

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
LASALLE COUNTY, ILLINOIS

PAULA HALLOCK, as Executor of the
Estates of JOHN FASSIG and BETTY FASSIG,
deceased,

Plaintiff,

vs.

JOHN M. GOLDONE,

Defendant.

CASE NO.:

16L94

FILED
JUL 28 2016

Tim Obens
LA SALLE COUNTY CIRCUIT CLERK
THIRTEENTH JUDICIAL CIRCUIT OF ILLINOIS

COMPLAINT AT LAW

NOW COMES, the Plaintiff, PAULA HALLOCK, as Executor of the Estates of JOHN FASSIG and BETTY FASSIG, deceased, by and through her attorneys, MEYERS FLOWERS BRUNO & HERRMANN, LLC, and for her Complaint at Law against Defendant, JOHN M. GOLDONE, states and alleges as follows:

COUNT I – WRONGFUL DEATH

(Paula Hallock, as Executor of the Estate of John Fassig vs. John M. Goldone)

1. On or about July 11, 2016, JOHN FASSIG and BETTY FASSIG, were traveling in a northbound direction on East 8th Road at or near its intersection with North 33rd Road, in Waltham Township, County of LaSalle, State of Illinois.
2. On or about July 11, 2016, at approximately 8:00 pm, the Defendant, JOHN M. GOLDONE, was traveling in a westbound direction on North 33rd Road at or near its intersection with East 8th Road in Waltham Township, County of LaSalle, State of Illinois.
3. On or about July 11, 2016, at approximately 8:00 pm, it was the duty of Defendant, JOHN M. GOLDONE, to exercise ordinary care in the operation of the motor vehicle he was driving.
4. At said time and place, Defendant, JOHN M. GOLDONE, attempted to proceed westbound through the intersection of North 33rd Road and East 8th Road in Waltham Township,

County of LaSalle, State of Illinois, when his motor vehicle struck the vehicle being operated and occupied by JOHN FASSIG and BETTY FASSIG.

5. Notwithstanding Defendant, JOHN M. GOLDONE'S, duty of reasonable care, Defendant, JOHN M. GOLDONE, was guilty of one or more of the following negligent acts and/or omissions:
 - a. Operated his vehicle without keeping a safe and proper lookout for the safety of JOHN FASSIG and BETTY FASSIG;
 - b. Failed to drive his vehicle at a careful and prudent speed, having due regard for the traffic and other conditions then existing;
 - c. Carelessly and negligently drove his motor vehicle in such a manner as to cause his vehicle to strike the vehicle being operated and occupied by JOHN FASSIG and BETTY FASSIG;
 - d. Carelessly and negligently failed to keep his motor vehicle under reasonable control thereby causing his vehicle to strike the vehicle being operated and occupied by JOHN FASSIG and BETTY FASSIG;
 - e. Carelessly and negligently failed to properly apply the brakes of his motor vehicle in order to avoid causing his vehicle to strike the vehicle being operated by JOHN FASSIG and BETTY FASSIG;
 - f. Carelessly and negligently failed to see, observe, and avoid the vehicle driven by JOHN FASSIG and BETTY FASSIG;
 - g. Failed to yield the right-of-way to JOHN FASSIG and BETTY FASSIG, in violation of 625 ILCS 5/11-901 and 625 ILCS 5/11-904;
 - h. Failed to obey the traffic control device controlling westbound traffic on North 33rd Road at its intersection with East 8th Road in Waltham Township, County of LaSalle, State of Illinois; and
 - i. Was otherwise negligent in the operation of his vehicle.

6. That the aforesaid careless and negligent acts and/or omissions of Defendant, JOHN M. GOLDONE, were a direct and proximate cause of said collision and the deaths of JOHN FASSIG and BETTY FASSIG.

7. On July 11, 2016, and for some time prior thereto, there was in full force and effect in the State of Illinois a certain Act, commonly known as the Wrongful Death Act, 740 ILCS 180/1-2, inclusive, which provided in pertinent part as follows:

Whenever the death of a person shall be caused by wrongful act, neglect or default, and the act, neglect or default is such as would, if death had ensued, have entitled the party injured to maintain an action and recover damages in respect thereof, then and in every such case the person who or company or corporation which would have been liable if death had not ensued, shall be liable to an action for damages, notwithstanding the death of the person injured and although the death shall have been caused under such circumstances as amount in law to felony. (740 ILCS 180/1)

Every such action shall be brought by and in the names of the personal representatives of such deceased person, and, except as otherwise hereinafter provided, the amount recovered in every such action shall be for the exclusive benefit of the surviving spouse and next of kin of such deceased person and in every such action the jury may give such damages as they shall deem a fair and just compensation with reference to the pecuniary injuries resulting from such death, to the surviving spouse and next of kin of such deceased person. (740 ILCS 180/2)

8. Plaintiff, PAULA HALLOCK, was appointed Executor of the Estates of JOHN FASSIG and BETTY FASSIG, deceased.

9. JOHN FASSIG and BETTY FASSIG, deceased, left as their next-of-kin: their daughter, Paula Hallock, age 53; their son, Timothy Fassig, age 55; their granddaughter, Shelby Devitt, age 26; their granddaughter, Hayley Devitt, age 23; and their granddaughter, Amy Devitt, age 19.

10. The aforementioned next-of kin have suffered, and will forever suffer pecuniary injuries, including, but not limited to, loss of society, companionship, guidance, attention, advice, training, instruction, grief and sorrow, and all other damages allowed pursuant to the Illinois Wrongful Death Act (740 ILCS 180/1) as a result of the acts and/or omissions of the

Defendant, JOHN M. GOLDONE, that caused the death of JOHN FASSIG and BETTY FASSIG.

WHEREFORE, Plaintiff, PAULA HALLOCK, as Executor of the Estate of JOHN FASSIG, deceased, respectfully demands that this Honorable Court enter judgment against Defendant, JOHN M. GOLDONE, in a dollar amount to satisfy the jurisdictional limitation of this Court and such additional amounts as the jury and the Court shall deem proper, and additionally, costs of said suit.

COUNT II – WRONGFUL DEATH

(Paula Hallock, as Executor of the Estate of Betty Fassig vs. John M. Goldone)

1-11. Plaintiff hereby repeats and re-alleges paragraphs 1 through 10 of Count I as and for paragraph 11 of this Count II as though fully set forth herein.

WHEREFORE, Plaintiff, PAULA HALLOCK, as Executor of the Estate of BETTY FASSIG, deceased, respectfully demands that this Honorable Court enter judgment against Defendant, JOHN M. GOLDONE, in a dollar amount to satisfy the jurisdictional limitation of this Court and such additional amounts as the jury and the Court shall deem proper, and additionally, costs of said suit.

PAULA HALLOCK, as Executor of the
Estates of JOHN FASSIG and BETTY FASSIG, deceased

MEYERS FLOWERS BRUNO & HERRMANN, LLC



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