

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

FILED
1/8/2024 12:00 AM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2024L000204
Calendar, A
25861968

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

GRACE DADA,)
)
Plaintiff,)
)
v.)
)
ELIZABETH BALBUENA, individually,)
and as servant and agent of CHICAGO)
TRANSIT AUTHORITY, and CHICAGO)
TRANSIT AUTHORITY,)
)
Defendants.)

Court No.: 2024L000204

COMPLAINT AT LAW

NOW COMES the Plaintiff, GRACE DADA, by her attorneys, THE LAW OFFICES OF JOHN S. ELIASIK, and for her complaint against the Defendants ELIZABETH BALBUENA, individually and a servant and agent of CHICAGO TRANSIT AUTHORITY, and CHICAGO TRANSIT AUTHORITY, alleges as follows:

COUNT I – ELIZABETH BALBUENA

1. That on January 27, 2023, the Plaintiff, GRACE DADA, owned and operated a motor vehicle which was traveling southbound at 6620 S. Dr. Martin Luther King Drive, in Chicago, Cook County, Illinois.
2. That on the aforementioned date and time, the Defendant, ELIZABETH BALBUENA, was an employee of the CHICAGO TRANSIT AUTHORITY (hereinafter referred to as “the CTA”), and operated a bus owned by the CTA, which was also traveling southbound at 6620 S. Dr. Martin Luther King Drive, in Chicago, Cook County, Illinois.

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3. That at said time and place, a collision occurred between the motor vehicle of the Defendant ELIZABETH BALBUENA and the motor vehicle of the Plaintiff GRACE DADA.

4. That on the aforementioned date, the Defendant ELIZABETH BALBUENA was under a duty to exercise due care and caution for his own safety and for the safety of others.

6. That the Defendant, ELIZABETH BALBUENA, committed one or more of the following negligent acts or omissions:

- a) Negligently, carelessly, and improperly operated said motor vehicle;
- b) Negligently, carelessly, and improperly changed lanes when it was not safe to do so, contrary to and in violation of 625 ILCS 5/11-709;
- c) Negligently, carelessly, and improperly failed to have said motor vehicle equipped with brakes adequate to control its movement and to stop and hold it, contrary to and in violation of 625 ILCS 5/12-301;
- d) Negligently, carelessly, and improperly failed to stop or slacken in speed when danger to Plaintiff was imminent;
- e) Negligently, carelessly, and improperly failed to give any warning signal to the Plaintiff by sounding said motor vehicle's horn;
- f) Negligently, carelessly, and improperly failed to keep a proper and sufficient lookout for adverse vehicles;
- g) Negligently, carelessly, and improperly failed to keep said motor vehicle under proper and sufficient control so that it could be readily stopped and slackened in speed;
- h) Negligently, carelessly, and improperly caused a collision.

6. As a proximate result of one or more of the aforesaid negligent acts and/or omissions of Defendant ELIZABETH BALBUENA, the Plaintiff GRACE DADA suffered injuries of a personal, permanent and pecuniary nature.

7. As a further direct and proximate result of the aforesaid injuries, the Plaintiff GRACE DADA has experienced pain, suffering, emotional distress, disability,

disfigurement, loss of a normal life, has incurred legal obligations for medical bills and has suffered lost earnings and lost earning capacity, all of which injuries and conditions are permanent in nature.

WHEREFORE the Plaintiff GRACE DADA demands judgment against the Defendant ELIZABETH BALBUENA in an amount in excess of \$50,000 and such additional amounts as the jury and the Court shall deem proper, and additionally, costs of said suit.

COUNT II – ELIZABETH BALBUENA as servant and agent of the CTA

1. That on January 27, 2023, the Plaintiff, GRACE DADA, owned and operated a motor vehicle which was traveling southbound at 6620 S. Dr. Martin Luther King Drive, in Chicago, Cook County, Illinois.

2. That on the aforementioned date and time, the Defendant, ELIZABETH BALBUENA, was an employee of the CHICAGO TRANSIT AUTHORITY (hereinafter referred to as “the CTA”), and operated a bus owned by the CTA, which was also traveling southbound at 6620 S. Dr. Martin Luther King Drive, in Chicago, Cook County, Illinois.

3. That at said time and place, a collision occurred between the motor vehicle of the Defendant ELIZABETH BALBUENA and the motor vehicle of the Plaintiff GRACE DADA.

4. That on the aforementioned date, the Defendant ELIZABETH BALBUENA, as servant and agent of the CTA, was under a duty to exercise due care and caution for his own safety and for the safety of others.

6. That the Defendant, ELIZABETH BALBUENA, as servant and agent of the CTA, committed one or more of the following negligent acts or omissions:

- a) Negligently, carelessly, and improperly operated said motor vehicle;

- b) Negligently, carelessly, and improperly changed lanes when it was not safe to do so, contrary to and in violation of 625 ILCS 5/11-709;
 - c) Negligently, carelessly, and improperly failed to have said motor vehicle equipped with brakes adequate to control its movement and to stop and hold it, contrary to and in violation of 625 ILCS 5/12-301;
 - d) Negligently, carelessly, and improperly failed to stop or slacken in speed when danger to Plaintiff was imminent;
 - e) Negligently, carelessly, and improperly failed to give any warning signal to the Plaintiff by sounding said motor vehicle's horn;
 - f) Negligently, carelessly, and improperly failed to keep a proper and sufficient lookout for adverse vehicles;
 - g) Negligently, carelessly, and improperly failed to keep said motor vehicle under proper and sufficient control so that it could be readily stopped and slackened in speed;
 - h) Negligently, carelessly, and improperly caused a collision.
6. As a proximate result of one or more of the aforesaid negligent acts and/or omissions of Defendant ELIZABETH BALBUENA as servant and agent of the CTA, the Plaintiff GRACE DADA suffered injuries of a personal, permanent and pecuniary nature.
7. As a further direct and proximate result of the aforesaid injuries, the Plaintiff GRACE DADA has experienced pain, suffering, emotional distress, disability, disfigurement, loss of a normal life, has incurred legal obligations for medical bills and has suffered lost earnings and lost earning capacity, all of which injuries and conditions are permanent in nature.

WHEREFORE the Plaintiff GRACE DADA demands judgment against the Defendant ELIZABETH BALBUENA as servant and agent of the CTA, in an amount in excess of \$50,000 and such additional amounts as the jury and the Court shall deem proper, and additionally, costs of said suit.

COUNT III – CHICAGO TRANSIT AUTHORITY

1. That on January 27, 2023, the Plaintiff, GRACE DADA, owned and operated a motor vehicle which was traveling southbound at 6620 S. Dr. Martin Luther King Drive, in Chicago, Cook County, Illinois.

2. That on the aforementioned date and time, the Defendant, ELIZABETH BALBUENA, was an employee of the CHICAGO TRANSIT AUTHORITY (hereinafter referred to as “the CTA”), and operated a bus owned by the CTA, which was also traveling southbound at 6620 S. Dr. Martin Luther King Drive, in Chicago, Cook County, Illinois.

3. That at said time and place, a collision occurred between the motor vehicle of the Defendant ELIZABETH BALBUENA and the motor vehicle of the Plaintiff GRACE DADA.

4. That on the aforementioned date, the Defendant the CTA, by and through its servants and agents, was under a duty to exercise due care and caution for his own safety and for the safety of others.

6. That the Defendant, the CTA, by and through its servants and agents, committed one or more of the following negligent acts or omissions:

- a) Negligently, carelessly, and improperly operated said motor vehicle;
- b) Negligently, carelessly, and improperly changed lanes when it was not safe to do so, contrary to and in violation of 625 ILCS 5/11-709;
- c) Negligently, carelessly, and improperly failed to have said motor vehicle equipped with brakes adequate to control its movement and to stop and hold it, contrary to and in violation of 625 ILCS 5/12-301;
- d) Negligently, carelessly, and improperly failed to stop or slacken in speed when danger to Plaintiff was imminent;
- e) Negligently, carelessly, and improperly failed to give any warning signal to the Plaintiff by sounding said motor vehicle’s horn;

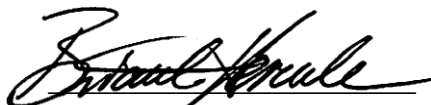
- f) Negligently, carelessly, and improperly failed to keep a proper and sufficient lookout for adverse vehicles;
- g) Negligently, carelessly, and improperly failed to keep said motor vehicle under proper and sufficient control so that it could be readily stopped and slackened in speed;
- h) Negligently, carelessly, and improperly caused a collision.

6. As a proximate result of one or more of the aforesaid negligent acts and/or omissions of Defendant the CTA by and through its servants and agents, the Plaintiff GRACE DADA suffered injuries of a personal, permanent and pecuniary nature.

7. As a further direct and proximate result of the aforesaid injuries, the Plaintiff GRACE DADA has experienced pain, suffering, emotional distress, disability, disfigurement, loss of a normal life, has incurred legal obligations for medical bills and has suffered lost earnings and lost earning capacity, all of which injuries and conditions are permanent in nature.

WHEREFORE the Plaintiff GRACE DADA demands judgment against the Defendant CHICAGO TRANSIT AUTHORITY in an amount in excess of \$50,000 and such additional amounts as the jury and the Court shall deem proper, and additionally, costs of said suit.

Respectfully submitted,



Brian C. Hercule

The Law Offices of John S. Eliasik
67 E. Madison Street, Suite 1919
Chicago, Illinois 60603
312-981-0408
Atty. No.: 39463
Attorney for Plaintiff

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AFFIDAVIT

I, Brian C. Hercule, attorney for Plaintiffs, being first duly sworn on oath, depose and state as follows:

1. I represent the Plaintiffs in the above cause of action.
2. Upon investigation of the facts as known to me at this time, including the nature and extent of the physical injuries and medical expenses appurtenant, the damages in this case, exclusive of interest and costs, are in excess of \$50,000.00.

FURTHER AFFIANT SAYETH NAUGHT



Brian C. Hercule

The Law Offices of John S. Eliasik
67 E. Madison Street, Suite 1919
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