

(Attorney No. 36211)

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

SCOTT BLAYLOCK, individually and as father)
and next friend of M.D., a minor,)

Plaintiff,)

v.)

BOARD OF EDUCATION OF THE CITY OF)
CHICAGO, a body politic and corporate,)
CHICAGO PUBLIC SCHOOL DISTRICT #299,)
an Illinois school district, individually and doing)
business as CHICAGO PUBLIC SCHOOLS, and)
PUBLIC BUILDING COMMISSION OF)
CHICAGO, a municipal corporation,)

Defendants.)

2015L011182
CALENDAR/ROOM F
TIME 00:00
PI Other
2015 NOV -3 PM 2:46

Case No.

**PLAINTIFF DEMANDS
TRIAL BY JURY**

COMPLAINT AT LAW

NOW COMES Plaintiff, SCOTT BLAYLOCK, individually and as father and next friend of M. B., a minor, by and through his attorneys, NOLAN LAW GROUP and GORDON S. JOHNSON, and for his complaint against Defendants, BOARD OF EDUCATION OF THE CITY OF CHICAGO, a body politic and corporate, CHICAGO PUBLIC SCHOOL DISTRICT #299, an Illinois school district, individually and doing business as CHICAGO PUBLIC SCHOOLS, and PUBLIC BUILDING COMMISSION OF CHICAGO, a municipal corporation, states as follows:

Count I

Negligence – Personal Injuries

1. On October 30, 2015 and through and including the present time, Defendant, BOARD OF EDUCATION OF THE CITY OF CHICAGO, (hereinafter “CHICAGO BOARD OF EDUCATION”) was and remains a body politic and corporate responsible for the governance,

organizational and financial oversight of City of Chicago School District #299, commonly known as Chicago Public Schools.

2. On October 30, 2015 and for some time prior thereto, Defendant, CHICAGO PUBLIC SCHOOL DISTRICT #299, was and continues to be a school district organized and existing pursuant to the Constitution of the State of Illinois and the Illinois School Code, 105 ILCS 5/1, et seq., which did and does business as CHICAGO PUBLIC SCHOOLS (hereinafter collectively referred to as "CPS").

3. On October 30, 2015, Defendant, PUBLIC BUILDING COMMISSION OF CHICAGO, (hereinafter "CHICAGO BUILDING COMMISSION") was and continues to be a municipal corporation organized under the Public Building Commission Act, as amended, for the purposes, among others, of making possible the construction, acquisition, rehabilitation or enlargement of public improvements, buildings and facilities at convenient locations within the City of Chicago, Illinois for use by governmental agencies in the furnishing of essential governmental, health, safety and welfare services to its citizens.

4. On October 30, 2015, Defendant, CHICAGO BUILDING COMMISSION held title to the property and improvements located on the premises commonly known as 4650 North Menard Avenue in Chicago, Illinois.

5. On October 30, 2015 and for some time prior thereto, the premises and improvements located at the property known as 4650 North Menard in Chicago, Illinois were leased, loaned or otherwise entrusted by Defendant, CHICAGO BUILDING COMMISSION, in whole or in part to Defendants, CHICAGO BOARD OF EDUCATION and/or CPS, for the purpose of operating a public school known as Ernst Prussing Elementary School.

6. On October 30, 2015 and all times herein relevant, Plaintiff, SCOTT BLAYLOCK, was and continues to be the father of Minor Plaintiff, M. B.

7. Plaintiff, SCOTT BLAYLOCK, and Minor Plaintiff, M. B., are residents of the City of Chicago, County of Cook and State of Illinois.

8. On October 30, 2015, Minor Plaintiff, M. B., was a student attending Ernst Prussing Elementary School was physically present on the premises of the Ernst Prussing Elementary School on that day.

9. On October 30, 2015 and for some time prior thereto, there was located within the premises of Ernst Prussing Elementary School certain plumbing and heating systems which included two low pressure Scotch Marine boilers with venting systems attached to them conveying exhaust gases to the outside of the building.

10. On October 30, 2015 and at all times herein relevant, it was the duty of Defendants, CHICAGO BOARD OF EDUCATION , CPS, and CHICAGO BUILDING COMMISSION, and each of them, to exercise reasonable care in their conduct so as not to cause injury to persons lawfully upon the premises, including Minor Plaintiff, M. B..

11. Notwithstanding its aforesaid duty, Defendants, CHICAGO BOARD OF EDUCATION , CPS, and CHICAGO BUILDING COMMISSION, and each of them, breached their duty of care to Minor Plaintiff, M. B., through one or more of the following acts or omissions:

- (a) negligently and carelessly failed to properly and adequately maintain the boilers and boiler vent system on the premises in a proper and safe working order;
- (b) negligently and carelessly failed to inform or warn others of the unsafe and dangerous condition existing in and about the boilers and vent system for the aforesaid boilers;

- (c) negligently and carelessly conducted school business on the premises on October 30, 2015, when it was known or should have been known it was not safe to do so;
- (d) negligently and carelessly failed to properly and adequately inspect and monitor the material and operational condition of the vent system for the aforesaid boilers and their component parts for unsafe and dangerous conditions;
- (e) negligently and carelessly violated the *Facility Performance Standards* of the Chicago Public Schools related to indoor air quality published August 31, 2012, which states “Every school shall have a mechanical ventilation system (air is provided by mechanical equipment such as fans, ducts etc.) providing supply air to, and exhausting air from, each space within the building in accordance with the requirements of the Chicago Building Code 2010, 13- 172-090) “Natural Ventilation, (b) Ventilation” area required,” and/or
- (f) otherwise negligently and carelessly failed to own, operate, maintain, and control the mechanical systems on the premises in a manner that promoted the safety and security of everyone lawfully upon the premises in particulars to be determined through discovery in this action.

12. On October 30, 2015, and as a direct and proximate result of the aforesaid breach of duty by Defendants, CHICAGO BOARD OF EDUCATION, CPS, and CHICAGO BUILDING COMMISSION, and each of them, there was an uncontrolled leak of carbon monoxide gas on the premises that caused serious and permanent injuries to the person of Minor Plaintiff, M. B.

13. That as a result of the aforesaid injuries, Minor Plaintiff, M. B., was caused to and will in the future experience great pain and suffering, has suffered and will in the future suffer disability and disfigurement, has suffered and will in the future suffer from the loss of a normal life, has incurred and will in the future be caused to incur expenses for necessary medical care, treatment and services, will in the future suffer a loss of earnings and will be damaged in her earning capacity, and has otherwise been damaged in a personal and pecuniary nature.

WHEREFORE, Plaintiff, SCOTT BLAYLOCK, as father and next friend of M. B., a minor, prays that judgment be entered in his favor and against Defendants, BOARD OF EDUCATION OF THE CITY OF CHICAGO, a body politic and corporate, CHICAGO PUBLIC SCHOOL DISTRICT #299, an Illinois school district, individually and doing business as CHICAGO PUBLIC SCHOOLS, and PUBLIC BUILDING COMMISSION OF CHICAGO, a municipal corporation, and each of them, in a sum in excess of fifty thousand dollars (\$50,000.00), together with attorney fees and the costs of bringing this action.

Count II

Negligence – Consequential Damages

14. Plaintiff, SCOTT BLAYLOCK, hereby adopts and alleges paragraphs 1 through 13, inclusive, of Count I as paragraphs 1 through 13, inclusive, of Count II as though fully set forth herein.

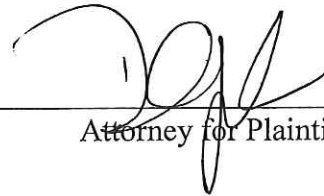
15. On October 30, 2015, and all times herein relevant, there was in force and effect in the State of Illinois a statute, 750 ILCS 65/15, commonly known as the Family Expense Act which renders the expenses incurred by Minor Plaintiff, M. B., arising from her injuries chargeable to Plaintiff, SCOTT BLAYLOCK, until Minor Plaintiff, M. B., reaches the age of 18 years.

16. As a direct and proximate result of the expenses incurred and to be incurred in the future by Minor Plaintiff, M. B., as a result of the alleged injuries herein, Plaintiff, SCOTT BLAYLOCK, has been damaged in his property.

WHEREFORE, Plaintiff, SCOTT BLAYLOCK, prays that judgment be entered in his favor and against Defendants, BOARD OF EDUCATION OF THE CITY OF CHICAGO, a body politic and corporate, CHICAGO PUBLIC SCHOOL DISTRICT #299, an Illinois school district, individually and doing business as CHICAGO PUBLIC SCHOOLS, and PUBLIC BUILDING

COMMISSION OF CHICAGO, a municipal corporation, and each of them, in a sum in excess of fifty thousand dollars (\$50,000.00), together with attorney fees and the costs of bringing this action.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'D. Nolan', written over a horizontal line.

Attorney for Plaintiff

Donald J. Nolan
Thomas P. Routh
NOLAN LAW GROUP
20 North Clark Street
30th Floor
Chicago, Illinois 60602
Tel: (312) 630-4000

-and-

Gordon S. Johnson,
JOHNSON LAW OFFICE
212 Whitetail Run Lane
Sheboygan, WI 53081
Tel: (920) 208-9447