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IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
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**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

TIMOTHY SHAMBROOK, Special Administrator)
of the Estate of ELIZABETH G. "LILY")
SHAMBROOK, Deceased, and KATE E. SNOW,)
Individually and as Surviving Mother of)
ELIZABETH G. "LILY" SHAMBROOK,)
Deceased,)

Plaintiffs,)

v.)

COMMONWEALTH EDISON COMPANY,)
MONDELEZ GLOBAL, LLC,)
MONDELEZ INTERNATIONAL, INC.,)
PENSKE TRUCK LEASING CORPORATION,)
PENSKE TRUCK LEASING and)
RENTAL COMPANY,)
PENSKE TRANSPORTATION SERVICES, INC.,)
PENSKE TRUCK LEASING CO., L.P.,)
GENE PAUL KOKOT, and)
THE CITY OF CHICAGO,)
a municipal corporation,)

Defendants.)

Case No: **2023L000459**

Plaintiffs demand trial by jury

COMPLAINT AT LAW

Now come Plaintiffs, Timothy Shambrook, as Special Administrator of the Estate of Elizabeth G. "Lily" Shambrook, a deceased minor, and Kate E. Snow, individually and as surviving mother of Elizabeth G. "Lily" Shambrook, a deceased minor, by their attorneys CLIFFORD LAW OFFICES, P.C., and complaining of Defendants COMMONWEALTH EDISON COMPANY; MONDELEZ GLOBAL, LLC, MONDELEZ INTERNATIONAL, INC., (collectively, MONDELEZ); PENSKE TRUCK LEASING CORPORATION, PENSKE TRUCK LEASING and RENTAL COMPANY, PENSKE TRANSPORTATION SERVICES, INC., Penske Truck Leasing Co., L.P., (collectively, PENSKE); GENE PAUL KOKOT; and THE CITY OF CHICAGO, a municipal corporation, state as follows:

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COUNT I
WRONGFUL DEATH
COMMONWEALTH EDISON COMPANY

1. On and before June 9, 2022, and at all times mentioned herein, Leland Avenue was a public roadway traveling generally in east and west directions through the City of Chicago, County of Cook, State of Illinois.

2. On and before June 9, 2022, and at all times mentioned herein, Winthrop Avenue was a public roadway traveling generally in north and south directions through the City of Chicago, County of Cook, State of Illinois.

3. On and before June 9, 2022, and at all times mentioned herein, Leland Avenue had one lane for Eastbound traffic and one lane for Westbound traffic at or near its intersection with Winthrop Avenue, as well as a parking lane on both sides of the street.

4. On and before June 9, 2022, and at all times mentioned herein, Leland Avenue east of Broadway, and near its intersection with Winthrop Avenue, had a designated bike lane marked on the pavement on the south side of the street specifically intended for use by bicyclists traveling on Leland in an eastbound direction.

5. On and before June 9, 2022, and at all times mentioned herein, a stop sign was located on the southwest corner of Leland Avenue and Winthrop Avenue for the purpose of controlling eastbound traffic on Leland Avenue.

6. On and before June 9, 2022, and at all times mentioned herein, a bike lane sign was located on Leland Avenue immediately west of the aforementioned stop sign on the southwest corner of Leland Avenue and Winthrop Avenue.

7. On or before June 9, 2022, and at all times mentioned herein, Defendant Commonwealth Edison Company was a duly organized corporation formed under the laws of the state of Illinois and doing business in and maintaining offices and facilities throughout Chicago

and Cook County, Illinois.

8. On and before June 9, 2022, and at all times mentioned herein, Defendant Commonwealth Edison Company owned, operated, managed, controlled, and maintained a utility truck bearing Illinois license plate FP99937 and which was identified on the door of the truck as a Commonwealth Edison Company vehicle operating under USDOT 408430, and also bearing the numbers 850026 on the hood of said truck.

9. On June 9, 2022, Defendant Commonwealth Edison Company parked and stopped its aforesaid utility truck in the bike lane on eastbound Leland Avenue at a location immediately west of the stop sign on the southwest corner of Leland Avenue and Winthrop Avenue.

10. On and before June 9, 2022, and at all times mentioned herein, Kate E. Snow and Timothy Shambrook were the mother and father of three-year-old Elizabeth G. “Lily” Shambrook.

11. On June 9, 2022, at approximately 8:16 a.m., Kate E. Snow was riding her bike in an eastbound direction in the bike lane on Leland Avenue with her daughter Elizabeth G. “Lily” Shambrook seated behind her in a child carrier seat.

12. On June 9, 2022, at the aforesaid location, as Kate E. Snow and Elizabeth G. “Lily” Shambrook were riding on their bicycle, Timothy Shambrook, husband of Kate E. Snow and father of Elizabeth G. “Lily” Shambrook, was following behind them on his bicycle.

13. On June 9, 2022, as Kate E. Snow and Elizabeth G. “Lily” Shambrook were riding eastbound in the designated bike lane on Leland Avenue, they encountered the aforesaid Commonwealth Edison Company truck parked in the bike lane so as to prevent Kate E. Snow from continuing to ride in the designated bike lane.

14. On June 9, 2022, at the aforesaid location, as a result of Commonwealth Edison Company’s utility truck blocking the path of the designated bike lane on eastbound Leland Avenue, Defendant Commonwealth Edison Company caused Kate E. Snow to ride her bicycle into

the eastbound vehicle traffic lane.

15. On June 9, 2022, as Kate E. Snow traveled eastbound in the traffic lane, she encountered a semi-tractor trailer truck owned, operated, managed, and maintained by Mondelez Global, LLC and Mondelez International, Inc., (Mondelez) and driven by their employee and agent, Gene Paul Kokot, that was stopped on Leland Avenue at or near the stop sign on the southwest corner of Leland Avenue and Winthrop Avenue.

16. On June 9, 2022, at the aforesaid location, Kate E. Snow rode her bike through an open space on Leland Avenue between the stopped Mondelez tractor-trailer truck and the illegally parked Commonwealth Edison Company utility truck.

17. On June 9, 2022, at the aforesaid location, as Kate E. Snow rode eastbound on Leland Avenue, the Mondelez tractor-trailer truck was operated and driven in such a manner as to cause contact between Kate E. Snow's bike and both the Mondelez tractor-trailer truck and the illegally parked Commonwealth Edison Company utility truck, causing Kate E. Snow, Elizabeth G. "Lily" Shambrook, and their bicycle to fall to the ground.

18. On June 9, 2022, at the aforesaid location, after Kate E. Snow and Elizabeth G. "Lily" Shambrook were knocked to the ground, the rear tires of the Mondelez tractor-trailer truck drove over the head and body of Elizabeth G. "Lily" Shambrook, resulting in severe personal injuries and her death.

19. On June 9, 2022, and at all times mentioned herein, Defendant Commonwealth Edison Company was acting individually, as well as through its duly authorized employees and agents, when Defendant Commonwealth Edison Company illegally parked its utility truck in a location that blocked and prevented bicycle traffic in a designated bike lane for eastbound Leland Avenue near its intersection with Winthrop Avenue in Chicago, Cook County, Illinois.

20. On and before June 9, 2022, and at all times mentioned herein, Defendant

Commonwealth individually, and through its duly authorized employees, and agents, had a duty to exercise ordinary care for the safety of others, including Kate E. Snow and Elizabeth G. “Lily” Shambrook.

21. On and before June 9, 2022, and at all times mentioned herein, Defendant Commonwealth Edison Company, individually and through its duly authorized employees and agents, was negligent in one or more of the following respects:

a.) parked its truck in an unsafe and improper location within 30 feet of a stop sign in violation of 625 ILCS 5/11-1303;

b.) parked its truck in an unsafe and improper manner so as to be protruding an unauthorized distance from the curb on the south side of Leland Avenue in violation of 625 ILCS 5/11-1304;

c.) parked and positioned its truck in a designated and marked bike lane in violation of the Chicago Municipal Code, Section 9-40-060;

d.) parked and positioned its truck in a designated and marked bike lane so as to prevent bicyclists from riding in the designated bike lane as Kate E. Snow was entitled to do;

e.) parked and positioned its truck in the bike lane on Leland Avenue so as to block bicycle traffic through the bike lane and forcing Kate Snow to ride her bike with vehicular traffic;

f.) parked and positioned its truck in the designated bike lane on Leland Avenue when Commonwealth Edison Company knew or should have known that doing so created a risk of injury to bicyclists forced to depart from the designated bike lane;

g.) parked and positioned its truck in a designated bike lane and in so doing affirmatively ignored and violated the posted bike lane sign on the southside of Leland Avenue immediately adjacent to where Commonwealth Edison Company parked its truck;

h.) parked and positioned its large utility truck so as to utilize an unsafe portion of eastbound Leland Avenue when Defendant knew or should have known that the street was frequently used by large trucks, other vehicles and bicyclists;

i.) failed to utilize any signs, warnings, or otherwise provide information to bicyclists and vehicles that Commonwealth Edison Company’s truck was parked in an unsafe and improper location so as to block use of the designated bike lane by bicyclists;

j.) exhibited a conscience disregard for the safety of bicyclists, including Kate E. Snow, Elizabeth G. “Lily” Shambrook, and Timothy Shambrook, by parking in a designated bike lane and creating a hazard for bicycle travel;

k.) intentionally and knowingly usurped use of the designated bike lane by parking and positioning its utility truck so as to constitute a barricade to eastbound bike traffic in the designated bike lane on Leland Avenue;

l.) was otherwise negligent.

22. As a proximate result of one or more of the aforesaid negligent acts and/or omissions of Defendant Commonwealth Edison Company, individually, and by and through its employees and agents, Elizabeth G. “Lily” Shambrook sustained injuries of a physical and personal nature that resulted in her death on June 9, 2022.

23. Decedent, Elizabeth G. “Lily” Shambrook, a minor, left surviving as her lawful heirs, her father Timothy Shambrook, and her mother Kate E. Snow, both of whom have sustained personal, pecuniary, and emotional loss and damages as a result of the death of their daughter Elizabeth G. “Lily” Shambrook, including but not limited to the loss of society, support, companionship, and affection.

24. Plaintiff Timothy Shambrook has been appointed as Special Administrator of the Estate of Elizabeth G. “Lily” Shambrook, pursuant to Order of the Circuit Court of Cook County, Illinois.

25. Plaintiff Timothy Shambrook, as Special Administrator of the Estate of Elizabeth G. “Lily” Shambrook, a deceased minor, brings this action pursuant to the Illinois Wrongful Death Act, 740 ILCS 108-1 *et seq.*

Wherefore, Plaintiff Timothy Shambrook as Special Administrator of the Estate of Elizabeth G. “Lily” Shambrook, a deceased minor, demands judgment against Defendant Commonwealth Edison Company in an amount in excess of fifty-thousand dollars (\$50,000.00).

COUNT II

WRONGFUL DEATH
MONDELEZ GLOBAL, LLC; MONDELEZ INTERNATIONAL, INC.
(COLLECTIVELY MONDELEZ) AND GENE PAUL KOKOT

1. On and before June 9, 2022, and at all times mentioned herein, Leland Avenue was a public roadway traveling generally in east and west directions through the City of Chicago, County of Cook, State of Illinois.

2. On and before June 9, 2022, and at all times mentioned herein, Winthrop Avenue was a public roadway traveling generally in north and south directions through the City of Chicago, County of Cook, State of Illinois.

3. On and before June 9, 2022, and at all times mentioned herein, Leland Avenue had one lane for Eastbound traffic and one lane for Westbound traffic at or near its intersection with Winthrop Avenue, as well as a parking lane on both sides of the street.

4. On and before June 9, 2022, and at all times mentioned herein, Leland Avenue east of Broadway, and near its intersection with Winthrop Avenue, had a designated bike lane marked on the pavement on the south side of the street specifically intended for use by bicyclists traveling on Leland in an eastbound direction.

5. On and before June 9, 2022, and at all times mentioned herein, a stop sign was located on the southwest corner of Leland Avenue and Winthrop Avenue for the purpose of controlling eastbound traffic on Leland Avenue.

6. On and before June 9, 2022, and at all times mentioned herein, a bike lane sign was located on Leland Avenue immediately west of the aforementioned stop sign on the southwest corner of Leland Avenue and Winthrop Avenue.

7. On or before June 9, 2022, and at all times mentioned herein, Defendant Mondelez Global, LLC, was a duly organized corporation doing business in and maintaining offices and

facilities throughout Chicago and Cook County, Illinois, including at 905 West Fulton Market, Chicago, Illinois.

8. On or before June 9, 2022, and at all times mentioned herein, Defendant Mondelez International, Inc., was a duly organized corporation doing business in and maintaining offices and facilities in and throughout Chicago and Cook County, Illinois, including at 905 West Fulton Market, Chicago, Illinois.

9. On and before June 9, 2022, and at all times mentioned herein, Defendant Gene Paul Kokot was a duly authorized employee and agent of Mondelez Global, LLC, and Mondelez International, Inc., (hereinafter collectively Mondelez) and was acting in the course and scope of his employment and agency.

10. On and before June 9, 2022, and at all times mentioned herein, Defendant Mondelez owned, operated, managed, controlled, and maintained a tractor-trailer truck bearing Illinois license plate 538884ST and VIN Number 1GRAA8022FB709856.

11. On and before June 9, 2022, and at all times mentioned herein, Defendant Commonwealth Edison Company was a duly organized corporation formed under the laws of the state of Illinois and doing business in and maintaining offices and facilities in and throughout Chicago and Cook County, Illinois.

12. On and before June 9, 2022, and at all times mentioned herein, Defendant Commonwealth Edison Company owned, operated, controlled, and maintained a utility truck bearing Illinois license plate FP99937 and which was identified on the door of the truck as a Commonwealth Edison Company vehicle operating under USDOT 408430, and also bearing the numbers 850026 on the hood of said truck.

13. On June 9, 2022, Defendant Commonwealth Edison Company parked and stopped its aforesaid utility truck in the bike lane on eastbound Leland Avenue at a location immediately

west of the stop sign on the southwest corner of Leland Avenue and Winthrop Avenue.

14. On and before June 9, 2022, and at all times mentioned herein, Kate E. Snow and Timothy Shambrook were the mother and father of three-year-old Elizabeth G. “Lily” Shambrook.

15. On June 9, 2022, at approximately 8:16 a.m., Kate E. Snow was riding her bike in an eastbound direction in the bike lane on Leland Avenue with her daughter Elizabeth G. “Lily” Shambrook seated behind her in a child carrier seat.

16. On June 9, 2022, at the aforesaid location, as Kate E. Snow and Elizabeth G. “Lily” Shambrook were riding on their bicycle, Timothy Shambrook, husband of Kate E. Snow and father of Elizabeth G. “Lily” Shambrook, was following behind them on his bicycle.

17. On June 9, 2022, as Kate E. Snow and Elizabeth G. “Lily” Shambrook were riding eastbound in the designated bike lane on Leland Avenue, they encountered the aforesaid Commonwealth Edison Company truck parked in the bike lane so as to prevent Kate E. Snow from continuing to ride in the designated bike lane.

18. On June 9, 2022, at the aforesaid location, as a result of Commonwealth Edison Company’s utility truck blocking the path of the designated bike lane on eastbound Leland Avenue, Defendant Commonwealth Edison Company caused Kate E. Snow to ride her bicycle into the eastbound vehicle traffic lane.

19. On June 9, 2022, as Kate E. Snow traveled eastbound in the traffic lane, she encountered a semi-tractor trailer truck owned, operated, managed, and maintained by Mondelez Global, LLC and Mondelez International, Inc., and driven by their employee and agent, Gene Paul Kokot, that was stopped on Leland Avenue at or near the stop sign on the southwest corner of Leland Avenue and Winthrop Avenue.

20. On June 9, 2022, at the aforesaid location, Kate E. Snow rode her bike through an open space on Leland Avenue between the stopped Mondelez tractor-trailer truck and the illegally

parked Commonwealth Edison Company utility truck.

21. On June 9, 2022, at the aforesaid location, as Kate E. Snow rode eastbound on Leland Avenue, the Mondelez tractor-trailer truck was operated and driven by Defendant Kokot, an employee and agent of Defendant Mondelez, in such a manner as to cause contact between Kate E. Snow's bike and both the Mondelez tractor-trailer truck and the illegally parked Commonwealth Edison Company utility truck, causing Kate E. Snow, Elizabeth G. "Lily" Shambrook, and their bicycle to fall to the ground.

22. On June 9, 2022, at the aforesaid location, after Kate E. Snow and Elizabeth G. "Lily" Shambrook were knocked to the ground, the rear tires of the Mondelez tractor-trailer truck drove over the head and body of Elizabeth G. "Lily" Shambrook, resulting in severe personal injuries and her death.

23. On and before June 9, 2022, and at all times mentioned herein, Defendant Kokot was a duly authorized employee and agent of Defendant Mondelez and was acting in the course and scope of said employment.

24. On and before June 9, 2022, and at all times mentioned herein, Defendants Kokot and Mondelez individually, and through their duly authorized employees, and agents, had a duty to exercise ordinary care for the safety of others, including Kate E. Snow and Elizabeth G. "Lily" Shambrook.

25. On and before June 9, 2022, and at all times mentioned herein, Defendants Kokot and Mondelez, individually and through their duly authorized employees and agents, were negligent in one or more of the following respects:

- a.) Negligently operated, managed, maintained and controlled their tractor-trailer truck;
- b.) Operated their tractor-trailer truck without keeping a proper and sufficient lookout;

c.) Operated their tractor-trailer truck with a willful or wanton disregard for the safety of persons or property, in violation of Illinois Compiled Statutes, 1992, Chapter 625, Act 5, Section 11-503;

d.) Proceeded at a speed which was greater than reasonable and proper with regard to traffic conditions and the use of the highway, or which endangered the safety of persons or property, in violation of Illinois Compiled Statutes, 1992, Chapter 625, Act 5, Section 11-601;

e.) Failed to decrease speed so as to avoid colliding with persons and bicyclists in violation of Illinois Compiled Statutes, 1992, Chapter 625, Act 5, Section 11-601;

f.) Failed to drive as nearly as practicable entirely within a single lane or moved from a lane of traffic without first ascertaining that such movement could be made with safety, in violation of Illinois Compiled Statutes, 1992, Chapter 625, Act 5, Section 11-709;

g.) After stopping their tractor-trailer truck in the roadway, defendants began driving their vehicle without making sure it was safe to do so;

h.) After stopping their tractor-trailer truck in the roadway, defendants began moving their vehicle without checking their mirrors or otherwise looking for the presence of persons, vehicles or bicyclists;

i.) After stopping their tractor-trailer truck in the roadway, defendants began moving their vehicle without checking their mirrors or otherwise looking for the presence of persons or bicyclists when they knew or should have known they had just passed two bicyclists riding in the eastbound bike lane on Leland Avenue;

j.) After stopping their tractor-trailer truck in the roadway, defendants began moving their vehicle without checking their mirrors or otherwise looking for the location of the two bicyclists they had just passed when they knew or should have known the Commonwealth Edison Company truck was obstructing the bike lane and the bicyclists would have to be riding in the traffic lane;

k.) Drove their tractor-trailer truck in an unsafe manner and without maintaining a lookout for bicyclists when defendants knew or should have known their truck was traveling immediately adjacent to a marked and designated bike lane in which two bicyclists were riding;

l.) After stopping their tractor-trailer truck in the roadway, defendants began moving their vehicle forward on an angle so as to reduce the space between the Mondelez tractor-trailer truck and the illegally parked Commonwealth Edison utility truck through which Kate E. Snow and Elizabeth Grace "Lily" Shambrook were riding their bicycle;

m.) After making contact with Kate Snow's bicycle, defendants continued driving forward and dragging Elizabeth Grace "Lily" Shambrook with their truck's rear wheels when defendants knew or should have known a collision had occurred and their truck needed to be stopped immediately;

n.) were otherwise negligent.

26. As a proximate result of one or more of the aforesaid negligent acts and/or omissions of Defendants Kokot and Mondelez, individually, and by and through their employees and agents, Elizabeth G. “Lily” Shambrook sustained injuries of a physical and personal nature that resulted in her death on June 9, 2022.

27. Decedent, Elizabeth G. “Lily” Shambrook, a minor, left surviving as her lawful heirs, her father Timothy Shambrook, and her mother Kate E. Snow, both of whom have sustained personal, pecuniary, and emotional loss and damages as a result of the death of their daughter, Elizabeth G. “Lily” Shambrook, including but not limited to the loss of society, support, companionship, and affection.

28. Plaintiff Timothy Shambrook has been appointed as Special Administrator of the Estate of Elizabeth G. “Lily” Shambrook, pursuant to Order of the Circuit Court of Cook County, Illinois.

29. Plaintiff Timothy Shambrook as Special Administrator of the Estate of Elizabeth G. “Lily” Shambrook, a deceased minor, brings this action pursuant to the wrongful death act, 740 ILCS 108-1 *et seq.*

Wherefore Plaintiff Timothy Shambrook as Special Administrator of the Estate of Elizabeth G. “Lily” Shambrook, a deceased minor, demands judgment against Defendants Mondelez Global, LLC, Mondelez International, Inc., and Gene Paul Kokot, and each of them, in an amount in excess of fifty-thousand dollars (\$50,000.00).

COUNT III

WRONGFUL DEATH

PENSKE TRUCK LEASING CORPORATION, PENSKE TRUCK LEASING AND RENTAL COMPANY, PENSKE TRANSPORTATION SERVICES, INC., PENSKE TRUCK LEASING CO., L.P. (COLLECTIVELY PENSKE) AND GENE PAUL KOKOT

1. On and before June 9, 2022, and at all times mentioned herein, Leland Avenue was a public roadway traveling generally in east and west directions through the City of Chicago, County of Cook, State of Illinois.

2. On and before June 9, 2022, and at all times mentioned herein, Winthrop Avenue was a public roadway traveling generally in north and south directions through the City of Chicago, County of Cook, State of Illinois.

3. On and before June 9, 2022, and at all times mentioned herein, Leland Avenue had one lane for Eastbound traffic and one lane for Westbound traffic at or near its intersection with Winthrop Avenue, as well as a parking lane on both sides of the street.

4. On and before June 9, 2022, and at all times mentioned herein, Leland Avenue east of Broadway, and near its intersection with Winthrop Avenue, had a designated bike lane marked on the pavement on the south side of the street specifically intended for use by bicyclists traveling on Leland in an eastbound direction.

5. On and before June 9, 2022, and at all times mentioned herein, a stop sign was located on the southwest corner of Leland Avenue and Winthrop Avenue for the purpose of controlling eastbound traffic on Leland Avenue.

6. On and before June 9, 2022, and at all times mentioned herein, a bike lane sign was located on Leland Avenue immediately west of the aforementioned stop sign on the southwest corner of Leland Avenue and Winthrop Avenue.

7. On or before June 9, 2022, and at all times mentioned herein, Defendant Penske

Truck Leasing Co., L.P., was a duly organized corporation doing business in and maintaining offices and facilities throughout Chicago and Cook County, Illinois.

8. On or before June 9, 2022, and at all times mentioned herein, Defendant Penske Truck Leasing and Rental Company, was a duly organized corporation doing business in and maintaining offices and facilities throughout Chicago and Cook County, Illinois.

9. On or before June 9, 2022, and at all times mentioned herein, Defendant Penske Transportation Services, Inc., was a duly organized corporation doing business in and maintaining offices and facilities throughout Chicago and Cook County, Illinois.

10. On or before June 9, 2022, and at all times mentioned herein, Defendant Penske Truck Leasing Corporation, was a duly organized corporation doing business in and maintaining offices and facilities in and throughout Chicago and Cook County, Illinois.

11. On and before June 9, 2022, and at times mentioned herein, Defendant Gene Paul Kokot was a duly authorized employee and agent of Penske Truck Leasing Corporation, Penske Truck Leasing and Rental Company, Penske Transportation Services, Inc., and Penske Truck Leasing Co., L.P., (hereinafter collectively Penske) and was acting in the course and scope of his employment and agency.

12. On and before June 9, 2022, and at all times mentioned herein, Defendant Penske owned, operated, managed, controlled, and maintained a tractor-trailer truck bearing Illinois license plate 538884ST and VIN Number 1GRAA8022FB709856.

13. On or before June 9, 2022, and at all times mentioned herein, Defendant Commonwealth Edison Company was a duly organized corporation formed under the laws of the state of Illinois and doing business in and maintaining offices and facilities in and throughout Chicago and Cook County, Illinois.

14. On and before June 9, 2022, and at all times mentioned herein, Defendant

Commonwealth Edison Company owned, operated, controlled, and maintained a utility truck bearing Illinois license plate FP99937 and which was identified on the door of the truck as a Commonwealth Edison Company vehicle operating under USDOT 408430, and also bearing the numbers 850026 on the hood of said truck.

15. On June 9, 2022, Defendant Commonwealth Edison Company parked and stopped its aforesaid utility truck in the bike lane on eastbound Leland Avenue at a location immediately west of the stop sign on the southwest corner of Leland Avenue and Winthrop Avenue.

16. On and before June 9, 2022, and at all times mentioned herein, Kate E. Snow and Timothy Shambrook were the mother and father of three-year-old Elizabeth G. “Lily” Shambrook.

17. On June 9, 2022, at approximately 8:16 a.m., Kate E. Snow was riding her bike in an eastbound direction in the bike lane on Leland Avenue with her daughter Elizabeth G. “Lily” Shambrook seated behind her in a child carrier seat.

18. On June 9, 2022, at the aforesaid location, as Kate E. Snow and Elizabeth G. “Lily” Shambrook were riding on their bicycle, Timothy Shambrook, husband of Kate E. Snow and father of Elizabeth G. “Lily” Shambrook, was following behind them on his bicycle.

19. On June 9, 2022, as Kate E. Snow and Elizabeth G. “Lily” Shambrook were riding eastbound in the designated bike lane on Leland Avenue, they encountered the aforesaid Commonwealth Edison Company truck parked in the bike lane so as to prevent Kate E. Snow from continuing to ride in the designated bike lane.

20. On June 9, 2022, at the aforesaid location, as a result of Commonwealth Edison Company’s utility truck blocking the path of the designated bike lane on eastbound Leland Avenue, Defendant Commonwealth Edison Company caused Kate E. Snow to ride her bicycle into the eastbound vehicle traffic lane.

21. On June 9, 2022, as Kate E. Snow traveled eastbound in the traffic lane, she

encountered a semi-tractor trailer truck owned, operated, managed, and maintained by Defendant Penske, and driven by their employee and agent, Gene Paul Kokot, which vehicle was stopped on Leland Avenue at or near the stop sign on the southwest corner of Leland Avenue and Winthrop Avenue.

22. On June 9, 2022, at the aforesaid location, Kate E. Snow rode her bike through an open space on Leland Avenue between the stopped Penske tractor-trailer truck and the illegally parked Commonwealth Edison Company utility truck.

23. On June 9, 2022, at the aforesaid location, as Kate E. Snow rode eastbound on Leland Avenue, the Penske tractor-trailer truck was operated and driven by Defendant Kokot, an employee and agent of Defendant Penske, in such a manner as to cause contact between Kate E. Snow's bike and both the Penske tractor-trailer truck and the illegally parked Commonwealth Edison Company utility truck, causing Kate E. Snow, Elizabeth G. "Lily" Shambrook, and their bicycle to fall to the ground.

24. On June 9, 2022, at the aforesaid location, after Kate E. Snow and Elizabeth G. "Lily" Shambrook were knocked to the ground, the rear tires of the Penske tractor-trailer truck drove over the head and body of Elizabeth G. "Lily" Shambrook, resulting in severe personal injuries and her death.

25. On and before June 9, 2022, and at all times mentioned herein, Defendant Kokot was a duly authorized employee and agent of Defendant Penske and was acting in the course and scope of said employment.

26. On and before June 9, 2022, and at all times mentioned herein, Defendants Kokot and Penske individually, and through their duly authorized employees, and agents, had a duty to exercise ordinary care for the safety of others, including Kate E. Snow and Elizabeth G. "Lily" Shambrook.

27. On and before June 9, 2022, and at all times mentioned herein, Defendants Kokot and Penske, individually and through their duly authorized employees and agents, were negligent in one or more of the following respects:

- a.) Negligently operated, managed, maintained and controlled their tractor-trailer truck;
- b.) Operated their tractor-trailer truck without keeping a proper and sufficient lookout;
- c.) Operated their tractor-trailer truck with a willful or wanton disregard for the safety of persons or property, in violation of Illinois Compiled Statutes, 1992, Chapter 625, Act 5, Section 11-503;
- d.) Proceeded at a speed which was greater than reasonable and proper with regard to traffic conditions and the use of the highway, or which endangered the safety of persons or property, in violation of Illinois Compiled Statutes, 1992, Chapter 625, Act 5, Section 11-601;
- e.) Failed to decrease speed so as to avoid colliding with persons and bicyclists in violation of Illinois Compiled Statutes, 1992, Chapter 625, Act 5, Section 11-601;
- f.) Failed to drive as nearly as practicable entirely within a single lane or moved from a lane of traffic without first ascertaining that such movement could be made with safety, in violation of Illinois Compiled Statutes, 1992, Chapter 625, Act 5, Section 11-709;
- g.) After stopping their tractor-trailer truck in the roadway, defendants began driving their vehicle without making sure it was safe to do so;
- h.) After stopping their tractor-trailer truck in the roadway, defendants began moving their vehicle without checking their mirrors or otherwise looking for the presence of persons, vehicles or bicyclists;
- i.) After stopping their tractor-trailer truck in the roadway, defendants began moving their vehicle without checking their mirrors or otherwise looking for the presence of persons or bicyclists when they knew or should have known they had just passed two bicyclists riding in the east bound bike lane on Leland;
- j.) After stopping their tractor-trailer truck in the roadway, defendants began moving their vehicle without checking their mirrors or otherwise looking for the location of the two bicyclists they had just passed when they knew or should have known the Commonwealth Edison Company truck was obstructing the bike lane and the bicyclists would have to be riding in the traffic lane.
- k.) Drove their tractor-trailer truck in an unsafe manner and without maintaining a lookout for bicyclists when defendants knew or should have known their truck was traveling immediately adjacent to a marked and designated bike lane in which two bicyclists were riding;

l.) After stopping their tractor-trailer truck in the roadway, defendants began moving their vehicle forward on an angle so as to reduce the space between the Penske tractor-trailer truck and the illegally parked Commonwealth Edison utility truck through which Kate E. Snow and Elizabeth Grace “Lily” Shambrook were riding their bicycle;

m.) After making contact with Kate Snow’s bicycle, defendants continued driving forward and dragging Elizabeth Grace “Lily” Shambrook with their truck’s rear wheels when defendants knew or should have known a collision had occurred and their truck needed to be stopped immediately;

n.) were otherwise negligent.

28. As a proximate result of one or more of the aforesaid negligent acts and/or omissions of Defendants Kokot and Penske, individually, and by and through their employees and agents, Elizabeth G. “Lily” Shambrook sustained injuries of a physical and personal nature that resulted in her death on June 9, 2022.

29. Decedent, Elizabeth G. “Lily” Shambrook, a minor, left surviving as her lawful heirs, her father Timothy Shambrook, and her mother Kate E. Snow, both of whom have sustained personal, pecuniary, and emotional loss and damages as a result of the death of their daughter, Elizabeth G. “Lily” Shambrook, including but not limited to the loss of society, support, companionship, and affection.

30. Plaintiff Timothy Shambrook has been appointed as Special Administrator of the Estate of Elizabeth G. “Lily” Shambrook, pursuant to Order of the Circuit Court of Cook County, Illinois.

31. Plaintiff Timothy Shambrook as Special Administrator of the Estate of Elizabeth G. “Lily” Shambrook, a deceased minor, brings this action pursuant to the wrongful death act, 740 ILCS 108-1 *et seq.*

Wherefore Plaintiff Timothy Shambrook as Special Administrator of the Estate of Elizabeth G. “Lily” Shambrook, a deceased minor, demands judgment against Defendants Penske

Truck Leasing Corporation, Penske Truck Leasing and Rental Company, Penske Transportation Services, Inc., Penske Truck Leasing Co., L.P., and Gene Paul Kokot, and each of them, in an amount in excess of fifty-thousand dollars (\$50,000.00).

COUNT IV

WRONGFUL DEATH-NEGLIGENCE
CITY OF CHICAGO

1. On and before June 9, 2022, and at all times mentioned herein, Defendant City of Chicago was and is a duly incorporated municipality under the laws of the State of Illinois.

2. On and before June 9, 2022, and at all times mentioned herein, Defendant City of Chicago maintained offices and conducted its business in and throughout Chicago, Cook County Illinois.

3. On and before June 9, 2022, and at all times mentioned herein, Leland Avenue was a public roadway traveling generally in east and west directions through the City of Chicago, County of Cook, State of Illinois.

4. On and before June 9, 2022, and at all times mentioned herein, Winthrop Avenue was a public roadway traveling generally in north and south directions through the City of Chicago, County of Cook, State of Illinois.

5. On and before June 9, 2022, and at all times mentioned herein, Leland Avenue had one lane for Eastbound traffic and one lane for Westbound traffic at or near its intersection with Winthrop Avenue, as well as a parking lane on both sides of the street.

6. On and before June 9, 2022, and at all times mentioned herein, Leland Avenue east of Broadway, and near its intersection with Winthrop Avenue, had a designated bike lane marked on the pavement on the south side of the street specifically intended for use by bicyclists traveling on Leland in an eastbound direction.

7. On and before June 9, 2022, and at all times mentioned herein, the aforesaid bike lane on the south side of Leland Avenue had been authorized, approved, designed, constructed and built by Defendant City of Chicago.

8. On and before June 9, 2022, and at all times mentioned herein, the aforesaid bike lane on the south side of Leland Avenue was owned, operated, managed, maintained and controlled by Defendant City of Chicago

9. On and before June 9, 2022, and at all times mentioned herein, a stop sign was located on the southwest corner of Leland Avenue and Winthrop Avenue for the purpose of controlling eastbound traffic on Leland Avenue.

10. On and before June 9, 2022, and at all times mentioned herein, a bike lane sign was located on Leland Avenue immediately west of the aforementioned stop sign on the southwest corner of Leland Avenue and Winthrop Avenue.

11. On and before June 9, 2022, and at all times mentioned herein, Defendant Commonwealth Edison Company was a duly organized corporation formed under the laws of the state of Illinois and doing business in and maintaining offices and facilities throughout Chicago and Cook County, Illinois.

12. On and before June 9, 2022, and at all times mentioned herein, Defendant City of Chicago regularly issued work permits to Defendant Commonwealth Edison Company that authorized and permitted them to use portions of public roadways and public space for conducting work, staging vehicles, and storing of equipment.

13. On and before June 9, 2022 Defendant City of Chicago issued a permit to Defendant Commonwealth Edison Company allowing them to occupy parts of the public roadway on Winthrop Avenue, and adjacent parkway and sidewalk areas at or near the intersection of Winthrop Avenue and Leland Avenue for the purpose of parking trucks and vehicles, and for storing

equipment.

14. On and before June 9, 2022, and at all times mentioned herein, Defendant Commonwealth Edison Company owned, operated, managed, controlled, and maintained a utility truck bearing Illinois license plate FP99937 and which was identified on the door of the truck as a Commonwealth Edison Company vehicle operating under USDOT 408430, and also bearing the numbers 850026 on the hood of said truck.

15. On June 9, 2022, Defendant Commonwealth Edison Company parked and stopped its aforesaid utility truck in the bike lane on eastbound Leland Avenue at a location immediately west of the stop sign on the southwest corner of Leland Avenue and Winthrop Avenue.

16. On and before June 9, 2022, and at all times mentioned herein, Kate E. Snow and Timothy Shambrook were the mother and father of three-year-old Elizabeth G. “Lily” Shambrook.

17. On June 9, 2022, at approximately 8:16 a.m., Kate E. Snow was riding her bike in an eastbound direction in the bike lane on Leland Avenue with her daughter Elizabeth G. “Lily” Shambrook seated behind her in a child carrier seat.

18. On June 9, 2022, at the aforesaid location, as Kate E. Snow and Elizabeth G. “Lily” Shambrook were riding on their bicycle, Timothy Shambrook, husband of Kate E. Snow and father of Elizabeth G. “Lily” Shambrook, was following behind them on his bicycle.

19. On June 9, 2022, as Kate E. Snow and Elizabeth G. “Lily” Shambrook were riding eastbound in the designated bike lane on Leland Avenue, they encountered the aforesaid Commonwealth Edison Company truck parked in the bike lane so as to prevent Kate E. Snow from continuing to ride in the designated bike lane.

20. On June 9, 2022, at the aforesaid location, as a result of Commonwealth Edison Company’s utility truck blocking the path of the designated bike lane on eastbound Leland Avenue, Defendant Commonwealth Edison Company caused Kate E. Snow to ride her bicycle into

the eastbound vehicle traffic lane.

21. On June 9, 2022, as Kate E. Snow traveled eastbound in the traffic lane, she encountered a semi-tractor trailer truck owned, operated, managed, and maintained by Mondelez Global, LLC and Mondelez International, Inc., (Mondelez) and driven by their employee and agent, Gene Paul Kokot, which vehicle was stopped on Leland Avenue at or near the stop sign on the southwest corner of Leland Avenue and Winthrop Avenue.

22. On June 9, 2022, at the aforesaid location, Kate E. Snow rode her bike through an open space on Leland Avenue between the stopped Mondelez tractor-trailer truck and the illegally parked Commonwealth Edison Company utility truck.

23. On June 9, 2022, at the aforesaid location, as Kate E. Snow rode eastbound on Leland Avenue, the Mondelez tractor-trailer truck was operated and driven in such a manner as to cause contact between Kate E. Snow's bike and both the Mondelez tractor-trailer truck and the illegally parked Commonwealth Edison Company utility truck, causing Kate E. Snow, Elizabeth G. "Lily" Shambrook, and their bicycle to fall to the ground.

24. On June 9, 2022, at the aforesaid location, after Kate E. Snow and Elizabeth G. "Lily" Shambrook were knocked to the ground, the rear tires of the Mondelez tractor-trailer truck drove over the head and body of Elizabeth G. "Lily" Shambrook, resulting in severe personal injuries and her death.

25. On and before June 9, 2022, and at all times mentioned herein, Defendant City of Chicago, individually, and through its duly authorized employees, and agents, had a duty to exercise ordinary care for the safety of others, including Kate E. Snow and Elizabeth G. "Lily" Shambrook.

26. On and before June 9, 2022, and at all times mentioned herein, Defendant City of Chicago, individually and through its duly authorized employees and agents, was negligent in one

or more of the following respects:

a.) issued a permit allowing Defendant Commonwealth Edison Company to park vehicles and trucks, and store equipment, in public spaces at and around Leland Avenue and Winthrop Avenue without evaluating and determining the impact on traffic flow in the primarily residential neighborhood;

b.) failed to make any determination of the amount and size of equipment, trucks, trailers and other materials Commonwealth Edison Company intended to park and store in and around the area of Leland Avenue and Winthrop Avenue before authorizing Commonwealth Edison Company to use portions of public roadways and public space for their own use;

c.) failed to place any limits or restrictions on the amount and number of trucks, trailers, equipment and other materials that could be parked, staged, or stored by Commonwealth Edison Company in and around the area of Leland Avenue and Winthrop Avenue, including in the eastbound bike lane on Leland Avenue;

d.) failed to properly monitor Commonwealth Edison Company's parking, staging, storage and placement of trucks, trailers and equipment at or near the area of Leland Avenue and Winthrop Avenue, including in the eastbound bike lane on Leland Avenue, so as to prevent unsafe conditions for bicyclists;

e.) allowed and permitted Defendant Commonwealth Edison Company to park its truck in an unsafe and improper location within 30 feet of a stop sign in violation of 625 ILCS 5/11-1303;

f.) allowed and permitted Defendant Commonwealth Edison Company to park its truck in an unsafe and improper manner so as to be protruding an unauthorized distance from the curb on the south side of Leland Avenue in violation of 625 ILCS 5/11-1304;

g.) allowed and permitted Defendant Commonwealth Edison Company to park and stage its truck in a designated and marked bike lane in violation of the Chicago Municipal Code, Section 9-40-060;

h.) allowed and permitted Defendant Commonwealth Edison Company to park and stage its truck in a designated and marked bike lane so as to prevent bicyclists from riding in the designated bike lane as Kate E. Snow was entitled to do;

i.) allowed and permitted Defendant Commonwealth Edison Company to park and stage its truck in the bike lane on Leland Avenue so as to block bicycle traffic through the bike lane and caused Kate Snow to have to ride her bike with vehicular traffic;

j.) allowed and permitted Defendant Commonwealth Edison Company to park and stage its truck in the designated bike lane on Leland Avenue when Defendant City of Chicago knew or should have known that doing so created a risk of injury to bicyclists forced to depart from the designated bike lane;

k.) allowed and permitted Defendant Commonwealth Edison Company to park and stage its truck in a designated bike lane and in violation of the posted bike lane sign on the southside of Leland Avenue immediately adjacent to where Commonwealth Edison Company parked its truck;

l.) allowed and permitted Defendant Commonwealth Edison Company to park and stage its large utility truck in an unlawful location on eastbound Leland Avenue when Defendant City of Chicago knew or should have known that the street was frequently used by large trucks, other vehicles and bicyclists;

m.) allowed and permitted Defendant Commonwealth Edison Company to park and stage its large utility truck without utilizing any signs, warnings, or otherwise providing information to bicyclists and vehicles that Commonwealth Edison Company's truck was parked in an unsafe and improper location so as to block use of the designated bike lane by bicyclists;

n.) allowed and permitted Defendant Commonwealth Edison Company to usurp use of the designated bike lane by permitting Commonwealth Edison Company to park and stage its utility truck so as to constitute a barricade to eastbound bike traffic in the designated bike lane on Leland Avenue;

o.) failed to prohibit large trucks, tractor-trailer trucks and other construction vehicles from driving eastbound on Leland Avenue at or near Winthrop Avenue when Defendant City of Chicago knew such vehicles would have to travel immediately next to an unbarricaded bike lane used by bicyclists;

p.) failed to monitor and evaluate the hazardous conditions created for bicyclists in the eastbound Leland Avenue bike lane as a result of the use of Leland Avenue by large trucks, tractor-trailer trucks and other construction vehicles;

q.) failed to provide physical demarcations to separate vehicular traffic from bicyclists using the bike lane;

r.) failed to provide bollards, stanchions, medians, cones, raised curbs or other physical barriers to prevent vehicles from parking or driving in the bike lane;

s.) failed to provide proper notice, warnings and signage to inform motorists of the presence of a bike lane and bicyclists;

t.) was otherwise negligent.

27. As a proximate result of one or more of the aforesaid negligent acts and/or omissions of Defendant City of Chicago, individually, and by and through its employees and agents, Elizabeth G. "Lily" Shambrook sustained injuries of a physical and personal nature that resulted in her death on June 9, 2022.

28. Decedent, Elizabeth G. “Lily” Shambrook, a minor, left surviving as her lawful heirs, her father Timothy Shambrook, and her mother Kate E. Snow, both of whom have sustained personal, pecuniary, and emotional loss and damages as a result of the death of their daughter Elizabeth G. “Lily” Shambrook, including but not limited to the loss of society, support, companionship, and affection.

29. Plaintiff Timothy Shambrook has been appointed as Special Administrator of the Estate of Elizabeth G. “Lily” Shambrook, pursuant to Order of the Circuit Court of Cook County, Illinois.

30. Plaintiff Timothy Shambrook, as Special Administrator of the Estate of Elizabeth G. “Lily” Shambrook, a deceased minor, brings this action pursuant to the Illinois Wrongful Death Act, 740 ILCS 108-1 et seq.

Wherefore, Plaintiff Timothy Shambrook as Special Administrator of the Estate of Elizabeth G. “Lily” Shambrook, a deceased minor, demands judgment against Defendant City of Chicago in an amount in excess of fifty-thousand dollars (\$50,000.00).

COUNT V

WRONGFUL DEATH
WILLFUL AND WANTON CONDUCT
CITY OF CHICAGO

1. On and before June 9, 2022, and at all times mentioned herein, Defendant City of Chicago was and is a duly incorporated municipality under the laws of the State of Illinois.

2. On and before June 9, 2022, and at all times mentioned herein, Defendant City of Chicago maintained offices and conducted its business in and throughout Chicago, Cook County Illinois.

3. On and before June 9, 2022, and at all times mentioned herein, Leland Avenue was a public roadway traveling generally in east and west directions through the City of Chicago,

County of Cook, State of Illinois.

4. On and before June 9, 2022, and at all times mentioned herein, Winthrop Avenue was a public roadway traveling generally in north and south directions through the City of Chicago, County of Cook, State of Illinois.

5. On and before June 9, 2022, and at all times mentioned herein, Leland Avenue had one lane for Eastbound traffic and one lane for Westbound traffic at or near its intersection with Winthrop Avenue, as well as a parking lane on both sides of the street.

6. On and before June 9, 2022, and at all times mentioned herein, Leland Avenue east of Broadway, and near its intersection with Winthrop Avenue, had a designated bike lane marked on the pavement on the south side of the street specifically intended for use by bicyclists traveling on Leland in an eastbound direction.

7. On and before June 9, 2022, and at all times mentioned herein, the aforesaid bike lane on the south side of Leland Avenue had been authorized, approved, designed, constructed and built by Defendant City of Chicago.

8. On and before June 9, 2022, and at all times mentioned herein, the aforesaid bike lane on the south side of Leland Avenue was owned, operated, managed, maintained and controlled by Defendant City of Chicago

9. On and before June 9, 2022, and at all times mentioned herein, a stop sign was located on the southwest corner of Leland Avenue and Winthrop Avenue for the purpose of controlling eastbound traffic on Leland Avenue.

10. On and before June 9, 2022, and at all times mentioned herein, a bike lane sign was located on Leland Avenue immediately west of the aforementioned stop sign on the southwest corner of Leland Avenue and Winthrop Avenue.

11. On and before June 9, 2022, and at all times mentioned herein, Defendant

Commonwealth Edison Company was a duly organized corporation formed under the laws of the state of Illinois and doing business in and maintaining offices and facilities throughout Chicago, and Cook County, Illinois.

12. On and before June 9, 2022, and at all times mentioned herein, Defendant City of Chicago regularly issued work permits to Defendant Commonwealth Edison Company that authorized and permitted them to use portions of public roadways and public space for conducting work, staging vehicles and storing of equipment.

13. On and before June 9, 2022, Defendant City of Chicago issued a permit to Defendant Commonwealth Edison Company allowing them to occupy parts of the public roadway on Winthrop Avenue, and adjacent parkway and sidewalk areas at or near the intersection of Winthrop Avenue and Leland Avenue for the purpose of parking trucks and vehicles, and for storing equipment.

14. On and before June 9, 2022, and at all times mentioned herein, Defendant Commonwealth Edison Company owned, operated, managed, controlled, and maintained a utility truck bearing Illinois license plate FP99937 and which was identified on the door of the truck as a Commonwealth Edison Company vehicle operating under USDOT 408430, and also bearing the numbers 850026 on the hood of said truck.

15. On June 9, 2022, Defendant Commonwealth Edison Company parked and stopped its aforesaid utility truck in the bike lane on eastbound Leland Avenue at a location immediately west of the stop sign on the southwest corner of Leland Avenue and Winthrop Avenue.

16. On and before June 9, 2022, and at all times mentioned herein, Kate E. Snow and Timothy Shambrook were the mother and father of three-year-old Elizabeth G. “Lily” Shambrook.

17. On June 9, 2022, at approximately 8:16 a.m., Kate E. Snow was riding her bike in an eastbound direction in the bike lane on Leland Avenue with her daughter Elizabeth G. “Lily”

Shambrook seated behind her in a child carrier seat.

18. On June 9, 2022, at the aforesaid location, as Kate E. Snow and Elizabeth G. “Lily” Shambrook were riding on their bicycle, Timothy Shambrook, husband of Kate E. Snow and father of Elizabeth G. “Lily” Shambrook, was following behind them on his bicycle.

19. On June 9, 2022, as Kate E. Snow and Elizabeth G. “Lily” Shambrook were riding eastbound in the designated bike lane on Leland Avenue, they encountered the aforesaid Commonwealth Edison Company truck parked in the bike lane so as to prevent Kate E. Snow from continuing to ride in the designated bike lane.

20. On June 9, 2022, at the aforesaid location, as a result of Commonwealth Edison Company’s utility truck blocking the path of the designated bike lane on eastbound Leland Avenue, Defendant Commonwealth Edison Company caused Kate E. Snow to ride her bicycle into the eastbound vehicle traffic lane.

21. On June 9, 2022, as Kate E. Snow traveled eastbound in the traffic lane, she encountered a semi-tractor trailer truck owned, operated, managed, and maintained by Mondelez Global, LLC and Mondelez International, Inc., (Mondelez) and driven by their employee and agent, Gene Paul Kokot, that was stopped on Leland Avenue at or near the stop sign on the southwest corner of Leland Avenue and Winthrop Avenue.

22. On June 9, 2022, at the aforesaid location, Kate E. Snow rode her bike through an open space on Leland Avenue between the stopped Mondelez tractor-trailer truck and the illegally parked Commonwealth Edison Company utility truck.

23. On June 9, 2022, at the aforesaid location, as Kate E. Snow rode eastbound on Leland Avenue, the Mondelez tractor-trailer truck was operated and driven in such a manner as to cause contact between Kate E. Snow’s bike and both the Mondelez tractor-trailer truck and the illegally parked Commonwealth Edison Company utility truck, causing Kate E. Snow, Elizabeth

G. “Lily” Shambrook, and their bicycle to fall to the ground.

24. On June 9, 2022, at the aforesaid location, after Kate E. Snow and Elizabeth G. “Lily” Shambrook were knocked to the ground, the rear tires of the Mondelez tractor-trailer truck drove over the head and body of Elizabeth G. “Lily” Shambrook, resulting in severe personal injuries and her death.

25. On and before June 9, 2022, Defendant City of Chicago designated a part of eastbound Leland Avenue for the exclusive use of bicyclists and had a duty to locate and maintain this bike lane so as not to cause unsafe conditions and a risk of injury for bicyclists.

26. On and before June 9, 2022, Defendant City of Chicago, knew that the location of the eastbound Leland Avenue bike lane, and the absence of any physical demarcations of the bounds of that bike lane, did not prevent vehicles from driving and parking in the bike lane.

27. On or before June 9, 2022, Defendant City of Chicago knew that blockage of the bike lane by a parked vehicle created an unreasonable risk of danger and injury for bicyclists using the bike lane.

28. On or before June 9, 2022, Defendant City of Chicago, knew there was substantial vehicle and truck traffic on Leland Avenue near its intersection with Winthrop Avenue, including increased truck traffic resulting from nearby construction projects.

29. On and before June 9, 2022, and at all times mentioned herein, Defendant City of Chicago knew that a lack of physical barriers to demarcate the eastbound Leland Avenue bike lane created an unreasonable risk of danger and injury for bicyclists using that bike lane.

30. On and before June 9, 2022, and at all times mentioned herein, Defendant City of Chicago, individually and through its duly authorized employees and agents, had a duty to locate and maintain the eastbound Leland Avenue bike lane in a manner and condition that did not cause

danger, hazards, and foreseeable risks of injury to bicyclists using the bike lane.

31. On and before June 9, 2022, and at all times mentioned herein, Defendant City of Chicago, individually and through its duly authorized employees and agents, engaged in willful and wanton conduct that the City of Chicago knew created an unreasonable risk of danger, harm and injury and that showed a conscious disregard for, or an utter indifference to, the safety of Kate E. Snow and Elizabeth G. “Lily” Shambrook, and others, in one or more of the following respects:

a.) issued a permit allowing Defendant Commonwealth Edison Company to park vehicles and trucks, and store equipment in public spaces at and around Leland Avenue and Winthrop Avenue without evaluating and determining the impact on traffic flow in the primarily residential neighborhood in conscious disregard for, or with utter indifference to, the safety of others, including bicyclists using the eastbound Leland Avenue bike lane;

b.) failed to make any determination of the amount and size of equipment, trucks, trailers and other materials Commonwealth Edison Company intended to park and store in and around the area of Leland Avenue and Winthrop Avenue before authorizing Commonwealth Edison Company to use portions of public roadways and public space for their own use in conscious disregard for, or with utter indifference to, the safety of others, including bicyclists using the eastbound Leland Avenue bike lane;

c.) failed to place any limits or restrictions on the amount and number of trucks, trailers, equipment and other materials that could be parked, staged, or stored by Commonwealth Edison Company in and around the area of Leland Avenue and Winthrop Avenue, including in the eastbound bike lane on Leland Avenue, in conscious disregard for, or with utter indifference to, the safety of others, including bicyclists using the eastbound Leland Avenue bike lane;

d.) failed to properly monitor Commonwealth Edison Company’s parking, staging, storage and placement of trucks, trailers and equipment at or near the area of Leland Avenue and Winthrop Avenue, including in the eastbound bike lane on Leland Avenue, so as to prevent unsafe conditions for bicyclists in conscious disregard for, and with utter indifference to, the safety of others;

e.) allowed and permitted Defendant Commonwealth Edison Company to park its truck in an unsafe and improper location within 30 feet of a stop sign in violation of 625 ILCS 5/11-1303 and in conscious disregard for, or with utter indifference to, the safety of others, including bicyclists using the eastbound Leland Avenue bike lane;

f.) allowed and permitted Defendant Commonwealth Edison Company to park its truck in an unsafe and improper manner so as to be protruding an unauthorized distance from the curb on the south side of Leland Avenue in violation of 625 ILCS 5/11-1304 and in conscious disregard for, or with utter indifference to, the safety of others, including bicyclists using the eastbound Leland Avenue bike lane;

g.) allowed and permitted Defendant Commonwealth Edison Company to park and stage its truck in a designated and marked bike lane in violation of the Chicago Municipal Code, Section 9-40-060, in conscious disregard for, or with utter indifference to, the safety of others, including bicyclists using the eastbound Leland Avenue bike lane;

h.) allowed and permitted Defendant Commonwealth Edison Company to park and stage its truck in a designated and marked bike lane so as to prevent bicyclists from riding in the designated bike lane, as Kate E. Snow was entitled to do, in conscious disregard for, and with utter indifference to, the safety of others, including Kate E. Snow and Elizabeth Grace “Lily” Shambrook;

i.) allowed and permitted Defendant Commonwealth Edison Company to park and stage its truck in the bike lane on Leland Avenue so as to block bicycle traffic through the bike lane and cause Kate E. Snow to have to ride her bike with vehicular traffic in conscious disregard for, and with utter indifference to, the safety of others, including Kate E. Snow and Elizabeth Grace “Lily” Shambrook;

j.) allowed and permitted Defendant Commonwealth Edison Company to park and stage its truck in the designated bike lane on Leland Avenue when Defendant City of Chicago knew that doing so created a risk of injury to bicyclists forced to depart from the designated bike lane in conscious disregard for, and with utter indifference to, the safety of Kate E. Snow and Elizabeth Grace “Lily” Shambrook;

k.) allowed and permitted Defendant Commonwealth Edison Company to park and stage its truck in a designated bike lane and in violation of the posted bike lane sign on the southside of Leland Avenue immediately adjacent to where Commonwealth Edison Company parked its truck in conscious disregard for, or with utter indifference to, the safety of others, including bicyclists using the eastbound Leland Avenue bike lane;

l.) allowed and permitted Defendant Commonwealth Edison Company to park and stage its large utility truck in an unlawful location on eastbound Leland Avenue when Defendant City of Chicago knew or should have known that the street was frequently used by large trucks, other vehicles and bicyclists in conscious disregard for, or with utter indifference to, the safety of others, including bicyclists using the eastbound Leland Avenue bike lane;

m.) allowed and permitted Defendant Commonwealth Edison Company to park and stage its large utility truck without utilizing any signs, warnings, or otherwise providing information to bicyclists and vehicles that Commonwealth Edison Company’s truck was parked in an unsafe and improper location so as to block use of the designated bike lane by bicyclists in conscious disregard for, or with utter indifference to, the safety of others, including Kate E. Snow and Elizabeth Grace “Lily” Shambrook;

n.) allowed and permitted Defendant Commonwealth Edison Company to usurp use of the designated bike lane by permitting Commonwealth Edison Company to park and stage its utility truck so as to constitute a barricade to eastbound bike traffic in the designated bike lane on

Leland Avenue in conscious disregard for, or with utter indifference to, the safety of others, including bicyclists using the eastbound Leland Avenue bike lane;

o.) failed to prohibit large trucks, tractor-trailer trucks and other construction vehicles from driving eastbound on Leland Avenue at or near Winthrop Avenue when Defendant City of Chicago knew such vehicles would have to travel immediately next to an unbarricaded bike lane used by bicyclists in conscious disregard for, and in utter indifference to, the safety of others, including Kate E. Snow and Elizabeth Grace “Lily” Shambrook;

p.) failed to monitor and evaluate the hazardous conditions created for bicyclists in the eastbound Leland Avenue bike lane as a result of the use of Leland Avenue by large trucks, tractor-trailer trucks and other construction vehicles in conscious disregard for, and in utter indifference to, the safety of others, including Kate E. Snow and Elizabeth Grace “Lily” Shambrook;

q.) failed to provide physical demarcations to separate vehicular traffic from bicyclists using the bike lane in conscious disregard for, or with utter indifference to, the safety of others, including bicyclists using the eastbound Leland Avenue bike lane;

r.) failed to provide bollards, stanchions, medians, raised curbs or other physical barriers to prevent vehicles from parking or driving in the bike lane in conscious disregard for, or with utter indifference to, the safety of others, including bicyclists using the eastbound Leland Avenue bike lane;

s.) failed to provide proper notice, warnings and signage to inform motorists of the presence of a bike lane and bicyclists in conscious disregard for, or with utter indifference to, the safety of others, including bicyclists using the eastbound Leland Avenue bike lane;

t.) otherwise engaged in willful and wanton conduct.

32. As a proximate result of one or more of the aforesaid willful and wanton acts and/or omissions of Defendant City of Chicago, individually, and by and through its employees and agents, Elizabeth G. “Lily” Shambrook sustained injuries of a physical and personal nature that resulted in her death on June 9, 2022.

Wherefore, Plaintiff Timothy Shambrook as Special Administrator of the Estate of Elizabeth G. “Lily” Shambrook, a deceased minor, demands judgment against Defendant City of Chicago in an amount in excess of fifty-thousand dollars (\$50,000.00).

COUNT VI

KATE E. SNOW, INDIVIDUALLY
COMMONWEALTH EDISON COMPANY

1. On and before June 9, 2022, and at all times mentioned herein, Leland Avenue was a public roadway traveling generally in east and west directions through the City of Chicago, County of Cook, State of Illinois.

2. On and before June 9, 2022, and at all times mentioned herein, Winthrop Avenue was a public roadway traveling generally in north and south directions through the City of Chicago, County of Cook, State of Illinois.

3. On and before June 9, 2022, and at all times mentioned herein, Leland Avenue had one lane for Eastbound traffic and one lane for Westbound traffic at or near its intersection with Winthrop Avenue, as well as a parking lane on both sides of the street.

4. On and before June 9, 2022, and at all times mentioned herein, Leland Avenue east of Broadway, and near its intersection with Winthrop Avenue, had a designated bike lane marked on the pavement on the south side of the street specifically intended for use by bicyclists traveling on Leland in the eastbound direction.

5. On and before June 9, 2022, and at all times mentioned herein, a stop sign was located on the southwest corner of Leland Avenue and Winthrop Avenue for the purpose of controlling eastbound traffic on Leland Avenue.

6. On and before June 9, 2022, and at all times mentioned herein, a bike lane sign was located on Leland Avenue immediately west of the aforementioned stop sign on the southwest corner of Leland Avenue and Winthrop Avenue.

7. On or before June 9, 2022, and at all times mentioned herein, Defendant Commonwealth Edison Company was a duly organized corporation formed under the laws of the

state of Illinois and doing business in and maintaining offices and facilities throughout Chicago, Cook County, Illinois.

8. On and before June 9, 2022, and at all times mentioned herein, Defendant Commonwealth Edison Company owned, operated, managed, controlled, and maintained a utility truck bearing Illinois license plate FP99937 and which was identified on the door of the truck as a Commonwealth Edison Company vehicle operating under USDOT 408430, and bearing the numbers 850026 on the hood of said truck.

9. On June 9, 2022, Defendant Commonwealth Edison Company parked and stopped its aforesaid utility truck in the bike lane on eastbound Leland Avenue at a location immediately west of the stop sign on the southwest corner of Leland Avenue and Winthrop Avenue.

10. On and before June 9, 2022, and at all times mentioned herein, Kate E. Snow and Timothy Shambrook were the mother and father of three-year-old Elizabeth G. “Lily” Shambrook.

11. On June 9, 2022, at approximately 8:16 a.m., Kate E. Snow was riding her bike in an eastbound direction in the bike lane on Leland Avenue with her daughter Elizabeth G. “Lily” Shambrook seated behind her in a child carrier seat.

12. On June 9, 2022, at the aforesaid location, as Kate E. Snow and Elizabeth G. “Lily” Shambrook were riding on their bicycle, Timothy Shambrook, husband of Kate E. Snow and father of Elizabeth G. “Lily” Shambrook, was following behind them on his bicycle.

13. On June 9, 2022, as Kate E. Snow and Elizabeth G. “Lily” Shambrook were riding eastbound in the designated bike lane on Leland Avenue they encountered the aforesaid Commonwealth Edison Company truck parked in the bike lane so as to prevent Kate E. Snow from continuing to ride in the designated bike lane.

14. On June 9, 2022, at the aforesaid location, as a result of Commonwealth Edison Company’s utility truck blocking the path of the designated bike lane on eastbound Leland

Avenue, Defendant Commonwealth Edison Company caused Kate E. Snow to ride her bicycle into the eastbound vehicle traffic lane.

15. On June 9, 2022, as Kate E. Snow traveled eastbound in the traffic lane, she encountered a semi-tractor trailer truck owned, operated, managed, and maintained by Mondelez Global, LLC and Mondelez International, Inc., and driven by their employee and agent, Gene Paul Kokot, that was stopped on Leland Avenue at or near the stop sign on the southwest corner of Leland Avenue and Winthrop Avenue.

16. On June 9, 2022, at the aforementioned location, Kate E. Snow rode her bike through an open space on Leland Avenue between the stopped Mondelez tractor-trailer truck and the illegally parked Commonwealth Edison Company utility truck.

17. On June 9, 2022, at the aforesaid location, as Kate E. Snow rode eastbound on Leland Avenue, the Mondelez tractor-trailer truck was operated and driven in such a manner as to cause contact between Kate E. Snow's bike and both the Mondelez tractor-trailer truck and the illegally parked Commonwealth Edison Company utility truck, causing Kate E. Snow, Elizabeth G. "Lily" Shambrook, and their bicycle to fall to the ground.

18. On June 9, 2022, at the aforesaid location, after Kate E. Snow and Elizabeth G. "Lily" Shambrook were knocked to the ground, the rear tires of the Mondelez tractor-trailer truck drove over the head and body of Elizabeth G. "Lily" Shambrook, resulting in severe personal injuries and her death.

19. On June 9, 2022, and at all times mentioned herein, Defendant Commonwealth Edison Company was acting individually, as well as through its duly authorized employees and agents, when Defendant Commonwealth Edison Company illegally parked its utility truck in a location that blocked and prevented bicycle traffic in a designated bike lane for eastbound Leland Avenue near its intersection with Winthrop Avenue in Chicago, Cook County, Illinois.

20. On and before June 9, 2022, and at all times mentioned herein, Defendant Commonwealth individually, and through its duly authorized employees, and agents, had a duty to exercise ordinary care for the safety of others, including Kate E. Snow and Elizabeth G. "Lily" Shambrook.

21. On and before June 9, 2022, and at all times mentioned herein, Defendant Commonwealth Edison Company, individually and through its duly authorized employees and agents was negligent in one or more of the following respects:

a.) parked its truck in an unsafe and improper location within 30 feet of a stop sign in violation of 625 ILCS 5/11-1303;

b.) parked its truck in an unsafe and improper manner so as to be protruding an unauthorized distance from the curb on the south side of Leland Avenue in violation of 625 ILCS 5/11-1304;

c.) parked and positioned its truck in a designated and marked bike lane in violation of the Chicago Municipal Code, section 9-40-06;

d.) parked and positioned its truck in a designated and marked bike lane so as to prevent bicyclists from riding in the designated bike lane as Kate E. Snow was entitled to do;

e.) parked and positioned its truck in the bike lane on Leland Avenue so as to block bicycle traffic through the bike lane and forcing Kate Snow to ride her bike with vehicular traffic;

f.) parked and positioned its truck in the designated bike lane on Leland Avenue when Commonwealth Edison Company knew or should have known that doing so created a risk of injury to bicyclists forced to depart from the designated bike lane;

g.) parked and positioned its truck in a designated bike lane and in so doing affirmatively ignored and violated the posted bike lane sign on the southside of Leland Avenue immediately adjacent to where Commonwealth Edison Company parked its truck;

h.) parked and positioned its large utility truck so as to utilize an unsafe portion of eastbound Leland Avenue when Defendant knew or should have known that the street was frequently used by large trucks, other vehicles, and bicyclists;

i.) failed to utilize any signs, warnings, or otherwise provide information to bicyclists and vehicles that Commonwealth Edison Company's truck was parked in an unsafe and improper location so as to block use of the designated bike lane by bicyclists;

j.) exhibited a conscience disregard for the safety of bicyclists, including Kate E.

Snow, Elizabeth G. “Lily” Shambrook, and Timothy Shambrook, by parking in a designated bike lane and creating a hazard for bicycle travel;

k.) intentionally and knowingly usurped use of the designated bike lane by parking and positioning its utility truck so as to constitute a barricade to eastbound bike traffic in the designated bike lane on Leland Avenue;

l.) was otherwise negligent.

22. As a proximate result of one or more of the aforesaid negligent acts and/or omissions of Defendant Commonwealth Edison Company, individually, and by and through its employees and agents, Plaintiff Kate E. Snow sustained injuries of a physical, personal, economic and emotional nature.

Wherefore Plaintiff Kate E. Snow demands judgment against Defendant Commonwealth Edison Company in an amount in excess of fifty-thousand dollars (\$50,000.00).

COUNT VII

KATE E. SNOW, INDIVIDUALLY MONDELEZ GLOBAL, LLC; MONDELEZ INTERNATIONAL, INC. (COLLECTIVELY MONDELEZ) AND GENE PAUL KOKOT

1. On and before June 9, 2022, and at all times mentioned herein, Leland Avenue was a public roadway traveling generally in east and west directions through the City of Chicago, County of Cook, State of Illinois.

2. On and before June 9, 2022, and at all times mentioned herein, Winthrop Avenue was a public roadway traveling generally in north and south directions through the City of Chicago, County of Cook, State of Illinois.

3. On and before June 9, 2022, and at all times mentioned herein, Leland Avenue had one lane for Eastbound traffic and one lane for Westbound traffic at or near its intersection with Winthrop Avenue, as well as a parking lane on both sides of the street.

4. On and before June 9, 2022, and at all times mentioned herein, Leland Avenue east

of Broadway, and near its intersection with Winthrop Avenue, had a designated bike lane marked on the pavement on the south side of the street specifically intended for use by bicyclists traveling on Leland in an eastbound direction.

5. On and before June 9, 2022, and at all times mentioned herein, a stop sign was located on the southwest corner of Leland Avenue and Winthrop Avenue for the purpose of controlling eastbound traffic on Leland Avenue.

6. On and before June 9, 2022, and at all times mentioned herein, a bike lane sign was located on Leland Avenue immediately west of the aforementioned stop sign on the southwest corner of Leland Avenue and Winthrop Avenue.

7. On or before June 9, 2022, and at all times mentioned herein, Defendant Mondelez Global, LLC, was a duly organized corporation doing business in and maintaining offices and facilities throughout Chicago and Cook County, Illinois, including at 905 West Fulton Market, Chicago, Illinois.

8. On or before June 9, 2022, and at all times mentioned herein, Defendant Mondelez International, Inc., was a duly organized corporation doing business in and maintaining offices and facilities in and throughout Chicago and Cook County, Illinois, including at 905 West Fulton Market, Chicago, Illinois.

9. On and before June 9, 2022, and at all times mentioned herein, Defendant Gene Paul Kokot was a duly authorized employee and agent of Mondelez Global, LLC, and Mondelez International, Inc., (hereinafter collectively Mondelez) and was acting in the course and scope of his employment and agency.

10. On and before June 9, 2022, and at all times mentioned herein, Defendant Mondelez owned, operated, managed, controlled, and maintained a tractor-trailer truck bearing Illinois license plate 538884ST and VIN number 1GRAA8022FB709856.

11. On and before June 9, 2022, and at all times mentioned herein, Defendant Commonwealth Edison Company was a duly organized corporation formed under the laws of the state of Illinois and doing business in and maintaining offices and facilities in and throughout Chicago and Cook County, Illinois.

12. On and before June 9, 2022, and at all times mentioned herein, Defendant Commonwealth Edison Company owned, operated, controlled, and maintained a utility truck bearing Illinois license plate FP99937 and which was identified on the door of the truck as a Commonwealth Edison Company vehicle operating under USDOT 408430, and also bearing the numbers 850026 on the hood of said truck.

13. On June 9, 2022, Defendant Commonwealth Edison Company parked and stopped its aforesaid utility truck in the bike lane on eastbound Leland Avenue at a location immediately west of the stop sign on the southwest corner of Leland Avenue and Winthrop Avenue.

14. On and before June 9, 2022, and at all times mentioned herein, Kate E. Snow and Timothy Shambrook were the mother and father of three-year-old Elizabeth G. "Lily" Shambrook.

15. On June 9, 2022, at approximately 8:16 a.m., Kate E. Snow was riding her bike in an eastbound direction in the bike lane on Leland Avenue with her daughter Elizabeth G. "Lily" Shambrook seated behind her in a child carrier seat.

16. On June 9, 2022, at the aforesaid location, as Kate E. Snow and Elizabeth G. "Lily" Shambrook were riding on their bicycle, Timothy Shambrook, husband of Kate E. Snow and father of Elizabeth G. "Lily" Shambrook, was following behind them on his bicycle.

17. On June 9, 2022, as Kate E. Snow and Elizabeth G. "Lily" Shambrook were riding eastbound in the designated bike lane on Leland Avenue, they encountered the aforesaid Commonwealth Edison Company truck parked in the bike lane so as to prevent Kate E. Snow from continuing to ride in the designated bike lane.

18. On June 9, 2022, at the aforesaid location, as a result of Commonwealth Edison Company's utility truck blocking the path of the designated bike lane on eastbound Leland Avenue, Commonwealth Edison Company caused Kate E. Snow was forced to ride her bicycle into the eastbound vehicle traffic lane.

19. On June 9, 2022, as Kate E. Snow traveled eastbound in the traffic lane, she encountered a semi-tractor trailer truck owned, operated, managed, and maintained by Mondelez Global, LLC and Mondelez International, Inc., and driven by their employee and agent, Gene Paul Kokot, that was stopped on Leland Avenue at or near the stop sign on the southwest corner of Leland Avenue and Winthrop Avenue.

20. On June 9, 2022, at the aforesaid location, Kate E. Snow rode her bike through an open space on Leland Avenue between the stopped Mondelez tractor-trailer truck and the illegally parked Commonwealth Edison Company utility truck.

21. On June 9, 2022, at the aforesaid location, as Kate E. Snow rode eastbound on Leland Avenue, the Mondelez tractor-trailer truck was operated and driven by Defendant Kokot, an employee and agent of Defendant Mondelez, in such a manner as to cause contact between Kate E. Snow's bike and both the Mondelez tractor-trailer truck and the illegally parked Commonwealth Edison Company utility truck, causing Kate E. Snow, Elizabeth G. "Lily" Shambrook, and their bicycle to fall to the ground.

22. On June 9, 2022, at the aforesaid location, after Kate E. Snow and Elizabeth G. "Lily" Shambrook were knocked to the ground, the rear tires of the Mondelez tractor-trailer truck drove over the head and body of Elizabeth G. "Lily" Shambrook, resulting in severe personal injuries and her death.

23. On and before June 9, 2022, and at all times mentioned herein, Defendant Kokot was a duly authorized employee and agent of Defendant Mondelez and was acting in the course

and scope of said employment.

24. On and before June 9, 2022, and at all times mentioned herein, Defendants Kokot and Mondelez individually, and through their duly authorized employees, and agents, had a duty to exercise ordinary care for the safety of others, including Kate E. Snow and Elizabeth G. “Lily” Shambrook.

25. On and before June 9, 2022, and at all times mentioned herein, Defendants Kokot and Mondelez, individually and through their duly authorized employees and agents, were negligent in one or more of the following respects:

- a.) Negligently operated, managed, maintained and controlled their tractor-trailer truck;
- b.) Operated their tractor-trailer truck without keeping a proper and sufficient lookout;
- c.) Operated their tractor-trailer truck with a willful or wanton disregard for the safety of persons or property, in violation of Illinois Compiled Statutes, 1992, Chapter 625, Act 5, Section 11-503;
- d.) Proceeded at a speed which was greater than reasonable and proper with regard to traffic conditions and the use of the highway, or which endangered the safety of persons or property, in violation of Illinois Compiled Statutes, 1992, Chapter 625, Act 5, Section 11-601;
- e.) Failed to decrease speed so as to avoid colliding with persons and bicyclists in violation of Illinois Compiled Statutes, 1992, Chapter 625, Act 5, Section 11-601;
- f.) Failed to drive as nearly as practicable entirely within a single lane or moved from a lane of traffic without first ascertaining that such movement could be made with safety, in violation of Illinois Compiled Statutes, 1992, Chapter 625, Act 5, Section 11-709;
- g.) After stopping their tractor-trailer truck in the roadway, defendants began driving their vehicle without making sure it was safe to do so;
- h.) After stopping their tractor-trailer truck in the roadway, defendants began moving their vehicle without checking their mirrors or otherwise looking for the presence of persons, vehicles or bicyclists;
- i.) After stopping their tractor-trailer truck in the roadway, defendants began moving their vehicle without checking their mirrors or otherwise looking for the presence of persons or bicyclists when they knew or should have known they had just passed two bicyclists riding in the eastbound bike lane on Leland Avenue;

j.) After stopping their tractor-trailer truck in the roadway, defendants began moving their vehicle without checking their mirrors or otherwise looking for the location of the two bicyclists they had just passed when they knew or should have known the Commonwealth Edison Company truck was obstructing the bike lane and the bicyclists would have to be riding in the traffic lane;

k.) Drove their tractor-trailer truck in an unsafe manner and without maintaining a lookout for bicyclists when defendants knew or should have known their truck was traveling immediately adjacent to a marked and designated bike lane in which two bicyclists were riding;

l.) After stopping their tractor-trailer truck in the roadway, defendants began moving their vehicle forward on an angle so as to reduce the space between the Mondelez tractor-trailer truck and the illegally parked Commonwealth Edison utility truck through which Kate E. Snow and Elizabeth Grace Lily Shambrook were riding their bicycle;

m.) After making contact with Kate Snow’s bicycle, defendants continued driving forward and dragging Elizabeth Grace “Lily” Shambrook with their truck’s rear wheels when defendants knew or should have known a collision had occurred and their truck needed to be stopped immediately;

n.) were otherwise negligent.

27. As a proximate result of one or more of the aforesaid negligent acts and/or omissions of Defendants Kokot and Mondelez, individually, and by and through their employees and agents, Kate E. Snow sustained injuries of a physical, personal, economic, and emotional nature.

Wherefore, Plaintiff Kate E. Snow demands judgment against Defendants Mondelez Global, LLC, Mondelez International, Inc., and Gene Paul Kokot, and each of them, in an amount in excess of fifty-thousand dollars (\$50,000.00).

COUNT VIII

KATE E. SNOW, INDIVIDUALLY
PENSKE TRUCK LEASING CORPORATION, PENSKE TRUCK LEASING AND
RENTAL COMPANY, PENSKE TRANSPORTATION SERVICES, INC., PENSKE
TRUCK LEASING CO., L.P., AND GENE PAUL KOKOT

1. On and before June 9, 2022, and at all times mentioned herein, Leland Avenue was a public roadway traveling generally in east and west directions through the City of Chicago,

County of Cook, State of Illinois.

2. On and before June 9, 2022, and at all times mentioned herein, Winthrop Avenue was a public roadway traveling generally in north and south directions through the City of Chicago, County of Cook, State of Illinois.

3. On and before June 9, 2022, and at all times mentioned herein, Leland Avenue had one lane for Eastbound traffic and one lane for Westbound traffic at or near its intersection with Winthrop Avenue, as well as a parking lane on both sides of the street.

4. On and before June 9, 2022, and at all times mentioned herein, Leland Avenue east of Broadway, and near its intersection with Winthrop Avenue, had a designated bike lane marked on the pavement on the south side of the street specifically intended for use by bicyclists traveling on Leland in an eastbound direction.

5. On and before June 9, 2022, and at all times mentioned herein, a stop sign was located on the southwest corner of Leland Avenue and Winthrop Avenue for the purpose of controlling eastbound traffic on Leland Avenue.

6. On and before June 9, 2022, and at all times mentioned herein, a bike lane sign was located on Leland Avenue immediately west of the aforementioned stop sign on the southwest corner of Leland Avenue and Winthrop Avenue.

7. On or before June 9, 2022, and at all times mentioned herein, Defendant Penske Truck Leasing Co. L.P., was a duly organized corporation doing business in and maintaining offices and facilities throughout Chicago and Cook County, Illinois.

8. On or before June 9, 2022, and at all times mentioned herein, Defendant Penske Leasing and Rental Company, was a duly organized corporation doing business in and maintaining offices and facilities in and throughout Chicago and Cook County, Illinois.

9. On or before June 9, 2022, and at all times mentioned herein, Defendant Penske

Transportation Services, Inc., was a duly organized corporation doing business in and maintaining offices and facilities throughout Chicago and Cook County, Illinois.

10. On or before June 9, 2022, and at all times mentioned herein, Defendant Penske Truck Leasing Corporation was a duly organized corporation doing business in and maintaining offices and facilities throughout Chicago and Cook County, Illinois.

11. On and before June 9, 2022, and at all times mentioned herein, Defendant Gene Paul Kokot was a duly authorized employee and agent of Penske Truck Leasing Corporation, Penske Truck Leasing and Rental Company, Penske Transportation Services, Inc., and Penske Truck Leasing Co., L.P., (hereinafter collectively Penske) and was acting in the course and scope of his employment and agency.

12. On and before June 9, 2022, and at all times mentioned herein, Defendant Penske owned, operated, managed, controlled, and maintained a tractor-trailer truck bearing Illinois license plate 538884ST and VIN number 1GRAA8022FB709856.

13. On or before June 9, 2022, and at all times mentioned herein, Defendant Commonwealth Edison Company was a duly organized corporation formed under the laws of the state of Illinois and doing business in and maintaining offices and facilities in and throughout Chicago and Cook County, Illinois.

14. On and before June 9, 2022, and at all times mentioned herein, Defendant Commonwealth Edison Company owned, operated, controlled, and maintained a utility truck bearing Illinois license plate FP99937 and which was identified on the door of the truck as a Commonwealth Edison Company vehicle operating under USDOT 408430, and also bearing the numbers 850026 on the hood of said truck.

15. On June 9, 2022, Defendant Commonwealth Edison Company parked and stopped its aforesaid utility truck in the bike lane on eastbound Leland Avenue at a location immediately

west of the stop sign on the southwest corner of Leland Avenue and Winthrop Avenue.

16. On and before June 9, 2022, and at all times mentioned herein, Kate E. Snow and Timothy Shambrook were the mother and father of three-year-old Elizabeth G. “Lily” Shambrook.

17. On June 9, 2022, at approximately 8:16 a.m., Kate E. Snow was riding her bike in an eastbound direction in the bike lane on Leland Avenue with her daughter Elizabeth G. “Lily” Shambrook seated behind her in a child carrier seat.

18. On June 9, 2022, at the aforesaid location, as Kate E. Snow and Elizabeth G. “Lily” Shambrook were riding on their bicycle, Timothy Shambrook, husband of Kate E. Snow and father of Elizabeth G. “Lily” Shambrook, was following behind them on his bicycle.

19. On June 9, 2022, as Kate E. Snow and Elizabeth G. “Lily” Shambrook were riding eastbound in the designated bike lane on Leland Avenue, they encountered the aforesaid Commonwealth Edison Company truck parked in the bike lane so as to prevent Kate E. Snow from continuing to ride in the designated bike lane.

20. On June 9, 2022, at the aforesaid location, as a result of Commonwealth Edison Company’s utility truck blocking the path of the designated bike lane on eastbound Leland Avenue, Defendant Commonwealth Edison Company caused Kate E. Snow to ride her bicycle into the eastbound vehicle traffic lane.

21. On June 9, 2022, as Kate E. Snow traveled eastbound in the traffic lane, she encountered a semi-tractor trailer truck owned, operated, managed, and maintained by Penske, and driven by their employee and agent, Gene Paul Kokot, which vehicle was stopped on Leland Avenue at or near the stop sign on the southwest corner of Leland Avenue and Winthrop Avenue.

22. On June 9, 2022, at the aforementioned location, Kate E. Snow rode her bike through an open space on Leland Avenue between the stopped Penske tractor-trailer truck and the illegally parked Commonwealth Edison Company utility truck.

23. On June 9, 2022, at the aforesaid location, as Kate E. Snow rode eastbound on Leland Avenue, the Penske tractor-trailer truck was operated and driven by Defendant Kokot, an employee and agent of Defendant Penske, in such a manner as to cause contact between Kate E. Snow's bike and both the Penske tractor-trailer truck and the illegally parked Commonwealth Edison Company utility truck, causing Kate E. Snow, Elizabeth G. "Lily" Shambrook, and their bicycle to fall to the ground.

24. On June 9, 2022, at the aforesaid location, after Kate E. Snow and Elizabeth G. "Lily" Shambrook were knocked to the ground, the rear tires of the Penske tractor-trailer truck drove over the head and body of Elizabeth G. "Lily" Shambrook, resulting in severe personal injuries and her death.

25. On and before June 9, 2022, and at all times mentioned herein, Defendant Kokot was a duly authorized employee and agent of Defendant Penske and was acting in the course and scope of said employment.

26. On and before June 9, 2022, and at all times mentioned herein, Defendants Kokot and Penske individually, and through their duly authorized employees, and agents, had a duty to exercise ordinary care for the safety of others, including Kate E. Snow and Elizabeth G. "Lily" Shambrook.

27. On and before June 9, 2022, and at all times mentioned herein, Defendants Kokot and Penske, individually and through their duly authorized employees and agents, were negligent in one or more of the following respects:

- a.) Negligently operated, managed, maintained and controlled their tractor-trailer truck;
- b.) Operated their tractor-trailer truck without keeping a proper and sufficient lookout;
- c.) Operated their tractor-trailer truck with a willful or wanton disregard for the safety of persons or property, in violation of Illinois Compiled Statutes, 1992, Chapter 625, Act 5, Section

11-503;

d.) Proceeded at a speed which was greater than reasonable and proper with regard to traffic conditions and the use of the highway, or which endangered the safety of persons or property, in violation of Illinois Compiled Statutes, 1992, Chapter 625, Act 5, Section 11-601;

e.) Failed to decrease speed so as to avoid colliding with persons and bicyclists in violation of Illinois Compiled Statutes, 1992, Chapter 625, Act 5, Section 11-601;

f.) Failed to drive as nearly as practicable entirely within a single lane or moved from a lane of traffic without first ascertaining that such movement could be made with safety, in violation of Illinois Compiled Statutes, 1992, Chapter 625, Act 5, Section 11-709;

g.) After stopping their tractor-trailer truck in the roadway, defendants began driving their vehicle without making sure it was safe to do so;

h.) After stopping their tractor-trailer truck in the roadway, defendants began moving their vehicle without checking their mirrors or otherwise looking for the presence of persons, vehicles or bicyclists;

i.) After stopping their tractor-trailer truck in the roadway, defendants began moving their vehicle without checking their mirrors or otherwise looking for the presence of persons or bicyclists when they knew or should have known they had just passed two bicyclists riding in the eastbound bike lane on Leland Avenue;

j.) After stopping their tractor-trailer truck in the roadway, defendants began moving their vehicle without checking their mirrors or otherwise looking for the location of the two bicyclists they had just passed when they knew or should have known the Commonwealth Edison Company truck was obstructing the bike lane and the bicyclists would have to be riding in the traffic lane;

k.) Drove their tractor-trailer truck in an unsafe manner and without maintaining a lookout for bicyclists when defendants knew or should have known their truck was traveling immediately adjacent to a marked and designated bike lane in which two bicyclists were riding;

l.) After stopping their tractor-trailer truck in the roadway, defendants began moving their vehicle forward on an angle so as to reduce the space between the Penske tractor-trailer truck and the illegally parked Commonwealth Edison utility truck through which Kate E. Snow and Elizabeth Grace Lily Shambrook were riding their bicycle;

m.) After making contact with Kate Snow's bicycle, defendants continued driving forward and dragging Elizabeth Grace "Lily" Shambrook with their truck's rear wheels when defendants knew or should have known a collision had occurred and their truck needed to be stopped immediately;

n.) were otherwise negligent.

28. As a proximate result of one or more of the aforesaid negligent acts and/or omissions of Defendants Kokot and Penske, individually, and by and through their employees and agents, Kate E. Snow sustained injuries of a physical, personal, economic, and emotional nature.

Wherefore, Plaintiff Kate E. Snow demands judgment against Defendants Penske Truck Leasing Corporation; Penske Truck Leasing and Rental Company, Penske Transportation Services, Inc., Penske Truck Leasing Co., L.P., and Gene Paul Kokot, and each of them, in an amount in excess of fifty-thousand dollars (\$50,000.00).

COUNT IX

KATE E. SNOW, INDIVIDUALLY
NEGLIGENCE - CITY OF CHICAGO

1. On and before June 9, 2022, and at all times mentioned herein, Defendant City of Chicago was and is a duly incorporated municipality under the laws of the State of Illinois.

2. On and before June 9, 2022, and at all times mentioned herein, Defendant City of Chicago maintained offices and conducted its business in and throughout Chicago, Cook County Illinois.

3. On and before June 9, 2022, and at all times mentioned herein, Leland Avenue was a public roadway traveling generally in east and west directions through the City of Chicago, County of Cook, State of Illinois.

4. On and before June 9, 2022, and at all times mentioned herein, Winthrop Avenue was a public roadway traveling generally in north and south directions through the City of Chicago, County of Cook, State of Illinois.

5. On and before June 9, 2022, and at all times mentioned herein, Leland Avenue had one lane for Eastbound traffic and one lane for Westbound traffic at or near its intersection with Winthrop Avenue, as well as a parking lane on both sides of the street.

6. On and before June 9, 2022, and at all times mentioned herein, Leland Avenue east of Broadway, and near its intersection with Winthrop Avenue, had a designated bike lane marked on the pavement on the south side of the street specifically intended for use by bicyclists traveling on Leland in an eastbound direction.

7. On and before June 9, 2022, and at all times mentioned herein, the aforesaid bike lane on the south side of Leland Avenue had been authorized, approved, designed, constructed and built by Defendant City of Chicago.

8. On and before June 9, 2022, and at all times mentioned herein, the aforesaid bike lane on the south side of Leland Avenue was owned, operated, managed, maintained and controlled by Defendant City of Chicago.

9. On and before June 9, 2022, and at all times mentioned herein, a stop sign was located on the southwest corner of Leland Avenue and Winthrop Avenue for the purpose of controlling eastbound traffic on Leland Avenue.

10. On and before June 9, 2022, and at all times mentioned herein, a bike lane sign was located on Leland Avenue immediately west of the aforementioned stop sign on the southwest corner of Leland Avenue and Winthrop Avenue.

11. On and before June 9, 2022, and at all times mentioned herein, Defendant Commonwealth Edison Company was a duly organized corporation formed under the laws of the state of Illinois and doing business in and maintaining offices and facilities throughout Chicago and Cook County, Illinois.

12. On and before June 9, 2022, and at all times mentioned herein, Defendant City of Chicago regularly issued work permits to Defendant Commonwealth Edison Company that authorized and permitted them to use portions of public roadways and public space for conducting work, staging vehicles, and storing of equipment.

13. On and before June 9, 2022, Defendant City of Chicago issued a permit to Defendant Commonwealth Edison Company allowing them to occupy parts of the public roadway on Winthrop Avenue, and adjacent parkway and sidewalk areas at or near the intersection of Winthrop Avenue and Leland Avenue for the purpose of parking trucks and vehicles, and for storing equipment.

14. On and before June 9, 2022, and at all times mentioned herein, Defendant Commonwealth Edison Company owned, operated, managed, controlled, and maintained a utility truck bearing Illinois license plate FP99937 and which was identified on the door of the truck as a Commonwealth Edison Company vehicle operating under USDOT 408430, and also bearing the numbers 850026 on the hood of said truck.

15. On June 9, 2022, Defendant Commonwealth Edison Company parked and stopped its aforesaid utility truck in the bike lane on eastbound Leland Avenue at a location immediately west of the stop sign on the southwest corner of Leland Avenue and Winthrop Avenue.

16. On and before June 9, 2022, and at all times mentioned herein, Kate E. Snow and Timothy Shambrook were the mother and father of three-year-old Elizabeth G. “Lily” Shambrook.

17. On June 9, 2022, at approximately 8:16 a.m., Kate E. Snow was riding her bike in an eastbound direction in the bike lane on Leland Avenue with her daughter Elizabeth G. “Lily” Shambrook seated behind her in a child carrier seat.

18. On June 9, 2022, at the aforesaid location, as Kate E. Snow and Elizabeth G. “Lily” Shambrook were riding on their bicycle, Timothy Shambrook, husband of Kate E. Snow and father of Elizabeth G. “Lily” Shambrook, was following behind them on his bicycle.

19. On June 9, 2022, as Kate E. Snow and Elizabeth G. “Lily” Shambrook were riding eastbound in the designated bike lane on Leland Avenue, they encountered the aforesaid Commonwealth Edison Company truck parked in the bike lane so as to prevent Kate E. Snow from

continuing to ride in the designated bike lane.

20. On June 9, 2022, at the aforesaid location, as a result of Commonwealth Edison Company's utility truck blocking the path of the designated bike lane on eastbound Leland Avenue, Kate E. Snow was forced to ride her bicycle into the eastbound vehicle traffic lane.

21. On June 9, 2022, as Kate E. Snow traveled eastbound in the traffic lane, she encountered a semi-tractor trailer truck owned, operated, managed, and maintained by Mondelez Global, LLC and Mondelez International, Inc., (Mondelez) and driven by their employee and agent, Gene Paul Kokot, which vehicle was stopped on Leland Avenue at or near the stop sign on the southwest corner of Leland Avenue and Winthrop Avenue.

22. On June 9, 2022, at the aforesaid location, Kate E. Snow rode her bike through an open space on Leland Avenue between the stopped Mondelez tractor-trailer truck and the illegally parked Commonwealth Edison Company utility truck.

23. On June 9, 2022, at the aforesaid location, as Kate E. Snow rode eastbound on Leland Avenue, the Mondelez tractor-trailer truck was operated and driven in such a manner as to cause contact between Kate E. Snow's bike and both the Mondelez tractor-trailer truck and the illegally parked Commonwealth Edison Company utility truck, causing Kate E. Snow, Elizabeth G. "Lily" Shambrook, and their bicycle to fall to the ground.

24. On June 9, 2022, at the aforesaid location, after Kate E. Snow and Elizabeth G. "Lily" Shambrook were knocked to the ground, the rear tires of the Mondelez tractor-trailer truck drove over the head and body of Elizabeth G. "Lily" Shambrook, resulting in severe personal injuries and her death.

25. On and before June 9, 2022, and at all times mentioned herein, Defendant City of Chicago, individually, and through its duly authorized employees, and agents, had a duty to exercise ordinary care for the safety of others, including Kate E. Snow and Elizabeth G. "Lily"

Shambrook.

26. On and before June 9, 2022, and at all times mentioned herein, Defendant City of Chicago, individually and through its duly authorized employees and agents, was negligent in one or more of the following respects:

a.) issued a permit allowing Defendant Commonwealth Edison Company to park vehicles and trucks, and store equipment, in public spaces at and around Leland Avenue and Winthrop Avenue without evaluating and determining the impact on traffic flow in the primarily residential neighborhood;

b.) failed to make any determination of the amount and size of equipment, trucks, trailers and other materials Commonwealth Edison Company intended to park and store in and around the area of Leland Avenue and Winthrop Avenue before authorizing Commonwealth Edison Company to use portions of public roadways and public space for their own use;

c.) failed to place any limits or restrictions on the amount and size of trucks, trailers, equipment and other materials that could be parked, staged, or stored by Commonwealth Edison Company in and around the area of Leland Avenue and Winthrop Avenue, including in the eastbound bike lane on Leland Avenue;

d.) failed to properly monitor Commonwealth Edison Company's parking, staging, storage and placement of trucks, trailers and equipment at or near the area of Leland Avenue and Winthrop Avenue, including in the eastbound bike lane on Leland Avenue, so as to prevent unsafe conditions for bicyclists;

e.) allowed and permitted Defendant Commonwealth Edison Company to park its truck in an unsafe and improper location within 30 feet of a stop sign in violation of 625 ILCS 5/11-1303;

f.) allowed and permitted Defendant Commonwealth Edison Company to park its truck in an unsafe and improper manner so as to be protruding an unauthorized distance from the curb on the south side of Leland Avenue in violation of 625 ILCS 5/11-1304;

g.) allowed and permitted Defendant Commonwealth Edison Company to park and stage its truck in a designated and marked bike lane in violation of the Chicago Municipal Code, Section 9-40-060;

h.) allowed and permitted Defendant Commonwealth Edison Company to park and stage its truck in a designated and marked bike lane so as to prevent bicyclists from riding in the designated bike lane as Kate E. Snow was entitled to do;

i.) allowed and permitted Defendant Commonwealth Edison Company to park and stage its truck in the bike lane on Leland Avenue so as to block bicycle traffic through the bike lane and cause Kate E. Snow to have to ride her bike with vehicular traffic;

j.) allowed and permitted Defendant Commonwealth Edison Company to park and stage its truck in the designated bike lane on Leland Avenue when Defendant City of Chicago knew or should have known that doing so created a risk of injury to bicyclists forced to depart from the designated bike lane;

k.) allowed and permitted Defendant Commonwealth Edison Company to park and stage its truck in a designated bike lane and in violation of the posted bike lane sign on the southside of Leland Avenue immediately adjacent to where Commonwealth Edison Company parked its truck;

l.) allowed and permitted Defendant Commonwealth Edison Company to park and stage its large utility truck in an unlawful location on eastbound Leland Avenue when Defendant City of Chicago knew or should have known that the street was frequently used by large trucks, other vehicles and bicyclists;

m.) allowed and permitted Defendant Commonwealth Edison Company to park and stage its large utility truck without utilizing any signs, warnings, or otherwise providing information to bicyclists and vehicles that Commonwealth Edison Company's truck was parked in an unsafe and improper location so as to block use of the designated bike lane by bicyclists;

n.) allowed and permitted Defendant Commonwealth Edison Company to usurp use of the designated bike lane by permitting Commonwealth Edison Company to park and stage its utility truck so as to constitute a barricade to eastbound bike traffic in the designated bike lane on Leland Avenue;

o.) failed to prohibit large trucks, tractor-trailer trucks and other construction vehicles from driving eastbound on Leland Avenue at or near Winthrop Avenue when Defendant City of Chicago knew such vehicles would have to travel immediately next to an unbarricaded bike lane used by bicyclists;

p.) failed to monitor and evaluate the hazardous conditions created for bicyclists in the eastbound Leland Avenue bike lane as a result of the use of Leland Avenue by large trucks, tractor-trailer trucks and other construction vehicles;

q.) failed to provide physical demarcations to separate vehicular traffic from bicyclists using the bike lane;

r.) failed to provide bollards, stanchions, medians, raised curbs or other physical barriers to prevent vehicles from parking or driving in the bike lane;

s.) failed to provide proper notice, warnings and signage to inform motorists of the presence of a bike lane and bicyclists;

t.) was otherwise negligent.

27. As a proximate result of one or more of the aforesaid negligent acts and/or omissions of Defendant City of Chicago, individually, and by and through its employees and agents, Plaintiff Kate E. Snow sustained injuries of a physical, personal, economic, and emotional nature.

Wherefore, Plaintiff Kate E. Snow demands judgment against Defendant City of Chicago in an amount in excess of fifty-thousand dollars (\$50,000.00).

COUNT X

KATE E. SNOW, INDIVIDUALLY
WILLFUL AND WANTON CONDUCT
CITY OF CHICAGO

1. On and before June 9, 2022, and at all times mentioned herein, Defendant City of Chicago was and is a duly incorporated municipality under the laws of the State of Illinois.

2. On and before June 9, 2022, and at all times mentioned herein, Defendant City of Chicago maintained offices and conducted its business in and throughout Chicago, Cook County Illinois.

3. On and before June 9, 2022, and at all times mentioned herein, Leland Avenue was a public roadway traveling generally in east and west directions through the City of Chicago, County of Cook, State of Illinois.

4. On and before June 9, 2022, and at all times mentioned herein, Winthrop Avenue was a public roadway traveling generally in north and south directions through the City of Chicago, County of Cook, State of Illinois.

5. On and before June 9, 2022, and at all times mentioned herein, Leland Avenue had one lane for Eastbound traffic and one lane for Westbound traffic at or near its intersection with Winthrop Avenue, as well as a parking lane on both sides of the street.

6. On and before June 9, 2022, and at all times mentioned herein, Leland Avenue east of Broadway, and near its intersection with Winthrop Avenue, had a designated bike lane marked on the pavement on the south side of the street specifically intended for use by bicyclists traveling on Leland in an eastbound direction.

7. On and before June 9, 2022, and at all times mentioned herein, the aforesaid bike lane on the south side of Leland Avenue had been authorized, approved, designed, constructed and built by Defendant City of Chicago.

8. On and before June 9, 2022, and at all times mentioned herein, the aforesaid bike lane on the south side of Leland Avenue was owned, operated, managed, maintained and controlled by Defendant City of Chicago

9. On and before June 9, 2022, and at all times mentioned herein, a stop sign was located on the southwest corner of Leland Avenue and Winthrop Avenue for the purpose of controlling eastbound traffic on Leland Avenue.

10. On and before June 9, 2022, and at all times mentioned herein, a bike lane sign was located on Leland Avenue immediately west of the aforementioned stop sign on the southwest corner of Leland Avenue and Winthrop Avenue.

11. On and before June 9, 2022, and at all times mentioned herein, Defendant Commonwealth Edison Company was a duly organized corporation formed under the laws of the state of Illinois and doing business in and maintaining offices and facilities throughout Chicago, and Cook County, Illinois.

12. On and before June 9, 2022, and at all times mentioned herein, Defendant City of Chicago regularly issued work permits to Defendant Commonwealth Edison Company that authorized and permitted them to use portions of public roadways and public space for conducting work, staging vehicles and storing of equipment.

13. On and before June 9, 2022, Defendant City of Chicago issued a permit to Defendant Commonwealth Edison Company allowing them to occupy parts of the public roadway on Winthrop Avenue, and adjacent parkway and sidewalk areas at or near the intersection of Winthrop Avenue and Leland Avenue for the purpose of parking trucks and vehicles, and for storing equipment.

14. On and before June 9, 2022, and at all times mentioned herein, Defendant Commonwealth Edison Company owned, operated, managed, controlled, and maintained a utility truck bearing Illinois license plate FP99937 and which was identified on the door of the truck as a Commonwealth Edison Company vehicle operating under USDOT 408430, and also bearing the numbers 850026 on the hood of said truck.

15. On June 9, 2022, Defendant Commonwealth Edison Company parked and stopped its aforesaid utility truck in the bike lane on eastbound Leland Avenue at a location immediately west of the stop sign on the southwest corner of Leland Avenue and Winthrop Avenue.

16. On and before June 9, 2022, and at all times mentioned herein, Kate E. Snow and Timothy Shambrook were the mother and father of three-year-old Elizabeth G. “Lily” Shambrook.

17. On June 9, 2022, at approximately 8:16 a.m., Kate E. Snow was riding her bike in an eastbound direction in the bike lane on Leland Avenue with her daughter Elizabeth G. “Lily” Shambrook seated behind her in a child carrier seat.

18. On June 9, 2022, at the aforesaid location, as Kate E. Snow and Elizabeth G. “Lily” Shambrook were riding on their bicycle, Timothy Shambrook, husband of Kate E. Snow and father of Elizabeth G. “Lily” Shambrook, was following behind them on his bicycle.

19. On June 9, 2022, as Kate E. Snow and Elizabeth G. “Lily” Shambrook were riding eastbound in the designated bike lane on Leland Avenue, they encountered the aforesaid Commonwealth Edison Company truck parked in the bike lane so as to prevent Kate E. Snow from

continuing to ride in the designated bike lane.

20. On June 9, 2022, at the aforesaid location, as a result of Commonwealth Edison Company's utility truck blocking the path of the designated bike lane on eastbound Leland Avenue, Kate E. Snow was forced to ride her bicycle into the eastbound vehicle traffic lane.

21. On June 9, 2022, as Kate E. Snow traveled eastbound in the traffic lane, she encountered a semi-tractor trailer truck owned, operated, managed, and maintained by Mondelez Global, LLC and Mondelez International, Inc., (Mondelez) and driven by their employee and agent, Gene Paul Kokot, which vehicle was stopped on Leland Avenue at or near the stop sign on the southwest corner of Leland Avenue and Winthrop Avenue.

22. On June 9, 2022, at the aforesaid location, Kate E. Snow rode her bike through an open space on Leland Avenue between the stopped Mondelez tractor-trailer truck and the illegally parked Commonwealth Edison Company utility truck.

23. On June 9, 2022, at the aforesaid location, as Kate E. Snow rode eastbound on Leland Avenue, the Mondelez tractor-trailer truck was operated and driven in such a manner as to cause contact between Kate E. Snow's bike and both the Mondelez tractor-trailer truck and the illegally parked Commonwealth Edison Company utility truck, causing Kate E. Snow, Elizabeth G. "Lily" Shambrook, and their bicycle to fall to the ground.

24. On June 9, 2022, at the aforesaid location, after Kate E. Snow and Elizabeth G. "Lily" Shambrook were knocked to the ground, the rear tires of the Mondelez tractor-trailer truck drove over the head and body of Elizabeth G. "Lily" Shambrook, resulting in severe personal injuries and her death.

25. On and before June 9, 2022, Defendant City of Chicago designated a part of eastbound Leland Avenue for the exclusive use of bicyclists and had a duty to locate and maintain this bike lane so as not to cause unsafe conditions and a risk of injury for bicyclists.

26. On and before June 9, 2022, Defendant City of Chicago, knew that the location of the eastbound Leland Avenue bike lane, and the absence of any physical demarcations of the bounds of that bike lane, did not prevent vehicles from driving and parking in the bike lane.

27. On or before June 9, 2022, Defendant City of Chicago knew that blockage of the bike lane by a parked vehicle created an unreasonable risk of danger and injury for bicyclists using the bike lane.

28. On or before June 9, 2022, Defendant City of Chicago, knew that there was substantial vehicle and truck traffic on Leland Avenue near its intersection with Winthrop Avenue, including increased truck traffic resulting from nearby construction projects.

29. On and before June 9, 2022, and at all times mentioned herein, Defendant City of Chicago knew that a lack of physical barriers to demarcate the eastbound Leland Avenue bike lane created an unreasonable risk of danger and injury for bicyclists using that bike lane.

30. On and before June 9, 2022, and at all times mentioned herein, Defendant City of Chicago, individually and through its duly authorized employees and agents, had a duty to locate and maintain the eastbound Leland Avenue bike lane in a manner and condition that did not cause danger, hazards, and foreseeable risks of injury to bicyclists using the bike lane.

31. On and before June 9, 2022, and at all times mentioned herein, Defendant City of Chicago, individually and through its duly authorized employees and agents, engaged in willful and wanton conduct that the City of Chicago knew created an unreasonable risk of danger, harm and injury and that showed a conscious disregard for, or an utter indifference to, the safety of Kate E. Snow and Elizabeth G. "Lily" Shambrook, and others, in one or more of the following respects:

a.) issued a permit allowing Defendant Commonwealth Edison Company to park vehicles and trucks, and store equipment in public spaces without evaluating and determining the impact on traffic flow in the primarily residential neighborhood in conscious disregard for, or with utter indifference to, the safety of others, including bicyclists using the eastbound Leland Avenue bike lane;

b.) failed to make any determination of the amount and size of equipment, trucks, trailers and other materials Commonwealth Edison Company intended to park and store in and around the area of Leland Avenue and Winthrop Avenue before authorizing Commonwealth Edison Company to use portions of public roadways and public space for their own use in conscious disregard for, or with utter indifference to, the safety of others, including bicyclists using the eastbound Leland Avenue bike lane;

c.) failed to place any limits or restrictions on the amount and size of trucks, trailers, equipment and other materials that could be parked, staged, or stored by Commonwealth Edison Company in and around the area of Leland Avenue and Winthrop Avenue, including in the eastbound bike lane on Leland Avenue, in conscious disregard for, or with utter indifference to, the safety of others, including bicyclists using the eastbound Leland Avenue bike lane;

d.) failed to properly monitor Commonwealth Edison Company's parking, staging, storage and placement of trucks, trailers and equipment at or near the area of Leland Avenue and Winthrop Avenue, including in the eastbound bike lane on Leland Avenue, so as to prevent unsafe conditions for bicyclists in conscious disregard for, and with utter indifference to, the safety of others;

e.) allowed and permitted Defendant Commonwealth Edison Company to park its truck in an unsafe and improper location within 30 feet of a stop sign in violation of 625 ILCS 5/11-1303 and in conscious disregard for, or with utter indifference to, the safety of others, including bicyclists using the eastbound Leland Avenue bike lane;

f.) allowed and permitted Defendant Commonwealth Edison Company to park its truck in an unsafe and improper manner so as to be protruding an unauthorized distance from the curb on the south side of Leland Avenue in violation of 625 ILCS 5/11-1304 and in conscious disregard for, or with utter indifference to, the safety of others, including bicyclists using the eastbound Leland Avenue bike lane;

g.) allowed and permitted Defendant Commonwealth Edison Company to park and stage its truck in a designated and marked bike lane in violation of the Chicago Municipal Code, Section 9-40-060, in conscious disregard for, or with utter indifference to, the safety of others, including bicyclists using the eastbound Leland Avenue bike lane;

h.) allowed and permitted Defendant Commonwealth Edison Company to park and stage its truck in a designated and marked bike lane so as to prevent bicyclists from riding in the designated bike lane, as Kate E. Snow was entitled to do, in conscious disregard for, and with utter indifference to, the safety of others, including Kate E. Snow and Elizabeth Grace "Lily" Shambrook;

i.) allowed and permitted Defendant Commonwealth Edison Company to park and stage its truck in the bike lane on Leland Avenue so as to block bicycle traffic through the bike lane and cause Kate Snow to have to ride her bike with vehicular traffic in conscious disregard for, and with utter indifference to, the safety of others, including Kate E. Snow and Elizabeth Grace "Lily" Shambrook;

j.) allowed and permitted Defendant Commonwealth Edison Company to park and stage its truck in the designated bike lane on Leland Avenue when Defendant City of Chicago knew or should have known that doing so created a risk of injury to bicyclists forced to depart from the designated bike lane in conscious disregard for, and with utter indifference to, the safety of Kate E. Snow and Elizabeth Grace “Lily” Shambrook;

k.) allowed and permitted Defendant Commonwealth Edison Company to park and stage its truck in a designated bike lane and in violation of the posted bike lane sign on the southside of Leland Avenue immediately adjacent to where Commonwealth Edison Company parked its truck in conscious disregard for, or with utter indifference to, the safety of others, including bicyclists using the eastbound Leland Avenue bike lane;

l.) allowed and permitted Defendant Commonwealth Edison Company to park and stage its large utility truck in an unlawful location on eastbound Leland Avenue when Defendant City of Chicago knew or should have known that the street was frequently used by large trucks, other vehicles and bicyclists in conscious disregard for, or with utter indifference to, the safety of others, including bicyclists using the eastbound Leland Avenue bike lane;

m.) allowed and permitted Defendant Commonwealth Edison Company to park and stage its large utility truck without utilizing any signs, warnings, or otherwise providing information to bicyclists and vehicles that Commonwealth Edison Company’s truck was parked in an unsafe and improper location so as to block use of the designated bike lane by bicyclists in conscious disregard for, or with utter indifference to, the safety of others, including Kate E. Snow and Elizabeth Grace “Lily” Shambrook;

n.) allowed and permitted Defendant Commonwealth Edison Company to usurp use of the designated bike lane by permitting Commonwealth Edison Company to park and stage its utility truck so as to constitute a barricade to eastbound bike traffic in the designated bike lane on Leland Avenue in conscious disregard for, or with utter indifference to, the safety of others, including bicyclists using the eastbound Leland Avenue bike lane;

o.) failed to prohibit large trucks, tractor-trailer trucks and other construction vehicles from driving eastbound on Leland Avenue at or near Winthrop Avenue when Defendant City of Chicago knew such vehicles would have to travel immediately next to an unbarricaded bike lane used by bicyclists in conscious disregard for, and in utter indifference to, the safety of others, including Kate E. Snow and Elizabeth Grace “Lily” Shambrook;

p.) failed to monitor and evaluate the hazardous conditions created for bicyclists in the eastbound Leland Avenue bike lane as a result of the use of Leland Avenue by large trucks, tractor-trailer trucks and other construction vehicles in conscious disregard for, and in utter indifference to, the safety of others, including Kate E. Snow and Elizabeth Grace “Lily” Shambrook;

q.) failed to provide physical demarcations to separate vehicular traffic from bicyclists using the bike lane in conscious disregard for, or with utter indifference to, the safety of others, including bicyclists using the eastbound Leland Avenue bike lane;

r.) failed to provide bollards, stanchions, medians, cones, raised curbs or other physical barriers to prevent vehicles from parking or driving in the bike lanes in conscious disregard for, or with utter indifference to, the safety of others, including bicyclists using the eastbound Leland Avenue bike lane;

s.) failed to provide proper notice, warnings and signage to inform motorists of the presence of a bike lane and bicyclists in conscious disregard for, or with utter indifference to, the safety of others, including bicyclists using the eastbound Leland Avenue bike lane;

t.) otherwise engaged in willful and wanton conduct.

32. As a proximate result of one or more of the aforesaid willful and wanton acts and/or omissions of Defendant City of Chicago, individually, and by and through its employees and agents, Kate E. Snow sustained injuries of a physical, personal, economic and emotional nature.

Wherefore, Plaintiff Kate E. Snow demands judgment against Defendant City of Chicago in an amount in excess of fifty-thousand dollars (\$50,000.00).

Respectfully submitted,

By: /s/Robert A. Clifford
One of the Attorneys for Plaintiffs

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