

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

Irene Jefferson, As Special Administrator of the)
Estate of Danielle Latrice Greene, Deceased,)
)
Plaintiff,)
)
v.)
)
Epitome Restaurant and Night Club d/b/a E2,)
Dwain Kyles, Calvin Hollins, Le Mirage Studio)
Ltd. a/k/a Le Mirage Inc., Lesley Motors, Inc.,)
Lesley Benodin, Envy Entertainment a/k/a, Envy)
Productions, Marco Flores, Team 1 Security,)
Raphael Pellot and the City of Chicago,)
a Municipal Corporation,)
)
Defendants.)

No.:

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COMPLAINT AT LAW

NOW COMES the Plaintiff, Irene Jefferson, As Special Administrator of the Estate of Danielle Latrice Greene, Deceased, by and through her attorneys, Cochran, Cherry, Givens, Smith & Montgomery, LLC, and complaining of the Defendants, Epitome Restaurant and Nightclub d/b/a E2 (hereinafter, "Epitome"), Dwain Kyles (hereinafter "Kyles") and Calvin Hollins (hereinafter "Hollins"), Le Mirage Studio Ltd. a/k/a Le Mirage Inc., Lesley Motors, Inc., Lesley Benodin, Envy Entertainment a/k/a Envy Productions, Marco Flores, Team 1 Security, Raphael Pellot and the City of Chicago, a Municipal Corporation, and each of them and in the alternative, states as follows:

COUNT I

**(Defendants Epitome Restaurant, E2 Nightclub,
Dwain Kyles and Calvin Hollins -Wrongful Death)**

1. On or about February 17, 2003, Defendants Dwain Kyles and Calvin Hollins leased, operated, managed, maintained and controlled a building at 2347 South Michigan Avenue known as the Epitome Restaurant and E2 Nightclub in the City of Chicago, County of Cook, State of Illinois.

2. On and prior to February 17, 2003, Defendants Dwain Kyles and Calvin Hollis owned, managed, maintained and controlled the business establishments known as Defendants Epitome Restaurant and E2 Nightclub at the aforementioned location.

3. On February 17, 2003, Plaintiff's decedent Danielle Latrice Greene, was a patron at Epitome and or E2.

4. At or around 2:00 a.m. on February 17, 2003 Epitome and E2 was overcrowded with over 1,100 patrons when a minor disturbance broke out and unknown security guards used mace and/or pepper spray on the patrons present at the aforementioned location.

5. At all relevant times, the unknown security guards were agents, servants and or employees of the defendants and were acting within the scope of their employment.

6. As a result of unknown security guards spraying mace and/or pepper spray on the patrons, several people became seriously ill experiencing various respiratory problems, including shortness of breath and vomiting, and which incited the crowd of patrons to attempt to flee the exit doors of Epitome and E2.

7. The exit doors of Epitome and E2 were locked, blocked and/or barricaded, and the glass front door was jammed closed and caused patrons to pile up at the bottom of the staircase.

8. As patrons piled up at the bottom of the stairs, several patrons were crushed and/or suffocated and died from crushing injuries and/or suffocation.

9. Plaintiff's decedent Danielle Latrice Greene, was one of the patrons who died as a result of crushing injuries and/or suffocation during this incident at Epitome and E2.

10. On February 17, 2003, the Defendants had a duty to possess, operate, manage, maintain and control, both directly and indirectly, individually and through their agents and employees, the premises of Epitome and E2 in a reasonably safe condition so as not to endanger the health, safety and welfare of patrons on the premises.

11. On February 17, 2003, Defendants were then and there guilty of one or more of the following careless and negligent acts and/or omissions:

- a. Locked and blocked exit doors to the building containing Epitome and E2;
- b. Failed to provide adequate security;
- c. Failed to provide adequate and accessible exit ways to the building containing Epitome and E2;
- d. Failed to provide reasonably and properly trained security to handle crowd control;
- e. Allowed an excessive number of people to enter and gather into Epitome and E2;
- f. Allowed and permitted security personnel to use mace and/or pepper spray in an unreasonable, reckless and improper manner;
- g. Allowed, permitted and encouraged patrons to enter and gather on the premises of a restaurant and club which was structurally unsafe, unsound and posed a hazard;
- h. Allowed, permitted and encouraged patrons to enter and gather on premises which lacked adequate ventilation and exit ways;
- i. Allowed, permitted and encouraged patrons to enter and gather in a restaurant and club on premises that were in direct violation of the laws of the City of Chicago Building Code; and

- j. Allowed and permitted the Defendant, Team 1 Security, to provide security to the club despite knowledge that Team 1 Security had not provided adequate security to the club in the past

12. As a direct and proximate cause of the Defendants, Epitome Restaurant, E2 Nightclub, Dwain Kyles and Calvin Hollins', negligent acts and/or omissions, several patrons of Epitome and E2 including Plaintiff's decedent Danielle Latrice Greene died.

13. Decedent, Danielle Latrice Greene, left surviving her as next of kin, her mother, Tajana Jefferson, her father, Walter Greene, siblings, Myland Monroe (age 10), and Teshema Monroe (age 12), Jia Chandler (age 4), Cleophus Charleston (age 6) and Deja Charleston (age 4 months).

14. This action is brought by Irene Jefferson in her duly appointed capacity as Special Administrator of the Estate of Danielle Latrice Greene, Deceased, and pursuant to the Illinois Wrongful Death Act, 740 ILCS 180/.01 *et seq.*

15. As a direct and proximate result of Decedent, Danielle Latrice Greene's death, the Decedent's next of kin has suffered great losses of a personal and pecuniary nature, including but not limited to the loss of companionship and society of the Decedent.

WHEREFORE, Plaintiff, Irene Jefferson, As Special Administrator of the Estate of Danielle Latrice Greene, prays for judgment in her favor and against Defendants in an amount in excess of the jurisdictional limits of this Court.

COUNT II

(Defendant Le Mirage Studio Ltd. - Wrongful Death)

1. On and prior to February 17, 2003, Defendant Le Mirage Studio Ltd. a/k/a Le Mirage Inc., owned, operated, managed, maintained and controlled a building at 2347 South

Michigan Avenue known as the Epitome Restaurant and E2 Nightclub in the City of Chicago, County of Cook, State of Illinois.

2. On and prior to February 17, 2003, Defendant LeMirage, Inc. owned, managed, maintained, controlled and/or had a business interest in establishments known as Defendants Epitome Restaurant and E2 Nightclub at the aforementioned location.

3. On February 17, 2003, Plaintiff's decedent Danielle Latrice Greene, was a patron at Epitome and/or E2.

4. At or around 2:00 a.m. on February 17, 2003 Epitome and E2 was overcrowded with over 1,100 patrons when a minor disturbance broke out and unknown security guards used mace and/or pepper spray on the patrons present at the aforementioned location. At all relevant times, the unknown security guards were agents, servants and or employees of the defendant and were acting within the scope of their employment.

5. As a result of unknown security guards spraying mace and/or pepper spray on the patrons, several people became seriously ill experiencing various respiratory problems, including shortness of breath and vomiting, and which incited the crowd of patrons to attempt to flee the exit doors of Epitome and E2.

6. The exit doors of Epitome and E2 were locked, blocked and/or barricaded, and the glass front doors were jammed closed and caused patrons to pile up at the bottom of the staircase.

7. As patrons piled up at the bottom of the stairs, several patrons were crushed and/or suffocated and died from crushing injuries and/or suffocation.

8. Plaintiff's decedent Danielle Latrice Greene, was one of the patrons who died as a result of crushing injuries and/or suffocation during this incident at Epitome and E2.

9. On February 17, 2003, the Defendant, Le Mirage Studio Ltd., had a duty to possess, operate, manage, maintain and control, both directly and indirectly, individually and through its agents and employees, the property located at 2347 South Michigan Avenue, in a reasonably safe condition so as not to endanger the health, safety and welfare of patrons on the premises of Epitome and E2.

10. On February 17, 2003, the Defendant, Le Mirage Studio Ltd., was then and there guilty of one or more of the following careless and negligent acts and/or omissions:

- a. Locked and blocked exit doors to the building containing Epitome and E2;
- b. Failed to provide adequate security;
- c. Failed to provide adequate and accessible exit ways to the building containing Epitome and E2;
- d. Failed to provide reasonably and properly trained security to handle crowd control;
- e. Allowed an excessive number of people to enter and gather onto the aforementioned premises;
- f. Allowed and permitted security personnel to use mace and/or pepper spray in an unreasonable and improper manner;
- g. Allowed, permitted and encouraged patrons to enter and gather in an area of the restaurant and club which was structurally unsafe, unsound and posed a hazard;
- h. Allowed, permitted and encouraged patrons to enter and gather in a building which lacked adequate ventilation and exit ways; and
- i. Allowed, permitted and encouraged patrons to enter and gather in a restaurant and club on premises that were in direct violation of the laws of the City of Chicago Building Code.

11. As a direct and proximate cause of Defendant LeMirage's negligent acts and/or omissions, several patrons of Epitome and E2 including Plaintiff's decedent Danielle Latrice Greene died.

12. Decedent, Danielle Latrice Greene, left surviving her as next of kin, her mother, Tajana Jefferson, her father, Walter Greene, siblings, Myland Monroe (age 10), and Teshema Monroe (age 12), Jia Chandler (age 4), Cleophus Charleston (age 6) and Deja Charleston (age 4 months).

13. This action is brought by Irene Jefferson in her duly appointed capacity as Special Administrator of the Estate of Danielle Latrice Greene, Deceased, and pursuant to the Illinois Wrongful Death Act, 740 ILCS 180/01 *et seq.*

14. As a direct and proximate result of Decedent, Danielle Latrice Greene's death, the Decedent's next of kin has suffered great losses of a personal and pecuniary nature, including but not limited to the loss of companionship and society of the Decedent.

WHEREFORE, Plaintiff, Irene Jefferson, As Special Administrator of the Estate of Danielle Latrice Greene, prays for judgment in her favor and against Defendants in an amount in excess of the jurisdictional limits of this Court.

COUNT III

(Defendant Lesley Motors, Inc. - Wrongful Death)

1. On and prior to February 17, 2003, Defendants Lesley Motors, Inc. owned, operated leased, operated, managed, maintained and controlled a building at 2347 South Michigan Avenue known as the Epitome Restaurant and E2 Nightclub in the City of Chicago, County of Cook, State of Illinois.

2. On and prior to February 17, 2003, Defendants Lesley Motors, Inc. owned, managed, maintained, controlled and/or had a business interest in the establishments known as Defendants Epitome Restaurant and E2 Nightclub.

3. On February 17, 2003, Plaintiff's decedent Danielle Latrice Greene, was a patron at Epitome and or E2.

4. At or around 2:00 a.m. on February 17, 2003 Epitome and E2 was overcrowded with over 1,100 patrons when a minor disturbance broke out and unknown security guards used mace and/or pepper spray on the patrons present at the aforementioned location.

5. As a result of unknown security guards spraying mace and/or pepper spray on the patrons, several people became seriously ill experiencing various respiratory problems, including shortness of breath and vomiting, and which incited the crowd of patrons to attempt to flee the exit doors of Epitome and E2.

6. The exit doors of Epitome and E2 were locked, blocked and/or barricaded, and the glass front door was jammed closed and caused patrons to pile up at the bottom of the staircase.

7. As patrons piled up at the bottom of the stairs, several patrons were crushed and/or suffocated and died from crushing injuries and/or suffocation.

8. Plaintiff's decedent Danielle Latrice Greene, was one of the patrons who died as a result of crushing injuries and/or suffocation during this incident at Epitome and E2.

9. On February 17, 2003, Defendant Lesley Motors Inc., had a duty to possess, operate, manage, maintain and control, both directly and indirectly, individually and through its agents and employees, the property located at 2347 South Michigan Avenue, in a reasonably safe

condition so as not to endanger the health, safety and welfare of patrons on the premises of Epitome and E2.

10. On February 17, 2003, the Defendant Lesley Motors Inc., was then and there guilty of one or more of the following careless and negligent acts and/or omissions:

- a. Locked and blocked exit doors to the building containing Epitome and E2;
- b. Failed to provide adequate security;
- c. Failed to provide adequate and accessible exit ways to the building containing Epitome and E2;
- d. Failed to provide reasonably and properly trained security to handle crowd control;
- e. Allowed an excessive number of people to enter and gather onto the aforementioned property;
- f. Allowed and permitted security personnel to use mace and/or pepper spray in an unreasonable, reckless and improper manner;
- g. Allowed and permitted patrons to enter and gather on property/premises which was structurally unsafe, unsound and posed a hazard;
- h. Allowed and permitted patrons to enter and gather on property/premises which lacked adequate ventilation and exit ways; and
- i. Allowed and permitted patrons to enter and gather in a restaurant and club on property that was in direct violation of the laws of the City of Chicago Building Code.

11. As a direct and proximate cause of Defendant Lesley Motors' negligent acts and/or omissions, several patrons of Epitome and E2 including Plaintiff's decedent Danielle Latrice Greene died.

12. Decedent, Danielle Latrice Greene, left surviving her as next of kin, her mother,

Tajana Jefferson, her father, Walter Greene, siblings, Myland Monroe (age 10), and Teshema Monroe (age 12), Jia Chandler (age 4), Cleophus Charleston (age 6) and Deja Charleston (age 4 months).

13. This action is brought by Irene Jefferson in her duly appointed capacity as Special Administrator of the Estate of Danielle Latrice Greene, Deceased, and pursuant to the Illinois Wrongful Death Act, 740 ILCS 180/.01 *et seq.*

14. As a direct and proximate result of Decedent, Danielle Latrice Greene's death, the Decedent's next of kin has suffered great losses of a personal and pecuniary nature, including but not limited to the loss of companionship and society of the Decedent.

WHEREFORE, Plaintiff, Irene Jefferson, As Special Administrator of the Estate of Danielle Latrice Greene, prays for judgment in her favor and against Defendant Lesley Motors Inc., in an amount in excess of the jurisdictional limits of this Court.

COUNT IV

(Defendant Lesley Benodin - Wrongful Death)

1. On or about February 17, 2003, Defendant Lesley Benodin, owned, operated, managed, maintained and controlled a building at 2347 South Michigan Avenue known as the Epitome Restaurant and E2 Nightclub in the City of Chicago, County of Cook, State of Illinois.

2. Upon information and belief, on and prior to February 17, 2003, the Defendant, Leslie Benodin, owned, managed, maintained, controlled and/or had a business interest in establishments known as Defendants Epitome Restaurant and E2 Nightclub at the aforementioned location.

3. On February 17, 2003, Plaintiff's decedent Danielle Latrice Greene, was a patron at Epitome and/or E2.

4. At or around 2:00 a.m. on February 17, 2003 Epitome and E2 was overcrowded with over 1,100 patrons when a minor disturbance broke out and unknown security guards used mace and/or pepper spray on the patrons present in the E2 Nightclub.

5. As a result of unknown security guards spraying mace and/or pepper spray on the patrons, several people became seriously ill experiencing various respiratory problems, including shortness of breath and vomiting, and which incited the crowd of patrons to attempt to flee the exit doors of Epitome and E2.

6. The exit doors of Epitome and E2 were locked, blocked and/or barricaded, and the glass front door was jammed closed causing patrons to pile up at the bottom of the staircase leading down from the second floor.

7. As patrons piled up at the bottom of the stairs, several patrons were crushed and/or suffocated and died from crushing injuries and/or suffocation.

8. Plaintiff's decedent Danielle Latrice Greene, was one of the patrons who died as a result of crushing injuries and/or suffocation during this incident at Epitome and E2.

9. On February 17, 2003, the Defendant had a duty to possess, operate, manage, maintain and control, both directly and indirectly, individually and through his agents and employees, the property located at 2347 South Michigan Avenue, in a reasonably safe condition so as not to endanger the health, safety and welfare of patrons on the premises of Epitome and E2.

10. On February 17, 2003, the Defendant was then and there guilty of one or more of the following careless and negligent acts and/or omissions:

- a. Locked and blocked exit doors to the building containing Epitome and E2;
- b. Failed to provide adequate security;
- c. Failed to provide adequate and accessible exit ways to the building containing Epitome and E2;
- d. Failed to provide reasonably and properly trained security to handle crowd control;
- e. Allowed and permitted an excessive number of people to enter and gather onto the aforementioned premises;
- f. Allowed and permitted security personnel to use mace and/or pepper spray in an unreasonable, reckless and improper manner;
- g. Allowed and permitted patrons to enter and gather on property/premises which was structurally unsafe, unsound and posed a hazard;
- h. Allowed and permitted patrons to enter and gather in a building which lacked adequate ventilation and exit ways; and
- i. Allowed and permitted patrons to enter and gather in a building and on premises that were in direct violation of the laws of the City of Chicago Building Code.

11. As a direct and proximate cause of the Defendant's negligent acts and/or omissions, several patrons of Epitome and E2 including Plaintiff's decedent Danielle Latrice Greene died.

12. Decedent, Danielle Latrice Greene, left surviving her as next of kin, her mother, Tajana Jefferson, her father, Walter Greene, siblings, Myland Monroe (age 10), and Teshema

Monroe (age 12), Jia Chandler (age 4), Cleophus Charleston (age 6) and Deja Charleston (age 4 months).

13. This action is brought by Irene Jefferson in her duly appointed capacity as Special Administrator of the Estate of Danielle Latrice Greene, Deceased, and pursuant to the Illinois Wrongful Death Act, 740 ILCS 180/.01 *et seq.*

14. As a direct and proximate result of Decedent, Danielle Latrice Greene's death, the Decedent's next of kin has suffered great losses of a personal and pecuniary nature, including but not limited to the loss of companionship and society of the Decedent.

WHEREFORE, Plaintiff, Irene Jefferson, As Special Administrator of the Estate of Danielle Latrice Greene, prays for judgment in her favor and against the Defendant in an amount in excess of the jurisdictional limits of this Court.

COUNT V

(Defendants Envy Entertainment a/k/a Envy Productions and Marcos Flores - Wrongful Death)

1. On or about February 17, 2003, Defendants Envy Entertainment a/k/a Envy Productions and Marcos Flores leased, operated, managed, maintained and controlled a building at 2347 South Michigan Avenue known as the Epitome Restaurant and E2 Nightclub in the City of Chicago, County of Cook, State of Illinois, and for entertainment purposes.

2. On and prior to February 17, 2003, the Defendant Marcos Flores operated, owned, managed, maintained and controlled a production company known as Envy Entertainment a/k/a Envy Productions.

3. On and prior to February 17, 2003, the Defendants promoted, managed, maintained, organized, financed and provided various entertainment programming, including musical concerts and acts, dances, DJ services and entertainment programming in the business establishments known as Defendants Epitome Restaurant and E2 Nightclub and at the aforementioned location.

4. On February 17, 2003, Plaintiff's decedent Danielle Latrice Greene, was a patron at Epitome and or E2 during an entertainment event heavily promoted, organized, controlled, maintained, financed and managed by the Defendants, Envy Entertainment a/k/a Envy Productions and Marcos Flores.

5. At or around 2:00 a.m. on February 17, 2003 Epitome and E2 was overcrowded with 1,100 patrons when a minor disturbance broke out and unknown security guards sprayed the crowd with mace and/or pepper spray.

6. At all relevant times, the unknown security guards were agents, servants and or employees of the Defendants and were acting in the scope of their employment.

7. As a result of unknown security guards spraying mace and/or pepper spray, several people became seriously ill experiencing various respiratory problems, including shortness of breath and vomiting, and which incited the crowd of patrons to attempt to flee the exit doors of Epitome and E2.

8. The exit doors of Epitome and E2 were locked, blocked and/or barricaded, and the glass front door was jammed closed and caused patrons to pile up at the bottom of the staircase.

9. As patrons piled up at the bottom of the stairs, several patrons were crushed and/or suffocated and died from crushing injuries and/or suffocation.

10. Plaintiff's decedent Danielle Latrice Greene, was one of the patrons who died as a result of crushing injuries and/or suffocation during this incident at Epitome and E2.

11. On February 17, 2003, the Defendants, Envy Entertainment a/k/a Envy Productions and Marcos Flores, had a duty to possess, operate, manage, maintain and control, both directly and indirectly, individually and through their agents and employees, the activities in and on the premises of Epitome and E2 so as not to endanger the health, safety and welfare of patrons on the property.

12. On February 17, 2003, the Defendants, Envy Entertainment a/k/a Envy Productions and Marcos Flores, were then and there guilty of one or more of the following careless and negligent acts and/or omissions:

- a. Locked and blocked exit doors to the building containing Epitome and E2;
- b. Failed to provide adequate security;
- c. Failed to provide reasonably and properly trained security to handle crowd control;
- d. Allowed and permitted an excessive number of people to enter and gather into Epitome and E2;
- e. Allowed, permitted and encouraged security personnel to use mace and/or pepper spray in an unreasonable, reckless and improper manner;
- f. Allowed, permitted, promoted and encouraged patrons to enter and gather on premises which was structurally unsafe, unsound and posed a hazard;
- g. Allowed, permitted and encouraged patrons to enter and gather in a building which lacked adequate ventilation and exit ways; and
- h. Allowed, permitted and encouraged patrons to gather on property/premises that was in direct violation of the City of Chicago Building Code.

13. As a direct and proximate cause of the Defendants' negligent acts and/or omissions, several patrons of Epitome and E2 including Plaintiff's decedent Danielle Latrice Greene died.

14. Decedent, Danielle Latrice Greene, left surviving her as next of kin, her mother, Tajana Jefferson, her father, Walter Green, siblings, Myland Monroe (age 10), and Teshema Monroe (age 12), Jia Chandler (age 4), Cleophus Charleston (age 6) and Deja Charleston (age 4 months).

15. This action is brought by Irene Jefferson in her duly appointed capacity as Special Administrator of the Estate of Danielle Latrice Greene, Deceased, and pursuant to the Illinois Wrongful Death Act, 740 ILCS 180/.01 *et seq.*

16. As a direct and proximate result of Decedent, Danielle Latrice Greene's death, the Decedent's next of kin has suffered great losses of a personal and pecuniary nature, including but not limited to the loss of companionship and society of the Decedent.

WHEREFORE, Plaintiff, Irene Jefferson, As Special Administrator of the Estate of Danielle Latrice Greene, prays for judgment in her favor and against Defendants in an amount in excess of the jurisdictional limits of this Court.

COUNT VI

(Defendants Team 1 Security and Raphael Pelot - Wrongful Death)

1. On and prior to February 17, 2003, Defendant Raphael Pelot owned, operated, managed, maintained and controlled a business entity known as Team 1 Security in the City of Chicago, County of Cook, State of Illinois.

2. On and prior to February 17, 2003, Defendants Raphael Pelot and Team 1 Security held itself out as a provider of private security services for entertainment events, parties and regularly at venues including the Epitome Restaurant and E2 Nightclub located at 2347 South Michigan Avenue, in the City of Chicago, County of Cook, State of Illinois.

3. On February 17, 2003, Plaintiff's decedent Danielle Latrice Greene, was a patron at Epitome and/or E2 at an entertainment event in which the Defendants provided security service for.

4. At or around 2:00 a.m. on February 17, 2003 Epitome and E2 was overcrowded with over 1,100 patrons when a minor disturbance broke out and unknown security guards used mace and/or pepper spray on the patrons present at the aforementioned location. At all relevant times, the unknown security guards were agent, servants and or employees of the defendants and were acting in the scope of their employment..

5. As a result of unknown security guards spraying mace and/or pepper spray on the patrons, several people became seriously ill experiencing various respiratory problems, including shortness of breath and vomiting, and which incited the crowd of patrons to attempt to flee the exit doors of Epitome and E2.

6. The exit doors of Epitome and E2 were locked, blocked and/or barricaded, and the glass front door was jammed closed and caused patrons to pile up at the bottom of the staircase leading down from the second floor.

7. As patrons piled up at the bottom of the stairs, several patrons were crushed and/or suffocated and died from crushing injuries and/or suffocation.

8. Plaintiff's decedent Danielle Latrice Greene, was one of the patrons who died as a result of crushing injuries and/or suffocation during this incident at Epitome and E2.

9. On February 17, 2003, the Defendants, Raphael Pellet and Team 1 Security, had a duty to possess, operate, manage, maintain and control, both directly and indirectly, individually and through their agents and employees, the premises located at 2347 South Michigan Avenue, in a reasonably safe condition so as not to endanger the health, safety and welfare of patrons on the premises of Epitome and E2.

10. On February 17, 2003, the Defendants were then and there guilty of one or more of the following careless and negligent acts and/or omissions:

- a. Locked and blocked exit doors to the building containing Epitome and E2;
- b. Failed to provide adequate security;
- c. Failed to provide adequate and accessible exit ways to the building containing Epitome and E2;
- d. Failed to provide reasonably qualified and properly trained security to handle matters of crowd control;
- e. Failed to provide adequate training and supervision of security personnel;
- f. Allowed and permitted an excessive number of people to enter and gather onto the aforementioned premises;
- g. Allowed, permitted and encouraged security personnel to use mace and/or pepper spray in an unreasonable, reckless and improper manner;
- h. Allowed, permitted and encouraged patrons to enter and gather in an area of the restaurant and club which was structurally unsafe, unsound and posed a hazard;
- i. Allowed, permitted and encouraged patrons to enter and gather in a building which lacked adequate ventilation and exit ways; and

- j. Allowed, permitted and encouraged patrons to enter and gather on premises that were in direct violation of the laws of the City of Chicago Building Code.

11. As a direct and proximate cause of Defendants Raphael Pellet and Team 1 Security's negligent acts and/or omissions, several patrons of Epitome and E2 including Plaintiff's decedent Danielle Latrice Greene died.

12. Decedent, Danielle Latrice Greene, left surviving her as next of kin, her mother, Tajana Jefferson, her father, Walter Greene, siblings, Myland Monroe (age 10), and Teshema Monroe (age 12), Jia Chandler (age 4), Cleophus Charleston (age 6) and Deja Charleston (age 4 months).

13. This action is brought by Irene Jefferson in her duly appointed capacity as Special Administrator of the Estate of Danielle Latrice Greene, Deceased, and pursuant to the Illinois Wrongful Death Act, 740 ILCS 180/01 *et seq.*

14. As a direct and proximate result of Decedent, Danielle Latrice Greene's death, the Decedent's next of kin has suffered great losses of a personal and pecuniary nature, including but not limited to the loss of companionship and society of the Decedent.

WHEREFORE, Plaintiff, Irene Jefferson, As Special Administrator of the Estate of Danielle Latrice Greene, prays for judgment in her favor and against Defendants in an amount in excess of the jurisdictional limits of this Court.

COUNT VII
(Defendant City of Chicago-Wrongful Death)

1. On and before February 17, 2003, the Defendant, City of Chicago, was a municipal corporation organized and existing in the City of Chicago, County of Cook, State of Illinois.

2. On and prior to February 17, 2003, the Defendant, City of Chicago, maintained Departments of Fire, Police and Buildings which were empowered with the authority and responsibility to enforce codes, ordinances and laws designed to protect the health, safety and welfare of the public.

3. On May 1, 2002, Defendant City of Chicago filed a complaint against the building owners of the property/premises located at 2347 South Michigan Avenue and commonly known as the Epitome Restaurant and E2 Nightclub. The City through the Commissioner of the Department of Buildings and based upon reports from inspectors of the Department determined the building to be dangerous, unsafe and uncompleted for use by patrons.

4. The complaint cited the building owners for failure to provide adequate outside exit ways to patrons from the building at grade level leading directly to the public way, for failure to provide sufficient exits for patrons at the second floor level, and for substandard floor and ceiling partitions in violation of fire safety regulations. Moreover, the City presented evidence that the building was structurally and architecturally unsafe and unsound due to the compromised structural integrity of the roof trusses.

5. On July 19, 2002, pursuant to the complaint filed by the City of Chicago, Judge Daniel J. Lynch ordered that the second floor to the premises not be occupied at the aforementioned location. The mandatory order prohibiting occupancy of the second floor was repeated by the court on August 9, 2002, September 6, 2002 and October 25, 2002.

6. The hazardous, dangerous and unsafe condition the property posed to patrons was known by the City of Chicago as early as April 2, 2002. Moreover, the City of Chicago Departments of Fire, Police and Buildings were uniquely aware of the court orders which strictly prohibited occupancy of the second floor due to the hazardous nature the building posed to potential patrons as of July 2002.

7. Over a period of several months prior to February 17, 2003, various Chicago police personnel, including beat officers, sergeants and or lieutenants, Fire and Building departments and City Liquor License personnel consistently entered the Epitome Restaurant and E2 nightclub and observed open, notorious and obvious use of the dangerous and hazardous second floor by club patrons.

8. Over a period of several months prior to February 17, 2003, the Chicago police department responded to in excess of 80 complaints concerning problematic activity in and around the Epitome and E2 nightclub. On many occasions when police responded it was not unusual to see long lines of patrons leading from the front door gathered to enter the premises, including the previously determined dangerous and hazardous second floor. Despite the actual awareness of the dangers posed by the continue operation of the Epitome and E2 nightclub, the City recklessly and consciously disregarded the safety of patrons in the club by overlooking the club's noncompliance .

9. Upon information and belief, over a period of several months prior to February 17, 2003, the Chicago Police Department issued a "special attention order" advising that the premises of Epitome and E2 nightclub was operating in violation of court orders and should not

be open. The information contained in the special attention order was distributed to the police district and communicated to district beat officers to monitor the site to insure compliance.

10. Despite the City's knowledge of the dangerous and hazardous nature the premises posed to club patrons, knowledge of the court-ordered prohibition against occupancy of the second floor and knowledge of the noncompliance by the property owners, Epitome and E2 nightclub were allowed to continue with business as usual month after month until February 17, 2003. Concerts, dances and other heavily promoted entertainment events slated for the E2 nightclub were allowed to go forward including regularly on Sunday nights where the number of patrons in the club would exceed 1,200 at given points into the night.

11. On February 17, 2003, twenty one (21) patrons died at the Epitome and E2 nightclub and several others were seriously injured. On February 18, 2003, the Defendant City, pursuant to its legal power and authority closed and shut down the premises at 2437 South Michigan Avenue.

12. On February 17, 2003, Plaintiff's decedent Danielle Latrice Greene, was a patron at Epitome and or E2.

13. At or around 2:00 a.m. on February 17, 2003 Epitome and E2 was overcrowded with over 1,100 patrons when a minor disturbance broke out and unknown security guards used mace and/or pepper spray on the patrons present at the aforementioned location. An unknown, off-duty Chicago Police officer was part of the security force provided to the club.

14. As a result of unknown security guards spraying mace and/or pepper spray on the patrons, several people became seriously ill experiencing various respiratory problems, including

shortness of breath and vomiting, and which incited the crowd of patrons to attempt to flee the exit doors of Epitome and E2.

15. The exit doors of Epitome and E2 were locked, blocked and/or barricaded. The Defendant City had prior actual notice of the potential dangers posed to club patrons presented by the lack of accessible exit ways from the premises, but allowed the club to continue to operate in an open, obvious and notorious fashion.

16. Upon information and belief, as patrons fled down the stairwell from the second floor and attempted to exit through the glass front doors of the premises, the doors were jammed closed and locked by an unknown Chicago police officer which caused or contributed to a pile up of patrons at the bottom of the staircase.

17. As patrons piled up at the bottom of the stairs, several patrons were crushed and/or suffocated and died from crushing injuries and/or suffocation.

18. Plaintiff's decedent Danielle Latrice Greene, was one of the patrons who died as a result of crushing injuries and/or suffocation during this incident at Epitome and E2.

19. On and prior to February 17, 2003, the Defendant City of Chicago had a duty to refrain from or engaging in, both directly and indirectly, individually and through their agents and employees, acts and or omissions exhibiting reckless disregard and utter indifference for the safety of the Plaintiff.

20. On February 17, 2003, Defendant City of Chicago was then and there guilty of one or more of the following reckless, wilful and wanton acts and/or omissions:

- a. Locked and blocked the front door exit from the club as patrons attempted to flee for their safety;

- b. Allowed an excessive number of people to enter and gather onto property it knew posed an immediate hazard and dangers to those on the premises;
- c. Allowed and permitted patrons to enter and gather in a building which it knew was structurally unsafe, unsound and posed an immediate hazard to patrons;
- d. Allowed and permitted patrons to enter and gather onto property which it knew lacked adequate exit ways and fire protection; and
- e. Allowed and permitted patrons to enter and gather in a restaurant and club which it knew was in direct violation of the laws of the City of Chicago Building Code.

21. As a direct and proximate cause of Defendant City of Chicago's wilful and wanton acts and/or omissions, several patrons of Epitome and E2 including Plaintiff's decedent Danielle Latrice Greene died.

22. Decedent, Danielle Latrice Greene, left surviving her as next of kin, her mother, Tajana Jefferson, her father, Walter Greene, siblings, Myland Monroe (age 10), and Teshema Monroe (age 12), Jia Chandler (age 4), Cleophus Charleston (age 6) and Deja Charleston (age 4 months).

23. This action is brought by Irene Jefferson in her duly appointed capacity as Special Administrator of the Estate of Danielle Latrice Greene, Deceased, and pursuant to the Illinois Wrongful Death Act, 740 ILCS 180/.01 *et seq.*

24. As a direct and proximate result of Decedent, Danielle Latrice Greene's death, the Decedent's next of kin has suffered great losses of a personal and pecuniary nature, including but not limited to the loss of companionship and society of the Decedent.

WHEREFORE, Plaintiff, Irene Jefferson, As Special Administrator of the Estate of Danielle Latrice Greene, prays for judgment in her favor and against the Defendant in an amount in excess of the jurisdictional limits of this Court.

Respectfully submitted,

By: 
Attorneys for the Plaintiff

James D. Montgomery
Thomas C. Marszewski
Melvin L. Brooks
Cochran, Cherry, Givens, Smith & Montgomery, LLC
One North LaSalle Street, Suite 2450
Chicago, Illinois 60602
(312) 977-0200
Firm No. 37432