable care in performance of their duties in connection with the aforementioned main replacement and/or upgrade, including but not limited to a duty to exercise reasonable care in the preparation, inspection, excavation, and shoring of the area surrounding the main as well as the main itself. Defendants, MEADE and C&M, and each of them, further had a duty to provide GRYGA and others a safe, suitable and proper work area free from uncovered hazards, and a duty to warn GRYGA and others of any hazards related to the pressure testing that they knew or should have known of, and a duty to implement appropriate safety measures before the testing occurred.

15. Notwithstanding their duty, at said time and place, Defendants, MEADE and C&M, and each of them, by and through their agents, servants and employees, was then and there guilty of one or more of the following careless and negligent acts and/or omissions:

- a. Failed to perform excavation and/or inspection of the segment of

pipeline being tested to determine whether mechanical couplings were present;

- b. Failed to warn GRYGA or People's Gas that a mechanical coupling was present in the area of pipeline being pressure tested;
- c. Failed to take appropriate measures to protect GRYGA and the public in violation of 49 CFR § 192.515(a);
- d. Failed to ensure that all bends, tees, compression couplings, and end caps were properly blocked, braced and/or welded prior to pressure testing to prevent pipe movement as mandated by Main Work Orders 1.091, 1.093, and 1.090, in violation of 49 CFR § 192.13(c);
- e. Failed to ensure that all bends, tees, compression couplings, and end caps were properly blocked, braced and/or welded prior to pressure testing to prevent pipe movement as mandated by the Distribution Manual and Operating and Maintenance Work Order 7.100 in violation of 49 CFR § 192.13(c);
- f. Failed to follow the Distribution Manual and Operating and Maintenance Plan provided by People's Gas in connection with the main replacement/upgrade as contractually required;
- g. Failed to adequately communicate and coordinate with People's Gas to determine if excavation was safe and in compliance with work orders and Procedures;
- h. Failed to direct workers to undergo the damage prevention training of excavators that was required to comply with pipeline safety program
- i. Failed to safely and properly shore the excavation in the area of the pressure testing allowing a wood shoring plank to come loose and strike GRYGA during the pressure testing;
- j. Shored the excavation in the area of the pressure testing in such a way as to prevent additional tunneling above the main that could have allowed the discovery of mechanical couplings;
- k. Failed to warn GRYGA or People's Gas that proceeding with pressure testing without knowing the location of mechanical couplings was unsafe;

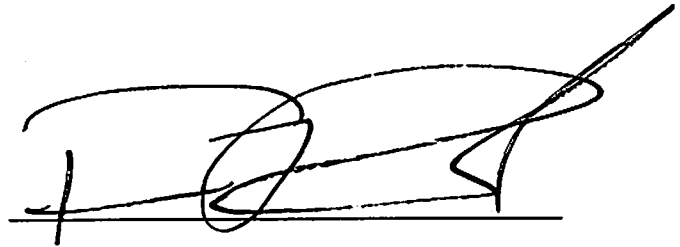
- l. Failed to make a reasonable inspection of the premises and the work being done thereon, when the Defendant knew, or in the exercise of ordinary care should have known, that said inspection was necessary to prevent injury to GRYGA;
- m. Improperly operated, managed, maintained and controlled the aforesaid premises, so that as a direct and proximate result thereof, GRYGA was injured and killed;
- n. Failed to communicate and coordinate work with People's Gas so as to ensure a safe work environment;
- o. Failed to provide the GRYGA with a safe place within which to work;
- p. Failed to warn GRYGA of the dangerous conditions then and there existing, when the Defendant knew, or in the exercise of ordinary care should have known, that said warning was necessary to prevent injury and death to GRYGA;
- q. Failed to provide adequate safeguards to prevent GRYGA from injury and death while lawfully upon said premises;
- r. Failed to supervise the work being done on the aforesaid premises.

16. As a direct and proximate result of one or more of the aforesaid acts and/or omissions, Plaintiff's Decedent, MICHAEL GRYGA, sustained injuries of a personal and pecuniary nature which led to his death on March 3, 2010.

17. At all times material to this Complaint, Plaintiff, KRISTINE GRYGA, was the wife of MICHAEL GRYGA.

18. Due to Plaintiff's Decedent, MICHAEL GRYGA'S death caused by the negligent acts and/or omissions of Defendants, MEADE and C&M, and each of them, Plaintiff, KRISTINE GRYGA, has sustained loss of consortium in the past and up to the present and will in the future sustain loss of consortium.

WHEREFORE, Plaintiff, KRISTINE GRYGA, Individually and as Special Administrator of the estate of MICHAEL GRYGA, Deceased, demands judgment against Defendant, MEADE ELECTRIC COMPANY, INC., an Illinois Corporation, and CONTRACTING & MATERIAL COMPANY a/k/a C&M, an Illinois Corporation, in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

A handwritten signature in black ink, appearing to read 'Tomasik', written over a horizontal line.

Attorney for the Plaintiff

Timothy S. Tomasik
Brian S. Shallcross
CLIFFORD LAW OFFICES, P.C.
120 North LaSalle Street
31st Floor
Chicago, Illinois 60602
(312) 899-9090
Atty. No. 32640

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

FILED 15 JUL 3 2015

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

KRISTINE GRYGA, Individually and as)
Independent Administrator of the Estate of)
MICHAEL GRYGA, Deceased,)
)
Plaintiff,)

20111001755
CALENDAR ROOM 4
TIME 00:00
PI Other

v.)

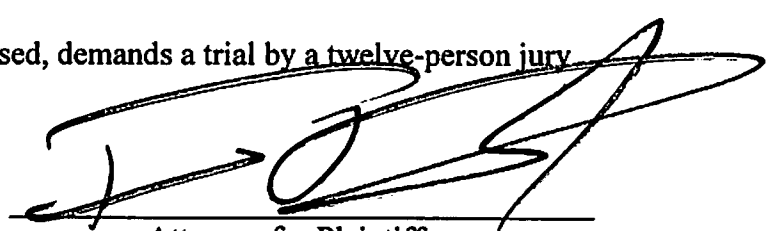
No.)

MEADE ELECTRIC COMPANY, INC.,)
an Illinois Corporation and)
CONTRACTING & MATERIAL)
COMPANY a/k/a C&M, an Illinois)
Corporation,)
)
Defendants.)

Plaintiff Demands a Jury Trial

JURY DEMAND

Plaintiff, KRISTINE GRYGA, Individually and as Special Administrator of the
Estate of MICHAEL GRYGA, Deceased, demands a trial by a twelve-person jury.



Attorney for Plaintiff

Timothy S. Tomasik
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Chicago, Illinois 60602
(312) 899-9090
Firm I.D. 32640

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

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

KRISTINE GRYGA, Individually and as)
Independent Administrator of the Estate of)
MICHAEL GRYGA, Deceased,)
)
Plaintiff,)
)
v.)
)
MEADE ELECTRIC COMPANY, INC.,)
an Illinois Corporation and)
CONTRACTING & MATERIAL)
COMPANY a/k/a C&M, an Illinois)
Corporation,)
)
Defendants.)

No.

Plaintiff Demands a Jury Trial

2011L001783
CALENDAR/ROOM A
TIME 00:00
PI Other

AFFIDAVIT REGARDING DAMAGES SOUGHT

Plaintiff, KRISTINE GRYGA, Individually and as Special Administrator of the Estate of MICHAEL GRYGA, Deceased, by her attorneys, CLIFFORD LAW OFFICES, P.C., being first duly sworn under oath, state(s) as follows:

1. That the affiant is one of the attorneys of record for the Plaintiff in this matter.
2. That the total money damages sought in this civil action exceeds the amount of \$50,000.00.

FURTHER AFFIANT SAYETH NOT.

By: 

Attorney for Plaintiff

[X] Under penalties as provided by law pursuant to 735 ILCS 5/1-109 of the Code of Civil Procedure, I certify that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that I verily believe the same to be true.

Timothy S. Tomasik
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