

2120 - Served  
2220 - Not Served  
2320 - Served By Mail  
2420 - Served By Publication  
SUMMONS

2121 - Served  
2221 - Not Served  
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ALIAS - SUMMONS

(2/28/11) CCG N001

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

Wright-Way Rescue

(Name all parties)

v.

Alltown Bus Service, Inc. and Janice O'Leary

2015L062022  
CALENDAR/ROOM G  
No. \_\_\_\_\_  
TIME 00:00  
Property Damage  
Janice O'Leary

8841 S. Blackstone Ave.

Chicago, IL 60619

☒ SUMMONS ☐ ALIAS SUMMONS

To each Defendant:

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the Office of the Clerk of this Court at the following location:

- ☐ Richard J. Daley Center, 50 W. Washington, Room \_\_\_\_\_, Chicago, Illinois 60602
- ☒ District 2 - Skokie  
5600 Old Orchard Rd.  
Skokie, IL 60077
- ☐ District 3 - Rolling Meadows  
2121 Euclid  
Rolling Meadows, IL 60008
- ☐ District 4 - Maywood  
1500 Maybrook Ave.  
Maywood, IL 60153
- ☐ District 5 - Bridgeview  
10220 S. 76th Ave.  
Bridgeview, IL 60455
- ☐ District 6 - Markham  
16501 S. Kedzie Pkwy.  
Markham, IL 60428
- ☐ Child Support  
28 North Clark St., Room 200  
Chicago, Illinois 60602

You must file within 30 days after service of this Summons, not counting the day of service.

IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

To the officer:

This Summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this Summons shall be returned so endorsed. This Summons may not be served later than 30 days after its date.

Atty. No.: 05003

Name: Monica R. Pinciak-Madden, Jenner & Block LLP

Atty. for: Wright-Way Rescue

Address: 353 N. Clark Street

City/State/Zip: Chicago, IL 60654

Telephone: 312-840-7565

WITNESS, \_\_\_\_\_

Clerk of Court

Date of service: \_\_\_\_\_

(To be inserted by officer on copy left with defendant or other person)

Service by Facsimile Transmission will be accepted at: \_\_\_\_\_

(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

2120 - Served  
2220 - Not Served  
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(2/28/11) CCG N001

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

Wright-Way Rescue

(Name all parties)

v.

Alltown Bus Service, Inc. and Janice O'Leary

No. 2015L062022  
CALENDAR/ROOM G  
TIME 00:00  
Alltown Bus Service, Inc. Damage  
Attn: Greg C. Polan (registered agent)  
7300 N. St. Louis Ave., Skokie, IL 60076

☒ SUMMONS ☐ ALIAS SUMMONS

To each Defendant:

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the Office of the Clerk of this Court at the following location:

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28 North Clark St., Room 200  
Chicago, Illinois 60602

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Atty. No.: 05003

Name: Monica R. Pinciak-Madden, Jenner & Block LLP

Atty. for: Wright-Way Rescue

Address: 353 N. Clark Street

City/State/Zip: Chicago, IL 60654

Telephone: 312-840-7565

WITNESS, \_\_\_\_\_

**DOROTHY BROWN MAY 05 2015**  
\_\_\_\_\_  
Clerk of Court

Date of service: \_\_\_\_\_  
(To be inserted by officer on copy left with defendant or other person)

Service by Facsimile Transmission will be accepted at: \_\_\_\_\_  
(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

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

Wright-Way Rescue

v.

No. \_\_\_\_\_

Alltown Bus Service, Inc. and Janice O'Leary

**CIVIL ACTION COVER SHEET - CASE INITIATION**

A Civil Action Cover Sheet - Case Initiation shall be filed with the complaint in all civil actions. The information contained herein is for administrative purposes only and cannot be introduced into evidence. Please check the box in front of the appropriate case type which best characterizes your action. Only one (1) case type may be checked with this cover sheet.

Jury Demand ☒ Yes ☐ No**PERSONAL INJURY/WRONGFUL DEATH****CASE TYPES:**

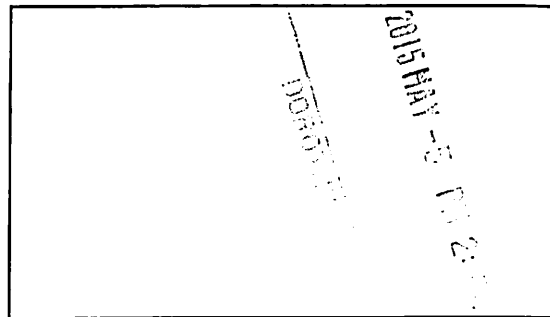
- ☐ 027 Motor Vehicle  
☐ 040 Medical Malpractice  
☐ 047 Asbestos  
☐ 048 Dram Shop  
☐ 049 Product Liability  
☐ 051 Construction Injuries  
     (including Structural Work Act, Road  
     Construction Injuries Act and negligence)  
☐ 052 Railroad/FELA  
☐ 053 Pediatric Lead Exposure  
☐ 061 Other Personal Injury/Wrongful Death  
☐ 063 Intentional Tort  
☐ 064 Miscellaneous Statutory Action  
     (Please Specify Below\*\*) ☐ 065 Premises Liability  
☐ 078 Fen-phen/Redux Litigation  
☐ 199 Silicone Implant

**TAX & MISCELLANEOUS REMEDIES****CASE TYPES:**

- ☐ 007 Confessions of Judgment  
☐ 008 Replevin  
☐ 009 Tax  
☐ 015 Condemnation  
☐ 017 Detinue  
☐ 029 Unemployment Compensation  
☐ 031 Foreign Transcript  
☐ 036 Administrative Review Action  
☐ 085 Petition to Register foreign Judgment  
☐ 099 All Other Extraordinary Remedies

By: Monica Pinciak-Madden  
(Attorney)

(Pro Se)



(FILE STAMP)

**COMMERCIAL LITIGATION****CASE TYPES:**

- ☐ 002 Breach of Contract  
☐ 070 Professional Malpractice  
     (other than legal or medical)  
☐ 071 Fraud (other than legal or medical)  
☐ 072 Consumer Fraud  
☐ 073 Breach of Warranty  
☐ 074 Statutory Action  
     (Please specify below\*\*) ☐ 075 Other Commercial Litigation  
     (Please specify below\*\*) ☐ 076 Retaliatory Discharge

**OTHER ACTIONS****CASE TYPES:**

- ☒ 062 Property Damage  
☐ 066 Legal Malpractice  
☐ 077 Libel/Slander  
☐ 079 Petition for Qualified Orders  
☐ 084 Petition to Issue Subpoena  
☐ 100 Petition for Discovery

\*\*

Service via email from opposing party/counsel will be  
accepted at:

mpinciak@jenner.com

by consent pursuant to Ill. Sup. Court Rules 11 and 131.

**Pro Se Only:** ☐ I have read and agree to the terms of the Clerk's Office Electronic Notice Policy and choose to opt in to electronic notice from the Clerk's office for this case at this email address: \_\_\_\_\_

**DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS**

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

**WRIGHT-WAY RESCUE,**

**Plaintiff,**

**v.**

**ALLTOWN BUS SERVICE, INC.,  
and JANICE O'LEARY,**

**Defendants.**

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**Case No.**

2015L06202  
CALENDAR/ROOM  
TIME 09:00  
PROPERTY DAMAGE  
2015 MAY 15--5 PM 2:06  
DOROTHY LEONARD  
CLERK

**COMPLAINT AT LAW**

Plaintiff Wright-Way Rescue, by its attorneys, Jenner & Block LLP, alleges as follows:

**PARTIES AND JURISDICTION**

1. Plaintiff Wright Way Rescue (hereinafter "WWR") is an Illinois non-profit 501(c)(3) animal rescue organization, that, prior to October 2, 2013, maintained its principal place of business at 7136 West Touhy Avenue, Niles, Illinois 60714 (hereinafter "WWR Touhy Center").

2. Defendant Alltown Bus Service, Inc. (hereinafter "Alltown") is an Illinois corporation, with its principal place of business at 7300 North St. Louis Avenue, Skokie, Illinois 60076. At all relevant times hereto, Gregory Polan (hereinafter "Polan") was the owner and President of Alltown.

3. Defendant Janice O'Leary (hereinafter "O'Leary") is an individual residing in Cook County, Illinois. At all relevant times hereto, O'Leary was a school bus operator for Defendant Alltown.

4. This Court has jurisdiction over this action pursuant to Section 2-209 of the Code of Civil Procedure because, among other reasons, the events giving rise to this cause of action occurred in Illinois.

5. Venue is proper in this Court pursuant to Section 2-101 of the Code of Civil procedure because the events giving rise to this cause of action occurred in Niles, Illinois, which is located in Cook County.

### **FACTUAL ALLEGATIONS**

#### **Background and Mission of Wright-Way Rescue**

6. WWR was established in 2003 and incorporated as an Illinois non-profit on April 5, 2004.

7. WWR's mission is to reduce the number of animals euthanized in the Midwest each year through an adoption program, community education, promotion of spaying and neutering, and a veterinary medicine program. WWR rescues animals from rural animal control facilities where they are at a high risk of euthanasia, and offers them a second chance at a loving home in the Chicagoland area. WWR places more dogs in adoptive homes than any other no-kill rescue in the State of Illinois on just 10% of the budget.

8. Prior to October 2, 2013, WWR maintained two facilities to accomplish its mission: the WWR Touhy Center in Niles, Illinois, and the WWR Admission & Care Center in Southern Illinois (hereinafter "Admission & Care Center").

9. The WWR Touhy Center, which WWR leased from Winchester Associates, was used by WWR to conduct the bulk of its operations. Among other things, the WWR Touhy Center served as the central location for administrative functions, carrying out pet adoptions,

providing low-cost vaccinations, providing dog training, retail sales of pet supplies, and hosting volunteer orientation and training.

10. During the lease, WWR made significant improvements to the WWR Touhy Center including, but not limited to, installing new air conditioning and extensive air exchange systems, adding an intricate drainage system throughout facility, building out internal offices, refinishing all floors, blacktopping the surrounding parking lots, upgrading the surrounding landscaping, tuckpointing the exterior of the building, painting the inside and outside of the building, and restoring and updating the restrooms to meet applicable codes.

11. WWR's other facility, the Admission & Care Center, serves as the receiving center for animals that are rescued from local animal control facilities. The Admissions & Care Center is financially dependent on the activities of the WWR Touhy Center.

12. At the Admission & Care Center, the rescued animals are provided with needed medical care. A team of veterinarians, trainers, and caretakers vaccinate, deworm, groom, temperament test, microchip, spay/neuter, and quarantine the animals to prepare them for adoptive homes in the Chicagoland area. Once this process is complete, the rescued animals are transported to WWR's Northern Illinois facility, which, until October 2, 2013, was located at the WWR Touhy Center. Nearly all of WWR's adoptions are facilitated at the WWR Touhy Center.

13. In 2004, during WWR's first full year of existence, WWR provided 800 dogs, cats, puppies, and kittens with shelter, spay/neuter surgeries, and adoptive homes. Since 2003, WWR has facilitated the adoption of approximately 4000 animals on a yearly basis.

14. WWR's mission and operations are funded by various sources, including charitable donations, its retail store, fundraising efforts and events, and other services provided by WWR, including, but not limited to, veterinary care, adoptions, and dog training classes.

15. WWR also provides services free of charge—and at its own expense—to adopters of the animals WWR rescues, including screening and background checks, transportation of animals from animal control and to the Admission & Care Center then to WWR Touhy Center, a foster home network, training and consulting for animals with behavioral issues, and other services required on a case-by-case basis.

16. Additionally, WWR operates two not-for-profit veterinary clinics that provide low-cost services to adopters who demonstrate financial need, and also for other rescue organizations and shelters that do not have a veterinary staff.

17. WWR accomplishes its mission through 46 paid employees and over 50 volunteers.

18. WWR is a beacon of the North Shore community, engaging in community programs, presentations, and events at local schools, nursing homes, and libraries. WWR also offers off-site adopt-a-thons at surrounding neighborhood businesses, family service nights at its adoption center, field trips at its facilities, and a venue for court-ordered and voluntary community service.

19. Prior to October 2, 2013, WWR was a thriving organization successfully placing over 4000 animals per year in 2012 (and over 3000 animals in the 9 months ending September 2013), and generating gross operating revenues (excluding donations) of nearly \$1,500,000 in 2012 (and over \$1,250,000 in the 9 months ending September 2013). Up until October 2, 2013, WWR maintained a record of placing more dogs in adoptive homes than any other animal shelter in the State of Illinois for four consecutive years in a row.



### **Destruction of the WWR Touhy Center**

20. On information and belief, on October 2, 2013, Defendant O'Leary was driving a school bus owned and operated by Defendant Alltown.

21. On information and belief, at around 11:00 am on October 2, 2013, Defendant O'Leary was driving the school bus Southbound on Harlem Avenue in Niles, Illinois, and began to make a left turn onto Touhy Avenue.

22. On information and belief, while Defendant O'Leary was making the turn, she became distracted, fell off her seat, lost control of the school bus, and crashed the bus through the main entrance of the WWR Touhy Center, causing the roof to collapse (hereinafter "the Crash").

23. On information and belief, Defendant O'Leary was issued a traffic citation for violating 625 ILCS 5/11-601(a)—failure to reduce speed to avoid an accident.

24. As a result of the Crash, the WWR Touhy Center was deemed unfit for occupancy, and WWR was forced to move its operations elsewhere.

25. As a result of the Crash, WWR's retail store and inventory were destroyed. Additionally, the main adoption floor was negatively impacted. The rooms that were built to house adoptable animals were located in the midst of the damage and were inaccessible. Many animals were caught inside their rooms, and the Fire Department had to rescue them and pull them from the debris. The Crash also caused a power outage, which destroyed vaccinations and medication that required refrigeration.

### **Effects of the Crash on WWR's Business**

26. The destruction of WWR's Touhy Center caused WWR and the animals it serves to become displaced without notice. As a result of the Crash, WWR transformed from a growing



and leading animal rescue organization to an organization that no longer had the means to sustain its operations and important mission. WWR had no choice but to relocate, and finding a temporary location was difficult because of zoning requirements, which require a permit to house live animals. The process for securing such a permit can take up to six months.

27. After the Crash, WWR was unable to pay many of its employees, which required the sacrifice of volunteers and employees willing to work without pay.

28. As a result of the Crash, WWR was unable to provide support to the animal control facilities from which WWR had rescued animals at risk of being euthanized. Euthanasia rates of animals at those facilities increased after the Crash, and WWR struggled to continue its mission to remove animals from kill shelters and place them into adoptive homes.

29. As a result of the Crash, many of the animals that WWR had planned to rescue were instead euthanized at animal control facilities throughout the Midwest.

30. As a result of the Crash, adoptions plummeted. For comparison, in December 2012, WWR adopted 283 animals. Following the Crash, in December 2013, WWR adopted only 165 animals.

31. Immediately following the Crash, WWR obtained a two-week permit to allow animal occupancy, and took up temporary residence in a warehouse owned by Georgia Nut Company. WWR also utilized the Skokie PetSmart to host adoption events in order to place animals in homes.

32. In or around November 2013, WWR began using a former vet clinic—that was approximately 1300 square feet and still had a zoning variance in place for live animals—to operate its business. Because the location did not have proper ventilation or drainage, WWR struggled to maintain the proper health of its animals and to address rising customer concerns.

Due to the small size of the temporary location, WWR had to discontinue most of its services—limiting itself to adoptions only—and also limit the number of animals it could host.

33. Eventually, in or around September 2014, WWR was able to secure and develop a new facility to serve as its base of operations in Morton Grove, Illinois. WWR is presently in the process of attempting to rebuild its prior success.

### **COUNT I – NEGLIGENCE**

#### **(Defendant O’Leary)**

34. Plaintiff re-alleges and incorporates paragraphs 1-33 as if fully set forth herein.

35. Defendant O’Leary had a duty to act reasonably and to use due care while operating the school bus.

36. Defendant O’Leary breached that duty of due care and was otherwise negligent in one or more of the following ways: negligently operating, managing, maintaining, and controlling the school bus; operating the school bus without keeping a proper and sufficient lookout; failing to avoid distracted driving; and failing to reduce the speed of the school bus to avoid a collision, in violation of 625 ILCS 5/11-601(a).

37. As a direct and proximate cause of one or more of the aforesaid negligent acts and/or omissions of Defendant O’Leary, Plaintiff WWR suffered significant damages.

WHEREFORE, Plaintiff WWR demands judgment against Defendant O’Leary in an amount in excess of \$100,000, plus costs, pre-judgment interest, and post-judgment interest as this Court deems appropriate.

### **COUNT II – RESPONDEAT SUPERIOR**

#### **(Defendant Alltown)**

38. Plaintiff re-alleges and incorporates paragraphs 1-37 as if fully set forth herein.

39. At all times relevant hereto, Defendant O'Leary was employed by, and was an agent, servant, and/or employee of Defendant Alltown.

40. The above-described Crash caused by Defendant O'Leary was committed within the scope of her employment with Defendant Alltown, in that it was committed while O'Leary was on duty and in furtherance of Defendant Alltown's business interests.

41. As Defendant O'Leary's employer, Defendant Alltown is responsible for the negligent acts committed by Defendant O'Leary within the scope of her employment.

WHEREFORE, Plaintiff WWR demands judgment against Defendant Alltown in an amount in excess of \$100,000, plus costs, pre-judgment interest, and post-judgment interest as this Court deems appropriate.

### **COUNT III – AGENCY**

#### **(Defendant Alltown)**

42. Plaintiff re-alleges and incorporates paragraphs 1-37 as if fully set forth herein.

43. The above-described Crash caused by Defendant O'Leary was committed while she was acting as an agent of Defendant Alltown.

44. The above-described Crash caused by Defendant O'Leary was committed within the scope of Defendant O'Leary's agency and while furthering the business interests of Defendant Alltown.

45. As the principal for Defendant O'Leary, Defendant Alltown is responsible for the negligent acts committed by Defendant O'Leary within the scope of her agency.

WHEREFORE, Plaintiff WWR demands judgment against Defendant Alltown in an amount in excess of \$100,000, plus costs, pre-judgment interest, and post-judgment interest as this Court deems appropriate.

**REQUEST FOR JURY TRIAL**

Pursuant to 735 ILCS 5/2-1105, Plaintiff WWR prays for a trial by jury on all issues.

Dated: May 5, 2015

Respectfully submitted,

WRIGHT-WAY RESCUE

By: Monica R. Pinciak-Madden  
One of Its Attorneys

**JENNER & BLOCK LLP**

Philip L. Harris  
Monica R. Pinciak-Madden  
Ashley N. Van Zelst  
pharris@jenner.com  
mpinciak@jenner.com  
avanzelst@jenner.com  
353 N. Clark Street  
Chicago, IL 60654-3456  
(312) 222-9350  
Firm No. 05003

1910 - No Fee Paid

1919 - Fee Paid

Jury Demand

CCG N067-10M-6/09/04 ( )

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

WRIGHT-WAY RESCUE

\_\_\_\_\_  
v.  
ALLTOWN BUS SERVICE, INC. AND JANICE O'LEARY

No. \_\_\_\_\_

JURY DEMAND

The undersigned demands a jury trial.

DOROTHY BROWN  
2015 MAY -5 PM 2:00

Monica R. Pinciak-Madden  
(Signature)

Dated: May 5, 2015

Atty. No.: 05003

Name: Monica R. Pinciak-Madden, Jenner & Block LLP

Atty. for: Wright-Way Rescue

Address: 353 N. Clark Street

City/State/Zip: Chicago, IL 60654

Telephone: 312-840-7565

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

COOK COUNTY SHERIFF'S OFFICE  
CIVIL DIVISION - SKOKIE  
5600 Old Orchard Road, Room 030  
Skokie, IL 60076  
(847) 470-7558

DATE: 5/5/2015 TIME: 2:25 PM  
BATCH #: 34195 TRANS #: 5  
CASHIER: madrien

=====

CASE TYPE: SUMMONS  
SHERIFF #: 01780445  
CASE #: 15L062022  
Check on Service after: 6/2/2015  
General Service Fee \$50.00  
General Mileage Fee \$10.00  
PAYMENT TOTAL: \$60.00

CASE TYPE: SUMMONS  
SHERIFF #: 01780446  
CASE #: 15L062022  
Check on Service after: 6/2/2015  
General Service Fee \$50.00  
General Mileage Fee \$10.00  
PAYMENT TOTAL: \$60.00

=====

TRANSACTION TOTAL: \$120.00

TENDERED: Check \$120.00

=====

Checks presented:

JENNER & BLOCK LLP COOK COUNTY SHERIFF'S OFFICE CHICAGO, IL 60604		3212
DATE: May 5, 2015		7083 2710
PAY TO THE ORDER OF: Cook County Sheriff		\$ 120.00
LINE HUNDRED TWENTY AND 00/100		
citibank		
FOR: Dale Simon		

NOW!!! Check ON-LINE for the status  
of your Service of Process at  
[www5.cookcountysheriff.org](http://www5.cookcountysheriff.org)

When checking on service, have your  
Sheriff's Number or Case Number Available

Sheriff's Number or Case Number Available  
When checking on service, have your

www.cookcountysheriff.org  
of your Service of Process at  
NOW!!! Check ON-LINE for the status

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 10 2015	
COOK COUNTY SHERIFF'S OFFICE	

Checks presented:

TENDERED: Check \$150.00

TRANSACTION TOTAL: \$150.00

PAYMENT TOTAL: \$60.00

General Mileage Fee \$10.00  
General Service Fee \$50.00  
Check on Service after: 6/2/2015

CASE #: 15L062035

SHERIFF #: 01V80446

CASE TYPE: SUMMONS

PAYMENT TOTAL: \$60.00

General Mileage Fee \$10.00  
General Service Fee \$50.00  
Check on Service after: 6/2/2015

CASE #: 15L062035

SHERIFF #: 01V80446

CASE TYPE: SUMMONS

CASHIER: Madison

BATCH #: 34185

TRANS #: 2

DATE: 6/2/2015 TIME: 2:52 PM

(847) 470-7528  
Skokie, IL 60076  
5600 Old Orchard Road, Room 030  
CIVIL DIVISION - SKOKIE  
COOK COUNTY SHERIFF'S OFFICE



CLERK OF THE CIRCUIT COURT - COOK COUNTY

00075364 Law-02 5/5/2015 2:10PM

ATTY: 05003 043 ANNAZURA

AD DAMNUM: \$100,000.01

CASE NO: 2015L062022 CALENDAR: G

COURT DATE: 0/0/0000 12:00AM

CASE TOTAL: \$567.00

12 Jurors 3	\$230.00
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Automation	\$15.00
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Document Storage	\$15.00
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Law Library	\$21.00
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Dispute Resolution	\$1.00
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Arbitration	\$10.00
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Base Filing Fee 6	\$240.00
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Court Services	\$25.00
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Children Waiting Rm	\$10.00
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CHECK NO: 3211

CHECK AMOUNT:	\$567.00
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CHANGE	\$0.00
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TRANSACTION TOTAL:	\$567.00
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