

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

KATHERINE RAMIREZ-MERCADO,)	
)	
Plaintiff,)	
v.)	No.:
)	
HRE CRAWFORD, LLC,)	
HILCO REDEVELOPMENT, LLC,)	
MCM MANAGEMENT CORP.,)	
HRP EXCHANGE 55, LLC and)	
CONTROLLED DEMOLITION, INC.)	
)	
)	
Defendants.)	

COMPLAINT AT LAW

Plaintiff, KATHERINE RAMIREZ-MERCADO, by and through her attorneys, CLIFFORD LAW OFFICES, P.C., complain of Defendants, HRE CRAWFORD, LLC, HILCO REDEVELOPMENT, LLC, MCM MANAGEMENT CORP., HRP EXCHANGE 55, LLC and CONTROLLED DEMOLITION, INC. as follows:

PARTIES

1. HRE CRAWFORD, LLC, is a limited liability company that owns the property located at 3501 S. Pulaski Road with its principal place of business located at 5 Revere Drive, Suite 206, Northbrook, County of Cook, State of Illinois.
2. HILCO REDEVELOPMENT, LLC, is a company that is in the business of redeveloping industrial projects with its principal place of business located at 5 Revere Drive, Suite 206, Northbrook, County of Cook, State of Illinois.

3. MCM MANAGEMENT CORP. is a company in the business of construction demolition projects with its registered agent located at 208 S. LaSalle Street, Suite 814, City of Chicago, County of Cook, State of Illinois.

4. HRP EXCHANGE 55, LLC is a limited liability company with an ownership interest in the property located at 3501 S. Pulaski Road with its principal place of business located at 5 Revere Drive, Suite 206, Northbrook, County of Cook, State of Illinois.

5. CONTROLLED DEMOLITION, INC. is a company in the business of construction demolition projects with its principal place of business located at 13401 Still Haven Court, Phoenix, Maryland 21131.

6. KATHERINE RAMIREZ-MERCADO is a resident of the City of Chicago and lives within the Little Village neighborhood.

JURISTICIION AND VENUE

7. Venue in this Court is proper because all relevant acts giving rise to this cause of action occurred and are occurring within Cook County, Illinois, where all parties have principal places of business and operation.

FACTUAL ALLEGATIONS

8. The Crawford Power Generating Station was a coal-fired power plant built in 1924. The Crawford Power Generating Station was located at 3501 S. Pulaski Road in the Southland Community between the Little Village neighborhood and the Chicago Sanitary and Ship Canal, in the City of Chicago, State of Illinois.

9. The Crawford Power Generating Station was designed with a certain smokestack previously utilized to release air pollutants into the atmosphere.

10. Based on information and belief, the smokestack located at the Crawford Power Generating Station was specified and built utilizing asbestos insulation.

11. In 2012, Crawford Power Generating Station was decommissioned.

12. Upon information and belief, on December 29, 2017, Defendant, HRE CRAWFORD, LLC, purchased the property located at 3501 S. Pulaski Road, in the City of Chicago, State of Illinois.

13. Upon information and belief, prior to June 2018, Defendants, HRE CRAWFORD, LLC, HILCO REDEVELOPMENT, LLC, MCM MANAGEMENT CORP., HRP EXCHANGE 55, LLC and CONTROLLED DEMOLITION, INC., contracted to and/or entered into a joint venture for the purpose of demolition and redevelopment of the Former Crawford Station located at 3501 S. Pulaski Road, City of Chicago, Illinois (hereinafter the “property”).

14. In June 2018, Defendants, HRE CRAWFORD, LLC, HILCO REDEVELOPMENT, LLC and HRP EXCHANGE 55, LLC, sought to redevelop the property into a one (1) million square foot warehouse and distribution center to be called Exchange 55.

15. In July of 2018, Defendants, HRE CRAWFORD, LLC, HILCO REDEVELOPMENT, LLC. and HRP EXCHANGE 55, LLC, enrolled the Former Crawford Station in the Illinois EPA’s Site Remediation Program.

16. In July of 2018, Defendants, HRE CRAWFORD, LLC, HILCO REDEVELOPMENT, LLC, MCM MANAGEMENT CORP., HRP EXCHANGE 55, LLC and CONTROLLED DEMOLITION, INC., identified several contaminants, including polynuclear aromatic hydrocarbons, lead, volatile organic compounds, polychlorinated biphenyls, and asbestos on the property. Upon information and belief, all of the contaminants are known cancer-causing agents.

17. On November 20, 2019, Defendants, HRE CRAWFORD, LLC, HILCO REDEVELOPMENT, LLC, MCM MANAGEMENT CORP., HRP EXCHANGE 55, LLC and CONTROLLED DEMOLITION, INC., were issued a foundation-service building permit for the property.

18. On March 30, 2020, Defendants, HRE CRAWFORD, LLC, HILCO REDEVELOPMENT, LLC, MCM MANAGEMENT CORP., HRP EXCHANGE 55, LLC and CONTROLLED DEMOLITION, INC., were issued an implosion permit to demolish the concrete smokestack on the property.

19. On April 9, 2020, Defendants, HRE CRAWFORD, LLC, HILCO REDEVELOPMENT, LLC, MCM MANAGEMENT CORP., HRP EXCHANGE 55, LLC and CONTROLLED DEMOLITION, INC., issued a demolition alert for Saturday, April 11, 2020, at 8:00 a.m.

20. On April 11, 2020, at approximately 8:00 a.m., Defendants HRE CRAWFORD, LLC, HILCO REDEVELOPMENT, LLC, MCM MANAGEMENT CORP., HRP EXCHANGE 55, LLC and CONTROLLED DEMOLITION, INC., demolished and/or imploded the concrete smokestack on the property.

21. As a result of the implosion of the concrete smokestack, a cloud or plume of dust and particulate matter covered the Little Village neighborhood.

22. The cloud and/or plume quickly and heavily dispersed through the community and likely included particulate matter containing polynuclear aromatic hydrocarbons, lead, volatile organic compounds, polychlorinated biphenyls, and asbestos.

23. Immediately thereafter, Little Village residents reported difficulty breathing while their homes, cars and public ways, including trees, were covered in the contaminated soot.¹

24. On April 11, 2020, Plaintiff, KATHERINE RAMIREZ-MERCADO, lived in the 3200 block of Harding Avenue in the Little Village neighborhood approximately 1/2 block from the premises located at 3501 S. Pulaski Road.

25. On April 11, 2020, Plaintiff's entire property was covered with the contaminated soot, dust and particulate and Plaintiff inhaled the soot, dust and particulate matter and began having respiratory distress.

**COUNT I – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS - HRE
CRAWFORD, LLC**

26. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 25, *supra*, as if fully restated in this Count I.

27. On April 11, 2020, at approximately 8:00 a.m., Plaintiff, KATHERINE RAMIREZ-MERCADO, lived in the 3200 Block of Harding Avenue in the Little Village neighborhood approximately 1/2 block from the premises located at 3501 S. Pulaski Road, and was within the zone of danger.

28. On April 11, 2020, at approximately 8:00 a.m., Plaintiff, KATHERINE RAMIREZ-MERCADO, witnessed and inhaled the cloud and/or plume of dust and particulate matter as it engulfed her neighborhood and her home.

29. On April 11, 2020, at approximately 8:00 a.m. and continuing, Plaintiff, KATHERINE RAMIREZ-MERCADO, immediately feared for her well-being, her safety and that the cloud and/or plume of dust would contact/enter her body.

¹ <https://blockclubchicago.org/2020/04/12/extremely-angry-lightfoot-blames-developer-for-massive-little-village-dust-cloud-alderman-apologizes/> (accessed on 4/14/2020).

30. On and before April 11, 2020, Defendant, HRE CRAWFORD, LLC, owed a duty of reasonable care for the safety of others in the control and management of its demolition of the concrete smokestack on the property.

31. On April 11, 2020, Defendant, HRE CRAWFORD, by and through its agents and/or employees, was negligent in one or more of the following ways:

- a) Failed to properly own, operate, manage, maintain, and control the demolition of the concrete smokestack on the property;
- b) Failed to properly remediate the site of the demolition of the concrete smokestack on the property prior to demolition;
- c) Improperly controlled the spread of dust cloud/plume and particulate matter;

32. As a direct and proximate result of one or more of the aforesaid negligent acts and/or omissions of Defendant HRE CRAWFORD, LLC, Plaintiff, KATHERINE RAMIREZ-MERCADO, witnessed and inhaled the cloud and/or plume of dust and particulate matter as it engulfed her neighborhood and her home causing her to sustain severe emotional distress which manifested itself in headaches, nervousness and anxiety.

33. WHEREFORE, Plaintiff, KATHERINE RAMIREZ-MERCADO, Individually, prays that judgment be entered against Defendant, HRE CRAWFORD, LLC, for an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

COUNT II – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS - HILCO REDEVELOPMENT, LLC

34. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 25, *supra*, as if fully restated in this Count II.

35. On April 11, 2020, at approximately 8:00 a.m., Plaintiff, KATHERINE RAMIREZ-MERCADO, lived in the 3200 block of Harding Avenue in the Little Village neighborhood approximately 1/2 block from the premises located at 3501 S. Pulaski Road, and was within the zone of danger.

36. On April 11, 2020, at approximately 8:00 a.m., Plaintiff, KATHERINE RAMIREZ-MERCADO, witnessed and inhaled the cloud and/or plume of dust of carcinogenic particulate matter as it engulfed her neighborhood and her home.

37. On April 11, 2020, at approximately 8:00 a.m. and continuing, Plaintiff, KATHERINE RAMIREZ-MERCADO, immediately feared for her well-being, her safety and that the cloud and/or plume of dust of harmful carcinogens would contact/enter her body.

38. On and before April 11, 2020, Defendant, HILCO REDEVELOPMENT, LLC, owed a duty of reasonable care for the safety of others in the control and management of its demolition of the concrete smokestack on the property.

39. On April 11, 2020, Defendant, HILCO REDEVELOPMENT, LLC, by and through its agents and/or employees, was negligent in one or more of the following ways:

- a) Failed to properly own, operate, manage, maintain, and control the demolition of the concrete smokestack on the property;
- b) Failed to properly remediate the site of the demolition of the concrete smokestack on the property prior to demolition;
- c) Improperly controlled the spread of dust cloud/plume and particulate matter;

40. As a direct and proximate result of one or more of the aforesaid negligent acts and/or omissions of Defendant HILCO REDEVELOPMENT, LLC, Plaintiff, KATHERINE

RAMIREZ-MERCADO, witnessed and inhaled the cloud and/or plume of dust and particulate matter as it engulfed her neighborhood and her home causing her to sustain severe emotional distress which manifested itself in headaches, nervousness and anxiety.

41. WHEREFORE, Plaintiff, KATHERINE RAMIREZ-MERCADO, Individually, prays that judgment be entered against Defendant, HILCO REDEVELOPMENT, LLC, for an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

**COUNT III – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS - MCM
MANAGEMENT CORP.**

42. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 25, *supra*, as if fully restated in this Count III.

43. On April 11, 2020, at approximately 8:00 a.m., Plaintiff, KATHERINE RAMIREZ-MERCADO, lived in the 3200 block of Harding Avenue in the Little Village neighborhood approximately 1/2 block from the premises located at 3501 S. Pulaski Road, and was within the zone of danger.

44. On April 11, 2020, at approximately 8:00 a.m., Plaintiff, KATHERINE RAMIREZ-MERCADO, witnessed and inhaled the cloud and/or plume of dust of carcinogenic particulate matter as it engulfed her neighborhood and her home.

45. On April 11, 2020, at approximately 8:00 a.m. and continuing, Plaintiff, KATHERINE RAMIREZ-MERCADO, immediately feared for her well-being, her safety and that the cloud and/or plume of dust of harmful carcinogens would contact/enter her body.

46. On and before April 11, 2020, Defendant, MCM MANAGEMENT CORP., owed a duty of reasonable care for the safety of others in the control and management of its demolition of the concrete smokestack on the property.

47. On April 11, 2020, Defendant, MCM MANAGEMENT CORP., by and through its agents and/or employees, was negligent in one or more of the following ways:

- a) Failed to properly own, operate, manage, maintain, and control the demolition of the concrete smokestack on the property;
- b) Failed to properly remediate the site of the demolition of the concrete smokestack on the property prior to demolition;
- c) Improperly controlled the spread of dust cloud/plume and particulate matter;

48. As a direct and proximate result of one or more of the aforesaid negligent acts and/or omissions of Defendant MCM MANAGEMENT CORP., Plaintiff, KATHERINE RAMIREZ-MERCADO, witnessed and inhaled the cloud and/or plume of dust and particulate matter as it engulfed her neighborhood and her home causing her to sustain severe emotional distress which manifested itself in headaches, nervousness and anxiety.

49. WHEREFORE, Plaintiff, KATHERINE RAMIREZ-MERCADO, Individually, prays that judgment be entered against Defendant, MCM MANAGEMENT CORP., for an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

**COUNT IV – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS - HRP
EXCHANGE 55, LLC**

50. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 25, *supra*, as if fully restated in this Count IV.

51. On April 11, 2020, at approximately 8:00 a.m., Plaintiff, KATHERINE RAMIREZ-MERCADO, lived in the 3200 Block of Harding Avenue in the Little Village neighborhood approximately 1/2 block from the premises located at 3501 S. Pulaski Road, and was within the zone of danger.

52. On April 11, 2020, at approximately 8:00 a.m., Plaintiff, KATHERINE RAMIREZ-MERCADO, witnessed and inhaled the cloud and/or plume of dust of carcinogenic particulate matter as it engulfed her neighborhood and her home.

53. On April 11, 2020, at approximately 8:00 a.m. and continuing, Plaintiff, KATHERINE RAMIREZ-MERCADO, immediately feared for her well-being, her safety and that the cloud and/or plume of dust of harmful carcinogens would contact/enter her body.

54. On and before April 11, 2020, Defendant, HRP EXCHANGE 55, LLC, owed a duty of reasonable care for the safety of others in the control and management of its demolition of the concrete smokestack on the property.

55. On April 11, 2020, Defendant, HRP EXCHANGE 55, LLC, by and through its agents and/or employees, was negligent in one or more of the following ways:

- a) Failed to properly own, operate, manage, maintain, and control the demolition of the concrete smokestack on the property;
- b) Failed to properly remediate the site of the demolition of the concrete smokestack on the property prior to demolition;
- c) Improperly controlled the spread of dust cloud/plume and particulate matter;

56. As a direct and proximate result of one or more of the aforesaid negligent acts and/or omissions of Defendant HRP EXCHANGE 55, LLC, Plaintiff, KATHERINE RAMIREZ-MERCADO, witnessed and inhaled the cloud and/or plume of dust and particulate matter as it engulfed her neighborhood and her home causing her to sustain severe emotional distress which manifested itself in headaches, nervousness and anxiety.

57. WHEREFORE, Plaintiff, KATHERINE RAMIREZ-MERCADO, Individually, prays that judgment be entered against Defendant, HRP EXCHANGE 55, LLC, for an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

**COUNT V – NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS –
CONTROLLED DEMOLITION, INC.**

58. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 25, *supra*, as if fully restated in this Count V.

59. On April 11, 2020, at approximately 8:00 a.m., Plaintiff, KATHERINE RAMIREZ-MERCADO, lived in the 3200 Block of Harding Avenue in the Little Village neighborhood approximately 1/2 block from the premises located at 3501 S. Pulaski Road, and was within the zone of danger.

60. On April 11, 2020, at approximately 8:00 a.m., Plaintiff, KATHERINE RAMIREZ-MERCADO, witnessed and inhaled the cloud and/or plume of dust of carcinogenic particulate matter as it engulfed her neighborhood and her home.

61. On April 11, 2020, at approximately 8:00 a.m. and continuing, Plaintiff, KATHERINE RAMIREZ-MERCADO, immediately feared for her well-being, her safety and that the cloud and/or plume of dust of harmful carcinogens would contact/enter her body.

62. On and before April 11, 2020, Defendant, CONTROLLED DEMOLITION, INC., owed a duty of reasonable care for the safety of others in the control and management of its demolition of the concrete smokestack on the property.

63. On April 11, 2020, Defendant, CONTROLLED DEMOLITION, INC., by and through its agents and/or employees, was negligent in one or more of the following ways:

- a) Failed to properly own, operate, manage, maintain, and control the demolition of the concrete smokestack on the property;

- b) Failed to properly remediate the site of the demolition of the concrete smokestack on the property prior to demolition;
- c) Improperly controlled the spread of dust cloud/plume and particulate matter;

64. As a direct and proximate result of one or more of the aforesaid negligent acts and/or omissions of Defendant CONTROLLED DEMOLITION, INC., Plaintiff, KATHERINE RAMIREZ-MERCADO, witnessed and inhaled the cloud and/or plume of dust and particulate matter as it engulfed her neighborhood and her home causing her to sustain severe emotional distress which manifested itself in headaches, nervousness and anxiety.

65. WHEREFORE, Plaintiff, KATHERINE RAMIREZ-MERCADO, Individually, prays that judgment be entered against Defendant, CONTROLLED DEMOLITION, INC., for an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

COUNT VI – NEGLIGENCE - HRE CRAWFORD, LLC

66. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 25, *supra*, as if fully restated in this Count VI.

67. On April 11, 2020, at approximately 8:00 a.m., Plaintiff, KATHERINE RAMIREZ-MERCADO, lived in the 3200 block of Harding Avenue in the Little Village neighborhood approximately 1/2 block from the premises located at 3501 S. Pulaski Road.

68. On April 11, 2020, at approximately 8:00 a.m., Plaintiff, KATHERINE RAMIREZ-MERCADO, witnessed and inhaled the cloud and/or plume of particulate matter as it engulfed her neighborhood and her home.

69. On and before April 11, 2020, Defendant, HRE CRAWFORD, LLC, owed a duty of reasonable care for the safety of others in the control and management of its demolition of the concrete smokestack on the property.

70. On April 11, 2020, Defendant, HRE CRAWFORD, by and through its agents and/or employees, was negligent in one or more of the following ways:

- a) Failed to properly own, operate, manage, maintain, and control the demolition of the concrete smokestack on the property;
- b) Failed to properly remediate the site of the demolition of the concrete smokestack on the property prior to demolition;
- c) Improperly controlled the spread of dust cloud/plume and particulate matter;

71. As a direct and proximate result of one or more of the aforesaid negligent acts and/or omissions of Defendant HRE CRAWFORD, LLC, Plaintiff, KATHERINE RAMIREZ-MERCADO, suffered an injury of a personal and pecuniary nature.

72. WHEREFORE, Plaintiff, KATHERINE RAMIREZ-MERCADO, Individually, prays that judgment be entered against Defendant, HRE CRAWFORD, LLC, for an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

COUNT VII – NEGLIGENCE - HILCO REDEVELOPMENT, LLC

73. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 25, *supra*, as if fully restated in this Count VII.

74. On April 11, 2020, at approximately 8:00 a.m., Plaintiff, KATHERINE RAMIREZ-MERCADO, lived in the 3200 block of Harding in the Little Village neighborhood approximately 1/2 block from the premises located at 3501 S. Pulaski Road.

75. On April 11, 2020, at approximately 8:00 a.m., Plaintiff, KATHERINE RAMIREZ-MERCADO, witnessed and inhaled the cloud and/or plume of carcinogenic particulate matter as it engulfed her neighborhood and her home.

76. On and before April 11, 2020, Defendant, HILCO REDEVELOPMENT, LLC, owed a duty of reasonable care for the safety of others in the control and management of its demolition of the concrete smokestack on the property.

77. On April 11, 2020, Defendant, HILCO REDEVELOPMENT, LLC, by and through its agents and/or employees, was negligent in one or more of the following ways:

- a) Failed to properly own, operate, manage, maintain, and control the demolition of the concrete smokestack on the property;
- b) Failed to properly remediate the site of the demolition of the concrete smokestack on the property prior to demolition;
- c) Improperly controlled the spread of dust cloud/plume and particulate matter;

78. As a direct and proximate result of one or more of the aforesaid negligent acts and/or omissions of Defendant HILCO REDEVELOPMENT, LLC, Plaintiff, KATHERINE RAMIREZ-MERCADO, suffered an injury of a personal and pecuniary nature.

79. WHEREFORE, Plaintiff, KATHERINE RAMIREZ-MERCADO, Individually, prays that judgment be entered against Defendant, HILCO REDEVELOPMENT, LLC, for an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

COUNT VIII – NEGLIGENCE - MCM MANAGEMENT CORP.

80. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 25, *supra*, as if fully restated in this Count VIII.

81. On April 11, 2020, at approximately 8:00 a.m., Plaintiff, KATHERINE RAMIREZ-MERCADO, lived in the 3200 block of Harding Avenue in the Little Village neighborhood approximately 1/2 block from the premises located at 3501 S. Pulaski Road.

82. On April 11, 2020, at approximately 8:00 a.m., Plaintiff, KATHERINE RAMIREZ-MERCADO, witnessed and inhaled the cloud and/or plume of carcinogenic particulate matter as it engulfed her neighborhood and her home.

83. On and before April 11, 2020, Defendant, MCM MANAGEMENT CORP., owed a duty of reasonable care for the safety of others in the control and management of its demolition of the concrete smokestack on the property.

84. On April 11, 2020, Defendant, MCM MANAGEMENT CORP., by and through its agents and/or employees, was negligent in one or more of the following ways:

- a) Failed to properly own, operate, manage, maintain, and control the demolition of the concrete smokestack on the property;
- b) Failed to properly remediate the site of the demolition of the concrete smokestack on the property prior to demolition;
- c) Improperly controlled the spread of dust cloud/plume and particulate matter;

85. As a direct and proximate result of one or more of the aforesaid negligent acts and/or omissions of Defendant MCM MANAGEMENT CORP., Plaintiff, KATHERINE RAMIREZ-MERCADO, suffered an injury of a personal and pecuniary nature.

86. WHEREFORE, Plaintiff, KATHERINE RAMIREZ-MERCADO, Individually, prays that judgment be entered against Defendant, MCM MANAGEMENT CORP., for an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

COUNT IX – NEGLIGENCE - HRP EXCHANGE 55, LLC

87. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 25, *supra*, as if fully restated in this Count IX.

88. On April 11, 2020, at approximately 8:00 a.m., Plaintiff, KATHERINE RAMIREZ-MERCADO, lived in the 3200 block of Harding Avenue in the Little Village neighborhood approximately 1/2 block from the premises located at 3501 S. Pulaski Road.

89. On April 11, 2020, at approximately 8:00 a.m., Plaintiff, KATHERINE RAMIREZ-MERCADO, witnessed and inhaled the cloud and/or plume of carcinogenic particulate matter as it engulfed her neighborhood and her home.

90. On and before April 11, 2020, Defendant, HRP EXCHANGE 55, LLC, owed a duty of reasonable care for the safety of others in the control and management of its demolition of the concrete smokestack on the property.

91. On April 11, 2020, Defendant, HRP EXCHANGE 55, LLC, by and through its agents and/or employees, was negligent in one or more of the following ways:

- a) Failed to properly own, operate, manage, maintain, and control the demolition of the concrete smokestack on the property;
- b) Failed to properly remediate the site of the demolition of the concrete smokestack on the property prior to demolition;
- c) Improperly controlled the spread of dust cloud/plume and particulate matter;

92. As a direct and proximate result of one or more of the aforesaid negligent acts and/or omissions of Defendant HRP EXCHANGE 55, LLC, Plaintiff, KATHERINE RAMIREZ-MERCADO, suffered an injury of a personal and pecuniary nature.

93. WHEREFORE, Plaintiff, KATHERINE RAMIREZ-MERCADO, Individually, prays that judgment be entered against Defendant, HRP EXCHANGE 55, LLC, for an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

COUNT X – NEGLIGENCE – CONTROLLED DEMOLITION, INC.

94. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 25, *supra*, as if fully restated in this Count X.

95. On April 11, 2020, at approximately 8:00 a.m., Plaintiff, KATHERINE RAMIREZ-MERCADO, lived in the 3200 block of Harding Avenue in the Little Village neighborhood approximately 1/2 block from the premises located at 3501 S. Pulaski Road.

96. On April 11, 2020, at approximately 8:00 a.m., Plaintiff, KATHERINE RAMIREZ-MERCADO, witnessed and inhaled the cloud and/or plume of carcinogenic particulate matter as it engulfed her neighborhood and her home.

97. On and before April 11, 2020, Defendant, CONTROLLED DEMOLITION, INC., owed a duty of reasonable care for the safety of others in the control and management of its demolition of the concrete smokestack on the property.

98. On April 11, 2020, Defendant, CONTROLLED DEMOLITION, INC., by and through its agents and/or employees, was negligent in one or more of the following ways:

- a) Failed to properly own, operate, manage, maintain, and control the demolition of the concrete smokestack on the property;
- b) Failed to properly remediate the site of the demolition of the concrete smokestack on the property prior to demolition;
- c) Improperly controlled the spread of dust cloud/plume and particulate matter;

99. As a direct and proximate result of one or more of the aforesaid negligent acts and/or omissions of Defendant CONTROLLED DEMOLITION, INC., Plaintiff, KATHERINE RAMIREZ-MERCADO, suffered an injury of a personal and pecuniary nature.

100. WHEREFORE, Plaintiff, KATHERINE RAMIREZ-MERCADO, Individually, prays that judgment be entered against Defendant, CONTROLLED DEMOLITION, INC., for an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

COUNT XI - MEDICAL MONITORING – HRE CRAWFORD, LLC

101. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 100, *supra*, as if fully restated in this Count XI.

102. Like many residents, the Plaintiff has experienced respiratory distress since the occurrence.

103. Exposure to polynuclear aromatic hydrocarbons, lead, volatile organic compounds, polychlorinated biphenyls, and asbestos can have a latent effect on the lungs, respiratory system and lymph system.

104. The latent injuries which develop over time and manifest later in life may include, but are not limited to various cancers including lung cancer and mesothelioma.

105. Defendant HRE CRAWFORD, LLC was fully aware of the danger of exposing the residents of Little Village, including Plaintiff, to a cloud and/or plume of particulate matter containing polynuclear aromatic hydrocarbons, lead, volatile organic compounds, polychlorinated biphenyls, and asbestos.

106. As a direct and proximate result of Defendant, HRE CRAWFORD, LLC's actions, Plaintiff's current and continued exposure to the contaminated soot has caused Plaintiff to suffer respiratory distress and has increased Plaintiff's future risk of suffering serious medical conditions,

including, but not limited to, respiratory disease, various cancers including lung cancer and mesothelioma.

107. Defendant chose to not provide residents with respiratory protection prior to creating the contaminated explosion in the Plaintiff's neighborhood. This was a choice despite Defendants knowledge of the risk posed to the community.

108. Defendant further chose to proceed with the implosion, despite knowing the risk of releasing noxious particulate matter into the neighborhood, all while in the face of an executive order issued by federal, state and local government, ordering residents to stay in their homes. Little Village residents, including Plaintiff, had no way to escape Defendants' careless acts and omissions.

109. Moreover, both private and public healthcare resources at this time, during a pandemic, are overburdened. More specifically, Chicago is experiencing increased rates of Covid-19 infections, particularly on the south side of Chicago.²

110. To ensure the diagnosis of medical complications arising from Defendant's acts and omissions, a medical monitoring regime should be implemented by the Defendants.

111. The medical monitoring regime should include, but is not limited to, baseline tests and diagnostic examinations which will assist in diagnosing the adverse health effects associated with exposure to the contaminated soot. Such a regime with medical interventions will prevent or mitigate various adverse consequences of disorders and diseases associated with the initial sudden exposure to and ingestion of noxious particulate matter and subsequent persistent exposure to the remaining thick soot dispersed throughout the community, including on Plaintiff's home and property, in accordance with consensus best practices.

² https://www.chicago.gov/content/dam/city/sites/covid/reports/2020-04-13/COVID-19_Confirmed%20case%20rate%20by%20zipcode%20April%2012.pdf. (Last accessed 4/14/20).

112. By monitoring and testing Plaintiff and her family, and possibly others in the neighborhood, the risk that Plaintiff and her family will suffer long-term injuries, disease, and losses without adequate treatment will be significantly reduced.

113. WHEREFORE, Plaintiff requests that Defendant, HRE CRAWFORD, LLC, be required to establish a medical monitoring program.

COUNT XII - MEDICAL MONITORING – HILCO REDEVELOPMENT, LLC

114. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 100, *supra*, as if fully restated in this Count XII.

115. Like many residents, the Plaintiff has experienced respiratory distress since the occurrence.

116. Exposure to polynuclear aromatic hydrocarbons, lead, volatile organic compounds, polychlorinated biphenyls, and asbestos can have a latent effect on the lungs, respiratory system and lymph system.

117. The latent injuries which develop over time and manifest later in life may include, but are not limited to various cancers including lung cancer and mesothelioma.

118. Defendant HILCO REDEVELOPMENT, LLC was fully aware of the danger of exposing the residents of Little Village, including Plaintiff, to a cloud and/or plume of particulate matter containing polynuclear aromatic hydrocarbons, lead, volatile organic compounds, polychlorinated biphenyls, and asbestos.

119. As a direct and proximate result of Defendant, HILCO REDEVELOPMENT, LLC's actions, Plaintiff's current and continued exposure to the contaminated soot has caused Plaintiff to suffer respiratory distress and has increased Plaintiff's future risk of suffering serious

medical conditions, including, but not limited to, various cancers including lung cancer and mesothelioma.

120. Defendant chose to not provide residents with respiratory protection prior to creating the contaminated explosion in the Plaintiff's neighborhood. This was a choice despite Defendants knowledge of the risk posed to the community.

121. Defendant further chose to proceed with the implosion, despite knowing the risk of releasing noxious particulate matter into the neighborhood, all while in the face of an executive order issued by federal, state and local government, ordering residents to stay in their homes. Little Village residents, including Plaintiff, had no way to escape Defendants' careless acts and omissions.

122. Moreover, both private and public healthcare resources at this time, during a pandemic, are overburdened. More specifically, Chicago is experiencing increased rates of Covid-19 infections, particularly on the south side of Chicago.³

123. To ensure the diagnosis of medical complications arising from Defendant's acts and omissions, a medical monitoring regime should be implemented by the Defendants.

124. The medical monitoring regime should include, but is not limited to, baseline tests and diagnostic examinations which will assist in diagnosing the adverse health effects associated with exposure to the contaminated soot. Such a regime with medical interventions will prevent or mitigate various adverse consequences of disorders and diseases associated with the initial sudden exposure to and ingestion of noxious particulate matter and subsequent persistent exposure to the remaining thick soot dispersed throughout the community, including on Plaintiff's home and property, in accordance with consensus best practices.

³ https://www.chicago.gov/content/dam/city/sites/covid/reports/2020-04-13/COVID-19_Confirmed%20case%20rate%20by%20zipcode%20April%2012.pdf. (Last accessed 4/14/20).

125. By monitoring and testing Plaintiff and her family, and possibly others in the neighborhood, the risk that Plaintiff and her family will suffer long-term injuries, disease, and losses without adequate treatment will be significantly reduced.

126. WHEREFORE, Plaintiff requests that Defendant, HILCO REDEVELOPMENT, LLC, be required to establish a medical monitoring program.

COUNT XIII - MEDICAL MONITORING – MCM MANAGEMENT CORP.

127. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 100, *supra*, as if fully restated in this Count XIII.

128. Like many residents, the Plaintiff has experienced respiratory distress since the occurrence.

129. Exposure to polynuclear aromatic hydrocarbons, lead, volatile organic compounds, polychlorinated biphenyls, and asbestos can have a latent effect on the lungs, respiratory system and lymph system.

130. The latent injuries which develop over time and manifest later in life may include, but are not limited to various cancers including lung cancer and mesothelioma.

131. Defendant, MCM MANAGEMENT CORP., was fully aware of the danger of exposing the residents of Little Village, including Plaintiff, to a cloud and/or plume of particulate matter containing polynuclear aromatic hydrocarbons, lead, volatile organic compounds, polychlorinated biphenyls, and asbestos.

132. As a direct and proximate result of Defendant, MCM MANAGEMENT CORP.'s actions, Plaintiff's current and continued exposure to the contaminated soot has caused Plaintiff to suffer respiratory distress and has increased Plaintiff's future risk of suffering serious medical conditions, including, but not limited to, various cancers including lung cancer and mesothelioma.

133. Defendant chose to not provide residents with respiratory protection prior to creating the contaminated explosion in the Plaintiff's neighborhood. This was a choice despite Defendants knowledge of the risk posed to the community.

134. Defendant further chose to proceed with the implosion, despite knowing the risk of releasing noxious particulate matter into the neighborhood, all while in the face of an executive order issued by federal, state and local government, ordering residents to stay in their homes. Little Village residents, including Plaintiff, had no way to escape Defendants' careless acts and omissions.

135. Moreover, both private and public healthcare resources at this time, during a pandemic, are overburdened. More specifically, Chicago is experiencing increased rates of Covid-19 infections, particularly on the south side of Chicago.⁴

136. To ensure the diagnosis of medical complications arising from Defendant's acts and omissions, a medical monitoring regime should be implemented by the Defendants.

137. The medical monitoring regime should include, but is not limited to, baseline tests and diagnostic examinations which will assist in diagnosing the adverse health effects associated with exposure to the contaminated soot. Such a regime with medical interventions will prevent or mitigate various adverse consequences of disorders and diseases associated with the initial sudden exposure to and ingestion of noxious particulate matter and subsequent persistent exposure to the remaining thick soot dispersed throughout the community, including on Plaintiff's home and property, in accordance with consensus best practices.

⁴ https://www.chicago.gov/content/dam/city/sites/covid/reports/2020-04-13/COVID-19_Confirmed%20case%20rate%20by%20zipcode%20April%2012.pdf. (Last accessed 4/14/20).

138. By monitoring and testing Plaintiff and her family, and possibly others in the neighborhood, the risk that Plaintiff and her family will suffer long-term injuries, disease, and losses without adequate treatment will be significantly reduced.

139. WHEREFORE, Plaintiff requests that Defendant, MCM MANAGEMENT CORP., be required to establish a medical monitoring program.

COUNT XIV - MEDICAL MONITORING – HRP EXCHANGE 55, LLC

140. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 100, *supra*, as if fully restated in this Count XIV.

141. Like many residents, the Plaintiff has experienced respiratory distress since the occurrence.

142. Exposure to polynuclear aromatic hydrocarbons, lead, volatile organic compounds, polychlorinated biphenyls, and asbestos can have a latent effect on the lungs, respiratory system and lymph system.

143. The latent injuries which develop over time and manifest later in life may include, but are not limited to various cancers including lung cancer and mesothelioma.

144. Defendant HRP EXCHANGE 55, LLC was fully aware of the danger of exposing the residents of Little Village, including Plaintiff, to a cloud and/or plume of particulate matter containing polynuclear aromatic hydrocarbons, lead, volatile organic compounds, polychlorinated biphenyls, and asbestos.

145. As a direct and proximate result of Defendant, HRP EXCHANGE 55, LLC's actions, Plaintiff's current and continued exposure to the contaminated soot has caused Plaintiff to suffer respiratory distress and has increased Plaintiff's future risk of suffering serious medical conditions, including, but not limited to, various cancers including lung cancer and mesothelioma.

146. Defendant chose to not provide residents with respiratory protection prior to creating the contaminated explosion in the Plaintiff's neighborhood. This was a choice despite Defendants knowledge of the risk posed to the community.

147. Defendant further chose to proceed with the implosion, despite knowing the risk of releasing noxious particulate matter into the neighborhood, all while in the face of an executive order issued by federal, state and local government, ordering residents to stay in their homes. Little Village residents, including Plaintiff, had no way to escape Defendants' careless acts and omissions.

148. Moreover, both private and public healthcare resources at this time, during a pandemic, are overburdened. More specifically, Chicago is experiencing increased rates of Covid-19 infections, particularly on the south side of Chicago.⁵

149. To ensure the diagnosis of medical complications arising from Defendant's acts and omissions, a medical monitoring regime should be implemented by the Defendants.

150. The medical monitoring regime should include, but is not limited to, baseline tests and diagnostic examinations which will assist in diagnosing the adverse health effects associated with exposure to the contaminated soot. Such a regime with medical interventions will prevent or mitigate various adverse consequences of disorders and diseases associated with the initial sudden exposure to and ingestion of noxious particulate matter and subsequent persistent exposure to the remaining thick soot dispersed throughout the community, including on Plaintiff's home and property, in accordance with consensus best practices.

⁵ https://www.chicago.gov/content/dam/city/sites/covid/reports/2020-04-13/COVID-19_Confirmed%20case%20rate%20by%20zipcode%20April%2012.pdf. (Last accessed 4/14/20).

151. By monitoring and testing Plaintiff and her family, and possibly others in the neighborhood, the risk that Plaintiff and her family will suffer long-term injuries, disease, and losses without adequate treatment will be significantly reduced.

152. WHEREFORE, Plaintiff requests that Defendant, HRE CRAWFORD, LLC, be required to establish a medical monitoring program.

COUNT XV - MEDICAL MONITORING – CONTROLLED DEMOLITION, INC.

153. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 100, *supra*, as if fully restated in this Count XV.

154. Like many residents, the Plaintiff has experienced respiratory distress since the occurrence.

155. Exposure to polynuclear aromatic hydrocarbons, lead, volatile organic compounds, polychlorinated biphenyls, and asbestos can have a latent effect on the lungs, respiratory system and lymph system.

156. The latent injuries which develop over time and manifest later in life may include, but are not limited to various cancers including lung cancer and mesothelioma.

157. Defendant CONTROLLED DEMOLITION, INC. was fully aware of the danger of exposing the residents of Little Village, including Plaintiff, to a cloud and/or plume of particulate matter containing polynuclear aromatic hydrocarbons, lead, volatile organic compounds, polychlorinated biphenyls, and asbestos.

158. As a direct and proximate result of Defendant, CONTROLLED DEMOLITION, INC.'s actions, Plaintiff's current and continued exposure to the contaminated soot has caused Plaintiff to suffer respiratory distress and has increased Plaintiff's future risk of suffering serious

medical conditions, including, but not limited to, various cancers including lung cancer and mesothelioma.

159. Defendant chose to not provide residents with respiratory protection prior to creating the contaminated explosion in the Plaintiff's neighborhood. This was a choice despite Defendants knowledge of the risk posed to the community.

160. Defendant further chose to proceed with the implosion, despite knowing the risk of releasing noxious particulate matter into the neighborhood, all while in the face of an executive order issued by federal, state and local government, ordering residents to stay in their homes. Little Village residents, including Plaintiff, had no way to escape Defendants' careless acts and omissions.

161. Moreover, both private and public healthcare resources at this time, during a pandemic, are overburdened. More specifically, Chicago is experiencing increased rates of Covid-19 infections, particularly on the south side of Chicago.⁶

162. To ensure the diagnosis of medical complications arising from Defendant's acts and omissions, a medical monitoring regime should be implemented by the Defendants.

163. The medical monitoring regime should include, but is not limited to, baseline tests and diagnostic examinations which will assist in diagnosing the adverse health effects associated with exposure to the contaminated soot. Such a regime with medical interventions will prevent or mitigate various adverse consequences of disorders and diseases associated with the initial sudden exposure to and ingestion of noxious particulate matter and subsequent persistent exposure to the remaining thick soot dispersed throughout the community, including on Plaintiff's home and property, in accordance with consensus best practices.

⁶ https://www.chicago.gov/content/dam/city/sites/covid/reports/2020-04-13/COVID-19_Confirmed%20case%20rate%20by%20zipcode%20April%2012.pdf. (Last accessed 4/14/20).

164. By monitoring and testing Plaintiff and her family, and possibly others in the neighborhood, the risk that Plaintiff and her family will suffer long-term injuries, disease, and losses without adequate treatment will be significantly reduced.

165. WHEREFORE, Plaintiff requests that Defendant, CONTROLLED DEMOLITION, INC., be required to establish a medical monitoring program.

s/ Clifford Law Offices, P.C.
CLIFFORD LAW OFFICES
Attorney for Plaintiff

Sean P. Driscoll
Kristopher S. Riddle
CLIFFORD LAW OFFICES, P.C
120 North LaSalle Street, 31st Floor
Chicago, Illinois 60602
T: (312) 899-9090
F: (312) 251-1160
SPD@cliffordlaw.com
KSR@cliffordlaw.com
Firm ID: 32640