

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

MICHAEL LAPORTA,

Petitioner,

v.

PATRICK KELLY, THE CITY OF
CHICAGO, a municipal corporation, THE
CITY OF CHICAGO POLICE
DEPARTMENT and BREWBAKERS

Respondents.

No.:

COMPLAINT IN DISCOVERY

TO: Miguel Del Valle	Brewbakers	Patrick Kelly
City of Chicago, City Clerk	10350 S. Western	10703 S. Troy
121 N. LaSalle, Rm. 107	Chicago, IL 60643	Chicago, IL 60655
Chicago, IL 60602		

Jody Weis
City of Chicago,
Police Department
3510 S. Michigan Ave.
Chicago, IL 60653

NOW COMES the Petitioner, MICHAEL LAPORTA, by and through his attorneys,
NAVIGATO & SALVATO, and pursuant to Supreme Court Rule 224, petitions this Court as
follows:

1. On or about January 12, 2010, the Petitioner, MICHAEL LAPORTA, was
severely injured when he was struck in the head by a bullet from a gun which, upon information
and belief, was owned by THE CITY OF CHICAGO, a municipal department and/or THE CITY
OF CHICAGO POLICE DEPARTMENT and assigned to Chicago Police Officer, PATRICK

KELLY.

2. Prior to the shooting, MICHAEL LAPORTA and PATRICK KELLY visited BREWBAKERS bar located at 10350 S. Western Avenue in Chicago, Illinois.

3. Upon information and belief, agents and employees of BREWBAKERS served MICHAEL LAPORTA and PATRICK KELLY alcoholic drinks causing PATRICK KELLY to become inebriated.

4. After spending several hours at BREWBAKERS, MICHAEL LAPORTA and PATRICK KELLY went to a home located at 10703 S. Troy Street in Chicago, Illinois.

5. Upon information and belief, sometime around 4:45 a.m., the gun assigned to PATRICK KELLY by THE CITY OF CHICAGO and/or THE CITY OF CHICAGO POLICE DEPARTMENT discharged and struck MICHAEL LAPORTA in the back of his head.

6. PATRICK KELLY called Chicago police to report the incident.

7. Chicago Police Officers arrived at the scene and conducted an initial investigation. The investigation is still ongoing.

8. Upon information and belief, following the incident, THE CITY OF CHICAGO and/or THE CITY OF CHICAGO POLICE DEPARTMENT stripped PATRICK KELLY of his police powers. The People of the State of Illinois also charged PATRICK KELLY with misdemeanor assault after he became combative with responding officers.

9. PATRICK KELLY, THE CITY OF CHICAGO, a municipal corporation, THE CITY OF CHICAGO POLICE DEPARTMENT and BREWBAKERS, are currently in control of records pertaining to the incident in question concerning MICHAEL LAPORTA on January 12, 2010.

10. The Law firm of Navigato & Salvato has been retained to investigate, and if

necessary, prosecute a claim for said injuries on behalf of the Petitioner, MICHAEL LAPORTA.

11. In order to properly investigate said claim, any and all documents and/or video footage identifying the location and/or locations where the Petitioner, MICHAEL LAPORTA, and PATRICK KELLY were on January 11, 2010 and January 12, 2010; any and all documents and/or video footage identifying the activities of the Petitioner, MICHAEL LAPORTA and PATRICK KELLY on January 11, 2010 and January 12, 2010, including but not limited to, bar receipts and/or invoices, a list giving the names and addresses of witnesses who recall seeing MICHAEL LAPORTA and PATRICK KELLY at Brewbakers and/or at the home located at 10703 S. Troy Street, in Chicago, Illinois, a list giving the names and addresses of those individuals who were working at Brewbakers on January 11, 2010 and January 12, 2010; copies of PATRICK KELLY'S homeowner's insurance policy, including declarations page, effective on January 12, 2010; copies of BREWBAKERS dram shop insurance coverage policy, including declarations page, effective on January 12, 2010; any and all documents pertaining to PATRICK KELLY'S employment history, including but not limited to documents evidencing all prior suspensions, terminations and dismissals as well as all documents evidencing PATRICK KELLY'S hours of employment on January 11, 2010 and January 12, 2010 and any and all documents with regard to the gun PATRICK KELLY had in his possession on January 12, 2010 any and all documents related to the investigation of the shooting involving MICHAEL LAPORTA on January 12, 2010 are requested to be produced by the Respondents herein.

WHEREFORE, Petitioner, MICHAEL LAPORTA, by and through his attorneys, NAVIGATO & SALVATO, prays this Honorable Court to enter an order providing the following:

a. That PATRICK KELLY, make the necessary arrangements to produce any and all

documents and/or video footage identifying the location and/or locations where the Petitioner, MICHAEL LAPORTA, and PATRICK KELLY were on January 11, 2010 and January 12, 2010; any and all documents and/or video footage identifying the activities of the Petitioner, MICHAEL LAPORTA and PATRICK KELLY on January 11, 2010 and January 12, 2010, including but not limited to, bar receipts and/or invoices, a list giving the names and addresses of witnesses who recall seeing MICHAEL LAPORTA and PATRICK KELLY at Brewbakers and/or at the home located at 10703 S. Troy Street, in Chicago, Illinois, and a list giving the names and addresses of those individuals who were working at Brewbakers on January 11, 2010 and January 12, 2010; copies of PATRICK KELLY'S homeowner's insurance policy, including declarations page, effective on January 12, 2010; copies of BREWBAKERS dram shop insurance coverage policy, including declarations page, effective on January 12, 2010; any and all documents pertaining to PATRICK KELLY'S employment history, including but not limited to documents evidencing all prior suspensions, terminations and dismissals as well as all documents evidencing PATRICK KELLY'S hours of employment on January 11, 2010 and January 12, 2010 and any and all documents with regard to the gun PATRICK KELLY had in his possession on January 12, 2010 ; any and all documents related to the investigation of the shooting involving MICHAEL LAPORTA

b) That PATRICK KELLY make the necessary arrangements to maintain and produce for inspection all said records.

c) That THE CITY OF CHICAGO, a municipal corporation, make the necessary arrangements to produce any and all documents and/or video footage identifying the location and/or locations where the Petitioner, MICHAEL LAPORTA, and PATRICK KELLY were on January 11, 2010 and January 12, 2010; any and all documents and/or video footage identifying the activities of the Petitioner, MICHAEL LAPORTA and PATRICK KELLY on January 11, 2010 and January 12, 2010, including but not limited to, bar receipts and/or invoices, a list giving the names and addresses of witnesses who recall seeing MICHAEL LAPORTA and PATRICK KELLY at Brewbakers and/or at the home located at 10703 S. Troy Street, in Chicago, Illinois, and a list giving the names and addresses of those individuals who were working at Brewbakers on January 11, 2010 and January 12, 2010; copies of PATRICK KELLY'S homeowner's insurance policy, including declarations page, effective on January 12, 2010; copies of BREWBAKERS dram shop insurance coverage policy, including declarations page, effective on January 12, 2010; any and all documents pertaining to PATRICK KELLY'S employment history, including but not limited to documents evidencing all prior suspensions, terminations and dismissals as well as all documents evidencing PATRICK KELLY'S hours of employment on January 11, 2010 and January 12, 2010 and any and all documents with regard to the gun PATRICK KELLY had in his possession on January 12, 2010 ; any and all documents related to the investigation of the shooting involving MICHAEL

LAPORTA

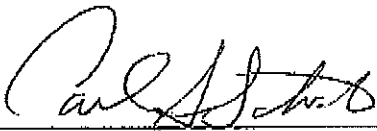
- d. That THE CITY OF CHICAGO, a municipal corporation, make the necessary arrangements to maintain and produce for inspection all said records.
- e. That BREWBAKERS, make the necessary arrangements to produce any and all documents and/or video footage identifying the location and/or locations where the Petitioner, MICHAEL LAPORTA, and PATRICK KELLY were on January 11, 2010 and January 12, 2010; any and all documents and/or video footage identifying the activities of the Petitioner, MICHAEL LAPORTA and PATRICK KELLY on January 11, 2010 and January 12, 2010, including but not limited to, bar receipts and/or invoices, a list giving the names and addresses of witnesses who recall seeing MICHAEL LAPORTA and PATRICK KELLY at Brewbakers and/or at the home located at 10703 S. Troy Street, in Chicago, Illinois, and a list giving the names and addresses of those individuals who were working at Brewbakers on January 11, 2010 and January 12, 2010; copies of PATRICK KELLY'S homeowner's insurance policy, including declarations page, effective on January 12, 2010; copies of BREWBAKERS dram shop insurance coverage policy, including declarations page, effective on January 12, 2010; any and all documents pertaining to PATRICK KELLY'S employment history, including but not limited to documents evidencing all prior suspensions, terminations and dismissals as well as all documents evidencing PATRICK KELLY'S hours of employment on January 11, 2010 and January 12, 2010 and any and all documents with regard to the gun PATRICK KELLY had in his possession on January 12, 2010 ; any and all documents related to the investigation of the shooting involving MICHAEL LAPORTA
- f. That BREWBAKERS make the necessary arrangements to maintain and produce for inspection all said records.
- g. That THE CITY OF CHICAGO POLICE DEPARTMENT, make the necessary arrangements to produce any and all documents and/or video footage identifying the location and/or locations where the Petitioner, MICHAEL LAPORTA, and PATRICK KELLY were on January 11, 2010 and January 12, 2010; any and all documents and/or video footage identifying the activities of the Petitioner, MICHAEL LAPORTA and PATRICK KELLY on January 11, 2010 and January 12, 2010, including but not limited to, bar receipts and/or invoices, a list giving the names and addresses of witnesses who recall seeing MICHAEL LAPORTA and PATRICK KELLY at Brewbakers and/or at the home located at 10703 S. Troy Street, in Chicago, Illinois, and a list giving the names and addresses of those individuals who were working at Brewbakers on January 11, 2010 and January 12, 2010; copies of PATRICK KELLY'S homeowner's insurance policy, including declarations page, effective on January 12, 2010; copies of BREWBAKERS dram shop insurance coverage policy, including declarations page, effective on January 12, 2010; any and all documents pertaining to

PATRICK KELLY'S employment history, including but not limited to documents evidencing all prior suspensions, terminations and dismissals as well as all documents evidencing PATRICK KELLY'S hours of employment on January 11, 2010 and January 12, 2010 and any and all documents with regard to the gun PATRICK KELLY had in his possession on January 12, 2010 ; any and all documents related to the investigation of the shooting involving MICHAEL LAPORTA

- h. That THE CITY OF CHICAGO POLICE DEPARTMENT make the necessary arrangements to maintain and produce for inspection all said records.
- i. That this court enter any further Order that it may deem just and equitable in order to protect the right of the Petitioner, MICHAEL LAPORTA.

Respectfully Submitted,

NAVIGATO & SALVATO

By: 
Carl S. Salvato
Attorney for Petitioner

ATTESTATION

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, CARL S. SALVATO, attorney for the Petitioner, being first duly sworn on oath, deposes and states that I am the attorney of record for the Petitioner in the above-captioned matter; that I have read the foregoing document, and the statements made herein are true, correct and complete to the best of my knowledge and belief.



SUBSCRIBED and SWORN to
before me this _____ day
of _____, 2010.