

FILED
2/23/2023 9:23 AM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2023L001884
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**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

ROCKEAL KING, as Independent Administrator)
of the Estate of CONNOR KACZMARSKI,)
Deceased)
)
Plaintiff,)
)
v.)
)
COOK-ILLINOIS CORP., an Illinois corporation,)
C-I LEASING, L.L.C., an Illinois corporation,)
KICKERT SCHOOL BUS LINE, INC., an Illinois)
corporation,)
KICKERT BUS LINES, INC., an Illinois)
corporation,)
PARK FOREST – CHICAGO HEIGHTS SCHOOL)
DISTRICT 163, and)
DARRYL DOWNS,)
)
Defendants.)

Case No. **2023L001884**

Plaintiff demands trial by jury

COMPLAINT AT LAW

NOW COMES, Plaintiff, ROCKEAL KING, as Independent Administrator of the Estate of CONNOR KACZMARSKI, deceased, by and through her attorneys, CLIFFORD LAW OFFICES, P.C., and complaining of Defendants, COOK-ILLINOIS CORP. (“COOK”), a corporation, C-I LEASING, LLC (“C-I”), an Illinois corporation, KICKERT SCHOOL BUS LINE, INC. (“KICKERT I”), a corporation, KICKERT BUS LINES, INC. (“KICKERT II”), a corporation, PARK FOREST – CHICAGO HEIGHTS SCHOOL DISTRICT 163 (“DISTRICT 163”), and DARRYL DOWNS (“DOWNS”), and states as follows:

**COUNT I
WRONGFUL DEATH
COOK-ILLINOIS**

FILED DATE: 2/23/2023 9:23 AM 2023L001884

1. On and before January 20, 2023, and at all times mentioned herein, Defendant COOK was a duly organized corporation formed under the laws of the state of Illinois and doing business in and throughout Cook County, Illinois.

2. On and before January 20, 2023, and at all times mentioned herein, Defendant COOK was owned by C-I.

3. On and before January 20, 2023, and at all times mentioned herein, Defendant COOK was operated by C-I.

4. On and before January 20, 2023, and at all times mentioned herein, Defendant COOK was managed by C-I.

5. On and before January 20, 2023, and at all times mentioned herein, Defendant COOK was maintained by C-I.

6. On and before January 20, 2023, and at all times mentioned herein, Defendant COOK was controlled by C-I.

7. On and before January 20, 2023, and at all times mentioned herein, Defendant COOK managed C-I, and/or KICKERT I and/or KICKERT II.

8. On and before January 20, 2023, and at all times mentioned herein, Defendant COOK maintained C-I, and/or KICKERT I and/or KICKERT II.

9. On and before January 20, 2023, and at all times mentioned herein, Defendant COOK controlled C-I, and/or KICKERT I and/or KICKERT II.

10. On and before January 20, 2023, and at all times mentioned herein, Defendant COOK owned C-I, and/or KICKERT I and/or KICKERT II.

11. On and before January 20, 2023, and at all times mentioned herein, Defendant COOK operated C-I, and/or KICKERT I and/or KICKERT II.

12. On and before January 20, 2023, and at all times mentioned herein, Defendant COOK owned, operated, managed, controlled, and maintained a school bus bearing Illinois license plate 83452SB, VIN: 4UZABRE2XHCHY9523, and IDOT permit number: 158777.

13. On and before January 20, 2023, and at all times mentioned herein, Walnut Street was a public road running in a general north and south direction through the town of Park Forest, County of Cook, State of Illinois.

14. On and before January 20, 2023, and at all times mentioned herein, Westgate Drive was a public road running in a general east and west direction through the town of Park Forest, County of Cook, State of Illinois.

15. On and before January 20, 2023, and at all times mentioned herein, Walnut Street intersected at Westgate Drive, forming a T-intersection.

16. On January 20, 2023, Defendant COOK's school bus was being operated on its behalf by its agent/employee, Defendant DOWNS, and was in the process of dropping off school children, including Plaintiff's Decedent, CONNOR KACZMARSKI, at aforesaid location.

17. That on January 20, 2023 at approximately 3:13pm, Plaintiff's Decedent, CONNOR KACZMARKSI, was a passenger on and exited from the Defendant, COOK's, school bus at or near the Northeast corner of Westgate Drive and Walnut Street in the Village of Park Forest, County of Cook, State of Illinois.

18. At or about the aforesaid time and place, Defendant, DOWNS, began to accelerate and proceed with the remainder of his route.

19. On January 20, 2023, and at all times mentioned herein, Defendant COOK was acting individually, as well as through its duly authorized employees and agents.

20. At the aforesaid time and place, Defendant, COOK, owed a duty to use ordinary care and caution for the Plaintiff's Decedent, CONNOR KACZMARSKI.

21. On January 20, 2023, Defendant COOK allowed its duly authorized employee/agent and school bus driver, Defendant DARRYL DOWNS, to operate the aforesaid school bus without a valid commercial driver's license (CDL), in violation of Illinois law and Defendant COOK's own policies.

22. At the aforesaid time and place, the Defendants' vehicle collided with Plaintiff's Decedent, CONNOR KACZMARSKI, causing him injuries which led to his death on January 20, 2023.

23. On January 20, 2023, and at all times mentioned herein, Defendant, COOK, by and through its duly authorized employee and/or agent, DARRYL DOWNS, had a duty to operate its motor vehicle in a reasonably careful manner under the same or similar circumstances.

24. On and before January 20, 2023, and at all times mentioned herein, Defendant COOK, through its duly authorized employees and agents, was negligent in one or more of the following ways:

- a. Operated the aforesaid school bus without keeping a proper and sufficient lookout for pedestrians and school children in or about the area, including Plaintiff's Decedent, CONNOR KACZMARSKI;
- b. Failed to exercise due care and proper precautions in the presence of children in violation of Illinois Compiled Statutes Chapter 625, Act 5, Section 11-1002.5;
- c. Started a stopped school bus before such movement could be made with reasonable safety in violation of Illinois Compiled Statutes Chapter 625, Act 5, Section 11-803.
- d. Failed to direct the passenger, Plaintiff's Decedent, CONNOR KACZMARSKI, approximately TEN (10) feet in front of the bus and signal such passenger that it was safe to cross in violation of Illinois Compiled Statutes Chapter 625, Act 5, Section 11-1423.

- e. Operated their motor vehicle with a willful or wanton disregard for the safety of persons or property, in violation of 625 ILCS 5/11-503;
- f. 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 625 ILCS 5/11-601;
- g. Failed to decrease speed so as to avoid colliding with another vehicle (or person), in violation of 625 ILCS 5/11-601;
- h. Failed to operate the school bus in a controlled manner;
- i. Failed to exercise due care to avoid colliding with pedestrians;
- j. Failed to refrain from distractions while driving aforesaid school bus;
- k. Failed to observe pedestrians in the roadway and take proper evasive measures; and
- l. Was otherwise careless and negligent.

25. On and before January 20, 2023, and at all times mentioned herein, Defendant COOK, individually and through its duly authorized employees and agents, was negligent in the following ways:

- a. Allowed its authorized employee/agent to operate aforesaid school bus without a valid CDL in violation of Illinois law and COOK's own policies.
- b. Failed to properly train drivers of the aforesaid school bus, including DARRYL DOWNS; and
- c. Was otherwise careless and negligent

26. As a direct and proximate result of one or more of the aforesaid negligent and careless acts and/or omissions of Defendant COOK, Plaintiff's Decedent, CONNOR KACZMARSKI, sustained injuries which resulted in his death on January 20, 2023.

27. Plaintiff's Decedent, CONNOR KACZMARSKI, is survived by his mother, ROCKEAL KING, his father, FRANK KACZMARSKI and his half-brothers, CHRISTOPHER ARRINGTON, JR., CHRISTIAN ARRINGTON, CHARLES LOVE, JR., all who have sustained

personal and pecuniary losses as a result of the death of CONNOR KACZMARKSI, including, but not limited to, loss of society, companionship, affection, consortium, guidance and love.

28. Plaintiff, ROCKEAL KING, is the duly appointed Independent Administrator of the Estate of CONNOR KACZMARSKI, Deceased, and brings this action pursuant to the Wrongful Death Act of the State of Illinois, 740 ILCS 180/1 *et seq.*

Wherefore, Plaintiff, ROCKEAL KING, as Independent Administrator of the Estate of CONNOR KACZMARSKI, Deceased, demands judgment against Defendant COOK-ILLINOIS CORP. in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

COUNT II
SURVIVAL
COOK-ILLINOIS CORP.

1. Plaintiff, ROCKEAL KING, as Independent Administrator of the Estate of CONNOR KACZMARSKI, Deceased, re-asserts and re-alleges Paragraphs 1-25 of Count I as if fully set forth herein.

2. As a direct and proximate result of the aforesaid negligent acts or omissions of the Defendant, COOK, Plaintiff's Decedent, CONNOR KACZMARSKI, sustained injuries of a personal and pecuniary nature, including constant pain and suffering prior to his death on January 20, 2023, had CONNOR KACZMARSKI survived, he would have been entitled to bring an action for these injuries, and this action survives his death.

3. Plaintiff, ROCKAEL KING, is the duly appointed Independent Administrator of the Estate of CONNOR KACZMARSKI, deceased, and brings this action pursuant to the Illinois Survival Act, 755 ILCS 5/27-6.

Wherefore, Plaintiff, ROCKEAL KING, as Independent Administrator of the Estate of CONNOR KACZMARSKI, Deceased, demands judgment against Defendant COOK-ILLINOIS CORP. in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

COUNT III
WRONGFUL DEATH
C-I LEASING, L.L.C.

1. On and before January 20, 2023, and at all times mentioned herein, Defendant C-I was a duly organized corporation formed under the laws of the state of Illinois and doing business in and throughout Cook County, Illinois.

2. On and before January 20, 2023, and at all times mentioned herein, Defendant C-I was owned COOK

3. On and before January 20, 2023, and at all times mentioned herein, Defendant C-I was operated by COOK.

4. On and before January 20, 2023, and at all times mentioned herein, Defendant C-I was managed by COOK.

5. On and before January 20, 2023, and at all times mentioned herein, Defendant C-I was maintained by COOK.

6. On and before January 20, 2023, and at all times mentioned herein, Defendant C-I was controlled by COOK.

7. On and before January 20, 2023, and at all times mentioned herein, Defendant C-I managed COOK, and/or KICKERT I and/or KICKERT II.

8. On and before January 20, 2023, and at all times mentioned herein, Defendant C-I maintained COOK, and/or KICKERT I and/or KICKERT II

9. On and before January 20, 2023, and at all times mentioned herein, Defendant C-I controlled COOK and/or KICKERT I and/or KICKERT II.

10. On and before January 20, 2023, and at all times mentioned herein, Defendant C-I owned COOK, and/or KICKERT I and/or KICKERT II.

11. On and before January 20, 2023, and at all times mentioned herein, Defendant C-I operated COOK, and/or KICKERT I and/or KICKERT II.

12. On and before January 20, 2023, and at all times mentioned herein, Defendant C-I owned, operated, managed, controlled, and maintained a school bus bearing Illinois license plate 83452SB, VIN: 4UZABRE2XHCHY9523, and IDOT permit number: 158777.

14. On and before January 20, 2023, and at all times mentioned herein, Walnut Street was a public road running in a general north and south direction through the town of Park Forest, County of Cook, State of Illinois.

14. On and before January 20, 2023, and at all times mentioned herein, Westgate Drive was a public road running in a general east and west direction through the town of Park Forest, County of Cook, State of Illinois.

15. On and before January 20, 2023, and at all times mentioned herein, Walnut Street intersected at Westgate Drive, forming a T-intersection.

16. On January 20, 2023, Defendant C-I's school bus was being operated on its behalf by its agent/employee, DOWNS, and was in the process of dropping off school children, including Plaintiff's Decedent, CONNOR KACZMARSKI, at aforesaid location.

17. That on January 20, 2023 at approximately 3:13pm, Plaintiff's Decedent, CONNOR KACZMARKSI, was a passenger on and exited from the Defendant, C-I's, school bus at or near

the Northeast corner of Westgate Drive and Walnut Street in the Village of Park Forest, County of Cook, State of Illinois.

18. At or about the aforesaid time and place, Defendant, DOWNS, began to accelerate and proceed with the remainder of his route.

19. On January 20, 2023, and at all times mentioned herein, Defendant C-I was acting individually, as well as through its duly authorized employees and agents.

20. At the aforesaid time and place, Defendant, C-I, owed a duty to use ordinary care and caution for the Plaintiff's Decedent, CONNOR KACZMARSKI.

21. On January 20, 2023, Defendant C-I allowed its duly authorized employee/agent and school bus driver, Defendant DARRYL DOWNS, to operate the aforesaid school bus without a valid commercial driver's license (CDL), in violation of Illinois law and Defendant C-I's own policies.

22. At the aforesaid time and place, the Defendants' vehicle collided with Plaintiff's Decedent, CONNOR KACZMARSKI, causing him injuries which led to his death on January 20, 2023.

23. On January 20, 2023, and at all times mentioned herein, Defendant, C-I, by and through its duly authorized employee and/or agent, DARRYL DOWNS, had a duty to operate its motor vehicle in a reasonably careful manner under the same or similar circumstances.

24. On and before January 20, 2023, and at all times mentioned herein, Defendant C-I, through its duly authorized employees and agents, was negligent in one or more of the following ways:

- a. Operated the aforesaid school bus without keeping a proper and sufficient lookout for pedestrians and school children in or about the area, including Plaintiff's Decedent, CONNOR KACZMARSKI;

- b. Failed to exercise due care and proper precautions in the presence of children in violation of Illinois Compiled Statutes Chapter 625, Act 5, Section 11-1002.5;
- c. Started a stopped school bus before such movement could be made with reasonable safety in violation of Illinois Compiled Statutes Chapter 625, Act 5, Section 11-803.
- d. Failed to direct the passenger, Plaintiff's Decedent, CONNOR KACZMARSKI, approximately TEN (10) feet in front of the bus and signal such passenger that it was safe to cross in violation of Illinois Compiled Statutes Chapter 625, Act 5, Section 11-1423.
- e. Operated their motor vehicle with a willful or wanton disregard for the safety of persons or property, in violation of 625 ILCS 5/11-503;
- f. 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 625 ILCS 5/11-601;
- g. Failed to decrease speed so as to avoid colliding with another vehicle (or person), in violation of 625 ILCS 5/11-601;
- h. Failed to operate the school bus in a controlled manner;
- i. Failed to exercise due care to avoid colliding with pedestrians;
- j. Failed to refrain from distractions while driving aforesaid school bus;
- k. Failed to observe pedestrians in the roadway and take proper evasive measures; and
- l. Was otherwise careless and negligent.

25. On and before January 20, 2023, and at all times mentioned herein, Defendant C-I, individually and through its duly authorized employees and agents, was negligent in the following ways:

- a. Allowed its authorized employee/agent to operate aforesaid school bus without a valid CDL in violation of Illinois law and C-I's own policies.
- b. Failed to properly train drivers of the aforesaid school bus, including DARRYL DOWNS; and
- c. Was otherwise careless and negligent

26. As a direct and proximate result of one or more of the aforesaid negligent and careless acts and/or omissions of Defendant C-I, Plaintiff's Decedent, CONNOR KACZMARSKI, sustained injuries which resulted in his death on January 20, 2023.

27. Plaintiff's Decedent, CONNOR KACZMARSKI, is survived by his mother, ROCKEAL KING, his father, FRANK KACZMARSKI and his half-brothers, CHRISTOPHER ARRINGTON, JR., CHRISTIAN ARRINGTON, CHARLES LOVE, JR., all who have sustained personal and pecuniary losses as a result of the death of CONNOR KACZMARKSI, including, but not limited to, loss of society, companionship, affection, consortium, guidance and love.

28. Plaintiff, ROCKEAL KING, is the duly appointed Independent Administrator of the Estate of CONNOR KACZMARSKI, Deceased, and brings this action pursuant to the Wrongful Death Act of the State of Illinois, 740 ILCS 180/1 *et seq.*

Wherefore, Plaintiff, ROCKEAL KING, as Independent Administrator of the Estate of CONNOR KACZMARSKI, Deceased, demands judgment against Defendant C-I LEASING, L.L.C. in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

COUNT IV
SURVIVAL
C-I LEASING, L.L.C.

1. Plaintiff, ROCKEAL KING, as Independent Administrator of the Estate of CONNOR KACZMARSKI, Deceased, re-asserts and re-alleges Paragraphs 1-25 of Count III as if fully set forth herein.

2. As a direct and proximate result of the aforesaid negligent acts or omissions of the Defendant, C-I, Plaintiff's Decedent, CONNOR KACZMARSKI, sustained injuries of a personal and pecuniary nature, including constant pain and suffering prior to his death on January 20, 2023,

had CONNOR KACZMARSKI survived, he would have been entitled to bring an action for these injuries, and this action survives his death.

3. Plaintiff, ROCKAEL KING, is the duly appointed Independent Administrator of the Estate of CONNOR KACZMARSKI, deceased, and brings this action pursuant to the Illinois Survival Act, 755 ILCS 5/27-6.

Wherefore, Plaintiff, ROCKEAL KING, as Independent Administrator of the Estate of CONNOR KACZMARSKI, Deceased, demands judgment against Defendant C-I LEASNG L.L.C. in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

COUNT V
WRONGFUL DEATH
KICKERT SCHOOL BUS LINE, INC

1. On and before January 20, 2023, and at all times mentioned herein, Defendant KICKERT I was a duly organized corporation formed under the laws of the state of Illinois and doing business in and throughout Cook County, Illinois.

2. On and before January 20, 2023, and at all times mentioned herein, Defendant KICKERT I was owned by Defendant COOK and/or Defendant C-I.

3. On and before January 20, 2023, and at all times mentioned herein, Defendant KICKERT I was operated by Defendant COOK and/or Defendant C-I.

4. On and before January 20, 2023, and at all times mentioned herein, Defendant KICKERT I was managed by Defendant COOK and/or Defendant C-I.

5. On and before January 20, 2023, and at all times mentioned herein, Defendant KICKERT I was maintained by Defendant COOK and/or Defendant C-I.

6. On and before January 20, 2023, and at all times mentioned herein, Defendant KICKERT I was controlled by Defendant COOK and/or Defendant C-I.

7. On and before January 20, 2023, and at all times mentioned herein, Defendant KICKERT I managed COOK and/or C-I and/or KICKERT II.

8. On and before January 20, 2023, and at all times mentioned herein, Defendant KICKERT I maintained COOK, and/or C-I, and/or KICKERT II.

9. On and before January 20, 2023, and at all times mentioned herein, Defendant KICKERT I controlled COOK and/or C-I, and/or KICKERT II.

10. On and before January 20, 2023, and at all times mentioned herein, Defendant KICKERT I owned COOK and/or C-I, and/or KICKERT II.

11. On and before January 20, 2023, and at all times mentioned herein, Defendant KICKERT II operated COOK, and/or C-I, and/or KICKERT II.

12. On and before January 20, 2023, and at all times mentioned herein, Walnut Street was a public road running in a general north and south direction through the town of Park Forest, County of Cook, State of Illinois.

13. On and before January 20, 2023, and at all times mentioned herein, Westgate Drive was a public road running in a general east and west direction through the town of Park Forest, County of Cook, State of Illinois.

14. On and before January 20, 2023, and at all times mentioned herein, Walnut Street intersected at Westgate Drive, forming a T-intersection.

15. On and before January 20, 2023, and at all times mentioned herein, Defendant KICKERT I, owned, operated, managed, controlled, and maintained a school bus bearing Illinois license plate 83452SB, VIN: 4UZABRE2XHCHY9523, and IDOT permit number: 158777.

16. On January 20, 2023, Defendant KICKERT I's school bus was being operated on its behalf by its agent/employee, DOWNS, and was in the process of dropping off school children, including Plaintiff's Decedent, CONNOR KACZMARSKI, at aforesaid location.

17. That on January 20, 2023 at approximately 3:13pm, Plaintiff's Decedent, CONNOR KACZMARKSI, was a passenger on and exited from the Defendant, KICKERT I's, school bus at or near the Northeast corner of Westgate Drive and Walnut Street in the Village of Park Forest, County of Cook, State of Illinois.

18. At or about the aforesaid time and place, Defendant, DOWNS, began to accelerate and proceed with the remainder of his route.

19. On January 20, 2023, and at all times mentioned herein, Defendant KICKERT I was acting individually, as well as through its duly authorized employees and agents.

20. At the aforesaid time and place, Defendant, KICKERT I, owed a duty to use ordinary care and caution for the Plaintiff's Decedent, CONNOR KACZMARSKI.

21. On January 20, 2023, Defendant KICKERT I allowed its duly authorized employee/agent and school bus driver, Defendant DARRYL DOWNS, to operate the aforesaid school bus without a valid commercial driver's license (CDL), in violation of Illinois law and Defendant KICKERT I's own policies.

22. At the aforesaid time and place, the Defendants' vehicle collided with Plaintiff's Decedent, CONNOR KACZMARSKI, causing him injuries which led to his death on January 20, 2023.

23. On January 20, 2023, and at all times mentioned herein, Defendant, KICKERT I, by and through its duly authorized employee and/or agent, DARRYL DOWNS, had a duty to

operate its motor vehicle in a reasonably careful manner under the same or similar circumstances.

24. On and before January 20, 2023, and at all times mentioned herein, Defendant KICKERT I, through its duly authorized employees and agents, was negligent in one or more of the following ways:

- a. Operated the aforesaid school bus without keeping a proper and sufficient lookout for pedestrians and school children in or about the area, including Plaintiff's Decedent, CONNOR KACZMARSKI;
- b. Failed to exercise due care and proper precautions in the presence of children in violation of Illinois Compiled Statutes Chapter 625, Act 5, Section 11-1002.5;
- c. Started a stopped school bus before such movement could be made with reasonable safety in violation of Illinois Compiled Statutes Chapter 625, Act 5, Section 11-803.
- d. Failed to direct the passenger, Plaintiff's Decedent, CONNOR KACZMARSKI, approximately TEN (10) feet in front of the bus and signal such passenger that it was safe to cross in violation of Illinois Compiled Statutes Chapter 625, Act 5, Section 11-1423.
- e. Operated their motor vehicle with a willful or wanton disregard for the safety of persons or property, in violation of 625 ILCS 5/11-503;
- f. 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 625 ILCS 5/11-601;
- g. Failed to decrease speed so as to avoid colliding with another vehicle (or person), in violation of 625 ILCS 5/11-601;
- h. Failed to operate the school bus in a controlled manner;
- i. Failed to exercise due care to avoid colliding with pedestrians;
- j. Failed to refrain from distractions while driving aforesaid school bus;
- k. Failed to observe pedestrians in the roadway and take proper evasive measures; and
- l. Was otherwise careless and negligent.

25. On and before January 20, 2023, and at all times mentioned herein, Defendant KICKERT I, individually and through its duly authorized employees and agents, was negligent in the following ways:

- a. Allowed its authorized employee/agent to operate aforesaid school bus without a valid CDL in violation of Illinois law and KICKERT I's own policies.
- b. Failed to properly train drivers of the aforesaid school bus, including DARRYL DOWNS; and
- c. Was otherwise careless and negligent

26. As a direct and proximate result of one or more of the aforesaid negligent and careless acts and/or omissions of Defendant, KICKERT I, Plaintiff's Decedent, CONNOR KACZMARSKI, sustained injuries which resulted in his death on January 20, 2023.

27. Plaintiff's Decedent, CONNOR KACZMARSKI, is survived by his mother, ROCKEAL KING, his father, FRANK KACZMARSKI and his half-brothers, CHRISTOPHER ARRINGTON, JR., CHRISTIAN ARRINGTON, CHARLES LOVE, JR., all who have sustained personal and pecuniary losses as a result of the death of CONNOR KACZMARKSI, including, but not limited to, loss of society, companionship, affection, consortium, guidance and love.

28. Plaintiff, ROCKEAL KING, is the duly appointed Independent Administrator of the Estate of CONNOR KACZMARSKI, Deceased, and brings this action pursuant to the Wrongful Death Act of the State of Illinois, 740 ILCS 180/1 *et seq.*

Wherefore, Plaintiff, ROCKEAL KING, as Independent Administrator of the Estate of CONNOR KACZMARSKI, Deceased, demands judgment against Defendant KICKERT SCHOOL BUS LINE, INC in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

COUNT VI
SURVIVAL

KICKERT SCHOOL BUS LINE, INC

1. Plaintiff, ROCKEAL KING, as Independent Administrator of the Estate of CONNOR KACZMARSKI, Deceased, re-asserts and re-alleges Paragraphs 1-25 of Count V as if fully set forth herein.

2. As a direct and proximate result of the aforesaid negligent acts or omissions of the Defendant, KICKERT I, Plaintiff's Decedent, CONNOR KACZMARSKI, sustained injuries of a personal and pecuniary nature, including constant pain and suffering prior to his death on January 20, 2023, had CONNOR KACZMARSKI survived, he would have been entitled to bring an action for these injuries, and this action survives his death.

3. Plaintiff, ROCKAEL KING, is the duly appointed Independent Administrator of the Estate of CONNOR KACZMARSKI, deceased, and brings this action pursuant to the Illinois Survival Act, 755 ILCS 5/27-6.

Wherefore, Plaintiff, ROCKEAL KING, as Independent Administrator of the Estate of CONNOR KACZMARSKI, Deceased, demands judgment against Defendant KICKERT SCHOOL BUS LINE, INC in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

COUNT VII
WRONGFUL DEATH
KICKERT BUS LINES, INC

1. On and before January 20, 2023, and at all times mentioned herein, Defendant KICKERT II was a duly organized corporation formed under the laws of the state of Illinois and doing business in and throughout Cook County, Illinois.

2. On and before January 20, 2023, and at all times mentioned herein, Defendant KICKERT II was owned by Defendant COOK and/or Defendant C-I.

3. On and before January 20, 2023, and at all times mentioned herein, Defendant KICKERT II was operated by Defendant COOK and/or Defendant C-I.

4. On and before January 20, 2023, and at all times mentioned herein, Defendant KICKERT II was managed by Defendant COOK and/or Defendant C-I.

5. On and before January 20, 2023, and at all times mentioned herein, Defendant KICKERT II was maintained by Defendant COOK and/or Defendant C-I.

6. On and before January 20, 2023, and at all times mentioned herein, Defendant KICKERT II was controlled by Defendant COOK and/or Defendant C-I.

7. On and before January 20, 2023, and at all times mentioned herein, Defendant KICKERT II managed C-I, and/or COOK and/or KICKERT I.

8. On and before January 20, 2023, and at all times mentioned herein, Defendant KICKERT II maintained C-I, and/or COOK, and/or KICKERT I.

9. On and before January 20, 2023, and at all times mentioned herein, Defendant KICKERT II controlled C-I, and/or COOK and/or KICKERT I.

10. On and before January 20, 2023, and at all times mentioned herein, Defendant KICKERT II owned C-I, and/or COOK, and/or KICKERT I.

11. On and before January 20, 2023, and at all times mentioned herein, Defendant KICKERT II operated C-I, and/or COOK and/or KICKERT SCHOOL I.

12. On and before January 20, 2023, and at all times mentioned herein, Defendant KICKERT II owned, operated, managed, controlled, and maintained a school bus bearing Illinois license plate 83452SB, VIN: 4UZABRE2XHCHY9523, and IDOT permit number: 158777.

13. On and before January 20, 2023, and at all times mentioned herein, Walnut Street was a public road running in a general north and south direction through the town of Park Forest, County of Cook, State of Illinois.

14. On and before January 20, 2023, and at all times mentioned herein, Westgate Drive was a public road running in a general east and west direction through the town of Park Forest, County of Cook, State of Illinois.

15. On and before January 20, 2023, and at all times mentioned herein, Walnut Street intersected at Westgate Drive, forming a T-intersection.

16. On January 20, 2023, Defendant KICKERT II's school bus was being operated on its behalf by its agent/employee, DOWNS, and was in the process of dropping off school children, including Plaintiff's Decedent, CONNOR KACZMARSKI, at aforesaid location.

17. That on January 20, 2023 at approximately 3:13pm, Plaintiff's Decedent, CONNOR KACZMARKSI, was a passenger on and exited from the Defendant, KICKERT II's, school bus at or near the Northeast corner of Westgate Drive and Walnut Street in the Village of Park Forest, County of Cook, State of Illinois.

18. At or about the aforesaid time and place, Defendant, DOWNS, began to accelerate and proceed with the remainder of his route.

19. On January 20, 2023, and at all times mentioned herein, Defendant KICKERT II was acting individually, as well as through its duly authorized employees and agents.

20. At the aforesaid time and place, Defendant, KICKERT II, owed a duty to use ordinary care and caution for the Plaintiff's Decedent, CONNOR KACZMARSKI.

21. On January 20, 2023, Defendant KICKERT II allowed its duly authorized employee/agent and school bus driver, Defendant DARRYL DOWNS, to operate the aforesaid

school bus without a valid commercial driver's license (CDL), in violation of Illinois law and Defendant KICKERT II's own policies.

22. At the aforesaid time and place, the Defendants' vehicle collided with Plaintiff's Decedent, CONNOR KACZMARSKI, causing him injuries which led to his death on January 20, 2023.

23. On January 20, 2023, and at all times mentioned herein, Defendant, KICKERT II, by and through its duly authorized employee and/or agent, DARRYL DOWNS, had a duty to operate its motor vehicle in a reasonably careful manner under the same or similar circumstances.

24. On and before January 20, 2023, and at all times mentioned herein, Defendant KICKERT II, through its duly authorized employees and agents, was negligent in one or more of the following ways:

- a. Operated the aforesaid school bus without keeping a proper and sufficient lookout for pedestrians and school children in or about the area, including Plaintiff's Decedent, CONNOR KACZMARSKI;
- b. Failed to exercise due care and proper precautions in the presence of children in violation of Illinois Compiled Statutes Chapter 625, Act 5, Section 11-1002.5;
- c. Started a stopped school bus before such movement could be made with reasonable safety in violation of Illinois Compiled Statutes Chapter 625, Act 5, Section 11-803.
- d. Failed to direct the passenger, Plaintiff's Decedent, CONNOR KACZMARSKI, approximately TEN (10) feet in front of the bus and signal such passenger that it was safe to cross in violation of Illinois Compiled Statutes Chapter 625, Act 5, Section 11-1423.
- e. Operated their motor vehicle with a willful or wanton disregard for the safety of persons or property, in violation of 625 ILCS 5/11-503;
- f. 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 625 ILCS 5/11-601;

- g. Failed to decrease speed so as to avoid colliding with another vehicle (or person), in violation of 625 ILCS 5/11-601;
- h. Failed to operate the school bus in a controlled manner;
- i. Failed to exercise due care to avoid colliding with pedestrians;
- j. Failed to refrain from distractions while driving aforesaid school bus;
- k. Failed to observe pedestrians in the roadway and take proper evasive measures; and
- l. Was otherwise careless and negligent.

25. On and before January 20, 2023, and at all times mentioned herein, Defendant KICKERT II, individually and through its duly authorized employees and agents, was negligent in the following ways:

- a. Allowed its authorized employee/agent to operate aforesaid school bus without a valid CDL in violation of Illinois law and KICKERT II's own policies.
- b. Failed to properly train drivers of the aforesaid school bus, including DARRYL DOWNS; and
- c. Was otherwise careless and negligent

26. As a direct and proximate result of one or more of the aforesaid negligent and careless acts and/or omissions of Defendant, KICKERT II, Plaintiff's Decedent, CONNOR KACZMARSKI, sustained injuries which resulted in his death on January 20, 2023.

27. Plaintiff's Decedent, CONNOR KACZMARSKI, is survived by his mother, ROCKEAL KING, his father, FRANK KACZMARSKI and his half-brothers, CHRISTOPHER ARRINGTON, JR., CHRISTIAN ARRINGTON, CHARLES LOVE, JR., all who have sustained personal and pecuniary losses as a result of the death of CONNOR KACZMARKSI, including, but not limited to, loss of society, companionship, affection, consortium, guidance and love.

28. Plaintiff, ROCKEAL KING, is the duly appointed Independent Administrator of the Estate of CONNOR KACZMARSKI, Deceased, and brings this action pursuant to the Wrongful Death Act of the State of Illinois, 740 ILCS 180/1 *et seq.*

Wherefore, Plaintiff, ROCKEAL KING, as Independent Administrator of the Estate of CONNOR KACZMARSKI, Deceased, demands judgment against Defendant KICKERT BUS LINE, INC in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

COUNT VIII
SURVIVAL
KICKERT BUS LINE, INC

1. Plaintiff, ROCKEAL KING, as Independent Administrator of the Estate of CONNOR KACZMARSKI, Deceased, re-asserts and re-alleges Paragraphs 1-25 of Count VI as if fully set forth herein.

2. As a direct and proximate result of the aforesaid negligent acts or omissions of the Defendant, KICKERT II, Plaintiff's Decedent, CONNOR KACZMARSKI, sustained injuries of a personal and pecuniary nature, including constant pain and suffering prior to his death on January 20, 2023, had CONNOR KACZMARSKI survived, he would have been entitled to bring an action for these injuries, and this action survives his death.

3. Plaintiff, ROCKAEL KING, is the duly appointed Independent Administrator of the Estate of CONNOR KACZMARSKI, deceased, and brings this action pursuant to the Illinois Survival Act, 755 ILCS 5/27-6.

Wherefore, Plaintiff, ROCKEAL KING, as Independent Administrator of the Estate of CONNOR KACZMARSKI, Deceased, demands judgment against Defendant KICKERT BUS LINE, INC in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

COUNT IX:
WRONGFUL DEATH

DARRYL DOWNS

1. On and before January 20, 2023, and at all times mentioned herein, Walnut Street was a public road running in a general north and south direction through the town of Park Forest, County of Cook, State of Illinois.

2. On and before January 20, 2023, and at all times mentioned herein, Westgate Drive was a public road running in a general east and west direction through the town of Park Forest, County of Cook, State of Illinois.

3. On and before January 20, 2023, and at all times mentioned herein, Walnut Street intersected at Westgate Drive, forming a T-intersection.

4. On and before January 20, 2023, and at all times mentioned herein, Defendant DOWNS was acting within the scope of his employment as an agent, servant, and/or employee of COOK.

5. On and before January 20, 2023, and at all times mentioned herein, Defendant DOWNS was acting within the scope of his employment as an agent, servant and/or employee of C-I.

6. On and before January 20, 2023, and at all times mentioned herein, Defendant DOWNS was acting within the scope of his employment as an agent, servant and/or employee of KICKERT I.

7. On and before January 20, 2023, and at all times mentioned herein, Defendant DOWNS was acting within the scope of his employment as an agent, servant, and/or employee of KICKERT II.

8. On and before January 20, 2023, and at all times mentioned herein, Defendant DOWNS drove, operated, managed, controlled, and maintained a school bus bearing Illinois license plate 83452SB, VIN: 4UZABRE2XHCHY9523, and IDOT permit number: 158777.

9. On January 20, 2023, Defendant DOWNS was operating the aforesaid school bus, and was in the process of dropping off school children, including Plaintiff's Decedent, CONNOR KACZMARSKI, at aforesaid location.

10. That on January 20, 2023 at approximately 3:13pm, Plaintiff's Decedent, CONNOR KACZMARKSI, was a passenger on and exited from the Defendant, DOWNS's, school bus at or near the Northeast corner of Westgate Drive and Walnut Street in the Village of Park Forest, County of Cook, State of Illinois.

11. At or about the aforesaid time and place, Defendant, DOWNS, began to accelerate and proceed with the remainder of his route.

12. At the aforesaid time and place, Defendant, DOWNS, owed a duty to use ordinary care and caution for the Plaintiff's Decedent, CONNOR KACZMARSKI.

13. On January 20, 2023, Defendant DOWNS operated the aforesaid school bus without a valid commercial driver's license (CDL), in violation of Illinois law and Defendants COOK, C-I, KICKERT I, KICKERT II, and DISTRICT 163's own policies.

14. At the aforesaid time and place, the Defendants' vehicle collided with Plaintiff's Decedent, CONNOR KACZMARSKI, causing him injuries which led to his death on January 20, 2023.

15. On January 20, 2023, and at all times mentioned herein, Defendant, DARRYL DOWNS, had a duty to operate its motor vehicle in a reasonably careful manner under the same or similar circumstances.

16. On and before January 20, 2023, and at all times mentioned herein, Defendant DOWNS, individually and as an agent, servant, and/or employee of COOK and/or C-I, and/or KICKERT I, and/or KICKERT II, and/or DISTRICT 163, was negligent in one or more of the following ways:

- a. Operated the aforesaid school bus without keeping a proper and sufficient lookout for pedestrians and school children in or about the area, including Plaintiff's Decedent, CONNOR KACZMARSKI;
- b. Failed to exercise due care and proper precautions in the presence of children in violation of Illinois Compiled Statutes Chapter 625, Act 5, Section 11-1002.5;
- c. Started a stopped school bus before such movement could be made with reasonable safety in violation of Illinois Compiled Statutes Chapter 625, Act 5, Section 11-803.
- d. Failed to direct the passenger, Plaintiff's Decedent, CONNOR KACZMARSKI, approximately TEN (10) feet in front of the bus and signal such passenger that it was safe to cross in violation of Illinois Compiled Statutes Chapter 625, Act 5, Section 11-1423.
- e. Operated their motor vehicle with a willful or wanton disregard for the safety of persons or property, in violation of 625 ILCS 5/11-503;
- f. 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 625 ILCS 5/11-601;
- g. Failed to decrease speed so as to avoid colliding with another vehicle (or person), in violation of 625 ILCS 5/11-601;
- h. Failed to operate the school bus in a controlled manner;
- i. Failed to exercise due care to avoid colliding with pedestrians;
- j. Failed to refrain from distractions while driving aforesaid school bus;
- k. Failed to observe pedestrians in the roadway and take proper evasive measures;
- l. Operated aforesaid school bus without a valid CDL in violation of Illinois law; and
- m. Was otherwise careless and negligent.

17. As a direct and proximate result of one or more of the aforesaid negligent and careless acts and/or omissions of Defendant, DOWNS, Plaintiff's Decedent, CONNOR KACZMARSKI, sustained injuries which resulted in his death on January 20, 2023.

18. Plaintiff's Decedent, CONNOR KACZMARSKI, is survived by his mother, ROCKEAL KING, his father, FRANK KACZMARSKI and his half-brothers, CHRISTOPHER ARRINGTON, JR., CHRISTIAN ARRINGTON, CHARLES LOVE, JR., all who have sustained personal and pecuniary losses as a result of the death of CONNOR KACZMARKSI, including, but not limited to, loss of society, companionship, affection, consortium, guidance and love.

19. Plaintiff, ROCKEAL KING, is the duly appointed Independent Administrator of the Estate of CONNOR KACZMARSKI, Deceased, and brings this action pursuant to the Wrongful Death Act of the State of Illinois, 740 ILCS 180/1 *et seq.*

Wherefore, Plaintiff, ROCKEAL KING, as Independent Administrator of the Estate of CONNOR KACZMARSKI, Deceased, demands judgment against Defendant DARRYL DOWNS in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

COUNT X
SURVIVAL
DARRYL DOWNS

1. Plaintiff, ROCKEAL KING, as Independent Administrator of the Estate of CONNOR KACZMARSKI, Deceased, re-asserts and re-alleges Paragraphs 1-16 of Count IX as if fully set forth herein.

2. As a direct and proximate result of the aforesaid negligent acts or omissions of the Defendant, DOWNS, Plaintiff's Decedent, CONNOR KACZMARSKI, sustained injuries of a personal and pecuniary nature, including constant pain and suffering prior to his death on January

20, 2023, had CONNOR KACZMARSKI survived, he would have been entitled to bring an action for these injuries, and this action survives his death.

3. Plaintiff, ROCKAEL KING, is the duly appointed Independent Administrator of the Estate of CONNOR KACZMARSKI, deceased, and brings this action pursuant to the Illinois Survival Act, 755 ILCS 5/27-6.

Wherefore, Plaintiff, ROCKEAL KING, as Independent Administrator of the Estate of CONNOR KACZMARSKI, Deceased, demands judgment against Defendant DARRYL DOWNS in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

COUNT XI
WRONGFUL DEATH: NEGLIGENCE
PARK FOREST – CHICAGO HEIGHTS SCHOOL DISTRICT 163

1. On and before January 20, 2023, and at all times mentioned herein, Defendant, DISTRICT 163 was a school district within the County of Cook, State of Illinois.

2. On and before January 20, 2023, and at all times mentioned herein, DARRYL DOWNS was an agent, servant, and/or employee of DISTRICT 163.

3. On and before January 20, 2023, and at all times mentioned herein, DISTRICT 163 knew that DARRYL DOWNS was driving on the day of the crash without a valid commercial driver's license.

4. On and before January 20, 2023, and at all times mentioned herein, DISTRICT 163 contracted with COOK to provide school bus transportation for children that go to school within DISTRICT 163.

5. On and before January 20, 2023, and at all times mentioned herein, DISTRICT 163 contracted with C-I to provide school bus transportation for children that go to school within DISTRICT 163.

6. On and before January 20, 2023, and at all times mentioned herein, DISTRICT 163 contracted with KICKERT I to provide school bus transportation for children that go to school within DISTRICT 163.

7. On and before January 20, 2023, and at all times mentioned herein, DISTRICT 163 contracted with KICKERT II to provide school bus transportation for children that go to school within DISTRICT 163.

8. On and before January 20, 2023, and at all times mentioned herein, DISTRICT 163 failed to properly train their agent/servant and/or employee DARYL DOWNS on school bus driver safety.

9. On and before January 20, 2023, and at all times mentioned herein, Walnut Street was a public road running in a general north and south direction through the town of Park Forest, County of Cook, State of Illinois.

10. On and before January 20, 2023, and at all times mentioned herein, Westgate Drive was a public road running in a general east and west direction through the town of Park Forest, County of Cook, State of Illinois.

11. On and before January 20, 2023, and at all times mentioned herein, Walnut Street intersected at Westgate Drive, forming a T-intersection.

12. On and before January 20, 2023, and at all times mentioned herein, Defendant DOWNS drove, operated, managed, controlled, and maintained a school bus bearing Illinois license plate 83452SB, VIN: 4UZABRE2XHCHY9523, and IDOT permit number: 158777.

13. On January 20, 2023, Defendant DOWNS was operating the aforesaid school bus, and was in the process of dropping off school children, including Plaintiff's Decedent, CONNOR KACZMARSKI, at aforesaid location.

14. That on January 20, 2023 at approximately 3:13pm, Plaintiff's Decedent, CONNOR KACZMARKSI, was a passenger on and exited from the Defendant, DOWNS's, school bus at or near the Northeast corner of Westgate Drive and Walnut Street in the Village of Park Forest, County of Cook, State of Illinois.

15. At or about the aforesaid time and place, Defendant, DOWNS, began to accelerate and proceed with the remainder of his route.

16. At the aforesaid time and place, Defendant, DISTRICT 163, owed a duty to use ordinary care and caution for the Plaintiff's Decedent, CONNOR KACZMARSKI.

17. On January 20, 2023, Defendant DOWNS operated the aforesaid school bus without a valid commercial driver's license (CDL), in violation of Illinois law and Defendants COOK, C-I, KICKERT I, KICKERT II, and DISTRICT 163's own policies.

18. At the aforesaid time and place, the Defendants' vehicle collided with Plaintiff's Decedent, CONNOR KACZMARSKI, causing him injuries which led to his death on January 20, 2023.

19. On January 20, 2023, and at all times mentioned herein, Defendant, DISTRICT 163, by and through its duly authorized employee and/or agent, DARRYL DOWNS, had a duty to operate its motor vehicle in a reasonably careful manner under the same or similar circumstances.

20. On and before January 20, 2023, and at all times mentioned herein, Defendant DISTRICT 163, through its duly authorized employees and agents, was negligent in one or more of the following ways:

- a. Operated the aforesaid school bus without keeping a proper and sufficient lookout for pedestrians and school children in or about the area, including Plaintiff's Decedent, CONNOR KACZMARSKI;

- b. Failed to exercise due care and proper precautions in the presence of children in violation of Illinois Compiled Statutes Chapter 625, Act 5, Section 11-1002.5;
- c. Started a stopped school bus before such movement could be made with reasonable safety in violation of Illinois Compiled Statutes Chapter 625, Act 5, Section 11-803.
- d. Failed to direct the passenger, Plaintiff's Decedent, CONNOR KACZMARSKI, approximately TEN (10) feet in front of the bus and signal such passenger that it was safe to cross in violation of Illinois Compiled Statutes Chapter 625, Act 5, Section 11-1423.
- e. Operated their motor vehicle with a willful or wanton disregard for the safety of persons or property, in violation of 625 ILCS 5/11-503;
- f. 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 625 ILCS 5/11-601;
- g. Failed to decrease speed so as to avoid colliding with another vehicle (or person), in violation of 625 ILCS 5/11-601;
- h. Failed to operate the school bus in a controlled manner;
- i. Failed to exercise due care to avoid colliding with pedestrians;
- j. Failed to refrain from distractions while driving aforesaid school bus;
- k. Failed to observe pedestrians in the roadway and take proper evasive measures; and
- l. Was otherwise careless and negligent.

21. On and before January 20, 2023, and at all times mentioned herein, Defendant DISTRICT 163, individually and through its duly authorized employees and agents, was negligent in the following ways:

- a. Allowed its authorized employee/agent to operate aforesaid school bus without a valid CDL in violation of Illinois law and DISTRICT 163's own policies.
- b. Failed to properly train drivers of the aforesaid school bus, including DARRYL DOWNS; and
- c. Was otherwise careless and negligent.

22. As a direct and proximate result of one or more of the aforesaid negligent and careless acts and/or omissions of Defendant, DISTRICT 163, Plaintiff's Decedent, CONNOR KACZMARSKI, sustained injuries which resulted in his death on January 20, 2023.

23. Plaintiff's Decedent, CONNOR KACZMARSKI, is survived by his mother, ROCKEAL KING, his father, FRANK KACZMARSKI and his half-brothers, CHRISTOPHER ARRINGTON, JR., CHRISTIAN ARRINGTON, CHARLES LOVE, JR., all who have sustained personal and pecuniary losses as a result of the death of CONNOR KACZMARKSI, including, but not limited to, loss of society, companionship, affection, consortium, guidance and love.

24. Plaintiff, ROCKEAL KING, is the duly appointed Independent Administrator of the Estate of CONNOR KACZMARSKI, Deceased, and brings this action pursuant to the Wrongful Death Act of the State of Illinois, 740 ILCS 180/1 *et seq.*

Wherefore, Plaintiff, ROCKEAL KING, as Independent Administrator of the Estate of Connor Kaczmarski, Deceased, demands judgment against Defendant PARK FOREST – CHICAGO HEIGHTS SCHOOL DISTRICT 163 in an amount in excess of fifty-thousand dollars (\$50,000.00).

COUNT XII
SURVIVAL ACT: NEGLIGENCE
PARK FOREST – CHICAGO HEIGHTS SCHOOL DISTRICT 163

1. Plaintiff re-asserts and re-alleges Paragraphs 1-21 of Count XI as if fully set forth herein.

2. As a direct and proximate result of the aforesaid negligent acts or omissions of the Defendant, DISTRICT 163, Plaintiff's Decedent, CONNOR KACZMARSKI, sustained injuries of a personal and pecuniary nature, including constant pain and suffering prior to his death on

January 20, 2023, had CONNOR KACZMARSKI survived, he would have been entitled to bring an action for these injuries, and this action survives his death.

3. Plaintiff, ROCKAEL KING, is the duly appointed Independent Administrator of the Estate of CONNOR KACZMARSKI, deceased, and brings this action pursuant to the Illinois Survival Act, 755 ILCS 5/27-6.

Wherefore, Plaintiff, ROCKEAL KING, as Independent Administrator of the Estate of CONNOR KACZMARSKI, Deceased, demands judgment against Defendant PARK FOREST – CHICAGO HEIGHTS SCHOOL DISTRICT 163 in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00)

COUNT XIII
WRONGFUL DEATH: WILLFUL AND WANTON
PARK FOREST – CHICAGO HEIGHTS SCHOOL DISTRICT 163

1. On and before January 20, 2023, and at all times mentioned herein, Defendant, DISTRICT 163 was a school district within the County of Cook, State of Illinois.

2. On and before January 20, 2023, and at all times mentioned herein, DARRYL DOWNS was an agent, servant, and/or employee of DISTRICT 163.

3. On and before January 20, 2023, and at all times mentioned herein, DISTRICT 163 knew that DARRYL DOWNS was driving on the day of the crash without a valid commercial driver's license.

4. On and before January 20, 2023, and at all times mentioned herein, DISTRICT 163 contracted with COOK to provide school bus transportation for children that go to school within DISTRICT 163.

5. On and before January 20, 2023, and at all times mentioned herein, DISTRICT 163 contracted with C-I to provide school bus transportation for children that go to school within DISTRICT 163.

6. On and before January 20, 2023, and at all times mentioned herein, DISTRICT 163 contracted with KICKERT I to provide school bus transportation for children that go to school within DISTRICT 163.

7. On and before January 20, 2023, and at all times mentioned herein, DISTRICT 163 contracted with KICKERT II to provide school bus transportation for children that go to school within DISTRICT 163.

8. On and before January 20, 2023, and at all times mentioned herein, DISTRICT 163 failed to properly train their agent/servant and/or employee DARYL DOWNS on school bus driver safety.

9. On and before January 20, 2023, and at all times mentioned herein, Walnut Street was a public road running in a general north and south direction through the town of Park Forest, County of Cook, State of Illinois.

10. On and before January 20, 2023, and at all times mentioned herein, Westgate Drive was a public road running in a general east and west direction through the town of Park Forest, County of Cook, State of Illinois.

11. On and before January 20, 2023, and at all times mentioned herein, Walnut Street intersected at Westgate Drive, forming a T-intersection.

12. On and before January 20, 2023, and at all times mentioned herein, Defendant DOWNS drove, operated, managed, controlled, and maintained a school bus bearing Illinois license plate 83452SB, VIN: 4UZABRE2XHCHY9523, and IDOT permit number: 158777.

13. On January 20, 2023, Defendant DOWNS was operating the aforesaid school bus, and was in the process of dropping off school children, including Plaintiff's Decedent, CONNOR KACZMARSKI, at aforesaid location.

14. That on January 20, 2023 at approximately 3:13pm, Plaintiff's Decedent, CONNOR KACZMARKSI, was a passenger on and exited from the Defendant, DOWNS's, school bus at or near the Northeast corner of Westgate Drive and Walnut Street in the Village of Park Forest, County of Cook, State of Illinois.

15. At or about the aforesaid time and place, Defendant, DOWNS, began to accelerate and proceed with the remainder of his route.

16. On January 20, 2023, Defendant, DISTRICT 163, had a duty to refrain from willful and wanton conduct and/or conscious disregard or utter indifference for the safety of others.

17. On January 20, 2023, Defendant, DISTRICT 163, both individually and by and through its actual and/or apparent agents, acted with conscious disregard and/or utter indifference for the safety of others, including CONNOR KACZMARSKI.

18. On January 20, 2023, and at all times mentioned herein, Defendant, DISTRICT 163, by and through its duly authorized employee and/or agent, DARRYL DOWNS, had a duty to operate its motor vehicle in a reasonably careful manner under the same or similar circumstances.

19. On and before January 20, 2023, and at all times mentioned herein, Defendant DISTRICT 163, through its duly authorized employees and agents, acted with conscious disregard and/or utter indifference in one or more of the following ways:

- a. Operated the aforesaid school bus without keeping a proper and sufficient lookout for pedestrians and school children in or about the area, including Plaintiff's Decedent, CONNOR KACZMARSKI;
- b. Failed to exercise due care and proper precautions in the presence of children in violation of Illinois Compiled Statutes Chapter 625, Act 5, Section 11-1002.5;

- c. Started a stopped school bus before such movement could be made with reasonable safety in violation of Illinois Compiled Statutes Chapter 625, Act 5, Section 11-803.
- d. Failed to direct the passenger, Plaintiff's Decedent, CONNOR KACZMARSKI, approximately TEN (10) feet in front of the bus and signal such passenger that it was safe to cross in violation of Illinois Compiled Statutes Chapter 625, Act 5, Section 11-1423.
- e. Operated their motor vehicle with a willful or wanton disregard for the safety of persons or property, in violation of 625 ILCS 5/11-503;
- f. 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 625 ILCS 5/11-601;
- g. Failed to decrease speed so as to avoid colliding with another vehicle (or person), in violation of 625 ILCS 5/11-601;
- h. Failed to operate the school bus in a controlled manner;
- i. Failed to exercise due care to avoid colliding with pedestrians;
- j. Failed to refrain from distractions while driving aforesaid school bus;
- k. Failed to observe pedestrians in the roadway and take proper evasive measures; and
- l. Was engaged in willful and wanton conduct.

20. On and before January 20, 2023, and at all times mentioned herein, Defendant DISTRICT 163, individually and through its duly authorized employees and agents, was negligent in the following ways:

- a. Allowed its authorized employee/agent to operate aforesaid school bus without a valid CDL in violation of Illinois law and DISTRICT 163's own policies.
- b. Failed to properly train drivers of the aforesaid school bus, including DARRYL DOWNS; and
- c. Was engaged in willful and wanton conduct.

21. As a proximate result of one or more of the aforesaid willful and wanton acts and/or omissions of Defendant DISTRICT 163, Plaintiff's Decedent, CONNOR KACZMARSKI,

sustained injuries of a personal and pecuniary nature, including constant pain and suffering prior to his death on January 20, 2023, had CONNOR KACZMARSKI survived, he would have been entitled to bring an action for these injuries, and this action survives his death.

22. Plaintiff's Decedent, CONNOR KACZMARSKI, is survived by his mother, ROCKEAL KING, his father, FRANK KACZMARSKI and his half-brothers, CHRISTOPHER ARRINGTON, JR., CHRISTIAN ARRINGTON, CHARLES LOVE, JR., all who have sustained personal and pecuniary losses as a result of the death of CONNOR KACZMARKSI, including, but not limited to, loss of society, companionship, affection, consortium, guidance and love.

23. Plaintiff, ROCKEAL KING, is the duly appointed Independent Administrator of the Estate of CONNOR KACZMARSKI, Deceased, and brings this action pursuant to the Wrongful Death Act of the State of Illinois, 740 ILCS 180/1 *et seq.*

Wherefore, Plaintiff, ROCKEAL KING, as Independent Administrator of the Estate of Connor Kaczmarski, Deceased, demands judgment against Defendant PARK FOREST – CHICAGO HEIGHTS SCHOOL DISTRICT 163 in an amount in excess of fifty-thousand dollars (\$50,000.00).

COUNT XIV
SURVIVAL ACT: WILLFUL AND WANTON CONDUCT
PARK FOREST – CHICAGO HEIGHTS SCHOOL DISTRICT 163

1. Plaintiff re-asserts and re-alleges Paragraphs 1-20 of Count XIII as if fully set forth herein.

2. As a proximate result of one or more of the aforesaid willful and wanton acts and/or omissions of Defendant, DISTRICT 163, Plaintiff's Decedent, CONNOR KACZMARSKI, sustained injuries of a personal and pecuniary nature, including constant pain and suffering prior

to his death on January 20, 2023, had CONNOR KACZMARSKI survived, he would have been entitled to bring an action for these injuries, and this action survives his death.

3. Plaintiff, ROCKAEL KING, is the duly appointed Independent Administrator of the Estate of CONNOR KACZMARSKI, deceased, and brings this action pursuant to the Illinois Survival Act, 755 ILCS 5/27-6.

Wherefore, Plaintiff, ROCKEAL KING, as Independent Administrator of the Estate of CONNOR KACZMARSKI, Deceased, demands judgment against Defendant PARK FOREST – CHICAGO HEIGHTS SCHOOL DISTRICT 163 in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00)

Respectfully submitted,

/s/ Bradley M. Cosgrove
One of the Attorneys for Plaintiff

Bradley M. Cosgrove
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bmc@cliffordlaw.com

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

ROCKEAL KING, as Independent Administrator)
of the Estate of CONNOR KACZMARSKI,)
Deceased)
)
Plaintiff,)
)
v.)
)
COOK-ILLINOIS CORP., an Illinois corporation,)
C-I LEASING, L.L.C., an Illinois corporation,)
KICKERT SCHOOL BUS LINE, INC., an Illinois)
corporation,)
KICKERT BUS LINES, INC., an Illinois)
corporation,)
PARK FOREST – CHICAGO HEIGHTS SCHOOL)
DISTRICT 163, and)
DARRYL DOWNS,)
)
Defendants.)

Case No.

Plaintiff demands trial by jury

JURY DEMAND

Plaintiff, ROCKEAL KING, as Independent Administrator of the Estate of CONNOR KACZMARSKI, Deceased, demands a trial by a twelve-person jury.

/s/ Bradley M. Cosgrove
One of the Attorneys for Plaintiff

Bradley M. Cosgrove
Joseph T. Murphy
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