50423-RET/ATK FILED-6 Firm ID No. 90663

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

ALEXANDER MENDEZ and CLAIRE MENDEZ,	)	
Plaintiffs,	)	
vs.	)	No. 08 L 2477
	)	Calendar E
VILLAGE OF TINLEY PARK, a Municipal corporation, and JOSEPH VEGA, individually and as a police officer in the Police Department of the Village of Tinley Park,	)	
Defendants.	)	

ANSWER TO PLAINTIFF'S AMENDED COMPLAINT

NOW COMES Defendant, JOSE VEGA, JR., incorrectly sued as Joseph Vega, by his attorneys, QUERREY & HARROW, LTD., and in response to the allegations of the Plaintiff's Amended Complaint states as follows:

FACTS

1. Defendant admits the allegations of Paragraph 1.

2. Defendant admits the allegations of Paragraph 2.

3. Defendant admits the allegations of Paragraph 3.

4. Defendant admits that he was an employee and acting within the scope of his employment for Tinley Park. Defendant has insufficient information upon which to base an answer to the conclusion alleged by the plaintiff that his acts are imputed to Tinley Park, and therefore demands strict proof thereof.

5. Defendant has insufficient information upon which to base a belief as to the truth or falsity of the allegations and therefore demands strict proof thereof concerning the ownership of the restaurant.

6. Defendant admits that after said date and time that he entered the establishment acting within the scope of his employment but denies that he "ordered a pasta salad." Defendant admits that Alexander went into the walk-in cooler but denies the remaining allegations of Paragraph 6.

7. Defendant denies the allegations of Paragraph 7.

8. Defendant denies the allegations of Paragraph 8.

9. Defendant admits that he reached into his holder and removed the Taser gun but denies the allegations of Paragraph 9.

10. Defendant denies the allegations of Paragraph 10.

11. Defendant admits that the Taser prongs struck Alexander in the right temple and collar bone but has insufficient information upon which to base a belief as to the truth or falsity of the remaining allegations of Paragraph 11 and therefore demands strict proof thereof.

12. Defendant admits the allegations of Paragraph 12.

13. Defendant admits removing the Taser prongs from Alexander but denies the remaining allegations of paragraph 13.

14. Defendant admits the allegations of Paragraph 14.

15. Defendant denies the allegations of Paragraph 15.

16. Defendant admits that Alexander was taken to the hospital but denies the remaining allegations of Paragraph 16.

17. This Defendant has insufficient information upon which to base a belief as to the truth or falsity of the allegations of Paragraph 17.

COUNT I

1-17. Defendant reasserts and incorporates by reference his answers to Paragraph 1-17 by and for his answers to Paragraphs 1-17 of Count I of Plaintiff's Amended Complaint.

18. Defendant admits the allegations of Paragraph 18.

19. Defendant admits the allegations of Paragraph 19.

20. Defendant denies the allegations of Paragraph 20 in each of them.

21. Defendant avers that duties arise by operations of law not through the allegations of the pleader. Therefore, Defendant denies the allegations in Paragraph 21. However, to the extent any such duties were owed to the Plaintiff, Defendant denies violation thereof.

22. Defendant denies the allegations of Paragraph 22 in each of them.

WHEREFORE, the Defendant, JOSE VEGA, JR., prays this Court to enter judgment in favor of this Defendant as to Count I of the Amended Complaint and to award costs of the Defendant.

COUNT II

1-17. Defendant reasserts and incorporates by reference his answers to Paragraph 1-17 of his answer to the Plaintiff's general allegations by and for his answers to Paragraphs 1-17 of Count II.

18. Defendant denies the allegations of Paragraph 18.

19. Defendant denies the allegations of Paragraph 19.

WHEREFORE, Defendant JOSE VEGA, JR. prays this Court that judgment be entered against the Plaintiff in favor of the Defendant and that the Defendant be awarded costs.

COUNT III

1-17. Defendant reasserts and incorporates by reference his answers to Paragraphs 1-17 of the general allegations of the Amended Complaint by and for his answers to Paragraphs 1-17 of Count III of the Complaint.

18. Defendant denies the allegations of Paragraph 18.

19. Defendant admits that the Taser did release two prongs which struck and made contact with Alexander in the head and collarbone but denies the remaining allegations of Paragraph 19.

20. Defendant denies the allegations of Paragraph 20.

WHEREFORE, Defendant, JOSE VEGA, JR., prays this Court to enter judgment against the Plaintiff and in favor of the Defendant and award Defendant costs.

COUNT IV

1-17. Defendant reasserts and incorporates by reference his answer to Paragraphs 1-17 of the Plaintiff's general allegations in this Amended Complaint by and for his answers to Paragraph 1-17 of Count IV.

18. Defendant denies the allegations of Paragraph 18.

19. Defendant denies the allegations of Paragraph 19.

20. Defendant denies the allegations of Paragraph 20.

WHEREFORE, Defendant JOSE VEGA, JR., prays this Court to enter judgment in favor of the Defendant and against the Plaintiff and to award costs to the Defendant.

COUNT V

This Defendant does not respond to the allegations of Count V as they are not directed to him.

COUNT VI

Defendant does not respond to the allegations of Count VI for the reason that they are not directed to him.

COUNT VII

While the caption of Count VII indicates directed to the Village of Tinley Park, the body of the Count is directed solely at Defendant Jose Vega, Jr., incorrectly sued as Joseph Vega and therefore Defendant responds to Count VII as follows:

1-17. Defendant repeats and incorporates by reference his answers to paragraphs 1-17 of Plaintiffs' Amended Complaint by and for his answers to paragraphs 1-17 of Count VII.

18. Defendant denies the allegations of paragraph 18.

19. Defendant denies the allegations of paragraph 19.

20. Defendant denies the allegations of paragraph 20.

21. Defendant denies the allegations of paragraph 21.

WHEREFORE, Defendant prays this Court to enter judgment in favor of this Defendant and against the Plaintiff.

COUNT VIII

Defendant does not respond to the allegations of Count VIII as they are not directed to him.

Respectfully submitted,

QUERREY & HARROW, LTD.

One of the Attorneys for Defendant
JOSE VEGA, JR.

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COUNTY DEPARTMENT, LAW DIVISION

COUNTY, ILLINOIS
LAW DIVISION
CLERK
DOROTHY BROWN

ALEXANDER MENDEZ and CLAIRE MENDEZ,	)	
Plaintiffs,	)	
vs.	)	No. 08 L 2477
	)	Calendar E
VILLAGE OF TINLEY PARK, a Municipal corporation, and JOSEPH VEGA, individually and as a police officer in the Police Department of the Village of Tinley Park,	)	
Defendants.	)	

DEFENDANT VILLAGE OF TINLEY PARK'S ANSWER TO PLAINTIFF'S AMENDED COMPLAINT

NOW COMES the Defendant, VILLAG OF TINLEY PARK, and in response to the allegations of the Plaintiffs' Amended Complaint states as follows:

FACTS

1. Defendant admits that the plaintiffs were residents of Tinley Park but has insufficient information upon which to base a belief as to the truth or falsity as to whether they were husband and wife and therefore demands strict proof thereof.

2. Defendant admits the allegation of paragraph 2.

3. Defendant admits the allegations of paragraph 3.

4. Defendant admits that Jose Vega, Jr., was a police officer employed by the Village of Tinley Park and at the time of the occurrence was within the scope of his employment. However, as to the remaining allegations of paragraph 4, they are legal conclusions and not facts

and further Defendant has insufficient information upon which to base a belief as to the truth or falsity of the remaining allegations of paragraph 4 and therefore demands strict proof thereof.

5. Defendant has insufficient information upon which to base a belief as to the truth or falsity with respect to the ownership of the restaurant and therefore demands strict proof thereof.

6. Defendant has insufficient information upon which to base a belief as to the truth of falsity of the allegation as to whether Officer Vega "ordered pasta salad" and therefore demands strict proof thereof. Defendant admits the remaining allegations of paragraph 6.

7. Defendant denies the allegations of paragraph 7.

8. Defendant denies the allegations of paragraph 8.

9. Defendant admits that Vega reached into his holster, that he took hold of the Taser gun, and that he removed it from its holster but denies the remaining allegations of paragraph 9.

10. Defendant denies the allegations of paragraph 10.

11. Defendant admits that the Taser prongs struck Alexander in the right temple and collarbone but has insufficient information upon which to base a belief as to the truth or falsity of the remaining allegations of paragraph 11 and therefore demands strict proof thereof.

12. Defendant admits the allegations of paragraph 12.

13. Defendant admits that Vega removed the Taser prongs but denies the remaining allegations of paragraph 13.

14. Defendant admits the allegations paragraph 14.

15. Defendant denies the allegations of paragraph 15.

16. Defendant admits that Alexander was taken to a hospital but denies the remaining allegations of paragraph 16.

17. Defendant denies that there is a requirement of "requisite" notice under current Illinois law.

COUNT I

This Defendant has not responded to the allegations of Count I as they are not directed to them.

COUNT II

This Defendant does not respond to the allegations of Count II as they are not directed to them.

COUNT III

This Defendant does not respond to the allegations of Count III as they are not directed to them.

COUNT IV

This Defendant does not respond to the allegations of Count III as they are not directed to them.

COUNT V

1-17. Defendant reasserts and incorporates by reference their answers to paragraphs 1-17 under the facts portion of the Plaintiffs' Amended Complaint by and for its answers to paragraphs 1-17 of Count V.

18. Defendant admits the allegations of paragraph 18.

19. Defendant admits that certain acts by Vega were done acting within the scope of his employment and as an agent of Tinley Park. Defendant denies the remaining allegations of paragraph 19.

20. Defendant avers that duties are imposed by operation of law and not through the allegations of the pleader and therefore denies the allegations of paragraph 20.

WHEREFORE, Defendant prays this Count to enter judgment in favor of this Defendant and against the Plaintiff. Defendant denies the Plaintiff is entitled to any relief.

COUNT VI

1-17. Defendant reasserts and incorporates by reference their responses to paragraph 1-17 of Plaintiffs' Amended Complaint by and for their answers to paragraphs 1-17 of Count VI.

18. Defendant admits the allegations of paragraph 18.

19. Defendant admits that certain acts by Vega were done acting within the scope of his employment and as an agent of Tinley Park. Defendant denies the remaining allegations of paragraph 19.

20. Defendant avers that duties are imposed by operation of law and not through the allegations of the pleader and therefore denies the allegations of paragraph 20.

WHEREFORE, Defendant prays this Count to enter judgment in favor of this Defendant and against the Plaintiff. Defendant denies the Plaintiff is entitled to any relief.

COUNT VII

While the caption of this Count indicates that it is directed to the Village of Tinley Park, it is apparent in reading the allegations that they are directed solely toward the Defendant Vega and therefore Defendant does not respond to the allegations of Count VII.

COUNT VIII

1-17. Defendant reasserts and incorporates by reference their answers to paragraphs 1-17 by and through their answers to paragraphs 1-17 of Count VIII.

18. Defendant denies the allegations of paragraph 18.

19. Defendant denies the allegations of paragraph 19.

20. Defendant denies the allegations of paragraph 20.

21. Defendant denies the allegations of paragraph 21.

22. Defendant admits the allegations of paragraph 22.

23. Defendant denies the allegations of paragraph 23.

24. Defendant avers that duties arise by operation of law and not through the allegations of the pleader and therefore denies the allegations of paragraph 24.

WHEREFORE, Defendant Village of Tinley Park prays this Count to enter judgment in favor of this Defendant and against the Plaintiff.

Respectfully submitted,

QUERREY & HARROW, LTD.

One of the attorneys for Defendant
VILLAGE OF TINLEY PARK

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