

IN THE CIRCUIT COURT
TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS

TECIA N. McKINNEY,

Plaintiff,

vs.

Case No.: 21-L-0040

SCOTT A. HEDGER and
UPCHURCH OIL AND READY MIX
CONCRETE Co.,

Defendants.

Serve:

Scott A. Hedger
301 Bethel Road
Collinsville, IL 62234

Upchurch Oil and Ready Mix
Concrete Co.
c/o Greg Upchurch
564 Mildred Avenue
Cahokia, IL 62206

COMPLAINT

COUNT I

(v. Scott A. Hedger)

COMES NOW the Plaintiff, Tecia N. McKinney, by and through her undersigned attorney, and complaining of the Defendant, Scott A. Hedger, states as follows:

1. That at all times relevant herein, the Defendant was an agent, servant and employee of Upchurch Oil and Ready Mix Concrete Co. and acting within the

scope and course of his duties as a driver of one of Upchurch Oil and Ready Mix Concrete Co.'s vehicles.

2. That on or about April 2, 2020, Plaintiff was traveling northbound on the ramp from Illinois Route 3 to westbound I-55. Defendant was operating a vehicle behind her.

3. That at all times herein, the Defendant had the duty to comply with all traffic laws and to operate his vehicle in a safe and reasonable manner.

4. The injuries and property damage to the Plaintiff were a direct and proximate result of one or more of the following negligent acts and/or omissions on the part of the Defendant:

- (a) Failed to maintain a proper lookout for other vehicles upon the roadways;
- (b) Failed to keep his vehicle under proper control;
- (c) In violation of 625 ILCS 5/11-601(a), failed to reduce speed to avoid an accident
- (d) Followed Plaintiff's vehicle too closely; and
- (e) Failed to maintain sufficient distance between his vehicle and Plaintiff's car.

5. As a direct and proximate result of one or more of the aforementioned negligent acts and/or omissions of the Defendant, the Defendant rear-ended the Plaintiff's vehicle, whereby causing Plaintiff severe and permanent injuries to various parts of the body, neck and back injuries, and resulting in disability and disfigurement which has caused her and will cause her in the future to suffer great physical pain, mental anguish and loss of a normal life; and she has been and will in

the future be compelled to obligate herself for medical care and attention; and she has become liable for certain doctor, hospital and pharmaceutical expenses; and her future earning capacity has been seriously diminished thereby, all to the damage of the Plaintiff.

6. Additionally, Plaintiff's vehicle was damaged as a result of the subject collision with the Defendant's vehicle, causing property damage to Plaintiff's vehicle.

7. As a result of the injuries that the Plaintiff sustained in the subject accident, she sought various medical treatment, including physical therapy from HSHS St. Elizabeth's Outpatient Therapy. During the course of physical therapy, she suffered electrical burns from a tens unit that was being used on her lower back. The subject burns are causally related to the subject auto accident of April 2, 2020.

WHEREFORE, the Plaintiff demands judgment against the Defendant, Scott A. Hedger, in an amount greater than Fifty Thousand Dollars (\$50,000.00), plus costs of this action.

COUNT II

(v. Upchurch Oil and Ready Mix Concrete Co.)

COMES NOW, the Plaintiff, by and through her undersigned attorney, and in support of her Complaint against the Defendant, Upchurch Oil and Ready Mix Concrete Co., states as follows:

1-7. Plaintiff realleges and reincorporates paragraphs one (1) through seven (7) of Count I as paragraphs one (1) through seven (7) of this Count II.

8. At all times relevant herein, Scott A. Hedger was the agent, servant and employee of the Defendant, rendering the Defendant vicariously liable for Scott A. Hedger's negligent acts and/or omissions, including but not limited to striking the Plaintiff's vehicle during the course and scope of Scott A. Hedger's duties as a driver for the Defendant.

WHEREFORE the Plaintiff demands judgment against the Defendant, Upchurch Oil and Ready Mix Concrete Co., in an amount greater than Fifty Thousand Dollars (\$50,000.00) plus court costs.

MATTHEW J. MARLEN, P.C.



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ATTORNEY FOR PLAINTIFF

AFFIDAVIT PURSUANT TO SUPREME COURT RULE 222

STATE OF ILLINOIS)
) ss.
COUNTY OF ST. CLAIR)

Matthew J. Marlen, being first duly sworn upon his oath, deposes and states pursuant to Supreme Court Rule 222(b) that the total money damages sought in the instant cause of action exceeds Fifty Thousand Dollars (\$50,000.00), exclusive of interest, costs and/or attorney's fees.



MATTHEW J. MARLEN