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

ERICKA TOPACIO and)	
CIAN MARTIN)	
)	Case No.
Plaintiffs,)	
)	Jury Demand
v.)	
)	
PROTECTIVE PARKING SERVICE)	
CORPORATION and AARON ZAWADZKI)	
)	
Defendants.)	

COMPLAINT AT LAW

NOW COME Plaintiffs, ERICKA TOPACIO and CIAN MARTIN, by and through their attorneys, Taxman, Pollock, Murray & Bekkerman, LLC, and for their Complaint at Law, against Defendants, PROTECTIVE PARKING SERVICE CORPORATION and AARON ZAWADZKI, states as follows:

COUNT I
Topacio v. Protective Parking Service Corporation
(Negligence)

The Plaintiff, ERICKA TOPACIO, by and through her attorneys, Taxman, Pollock, Murray & Bekkerman, LLC, complains against the Defendant, PROTECTIVE PARKING SERVICE CORPORATION, and states as follows:

1. On or about February 23, 2022, Plaintiff, ERICKA TOPACIO, was the passenger in a certain 2015 Hyundai Sonata motor vehicle which travelled northbound on N. Milwaukee Avenue at or near its intersection with N Honore Street, in the City of Chicago, County of Cook, State of Illinois.

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2. On or about February 23, 2022, and at all times relevant, Defendant, PROTECTIVE PARKING SERVICE CORPORATION, was an Illinois business corporation, operating and doing business in the County of Cook, State of Illinois.

3. Defendant AARON ZAWADZKI, individually and in his capacity as actual or apparent agent, servant, and/or employee of Defendant, PROTECTIVE PARKING SERVICE CORPORATION, was operating, managing, and/or controlling a certain tow truck, northbound on N. Milwaukee Avenue at or near its intersection with N Honore Street, in the City of Chicago, County of Cook, State of Illinois

4. At that time and place, it was the duty of PROTECTIVE PARKING SERVICE CORPORATION, individually and by and through its actual or apparent agent, AARON ZAWADZKI, to exercise ordinary care in the ownership, operation, maintenance, training, and/or control of said motor vehicle to avoid placing others in danger and to avoid a collision, so as not to cause injury or death to others lawfully upon the roadways, including Plaintiffs.

5. At that time and place, the vehicle in which Plaintiff traveled was making a left-hand turn from Milwaukee to head westbound on N. Honore Street.

6. At that time and place Defendant, AARON ZAWADZKI, improperly attempted to veer around the Plaintiffs' turning vehicle and caused a collision by striking said vehicle.

7. At that same time and place alleged above, notwithstanding the aforesaid duty, Defendant PROTECTIVE PARKING SERVICE CORPORATION, individually and/or by and through its actual or apparent agent, servant, and/or employee AARON ZAWADZKI was then and there guilty of one or more of the following careless and negligent acts and/or omissions:

- a. Failed to exercise that degree of care and caution that a reasonable person under similar circumstances would have exercised in the operation of his vehicle;
- b. Failed to keep an adequate or any lookout while driving his vehicle for other vehicles on the roadway;

- c. Failed to train and/or failed to adequately train AARON ZAWADZKI, in the operation of a tow truck.
 - d. Was negligent in the hiring and retention of its actual or apparent agent, servant, and/or employee AARON ZAWADZKI.
 - e. Entrusted a tow-truck to AARON ZAWADZKI when it knew or should have known that doing so posed danger to members of the general public on the roadways including the Plaintiff.
 - f. Failed to yield the right of way to the vehicle in which ERICKA TOPACIA travelled, in violation of 625 ILCS 5/11-904;
 - d. Attempted to pass the vehicle in which ERICKA TOPACIO traveled when it was not safe to do so;
 - e. Failed to avoid a collision;
 - f. Failed to operate the tow truck within its designated lane of travel and deviated from that lane prior to ascertaining it was safe, in violation of 625 ILCS 5/11-709
 - g. Attempted an improper and unsafe pass of the vehicle in which the Plaintiff traveled while it attempted to make a left-hand turn.
 - h. Failed to reduce the speed of his vehicle in order to avoid colliding with the vehicle operated by Plaintiff; and/or
 - i. Was otherwise negligent or careless.
8. As a direct and proximate result of one or more of the aforesaid careless and negligent acts and/or omissions of Defendant PROTECTIVE PARKING SERVICE CORPORATION, individually and/or by and through its actual or apparent agent, servant, and/or employee, Plaintiff then and there sustained severe and permanent injuries, and was, and will be, hindered and prevented from attending her usual duties and affairs of life, and has lost, and will lose, the value of that time as aforementioned. Further, Plaintiff suffered great pain and anguish, both in mind and body, and will, in the future, continue to suffer. Plaintiff further expended and became liable for, and will expend and become liable for, large sums of money for medical care and services endeavoring to become healed and cured of said injuries.

WHEREFORE the Plaintiff, ERICKA TOPACIO, prays for judgment in her favor and against Defendant, PROTECTIVE PARKING SERVICE CORPORATION, in a sum in excess of FIFTY THOUSAND DOLLARS (\$50,000.00), and for costs of suit.

COUNT II
Martin v. Protective Parking Service Corporation
(Negligence)

The Plaintiff, CIAN MARTIN, by and through his attorneys, Taxman, Pollock, Murray & Bekkerman, LLC, complains against the Defendant, PROTECTIVE PARKING SERVICE CORPORATION, and states as follows:

1. On or about February 23, 2022, Plaintiff, CIAN MARTIN, operated a certain 2015 Hyundai Sonata motor vehicle northbound on N. Milwaukee Avenue at or near its intersection with N Honore Street, in the City of Chicago, County of Cook, State of Illinois.

2. On or about February 23, 2022, and at all times relevant, Defendant, PROTECTIVE PARKING SERVICE CORPORATION, was an Illinois business corporation, operating and doing business in the County of Cook, State of Illinois.

3. Defendant AARON ZAWADZKI, individually and in his capacity as actual or apparent agent, servant, and/or employee of Defendant, PROTECTIVE PARKING SERVICE CORPORATION, was operating, managing, and/or controlling a certain tow truck, northbound on N. Milwaukee Avenue at or near its intersection with N Honore Street, in the City of Chicago, County of Cook, State of Illinois

4. At that time and place, it was the duty of PROTECTIVE PARKING SERVICE CORPORATION, individually and by and through its actual or apparent agent, AARON ZAWADZKI, to exercise ordinary care in the ownership, operation, maintenance, training, and/or

control of said motor vehicle to avoid placing others in danger and to avoid a collision, so as not to cause injury or death to others lawfully upon the roadways, including Plaintiffs.

5. At that time and place, Plaintiff's vehicle was making a left-hand turn from Milwaukee to head westbound on N. Honore Street.

6. At that time and place Defendant, AARON ZAWADZKI, improperly attempted to veer around the Plaintiffs' turning vehicle and caused a collision by striking said vehicle.

7. At that same time and place alleged above, notwithstanding the aforesaid duty, Defendant PROTECTIVE PARKING SERVICE CORPORATION, individually and/or by and through its actual or apparent agent, servant, and/or employee AARON ZAWADZKI was then and there guilty of one or more of the following careless and negligent acts and/or omissions:

- a. Failed to exercise that degree of care and caution that a reasonable person under similar circumstances would have exercised in the operation of his vehicle;
- b. Failed to keep an adequate or any lookout while driving his vehicle for other vehicles on the roadway;
- c. Failed to train and/or failed to adequately train AARON ZAWADZKI, in the operation of a tow truck.
- d. Was negligent in the hiring and retention of its actual or apparent agent, servant, and/or employee AARON ZAWADZKI.
- e. Entrusted a tow-truck to AARON ZAWADZKI when it knew or should have known that doing so posed danger to members of the general public on the roadways including the Plaintiff.
- f. Failed to yield the right of way to the Plaintiff's vehicle in violation of 625 ILCS 5/11-904;
- j. Attempted to pass the Plaintiff's vehicle when it was not safe to do so;
- k. Failed to avoid a collision;
- l. Failed to operate the tow truck within its designated lane of travel and deviated from that lane prior to ascertaining it was safe, in violation of 625 ILCS 5/11-709

- m. Attempted an improper and unsafe pass of the Plaintiff's vehicle while it attempted to make a left-hand turn.
- n. Failed to reduce the speed of his vehicle in order to avoid colliding with the vehicle operated by Plaintiff; and/or
- o. Was otherwise negligent or careless.

8. As a direct and proximate result of one or more of the aforesaid careless and negligent acts and/or omissions of Defendant PROTECTIVE PARKING SERVICE CORPORATION, individually and/or by and through its actual or apparent agent, servant, and/or employee, Plaintiff then and there sustained severe and permanent injuries, and was, and will be, hindered and prevented from attending to his usual duties and affairs of life, and has lost, and will lose, the value of that time as aforementioned. Further, Plaintiff suffered great pain and anguish, both in mind and body, and will, in the future, continue to suffer. Plaintiff further expended and became liable for, and will expend and become liable for, large sums of money for medical care and services endeavoring to become healed and cured of said injuries.

WHEREFORE the Plaintiff, CIAN MARTIN, prays for judgment in his favor and against Defendant, PROTECTIVE PARKING SERVICE CORPORATION, in a sum in excess of FIFTY THOUSAND DOLLARS (\$50,000.00), and for costs of suit.

COUNT III
Topacio v. Zawadzki
(Negligence)

The Plaintiff, ERICKA TOPACIO, by and through her attorneys, Taxman, Pollock, Murray & Bekkerman, LLC, complains against the Defendant, AARON ZAWADZKI, and states as follows:

1. On or about February 23, 2022, Plaintiff, ERICKA TOPACIO, was the passenger in a certain 2015 Hyundai Sonata motor vehicle which travelled northbound on N. Milwaukee Avenue

at or near its intersection with N Honore Street, in the City of Chicago, County of Cook, State of Illinois.

2. On or about February 23, 2022, and at all times relevant, Defendant, AARON ZAWADZK, was a resident of the County of Cook, State of Illinois. Further, upon information and belief, Defendant, AARON ZAWADZKI, at all times relevant, was operating within the course and scope of his employment with Defendant, PROTECTIVE PARKING SERVICE CORPORATION.

3. At all times relevant, Defendant AARON ZAWADZKI, individually and in his capacity as actual or apparent agent, servant, and/or employee of Defendant, PROTECTIVE PARKING SERVICE CORPORATION, was operating, managing, and/or controlling a certain tow truck, northbound on N. Milwaukee Avenue at or near its intersection with N Honore Street, in the City of Chicago, County of Cook, State of Illinois

4. At that time and place, it was the duty of, AARON ZAWADZKI, to exercise ordinary care in the ownership, operation, maintenance, training, and/or control of said motor vehicle to avoid placing others in danger and to avoid a collision, so as not to cause injury or death to others lawfully upon the roadways, including Plaintiffs.

5. At that time and place, the vehicle in which Plaintiff traveled was making a left-hand turn from Milwaukee to head westbound on N. Honore Street.

6. At that time and place Defendant, AARON ZAWADZKI, improperly attempted to veer around Plaintiffs' turning vehicle and caused a collision by striking said vehicle.

7. At that same time and place alleged above, notwithstanding the aforesaid duty, AARON ZAWADZKI, individually and/or as actual or apparent, agent, servant and/or employee

of PROTECTIVE PARKING SERVICE CORPORATION, was then and there guilty of one or more of the following careless and negligent acts and/or omissions:

- a. Failed to exercise that degree of care and caution that a reasonable person under similar circumstances would have exercised in the operation of his vehicle;
- b. Failed to keep an adequate or any lookout while driving his vehicle for other vehicles on the roadway;
- c. Failed to yield the right of way to the vehicle in which ERICKA TOPACIA travelled, in violation of 625 ILCS 5/11-904;
- p. Attempted to pass the vehicle in which ERICKA TOPACIO traveled when it was not safe to do so;
- q. Failed to avoid a collision;
- r. Failed to operate the tow truck within its designated lane of travel and deviated from that lane prior to ascertaining it was safe, in violation of 625 ILCS 5/11-709
- s. Attempted an improper and unsafe pass of the vehicle in which the Plaintiff traveled while it attempted to make a left-hand turn.
- t. Failed to reduce the speed of his vehicle in order to avoid colliding with the vehicle operated by Plaintiff; and/or
- u. Was otherwise negligent or careless.

8. As a direct and proximate result of one or more of the aforesaid careless and negligent acts and/or omissions of Defendant AARON ZAWADZKI, individually and/or as actual or apparent agent, servant, and/or employee of PROTECTIVE PARKING SERVICE CORPORATION, Plaintiff then and there sustained severe and permanent injuries, and was, and will be, hindered and prevented from attending her usual duties and affairs of life, and has lost, and will lose, the value of that time as aforementioned. Further, Plaintiff suffered great pain and anguish, both in mind and body, and will, in the future, continue to suffer. Plaintiff further expended and became liable for, and will expend and become liable for, large sums of money for medical care and services endeavoring to become healed and cured of said injuries.

WHEREFORE the Plaintiff, ERICKA TOPACIO, prays for judgment in her favor and against Defendant, AARON ZAWADZKI, in a sum in excess of FIFTY THOUSAND DOLLARS (\$50,000.00), and for costs of suit.

COUNT IV
Martin v. Zawadzki
(Negligence)

The Plaintiff, CIAN MARTIN, by and through his attorneys, Taxman, Pollock, Murray & Bekkerman, LLC, complains against the Defendant, AARON ZAWADZKI, and states as follows:

1. On or about February 23, 2022, Plaintiff, CIAN MARTIN, operated a certain 2015 Hyundai Sonata motor vehicle northbound on N. Milwaukee Avenue at or near its intersection with N Honore Street, in the City of Chicago, County of Cook, State of Illinois.

2. On or about February 23, 2022, and at all times relevant, Defendant, AARON ZAWADZKI, was a resident of the County of Cook, State of Illinois. Further, upon information and belief, Defendant, AARON ZAWADZKI, at all times relevant, was operating within the course and scope of his employment with Defendant, PROTECTIVE PARKING SERVICE CORPORATION.

3. Defendant AARON ZAWADZKI, individually and in his capacity as actual or apparent agent, servant, and/or employee of Defendant, PROTECTIVE PARKING SERVICE CORPORATION, was operating, managing, and/or controlling a certain tow truck, northbound on N. Milwaukee Avenue at or near its intersection with N Honore Street, in the City of Chicago, County of Cook, State of Illinois

4. At that time and place, it was the duty of AARON ZAWADZKI, to exercise ordinary care in the ownership, operation, maintenance, training, and/or control of said motor

vehicle to avoid placing others in danger and to avoid a collision, so as not to cause injury or death to others lawfully upon the roadways, including Plaintiffs.

5. At that time and place, Plaintiff's vehicle was making a left-hand turn from Milwaukee to head westbound on N. Honore Street.

6. At that time and place Defendant, AARON ZAWADZKI, improperly attempted to veer around Plaintiffs' turning vehicle and caused a collision by striking said vehicle.

7. At that same time and place alleged above, notwithstanding the aforesaid duty, Defendant AARON ZAWADZKI, individually and/or as actual or apparent, agent, servant and/or employee of PROTECTIVE PARKING SERVICE CORPORATION, was then and there guilty of one or more of the following careless and negligent acts and/or omissions:

- a. Failed to exercise that degree of care and caution that a reasonable person under similar circumstances would have exercised in the operation of his vehicle;
- b. Failed to keep an adequate or any lookout while driving his vehicle for other vehicles on the roadway;
- c. Failed to yield the right of way to the Plaintiff's vehicle in violation of 625 ILCS 5/11-904;
- d. Attempted to pass the Plaintiff's vehicle when it was not safe to do so;
- e. Failed to avoid a collision;
- f. Failed to operate the tow truck within its designated lane of travel and deviated from that lane prior to ascertaining it was safe, in violation of 625 ILCS 5/11-709
- g. Attempted an improper and unsafe pass of the Plaintiff's vehicle while it attempted to make a left-hand turn.
- h. Failed to reduce the speed of his vehicle in order to avoid colliding with the vehicle operated by Plaintiff; and/or
- i. Was otherwise negligent or careless.

8. As a direct and proximate result of one or more of the aforesaid careless and negligent acts and/or omissions of Defendant AARON ZAWADZKI, individually and/or as actual

or apparent agent, servant, and/or employee of PROTECTIVE PARKING SERVICE CORPORATION, Plaintiff then and there sustained severe and permanent injuries, and was, and will be, hindered and prevented from attending to his usual duties and affairs of life, and has lost, and will lose, the value of that time as aforementioned. Further, Plaintiff suffered great pain and anguish, both in mind and body, and will, in the future, continue to suffer. Plaintiff further expended and became liable for, and will expend and become liable for, large sums of money for medical care and services endeavoring to become healed and cured of said injuries.

WHEREFORE the Plaintiff, CIAN MARTIN, prays for judgment in his favor and against Defendant, AARON ZAWADZKI, in a sum in excess of FIFTY THOUSAND DOLLARS (\$50,000.00), and for costs of suit.

Respectfully submitted,

/s/ Cameron J. Tober

Attorney for Plaintiff

Cameron J. Tober

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