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

DELBERT J. CHARLES, as Independent )  
Administrator of the Estate of ABNERD JOSEPH, )  
Deceased, )  
)  
Plaintiff, )  
V. )  
GARRETT M. SMITH, et al., )  
)  
Defendants. )  

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GARRETT M. SMITH, )  
)  
Plaintiff, )  
)  
DELBERT J. CHARLES, individually and as )  
Independent Administrator of the Estate of )  
ABNERD JOSEPH, deceased, et al. )  
)  
Defendants. )

Case No. 2024L005346  
Consolidated with  
Case No.: 2024L010547

**DEFENDANT, ANDREW CLEMENT’S, COUNTERCLAIM FOR BATTERY**

NOW COMES the Defendant/Counter-Plaintiff, ANDREW CLEMENT, through his attorneys, Amundsen Davis, LLC, and for his Counterclaim for Battery against the Estate of Abnerd Joseph by and through Plaintiff/Counter-Defendant DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, Deceased, states as follows:

1. On or about September 14, 2023 in Cook County, Illinois, Plaintiff’s/Counter-Defendant’s decedent, ABNERD JOSEPH, was involved in a discussion with multiple witnesses in which ABNERD JOSEPH, physically punched Defendant/Counter-Plaintiff, ANDREW CLEMENT (hereinafter “Defendant Clement”) which constituted a harmful and offensive contact without consent.

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2. Shortly after ABNERD JOSEPH physically punched Defendant Clement, Defendant Clement lost consciousness and fell to the ground.

3. Plaintiff alleges that ABNERD JOSEPH was then subsequently shot and killed by Co-Defendant, GARRETT SMITH. *See Plaintiff's First Complaint attached hereto as "Exhibit 1."*

4. Subsequently, on May 14, 2024 DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, Deceased filed a lawsuit against multiple Defendants but did not name Defendant/Counter-Plaintiff, Andrew Clement (hereinafter "Defendant Clement"). *See Exhibit 1.*

5. Following Plaintiff's first Complaint there was a multitude of Summons, Appearances, Answers, Motions and Amendments filed by multiple parties, none of which included any mention of Defendant Clement. *See Cook County Court Docket attached hereto as "Exhibit 2."*

6. Plaintiff filed his Second Amended Complaint on September 27, 2024 and did not name Defendant Clement. *See Exhibit 2.*

7. Following Plaintiff's Second Amended Complaint, there was a multitude of Summons, Appearances, Answers, Motions and Amendments filed by multiple parties, none of which included any mention of Defendant Clement. *See Exhibit 2.*

8. Plaintiff filed his Third-Amended Complaint on September 12, 2025, nearly a year and a half after the First Complaint was filed, and finally named Defendant Clement. *See Plaintiff's Third-Amended Complaint "Exhibit 3."*

9. Prior to filing of the Third-Amended Complaint, counsel for the then-named parties, conducted extensive discovery, including numerous depositions of witnesses to said

incident. These witnesses testified under oath that ABNERD JOSEPH, punched Defendant Clement, somewhere on his body and then Defendant Clement subsequently lost consciousness.

10. At the date, time, and place alleged in Plaintiff's Complaint, there existed in Illinois the Civil Tort of Battery. See e.g. *McNeil v. Brewer*, 304 Ill. App. 3d 1050, 1055 (1999).

11. Plaintiff's decedent, ABNERD JOSEPH, intentionally punched Defendant Clement on or around September 14, 2023.

12. Plaintiff, ABNERD JOSEPH, made offensive physical contact with Defendant Clement on or around September 14, 2023.

13. Defendant Clement did not consent to ABNERD JOSEPH's offensive physical contact.

14. As a direct and proximate result of Plaintiff's/Counter-Defendant's decedent, ABNERD JOSEPH's battery, Defendant Clement suffered bodily harm, pain and suffering, and medical expenses.

15. On the date of the incident, Plaintiff's decedent, ABNERD JOSEPH, was required to follow the laws of the State of Illinois, and is subject to a Counterclaim for Battery.

WHEREFORE, Defendant/Counter-Plaintiff, ANDREW CLEMENT, prays for judgment in his favor and against Plaintiff, DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH with respect to this Counterclaim for Battery.

Andrew Clement, Defendant/Counter-Plaintiff,  
By: Amundsen Davis, LLC

By: /s/ Michael Nega  
One of his Attorneys

Michael Nega  
Amundsen Davis, LLC  
3815 East Main Street, Suite A-1  
St. Charles, IL 60174  
(630) 587-7944  
Atty. No. 6349704  
[mnega@amundsendavislaw.com](mailto:mnega@amundsendavislaw.com)

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

DELBERT J. CHARLES as Independent  
Administrator of the Estate of ABNERD  
JOSEPH, deceased,

Plaintiff,

v.

MESA DEVELOPMENT, LLC; AVISON  
YOUNG - CHICAGO, LLC; SUDLER AND  
COMPANY d/b/a SUDLER PROPERTY  
MANAGEMENT; UNIVERSAL  
PROTECTION SERVICE, LLC d/b/a ALLIED  
UNIVERSAL SECURITY SERVICES; and  
GARRETT MARK SMITH,

Defendants.

No.: **2024L005346**

Plaintiff Demands a Jury Trial

**COMPLAINT AT LAW**

NOW COMES Plaintiff DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH, deceased, by and through his attorneys, ROMANUCCI & BLANDIN, LLC, complaining against Defendants, MESA DEVELOPMENT, LLC; AVISON YOUNG - CHICAGO, LLC; SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT; UNIVERSAL PROTECTION SERVICE, LLC d/b/a ALLIED UNIVERSAL SECURITY SERVICES; and GARRETT MARK SMITH, pleading in the alternative, states as follows:

**INTRODUCTION**

This cause arises out of the September 14, 2023, shooting of ABNERD JOSEPH at “The Legacy at Millenium Park.” Two tenants and a security guard stalked another tenant, ABNERD JOSEPH, to the building’s 48<sup>th</sup> floor. ABNERD JOSEPH needed help; he was clearly experiencing

**Exhibit 1**

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an emotional distress event; he was visibly disoriented and distressed and had knocked on tenants' doors and made statements that he feared for his life. 9-1-1 services had already been contacted. ABNERD JOSEPH had not harmed anyone and had not posed a risk of harm to others. Nonetheless, the two tenants and the security guard confronted ABNERD JOSEPH and one of the tenants, GARRETT MARK SMITH, used a 9mm semi-automatic Sig Sauer P938 with a three-inch barrel to shoot ABNERD JOSEPH seven times, killing him in the hallway of the building in which they both lived.

### **PARTIES AND JURISDICTION**

1. At all times relevant herein, Plaintiff DELBERT J. CHARLES was a resident of Fulton County, Georgia.

2. At all times relevant herein, ABNERD JOSEPH, deceased, was a resident of Cook County, Illinois.

3. DELBERT J. CHARLES is the Independent Administrator of the Estate of ABNERD JOSEPH, deceased, having been appointed on April 11, 2024.

4. At all times relevant herein, Defendant MESA DEVELOPMENT, LLC was a domestic corporation existing under the laws of Illinois with its principal place of business in Cook County, Illinois.

5. At all times relevant herein, Defendant AVISON YOUNG - CHICAGO, LLC was a domestic corporation existing under the laws of Illinois with its principal place of business in Cook County, Illinois.

6. At all times relevant herein, Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT was a domestic corporation existing under the laws of Illinois with its principal place of business in Cook County, Illinois.

7. At all times relevant herein, Defendant UNIVERSAL PROTECTION SERVICE, LLC d/b/a ALLIED UNIVERSAL SECURITY SERVICES was a domestic corporation existing under the laws of Illinois with its principal place of business in Cook County, Illinois.

8. At all times relevant herein, Defendant GARRETT MARK SMITH was a resident of Cook County, Illinois.

9. Pursuant to the Illinois Code of Civil Procedure and the Rules of the Illinois Supreme Court, this matter is properly before the Circuit Court of Cook County, Illinois because the conduct complained of herein occurred in Cook County, Illinois.

### **COMMON ALLEGATIONS**

10. On September 14, 2023, and at all times relevant herein, ABNERD JOSEPH, deceased, was a resident of “The Legacy at Millennium Park,” a luxury residential building located at 60 East Monroe Street, Chicago, Illinois (“the Legacy”).

11. On September 14, 2023, and at all times relevant herein, MESA DEVELOPMENT, LLC, by and through its agents, servants, employees, contractors, and/or subcontractors, owned, managed, operated, and/or controlled the Legacy.

12. On September 14, 2023, and at all times relevant herein, MESA DEVELOPMENT, LLC selected and controlled the hiring and retention of the Legacy’s Property Manager.

13. On September 14, 2023, and at all times relevant herein, MESA DEVELOPMENT, LLC, selected and controlled the hiring and retention of the Legacy’s security services vendor.

14. On September 14, 2023, and at all times relevant herein, AVISON YOUNG - CHICAGO, LLC, by and through its agents, servants, employees, contractors, and/or subcontractors, owned, managed, operated, and/or controlled the Legacy.

15. On September 14, 2023, and at all times relevant herein, AVISON YOUNG - CHICAGO, LLC selected and controlled the hiring and retention of the Legacy's Property Manager.

16. On September 14, 2023, and at all times relevant herein, AVISON YOUNG - CHICAGO, LLC selected and controlled the hiring and retention of the Legacy's security services vendor.

17. On September 14, 2023, and at all times relevant herein, SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT was the property manager of the Legacy.

18. On September 14, 2023, and at all times relevant herein, SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT, by and through its agents, servants, employees, contractors, and/or subcontractors, supervised, managed, operated, and/or controlled the Legacy.

19. On September 14, 2023, and at all times relevant herein, SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT selected and controlled the hiring and retention of the Legacy's security services vendor.

20. On September 14, 2023, and at all times relevant herein, UNIVERSAL PROTECTION SERVICE, LLC d/b/a ALLIED UNIVERSAL SECURITY SERVICES, by and through its agents, servants, employees, contractors provided security services at the Legacy.

21. On September 14, 2023, and at all times relevant herein, GARRETT MARK SMITH was a resident of the Legacy.

22. On September 14, 2023, ABNERD JOSEPH and GARRETT MARK SMITH lived on the Legacy's 29th floor.

23. On September 14, 2023, ABNERD JOSEPH experienced a mental health crisis.
24. On September 14, 2023, ABNERD JOSEPH hit his own door while expressing fear for his own life.
25. ABNERD JOSEPH left his unit on the 29<sup>th</sup> floor of the Legacy, wearing only his boxers and a bathrobe.
26. ABNERD JOSEPH was visibly disoriented and distressed and reportedly may have knocked on other residents doors.
27. At said time and place and upon information and belief, tenants of the Legacy called 9-1-1 to report an emotionally distressed person and to request a wellness check.
28. ABNERD JOSEPH did not present a risk of imminent death or great bodily harm to any individual at the Legacy.
29. ABNERD JOSEPH was unarmed and, because of his lack of clothes, it was clear that he did not have a weapon hidden on his person.
30. ABNERD JOSEPH left the 29<sup>th</sup> floor of the Legacy by the elevator.
31. Upon information and belief, GARRETT MARK SMITH had received no training in law enforcement or security.
32. GARRETT MARK SMITH owned a 9mm semi-automatic Sig Sauer P938 with a 3-inch barrel (“[his/the] semi-automatic pistol”).
33. After ABNERD JOSEPH had left the 29<sup>th</sup> floor, GARRETT MARK SMITH exited his apartment with his semi-automatic pistol.
34. GARRETT MARK SMITH brought his semi-automatic pistol with him to the lobby to speak with Defendant UNIVERSAL PROTECTION SERVICE, LLC’s security guard at the Legacy about ABNERD JOSEPH.

35. At said time and place, GARRETT MARK SMITH, UNIVERSAL PROTECTION SERVICE, LLC's security guard, and another tenant decided to take matters into their own hands rather than wait for Chicago Police Officers to arrive at the Legacy.

36. At said time and place, GARRETT MARK SMITH, UNIVERSAL PROTECTION SERVICE, LLC's security guard, and another tenant decided to locate and confront ABNERD JOSEPH.

37. UNIVERSAL PROTECTION SERVICE, LLC's security guard Permitted GARRETT MARK SMITH, and the other tenant to accompany him to track and confront ABNERD JOSEPH.

38. UNIVERSAL PROTECTION SERVICE, LLC's security guard requested that GARRETT MARK SMITH accompany him to track and confront ABNERD JOSEPH.

39. GARRETT MARK SMITH, UNIVERSAL PROTECTION SERVICE, LLC's security guard, and the other tenant stalked and pursued ABNERD JOSEPH to the Legacy's 48<sup>th</sup> floor.

40. GARRETT MARK SMITH, UNIVERSAL PROTECTION SERVICE, LLC's security guard, and the other tenant confronted ABNERD JOSEPH in a hallway of the 48<sup>th</sup> floor.

41. GARRETT MARK SMITH, UNIVERSAL PROTECTION SERVICE, LLC's security guard, and the other tenant escalated the situation.

42. Within moments of confronting ABNERD JOSEPH, GARRETT MARK SMITH brandished his semi-automatic pistol.

43. Without just cause and using a level of force that was not commensurate to any risk that ABNERD JOSEPH posed, GARRETT MARK SMITH opened fire on ABNERD JOSEPH

whom he, UNIVERSAL PROTECTION SERVICE, LLC’s security guard, and the other tenant had tracked down, confronted, and provoked.

- 44. GARRETT MARK SMITH shot ABNERD JOSEPH in the left hand.
- 45. GARRETT MARK SMITH shot ABNERD JOSEPH in the left forearm.
- 46. GARRETT MARK SMITH shot ABNERD JOSEPH in the chest.
- 47. GARRETT MARK SMITH shot ABNERD JOSEPH in his left axilla (underarm).
- 48. GARRETT MARK SMITH shot ABNERD JOSEPH twice in the abdomen.
- 49. ABNERD JOSEPH, 32 years old, died in the hallway from the gunshot wounds

that GARRETT MARK SMITH inflicted on him.

**Count I**

**Negligence – Survival Action**

***DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH v. MESA DEVELOPMENT, LLC***

50. DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 49 as and for his allegations for this paragraph of this count.

51. At the time and place aforesaid, MESA DEVELOPMENT, LLC owed a duty to exercise reasonable care to avoid causing injury or harm to others, including ABNERD JOSEPH.

52. At the time place aforesaid, MESA DEVELOPMENT, LLC breached the aforesaid duty in one or more of the following ways:

- a. Asked GARRETT MARK SMITH to accompany building security to confront ABNERD JOSEPH despite knowing that GARRETT MARK SMITH was neither trained nor qualified to engage in a deliberate and direct encounter with someone experiencing a mental health crisis when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH;

- b. Asked GARRETT MARK SMITH to accompany building security to confront ABNERD JOSEPH despite knowing that GARRETT MARK SMITH was armed with a semi-automatic pistol when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH;
- c. Permitted GARRETT MARK SMITH to accompany building security to confront ABNERD JOSEPH despite knowing that GARRETT MARK SMITH was neither trained nor qualified to engage in a deliberate and direct encounter with someone experiencing a mental health crisis when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH;
- d. Permitted GARRETT MARK SMITH to accompany building security to confront ABNERD JOSEPH despite knowing that GARRETT MARK SMITH was armed with a semi-automatic pistol when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH;
- e. Failed to direct GARRETT MARK SMITH to return to his unit or otherwise not involve himself in building security's efforts to track and confront ABNERD JOSEPH;
- f. Failed to provide sufficient and proper security to prevent harm to residents of the Legacy;
- g. Failed to provide competent security guards to protect tenants, including ABNERD JOSEPH;
- h. Failed to deescalate a developing situation and instead escalated it to dangerous levels by actively seeking out and confronting ABNERD JOSEPH in a threatening manner with superior numbers, the threat of force, and/or weapons, including a firearm when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH; and/or
- i. Was otherwise negligent.

53. As a direct and proximate result of the aforementioned conduct, ABNERD JOSEPH suffered injuries of a personal and pecuniary nature, including physical pain, mental suffering, loss of enjoyment of life, anxiety and severe emotional distress from the time of his

injury until his death for which ABNERD JOSEPH would have been entitled to receive compensation from the Defendants for those injuries had he survived.

54. As a direct and proximate result of the aforementioned conduct, ABNERD JOSEPH incurred economic damages, including medical expenses and related expenses for which ABNERD JOSEPH would have been entitled to receive compensation from the Defendants for those injuries had he survived.

55. Accordingly, Plaintiff is entitled to recovery against MESA DEVELOPMENT, LLC in an amount to be determined at trial.

WHEREFORE, Plaintiff, DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH prays that this Court enter judgment in his favor and against Defendant, MESA DEVELOPMENT, LLC, in an amount that will adequately and fairly compensate him for his injuries, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count II**  
**Negligence – Wrongful Death Action**  
***DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH v. MESA DEVELOPMENT, LLC***

56. DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 49 as and for his allegations for this paragraph of this count.

57. MESA DEVELOPMENT, LLC's aforementioned acts and/or omissions were a cause of or contributed to cause ABNERD JOSEPH's death.

58. Plaintiff, DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH brings this cause of action pursuant to the provisions of 740 ILCS 180/1, et seq., commonly known as the Illinois Wrongful Death Act.

59. At the time of his death, decedent, ABNERD JOSEPH, was survived by his mother, Nicole John Jules, and five siblings: Bryan Bienaime; Wendy Bienaime; Delbert “Jay” Charles; Jeanna Joseph; and Nick Joseph.

60. As a direct and proximate result of the premature death of decedent, ABNERD JOSEPH, the above-named heirs/next-of-kin suffered a pecuniary loss, including a loss of money, benefits, goods, services, society, support, companionship, love, and affection for which they were dependent upon ABNERD JOSEPH during and for the remainder of his expected life.

61. As a direct and proximate result of the premature death of decedent, ABNERD JOSEPH the above-named heirs/next-of-kin suffered injuries including grief, sorrow, and mental anguish.

WHEREFORE, Plaintiff, DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH prays that this Court enter judgment in his favor and against Defendant, MESA DEVELOPMENT, LLC, in an amount that will adequately and fairly compensate him for his injuries, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count III**  
**Negligence/ Premises Liability – Survival Action**  
***DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH v. MESA DEVELOPMENT, LLC***

62. DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 49 as and for his allegations for this paragraph of this count.

63. Before and at the time of the occurrence, it was the duty of MESA DEVELOPMENT, LLC as an owner of the property in question, to exercise ordinary care to see that the property was reasonably safe.

64. Before and at the time of the occurrence, it was the duty of MESA DEVELOPMENT, LLC as an occupier of the property in question, to exercise ordinary care to see that the property was reasonably safe.

65. Notwithstanding said duty, Defendant, MESA DEVELOPMENT, LLC., individually and through its owners, operators, officers, agents, servants, employees, contractors, and/or subcontractors, committed one or more of the following acts or omissions:

- a. Asked GARRETT MARK SMITH to accompany building security to confront ABNERD JOSEPH despite knowing that GARRETT MARK SMITH was neither trained nor qualified to engage in a deliberate and direct encounter with someone experiencing a mental health crisis when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH;
- b. Asked GARRETT MARK SMITH to accompany building security to confront ABNERD JOSEPH despite knowing that GARRETT MARK SMITH was armed with a semi-automatic pistol when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH;
- c. Permitted GARRETT MARK SMITH to accompany building security to confront ABNERD JOSEPH despite knowing that GARRETT MARK SMITH was neither trained nor qualified to engage in a deliberate and direct encounter with someone experiencing a mental health crisis when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH;
- d. Permitted GARRETT MARK SMITH to accompany building security to confront ABNERD JOSEPH despite knowing that GARRETT MARK SMITH was armed with a semi-automatic pistol when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH;
- e. Failed to direct GARRETT MARK SMITH to return to his unit or otherwise not involve himself in building security's efforts to track and confront ABNERD JOSEPH;

- f. Failed to provide sufficient and proper security to prevent harm to residents of the Legacy;
- g. Failed to provide competent security guards to protect tenants, including ABNERD JOSEPH;
- h. Failed to deescalate a developing situation and instead escalated it to dangerous levels by actively seeking out and confronting ABNERD JOSEPH in a threatening manner with superior numbers, the threat of force, and/or weapons, including a firearm when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH; and/or
- i. Was otherwise negligent.

66. Plaintiff, DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH brings this action pursuant to the provisions of 755 ILCS 5/27-6, commonly known as the Illinois Survival Statute.

67. As a direct and proximate result of the aforementioned conduct, ABNERD JOSEPH suffered injuries of a personal and pecuniary nature, including physical pain, mental suffering, loss of enjoyment of life, anxiety and severe emotional distress from the time of his injury until his death for which ABNERD JOSEPH would have been entitled to receive compensation from the Defendants for those injuries had he survived.

68. As a direct and proximate result of the aforementioned conduct, ABNERD JOSEPH incurred economic damages, including medical expenses and related expenses for which ABNERD JOSEPH would have been entitled to receive compensation from the Defendants for those injuries had he survived.

69. Accordingly, Plaintiff is entitled to recovery against MESA DEVELOPMENT, LLC in an amount to be determined at trial.

WHEREFORE, Plaintiff, DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH prays that this Court enter judgment in his favor and against Defendant, MESA DEVELOPMENT, LLC., in an amount that will adequately and fairly compensate him for his injuries, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count IV**  
**Negligence/ Premises Liability – Wrongful Death Action**  
***DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH v. MESA DEVELOPMENT, LLC***

70. DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 49 as and for his allegations for this paragraph of this count.

71. The injuries sustained by decedent, ABNERD JOSEPH, as a result of MESA DEVELOPMENT, LLC's acts and/or omissions, caused or contributed to his death on September 14, 2023.

72. Plaintiff, DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH brings this cause of action pursuant to the provisions of 740 ILCS 180/1, et seq., commonly known as the Illinois Wrongful Death Act.

73. At the time of his death, decedent, ABNERD JOSEPH, was survived by his mother, Nicole John Jules, and five siblings: Bryan Bienaime; Wendy Bienaime; Delbert "Jay" Charles; Jeanna Joseph; and Nick Joseph.

74. As a direct and proximate result of the premature death of decedent, ABNERD JOSEPH, the above-named heirs/next-of-kin suffered a pecuniary loss, including a loss of money, benefits, goods, services, society, support, companionship, love, and affection for which they were dependent upon ABNERD JOSEPH during and for the remainder of his expected life.

75. As a direct and proximate result of the premature death of decedent, ABNERD JOSEPH the above-named heirs/next-of-kin suffered injuries including grief, sorrow, and mental anguish.

WHEREFORE, Plaintiff, DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH prays that this Court enter judgment in his favor and against Defendant, MESA DEVELOPMENT, LLC, in an amount that will adequately and fairly compensate him for his injuries, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count V**  
**Negligence – Survival Action**  
***DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH v. AVISON YOUNG - CHICAGO, LLC***

76. DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 49 as and for his allegations for this paragraph of this count.

77. At the time and place aforesaid, AVISON YOUNG - CHICAGO, LLC owed a duty to exercise reasonable care to avoid causing injury or harm to others, including ABNERD JOSEPH.

78. At the time place aforesaid, AVISON YOUNG - CHICAGO, LLC breached the aforesaid duty in one or more of the following ways:

- a. Asked GARRETT MARK SMITH to accompany building security to confront ABNERD JOSEPH despite knowing that GARRETT MARK SMITH was neither trained nor qualified to engage in a deliberate and direct encounter with someone experiencing a mental health crisis when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH;
- b. Asked GARRETT MARK SMITH to accompany building security to confront ABNERD JOSEPH despite knowing that GARRETT MARK SMITH was armed with a semi-automatic pistol when it

knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH;

- c. Permitted GARRETT MARK SMITH to accompany building security to confront ABNERD JOSEPH despite knowing that GARRETT MARK SMITH was neither trained nor qualified to engage in a deliberate and direct encounter with someone experiencing a mental health crisis when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH;
- d. Permitted GARRETT MARK SMITH to accompany building security to confront ABNERD JOSEPH despite knowing that GARRETT MARK SMITH was armed with a semi-automatic pistol when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH;
- e. Failed to direct GARRETT MARK SMITH to return to his unit or otherwise not involve himself in building security's efforts to track and confront ABNERD JOSEPH;
- f. Failed to provide sufficient and proper security to prevent harm to residents of the Legacy;
- g. Failed to provide competent security guards to protect tenants, including ABNERD JOSEPH;
- h. Failed to deescalate a developing situation and instead escalated it to dangerous levels by actively seeking out and confronting ABNERD JOSEPH in a threatening manner with superior numbers, the threat of force, and/or weapons, including a firearm when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH; and/or
- i. Was otherwise negligent.

79. As a direct and proximate result of the aforementioned conduct, ABNERD JOSEPH suffered injuries of a personal and pecuniary nature, including physical pain, mental suffering, loss of enjoyment of life, anxiety and severe emotional distress from the time of his

injury until his death for which ABNERD JOSEPH would have been entitled to receive compensation from the Defendants for those injuries had he survived.

80. As a direct and proximate result of the aforementioned conduct, ABNERD JOSEPH incurred economic damages, including medical expenses and related expenses for which ABNERD JOSEPH would have been entitled to receive compensation from the Defendants for those injuries had he survived.

81. Accordingly, Plaintiff is entitled to recovery against AVISON YOUNG - CHICAGO, LLC in an amount to be determined at trial.

WHEREFORE, Plaintiff, DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH prays that this Court enter judgment in his favor and against Defendant, AVISON YOUNG - CHICAGO, LLC, in an amount that will adequately and fairly compensate him for his injuries, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count VI**  
**Negligence – Wrongful Death Action**  
***DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH v. AVISON YOUNG - CHICAGO, LLC***

82. DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 49 as and for his allegations for this paragraph of this count.

83. AVISON YOUNG - CHICAGO, LLC's aforementioned acts and/or omissions were a cause of or contributed to cause ABNERD JOSEPH's death.

84. Plaintiff, DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH brings this cause of action pursuant to the provisions of 740 ILCS 180/1, et seq., commonly known as the Illinois Wrongful Death Act.

85. At the time of his death, decedent, ABNERD JOSEPH, was survived by his mother, Nicole John Jules, and five siblings: Bryan Bienaime; Wendy Bienaime; Delbert “Jay” Charles; Jeanna Joseph; and Nick Joseph.

86. As a direct and proximate result of the premature death of decedent, ABNERD JOSEPH, the above-named heirs/next-of-kin suffered a pecuniary loss, including a loss of money, benefits, goods, services, society, support, companionship, love, and affection for which they were dependent upon ABNERD JOSEPH during and for the remainder of his expected life.

87. As a direct and proximate result of the premature death of decedent, ABNERD JOSEPH the above-named heirs/next-of-kin suffered injuries including grief, sorrow, and mental anguish.

WHEREFORE, Plaintiff, DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH prays that this Court enter judgment in his favor and against Defendant, AVISON YOUNG - CHICAGO, LLC, in an amount that will adequately and fairly compensate him for his injuries, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count VII**  
**Negligence/ Premises Liability – Survival Action**  
***DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH v. AVISON YOUNG - CHICAGO, LLC***

88. DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 49 as and for his allegations for this paragraph of this count.

89. Before and at the time of the occurrence, it was the duty of AVISON YOUNG - CHICAGO, LLC as an owner of the property in question, to exercise ordinary care to see that the property was reasonably safe.

90. Before and at the time of the occurrence, it was the duty of AVISON YOUNG - CHICAGO, LLC as an occupier of the property in question, to exercise ordinary care to see that the property was reasonably safe.

91. Notwithstanding said duty, Defendant, AVISON YOUNG - CHICAGO, LLC., individually and through its owners, operators, officers, agents, servants, employees, contractors, and/or subcontractors, committed one or more of the following acts or omissions:

- a. Asked GARRETT MARK SMITH to accompany building security to confront ABNERD JOSEPH despite knowing that GARRETT MARK SMITH was neither trained nor qualified to engage in a deliberate and direct encounter with someone experiencing a mental health crisis when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH;
- b. Asked GARRETT MARK SMITH to accompany building security to confront ABNERD JOSEPH despite knowing that GARRETT MARK SMITH was armed with a semi-automatic pistol when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH;
- c. Permitted GARRETT MARK SMITH to accompany building security to confront ABNERD JOSEPH despite knowing that GARRETT MARK SMITH was neither trained nor qualified to engage in a deliberate and direct encounter with someone experiencing a mental health crisis when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH;
- d. Permitted GARRETT MARK SMITH to accompany building security to confront ABNERD JOSEPH despite knowing that GARRETT MARK SMITH was armed with a semi-automatic pistol when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH;
- e. Failed to direct GARRETT MARK SMITH to return to his unit or otherwise not involve himself in building security's efforts to track and confront ABNERD JOSEPH;

- f. Failed to provide sufficient and proper security to prevent harm to residents of the Legacy;
- g. Failed to provide competent security guards to protect tenants, including ABNERD JOSEPH;
- h. Failed to deescalate a developing situation and instead escalated it to dangerous levels by actively seeking out and confronting ABNERD JOSEPH in a threatening manner with superior numbers, the threat of force, and/or weapons, including a firearm when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH; and/or
- i. Was otherwise negligent.

92. Plaintiff, DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH brings this action pursuant to the provisions of 755 ILCS 5/27-6, commonly known as the Illinois Survival Statute.

93. As a direct and proximate result of the aforementioned conduct, ABNERD JOSEPH suffered injuries of a personal and pecuniary nature, including physical pain, mental suffering, loss of enjoyment of life, anxiety and severe emotional distress from the time of his injury until his death for which ABNERD JOSEPH would have been entitled to receive compensation from the Defendants for those injuries had he survived.

94. As a direct and proximate result of the aforementioned conduct, ABNERD JOSEPH incurred economic damages, including medical expenses and related expenses for which ABNERD JOSEPH would have been entitled to receive compensation from the Defendants for those injuries had he survived.

95. Accordingly, Plaintiff is entitled to recovery against AVISON YOUNG - CHICAGO, LLC in an amount to be determined at trial.

WHEREFORE, Plaintiff, DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH prays that this Court enter judgment in his favor and against Defendant, AVISON YOUNG - CHICAGO, LLC in an amount that will adequately and fairly compensate him for his injuries, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count VIII**

**Negligence/ Premises Liability – Wrongful Death Action**

***DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH v. AVISON YOUNG - CHICAGO, LLC***

96. DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 49 as and for his allegations for this paragraph of this count.

97. The injuries sustained by decedent, ABNERD JOSEPH, as a result of Defendant, AVISON YOUNG - CHICAGO, LLC's acts and/or omissions, caused or contributed to his death on September 14, 2023.

98. Plaintiff, DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH brings this cause of action pursuant to the provisions of 740 ILCS 180/1, et seq., commonly known as the Illinois Wrongful Death Act.

99. At the time of his death, decedent, ABNERD JOSEPH, was survived by his mother, Nicole John Jules, and five siblings: Bryan Bienaime; Wendy Bienaime; Delbert "Jay" Charles; Jeanna Joseph; and Nick Joseph.

100. As a direct and proximate result of the premature death of decedent, ABNERD JOSEPH, the above-named heirs/next-of-kin suffered a pecuniary loss, including a loss of money, benefits, goods, services, society, support, companionship, love, and affection for which they were dependent upon ABNERD JOSEPH during and for the remainder of his expected life.

101. As a direct and proximate result of the premature death of decedent, ABNERD JOSEPH the above-named heirs/next-of-kin suffered injuries including grief, sorrow, and mental anguish.

WHEREFORE, Plaintiff, DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH prays that this Court enter judgment in his favor and against Defendant, AVISON YOUNG - CHICAGO, LLC, in an amount that will adequately and fairly compensate him for his injuries, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count IX**

**Negligence – Survival Action**

***DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH v. SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT***

102. DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 49 as and for his allegations for this paragraph of this count.

103. At the time and place aforesaid, SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT owed a duty to exercise reasonable care to avoid causing injury or harm to others, including ABNERD JOSEPH.

104. At the time place aforesaid, SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT breached the aforesaid duty in one or more of the following ways:

- a. Asked GARRETT MARK SMITH to accompany building security to confront ABNERD JOSEPH despite knowing that GARRETT MARK SMITH was neither trained nor qualified to engage in a deliberate and direct encounter with someone experiencing a mental health crisis when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH;

- b. Asked GARRETT MARK SMITH to accompany building security to confront ABNERD JOSEPH despite knowing that GARRETT MARK SMITH was armed with a semi-automatic pistol when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH;
- c. Permitted GARRETT MARK SMITH to accompany building security to confront ABNERD JOSEPH despite knowing that GARRETT MARK SMITH was neither trained nor qualified to engage in a deliberate and direct encounter with someone experiencing a mental health crisis when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH;
- d. Permitted GARRETT MARK SMITH to accompany building security to confront ABNERD JOSEPH despite knowing that GARRETT MARK SMITH was armed with a semi-automatic pistol when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH;
- e. Failed to direct GARRETT MARK SMITH to return to his unit or otherwise not involve himself in building security’s efforts to track and confront ABNERD JOSEPH;
- f. Failed to provide sufficient and proper security to prevent harm to residents of the Legacy;
- g. Failed to provide competent security guards to protect tenants, including ABNERD JOSEPH;
- h. Failed to deescalate a developing situation and instead escalated it to dangerous levels by actively seeking out and confronting ABNERD JOSEPH in a threatening manner with superior numbers, the threat of force, and/or weapons, including a firearm when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH; and/or
- i. Was otherwise negligent.

105. As a direct and proximate result of the aforementioned conduct, ABNERD JOSEPH suffered injuries of a personal and pecuniary nature, including physical pain, mental suffering, loss of enjoyment of life, anxiety and severe emotional distress from the time of his

injury until his death for which ABNERD JOSEPH would have been entitled to receive compensation from the Defendants for those injuries had he survived.

106. As a direct and proximate result of the aforementioned conduct, ABNERD JOSEPH incurred economic damages, including medical expenses and related expenses for which ABNERD JOSEPH would have been entitled to receive compensation from the Defendants for those injuries had he survived.

107. Accordingly, Plaintiff is entitled to recovery against SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT in an amount to be determined at trial.

WHEREFORE, Plaintiff, DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH prays that this Court enter judgment in his favor and against Defendant, SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT, in an amount that will adequately and fairly compensate him for his injuries, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count X**  
**Negligence – Wrongful Death Action**  
***DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH v. SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT***

108. DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 49 as and for his allegations for this paragraph of this count.

109. SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT's aforementioned acts and/or omissions were a cause of or contributed to cause ABNERD JOSEPH's death.

110. Plaintiff, DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH brings this cause of action pursuant to the provisions of 740 ILCS 180/1, et seq., commonly known as the Illinois Wrongful Death Act.

111. At the time of his death, decedent, ABNERD JOSEPH, was survived by his mother, Nicole John Jules, and five siblings: Bryan Bienaime; Wendy Bienaime; Delbert “Jay” Charles; Jeanna Joseph; and Nick Joseph.

112. As a direct and proximate result of the premature death of decedent, ABNERD JOSEPH, the above-named heirs/next-of-kin suffered a pecuniary loss, including a loss of money, benefits, goods, services, society, support, companionship, love, and affection for which they were dependent upon ABNERD JOSEPH during and for the remainder of his expected life.

113. As a direct and proximate result of the premature death of decedent, ABNERD JOSEPH the above-named heirs/next-of-kin suffered injuries including grief, sorrow, and mental anguish.

WHEREFORE, Plaintiff, DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH prays that this Court enter judgment in his favor and against Defendant, SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT, in an amount that will adequately and fairly compensate him for his injuries, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count XI**  
**Negligence/ Premises Liability – Survival Action**  
***DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH v. SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT***

114. DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 49 as and for his allegations for this paragraph of this count.

115. Before and at the time of the occurrence, it was the duty of SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT as an owner of the property in question, to exercise ordinary care to see that the property was reasonably safe.

116. Before and at the time of the occurrence, it was the duty of SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT as an occupier of the property in question, to exercise ordinary care to see that the property was reasonably safe.

117. Notwithstanding said duty, Defendant, SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT, individually and through its owners, operators, officers, agents, servants, employees, contractors, and/or subcontractors, committed one or more of the following acts or omissions:

- a. Asked GARRETT MARK SMITH to accompany building security to confront ABNERD JOSEPH despite knowing that GARRETT MARK SMITH was neither trained nor qualified to engage in a deliberate and direct encounter with someone experiencing a mental health crisis when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH;
- b. Asked GARRETT MARK SMITH to accompany building security to confront ABNERD JOSEPH despite knowing that GARRETT MARK SMITH was armed with a semi-automatic pistol when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH;
- c. Permitted GARRETT MARK SMITH to accompany building security to confront ABNERD JOSEPH despite knowing that GARRETT MARK SMITH was neither trained nor qualified to engage in a deliberate and direct encounter with someone experiencing a mental health crisis when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH;
- d. Permitted GARRETT MARK SMITH to accompany building security to confront ABNERD JOSEPH despite knowing that GARRETT MARK SMITH was armed with a semi-automatic pistol when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH;

- e. Failed to direct GARRETT MARK SMITH to return to his unit or otherwise not involve himself in building security’s efforts to track and confront ABNERD JOSEPH;
- f. Failed to provide sufficient and proper security to prevent harm to residents of the Legacy;
- g. Failed to provide competent security guards to protect tenants, including ABNERD JOSEPH;
- h. Failed to deescalate a developing situation and instead escalated it to dangerous levels by actively seeking out and confronting ABNERD JOSEPH in a threatening manner with superior numbers, the threat of force, and/or weapons, including a firearm when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH; and/or
- i. Was otherwise negligent.

118. Plaintiff, DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH brings this action pursuant to the provisions of 755 ILCS 5/27-6, commonly known as the Illinois Survival Statute.

119. As a direct and proximate result of the aforementioned conduct, ABNERD JOSEPH suffered injuries of a personal and pecuniary nature, including physical pain, mental suffering, loss of enjoyment of life, anxiety and severe emotional distress from the time of his injury until his death for which ABNERD JOSEPH would have been entitled to receive compensation from the Defendants for those injuries had he survived.

120. As a direct and proximate result of the aforementioned conduct, ABNERD JOSEPH incurred economic damages, including medical expenses and related expenses for which ABNERD JOSEPH would have been entitled to receive compensation from the Defendants for those injuries had he survived.

121. Accordingly, Plaintiff is entitled to recovery against SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT in an amount to be determined at trial.

WHEREFORE, Plaintiff, DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH prays that this Court enter judgment in his favor and against Defendant, SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT, in an amount that will adequately and fairly compensate him for his injuries, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count XII**

**Negligence/ Premises Liability – Wrongful Death Action**

***DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH v. SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT***

122. DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 49 as and for his allegations for this paragraph of this count.

123. The injuries sustained by decedent, ABNERD JOSEPH, as a result of Defendant, SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT’s acts and/or omissions, caused or contributed to his death on September 14, 2023.

124. Plaintiff, DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH brings this cause of action pursuant to the provisions of 740 ILCS 180/1, et seq., commonly known as the Illinois Wrongful Death Act.

125. At the time of his death, decedent, ABNERD JOSEPH, was survived by his mother, Nicole John Jules, and five siblings: Bryan Bienaime; Wendy Bienaime; Delbert “Jay” Charles; Jeanna Joseph; and Nick Joseph.

126. As a direct and proximate result of the premature death of decedent, ABNERD JOSEPH, the above-named heirs/next-of-kin suffered a pecuniary loss, including a loss of money, benefits, goods, services, society, support, companionship, love, and affection for which they were dependent upon ABNERD JOSEPH during and for the remainder of his expected life.

127. As a direct and proximate result of the premature death of decedent, ABNERD JOSEPH the above-named heirs/next-of-kin suffered injuries including grief, sorrow, and mental anguish.

WHEREFORE, Plaintiff, DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH prays that this Court enter judgment in his favor and against Defendant, SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT, in an amount that will adequately and fairly compensate him for his injuries, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count XIII**

**Negligence – Survival Action**

***DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH v. UNIVERSAL PROTECTION SERVICE, LLC d/b/a ALLIED UNIVERSAL SECURITY SERVICES***

128. DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 49 as and for his allegations for this paragraph of this count.

129. At the time and place aforesaid, UNIVERSAL PROTECTION SERVICE, LLC d/b/a ALLIED UNIVERSAL SECURITY SERVICES owed a duty to exercise reasonable care to avoid causing injury or harm to others, including ABNERD JOSEPH.

130. At the time place aforesaid, UNIVERSAL PROTECTION SERVICE, LLC d/b/a ALLIED UNIVERSAL SECURITY SERVICES breached the aforesaid duty in one or more of the following ways:

- a. Asked GARRETT MARK SMITH to accompany building security to confront ABNERD JOSEPH despite knowing that GARRETT MARK SMITH was neither trained nor qualified to engage in a deliberate and direct encounter with someone experiencing a mental health crisis when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH;

- b. Asked GARRETT MARK SMITH to accompany building security to confront ABNERD JOSEPH despite knowing that GARRETT MARK SMITH was armed with a semi-automatic pistol when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH;
- c. Permitted GARRETT MARK SMITH to accompany building security to confront ABNERD JOSEPH despite knowing that GARRETT MARK SMITH was neither trained nor qualified to engage in a deliberate and direct encounter with someone experiencing a mental health crisis when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH;
- d. Permitted GARRETT MARK SMITH to accompany building security to confront ABNERD JOSEPH despite knowing that GARRETT MARK SMITH was armed with a semi-automatic pistol when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH;
- e. Failed to direct GARRETT MARK SMITH to return to his unit or otherwise not involve himself in building security's efforts to track and confront ABNERD JOSEPH;
- f. Failed to provide sufficient and proper security to prevent harm to residents of the Legacy;
- g. Failed to provide competent security guards to protect tenants, including ABNERD JOSEPH;
- h. Failed to deescalate a developing situation and instead escalated it to dangerous levels by actively seeking out and confronting ABNERD JOSEPH in a threatening manner with superior numbers, the threat of force, and/or weapons, including a firearm when it knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH; and/or
- i. Was otherwise negligent.

131. As a direct and proximate result of the aforementioned conduct, ABNERD JOSEPH suffered injuries of a personal and pecuniary nature, including physical pain, mental suffering, loss of enjoyment of life, anxiety and severe emotional distress from the time of his

injury until his death for which ABNERD JOSEPH would have been entitled to receive compensation from the Defendants for those injuries had he survived.

132. As a direct and proximate result of the aforementioned conduct, ABNERD JOSEPH incurred economic damages, including medical expenses and related expenses for which ABNERD JOSEPH would have been entitled to receive compensation from the Defendants for those injuries had he survived.

133. Accordingly, Plaintiff is entitled to recovery against UNIVERSAL PROTECTION SERVICE, LLC d/b/a ALLIED UNIVERSAL SECURITY SERVICES in an amount to be determined at trial.

WHEREFORE, Plaintiff, DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH prays that this Court enter judgment in his favor and against Defendant, UNIVERSAL PROTECTION SERVICE, LLC d/b/a ALLIED UNIVERSAL SECURITY SERVICES, in an amount that will adequately and fairly compensate him for his injuries, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count XIV**

**Negligence – Wrongful Death Action**

***DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH v. UNIVERSAL PROTECTION SERVICE, LLC d/b/a ALLIED UNIVERSAL SECURITY SERVICES***

134. DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 49 as and for his allegations for this paragraph of this count.

135. The injuries sustained by decedent, ABNERD JOSEPH, as a result of Defendant, UNIVERSAL PROTECTION SERVICE, LLC d/b/a ALLIED UNIVERSAL SECURITY SERVICES’ acts and/or omissions, caused or contributed to his death on September 14, 2023.

136. Plaintiff, DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH brings this cause of action pursuant to the provisions of 740 ILCS 180/1, et seq., commonly known as the Illinois Wrongful Death Act.

137. At the time of his death, decedent, ABNERD JOSEPH, was survived by his mother, Nicole John Jules, and five siblings: Bryan Bienaime; Wendy Bienaime; Delbert “Jay” Charles; Jeanna Joseph; and Nick Joseph.

138. As a direct and proximate result of the premature death of decedent, ABNERD JOSEPH, the above-named heirs/next-of-kin suffered a pecuniary loss, including a loss of money, benefits, goods, services, society, support, companionship, love, and affection for which they were dependent upon ABNERD JOSEPH during and for the remainder of his expected life.

139. As a direct and proximate result of the premature death of decedent, ABNERD JOSEPH the above-named heirs/next-of-kin suffered injuries including grief, sorrow, and mental anguish.

WHEREFORE, Plaintiff, DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH prays that this Court enter judgment in his favor and against Defendant, UNIVERSAL PROTECTION SERVICE, LLC d/b/a ALLIED UNIVERSAL SECURITY SERVICES, in an amount that will adequately and fairly compensate him for his injuries, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count XV**

**Negligence – Survival Action**

***DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH v. GARRETT MARK SMITH***

140. DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 49 as and for his allegations for this paragraph of this count.

141. At the time and place aforesaid, GARRETT MARK SMITH owed a duty to exercise reasonable care to avoid causing injury or harm to others, including ABNERD JOSEPH.

142. At the time place aforesaid, GARRETT MARK SMITH breached the aforesaid duty in one or more of the following ways:

- a. Confronted ABNERD JOSEPH despite knowing that he was neither trained nor qualified to engage in a deliberate and direct encounter with someone experiencing a mental health crisis and when he knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH;
- b. Confronted ABNERD JOSEPH despite knowing that he was neither trained nor qualified to engage in a deliberate and direct encounter with someone experiencing a mental health crisis and when he knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH;
- c. Confronted ABNERD JOSEPH while armed with a semi-automatic pistol when he knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH;
- d. Failed to return to his unit or otherwise not involve himself in building security's efforts to track and confront ABNERD JOSEPH;
- e. Failed to deescalate a developing situation and instead escalated it to dangerous levels by actively seeking out and confronting ABNERD JOSEPH in a threatening manner with superior numbers, the threat of force, and/or weapons, including a firearm when he knew or should have known that doing so created a risk of escalating the situation and the risk of bodily harm to ABNERD JOSEPH; and/or
- f. Was otherwise negligent.

143. As a direct and proximate result of the aforementioned conduct, ABNERD JOSEPH suffered injuries of a personal and pecuniary nature, including physical pain, mental suffering, loss of enjoyment of life, anxiety and severe emotional distress from the time of his injury until his death for which ABNERD JOSEPH would have been entitled to receive compensation from the Defendants for those injuries had he survived.

144. As a direct and proximate result of the aforementioned conduct, ABNERD JOSEPH incurred economic damages, including medical expenses and related expenses for which ABNERD JOSEPH would have been entitled to receive compensation from the Defendants for those injuries had he survived.

145. Accordingly, Plaintiff is entitled to recovery against GARRETT MARK SMITH in an amount to be determined at trial.

WHEREFORE, Plaintiff, DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH prays that this Court enter judgment in his favor and against Defendant, GARRETT MARK SMITH, in an amount that will adequately and fairly compensate him for his injuries, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count XVI**  
**Negligence – Wrongful Death Action**  
***DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH v. GARRETT MARK SMITH***

146. DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 49 as and for his allegations for this paragraph of this count.

147. GARRETT MARK SMITH’s aforementioned acts and/or omissions were a cause of or contributed to cause ABNERD JOSEPH’s death.

148. Plaintiff, DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH brings this cause of action pursuant to the provisions of 740 ILCS 180/1, et seq., commonly known as the Illinois Wrongful Death Act.

149. At the time of his death, decedent, ABNERD JOSEPH, was survived by his mother, Nicole John Jules, and five siblings: Bryan Bienaime; Wendy Bienaime; Delbert “Jay” Charles; Jeanna Joseph; and Nick Joseph.

150. As a direct and proximate result of the premature death of decedent, ABNERD JOSEPH, the above-named heirs/next-of-kin suffered a pecuniary loss, including a loss of money, benefits, goods, services, society, support, companionship, love, and affection for which they were dependent upon ABNERD JOSEPH during and for the remainder of his expected life.

151. As a direct and proximate result of the premature death of decedent, ABNERD JOSEPH the above-named heirs/next-of-kin suffered injuries including grief, sorrow, and mental anguish.

WHEREFORE, Plaintiff, DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH prays that this Court enter judgment in his favor and against Defendant, GARRETT MARK SMITH, in an amount that will adequately and fairly compensate him for his injuries, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count XVII**

**Battery – Survival Action**

***DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH v. GARRETT MARK SMITH***

152. DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 49 as and for his allegations for this paragraph of this count.

153. On September 14, 2023, with malicious intent, GARRETT MARK SMITH fired multiple bullets into the body of decedent, ABNERD JOSEPH using a handgun.

154. The foregoing conduct was deliberate and outrageous and was conducted with the intent to terrify, and to injure, maim, and kill ABNERD JOSEPH, and, as such, constituted an intentional harmful or offensive contact with Plaintiff's decedent who was physically struck by multiple bullets.

155. Plaintiff, DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH brings this action pursuant to the provisions of 755 ILCS 5/27-6, commonly known as the Illinois Survival Statute.

156. As a direct and proximate result of the aforementioned conduct, ABNERD JOSEPH suffered injuries of a personal and pecuniary nature, including physical pain, mental suffering, loss of enjoyment of life, anxiety and severe emotional distress from the time of his injury until his death for which ABNERD JOSEPH would have been entitled to receive compensation from the Defendants for those injuries had he survived.

157. As a direct and proximate result of the aforementioned conduct, ABNERD JOSEPH incurred economic damages, including medical expenses and related expenses for which ABNERD JOSEPH would have been entitled to receive compensation from the Defendants for those injuries had he survived.

158. Accordingly, Plaintiff is entitled to recovery against GARRETT MARK SMITH in an amount to be determined at trial.

WHEREFORE, Plaintiff, DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH prays that this Court enter judgment in his favor and against Defendant, GARRETT MARK SMITH, in an amount that will adequately and fairly compensate him for his injuries, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count XVIII**  
**Battery – Wrongful Death Action**  
***DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH v. GARRETT MARK SMITH***

159. DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 49 as and for his allegations for this paragraph of this count.

160. GARRETT MARK SMITH's aforementioned deliberate and malicious conduct was a cause of or contributed to cause ABNERD JOSEPH's death.

161. Plaintiff, DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH brings this cause of action pursuant to the provisions of 740 ILCS 180/1, et seq., commonly known as the Illinois Wrongful Death Act.

162. At the time of his death, decedent, ABNERD JOSEPH, was survived by his mother, Nicole John Jules, and five siblings: Bryan Bienaime; Wendy Bienaime; Delbert "Jay" Charles; Jeanna Joseph; and Nick Joseph.

163. As a direct and proximate result of the premature death of decedent, ABNERD JOSEPH, the above-named heirs/next-of-kin suffered a pecuniary loss, including a loss of money, benefits, goods, services, society, support, companionship, love, and affection for which they were dependent upon ABNERD JOSEPH during and for the remainder of his expected life.

164. As a direct and proximate result of the premature death of decedent, ABNERD JOSEPH the above-named heirs/next-of-kin suffered injuries including grief, sorrow, and mental anguish.

WHEREFORE, Plaintiff, DELBERT J. CHARLES as Independent Administrator of the Estate of ABNERD JOSEPH prays that this Court enter judgment in his favor and against Defendant, GARRETT MARK SMITH, in an amount that will adequately and fairly compensate him for his injuries, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

*The remainder of this page is left blank deliberately.*

**Dated: May 14, 2024**

Respectfully Submitted,

*/s/ Jason J. Friedl*

---

An Attorney for Plaintiff

**ROMANUCCI & BLANDIN, LLC**

321 N. Clark St., Ste. 900

Chicago, IL 60654

t.: 312.458.1000

f.: 312.458.1004

Antonio Romanucci

Email: [aroamnucci@rblaw.net](mailto:aroamnucci@rblaw.net)

Illinois ARDC No. 6190290

Jason J. Friedl

Email: [jfriedl@rblaw.net](mailto:jfriedl@rblaw.net)

Illinois ARDC No. 6273533

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

DELBERT J. CHARLES as Independent  
Administrator of the Estate of ABNERD  
JOSEPH, deceased,

Plaintiff,

v.

MESA DEVELOPMENT, LLC; AVISON  
YOUNG - CHICAGO, LLC; SUDLER AND  
COMPANY d/b/a SUDLER PROPERTY  
MANAGEMENT; UNIVERSAL  
PROTECTION SERVICE, LLC d/b/a ALLIED  
UNIVERSAL SECURITY SERVICES; and  
GARRETT MARK SMITH,

Defendants.

No.:

Plaintiff Demands a Jury Trial

**JURY DEMAND**

Plaintiff hereby demands a jury trial in this case.

Respectfully submitted,

*/s/ Jason J. Friedl*

Attorney for Plaintiff  
(ARDC No: 6273533)

**ATTORNEY FOR PLAINTIFFS:**

Jason J. Friedl  
ROMANUCCI & BLANDIN, LLC.  
321 North Clark Street Suite 900  
Chicago, IL 60654  
Tel.: (312) 458-1000  
Fax: (312) 458-1004  
Email: jfriedl@rblaw.net  
Firm ID: 35875

District 1

Case Summary

Case No. 2024L005346

<b>DELBERT CHARLES, ABNERD JOSEPH -vs- GARRETT SMITH, MESA DEVELOPMENT, LLC, AVISON YOUNG - CHICAGO, LLC, SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT, UNIVERSAL PROTECTION SERVICE, LLC d/b/a ALLIED UNIVERSAL SECURITY SERVICES, LEGACY HOMEOWNER ASSOC, LEGACY AT MILLENIUM PARK CONDO ASSOCIATION, Deborah Romero, Dominic Tedaldi, Younan "Jonah" Nena, Andrew Clement, Robert Bishopp, Jr., Natalie Bishopp</b>	§	Location: <b>District 1</b>
	§	Judicial Officer: <b>Calendar, D</b>
	§	Filed on: <b>05/14/2024</b>
	§	Cook County Attorney Number: <b>35875</b>
	§	Cook County Attorney Number: <b>16741</b>
	§	Cook County Attorney Number: <b>37922</b>
	§	Cook County Attorney Number: <b>62488</b>
	§	Cook County Attorney Number: <b>44236</b>
	§	Cook County Attorney Number: <b>45920</b>
	§	Cook County Attorney Number: <b>59813</b>
	§	Cook County Attorney Number: <b>62702</b>
	§	Cook County Attorney Number: <b>41737</b>
	§	Cook County Attorney Number: <b>42913</b>
	§	Cook County Attorney Number: <b>37240</b>

Case Information

Related Cases

2024L010547 (Consolidated)

Case Type: Premises Liability - Jury  
Case Status: **05/14/2024 Pending**

Assignment Information

Current Case Assignment

Case Number 2024L005346  
Court District 1  
Date Assigned 05/14/2024  
Judicial Officer Calendar, D

Party Information

Plaintiff **CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR**

Lead Attorneys

**Friedl, Jason John Retained**

**JOSEPH, ABNERD DECEASED ESTATE**

Defendant **AVISON YOUNG - CHICAGO, LLC**

**Bishopp, Natalie**

**Wilson, Fritz Vincent Retained**

**Bishopp, Robert John Jr.**

**Wilson, Fritz Vincent Retained**

**Clement, Andrew**

**Scherschel, Thomas Powers Retained**

**LEGACY AT MILLENIUM PARK CONDO ASSOCIATION**

**LEWIS BRISBOIS BISGAARD SMITH LLP Retained**  
312-345-1718(H)  
550 W ADAMS #300  
CHICAGO, IL 60661

FILED DATE: 11/17/2025 3:26 PM 2024L005346

Case Summary

Case No. 2024L005346

LEGACY HOMEOWNER ASSOC

Stevens, James Robert  
*Retained*

MESA DEVELOPMENT, LLC

Nena, Younan "Jonah"

Ash, Cameron William  
*Retained*  
550 West Adams ST  
STE 300  
Chicago, IL 60661

Romero, Deborah

Ash, Cameron William  
*Retained*  
550 West Adams ST  
STE 300  
Chicago, IL 60661

SMITH, GARRETT MARK

Scharkey, John Joseph III  
*Retained*

SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT

LEWIS BRISBOIS BISGAARD  
SMITH LLP  
*Retained*  
312-345-1718(H)  
550 W ADAMS #300  
CHICAGO, IL 60661

Tedaldi, Dominic






Ash, Cameron William  
*Retained*  
550 West Adams ST  
STE 300  
Chicago, IL 60661

UNIVERSAL PROTECTION SERVICE, LLC d/b/a ALLIED UNIVERSAL  
SECURITY SERVICES

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Events and Orders of the Court

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- 04/27/2026  **Assignment Hearing** (10:00 AM) (Judicial Officer: Lyons, Thomas V., II)  
Resource: Location L2005 Court Room 2005  
Resource: Location D1 Richard J Daley Center
- 11/25/2025  **Continued Case Management** (10:00 AM) (Judicial Officer: Beach, Charles S., II)  
Resource: Location L2207 Court Room 2207  
Resource: Location D1 Richard J Daley Center
- 11/13/2025 **First Time Motion Hearing** (10:00 AM) (Judicial Officer: Beach, Charles S., II)  
Resource: Location L2207 Court Room 2207  
Resource: Location D1 Richard J Daley Center
- 11/06/2025  **CANCELED Continued Case Management** (9:00 AM) (Judicial Officer: Beach, Charles S., II)  
Resource: Location L2207 Court Room 2207  
Resource: Location D1 Richard J Daley Center  
*Stricken*
- 11/06/2025  Notice Of Motion Filed  
*NOM - Strike Defendant Nena Answer to 3ACAL*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*NOM - Strike Defendant Nena Answer to 3ACAL*
- 11/06/2025  Motion Filed












Case Summary

Case No. 2024L005346

Motion to Strike Defendant Nena Answer to 3ACAL















Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

Motion to Strike Defendant Nena Answer to 3ACAL

- 11/06/2025  Exhibits Filed  
1  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
1
- 11/06/2025  Notice Of Motion Filed  
NOM - Strike Defendant Romero Answer to 3ACAL  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
NOM - Strike Defendant Romero Answer to 3ACAL
- 11/06/2025  Motion Filed  
Motion to Strike Defendant Romero Answer to 3ACAL  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
Motion to Strike Defendant Romero Answer to 3ACAL
- 11/06/2025  Exhibits Filed  
1  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
1
- 11/06/2025  Notice Of Motion Filed  
NOM - Strike Defendant Tedaldi Answer to 3ACAL  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
NOM - Strike Defendant Tedaldi Answer to 3ACAL
- 11/06/2025  Motion Filed  
Motion to Strike Defendant Tedaldi Answer to 3ACAL  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
Motion to Strike Defendant Tedaldi Answer to 3ACAL
- 11/06/2025  Exhibits Filed  
1  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
1
- 11/06/2025  Notice Of Filing Filed  
NOF - Reply to Affirmative Defenses - Tedaldi/Romero/Nena  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
NOF - Reply to Affirmative Defenses - Tedaldi/Romero/Nena
- 11/06/2025  Response / Reply - Filed  
Plaintiff Reply to Defendant Tedaldi Affirmative Defenses  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
Plaintiff Reply to Defendant Tedaldi Affirmative Defenses
- 11/06/2025  Response / Reply - Filed  
Plaintiff Reply to Defendant Romero Affirmative Defenses  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
Plaintiff Reply to Defendant Romero Affirmative Defenses
- 11/06/2025  Response / Reply - Filed  
Plaintiff Reply to Defendant Nena Affirmative Defenses  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
Plaintiff Reply to Defendant Nena Affirmative Defenses

Case Summary


Case No. 2024L005346

- 11/05/2025  Notice Of Motion Filed  
*Notice of Motion - Strike Sudler Answer to 3ACAL*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Notice of Motion - Strike Sudler Answer to 3ACAL*
- 11/05/2025  Motion Filed  
*Motion to Strike Sudler Answer to 3ACAL*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Motion to Strike Sudler Answer to 3ACAL*
- 11/05/2025  Exhibits Filed  
*1*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*1*
- 11/05/2025  Notice Of Motion Filed  
*NOM - Strike Legacy Answer to 3ACAL*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*NOM - Strike Legacy Answer to 3ACAL*
- 11/05/2025  Motion Filed  
*Motion - Strike Legacy Answer to 3ACAL*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Motion - Strike Legacy Answer to 3ACAL*
- 11/05/2025  Exhibits Filed  
*1*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*1*
- 11/05/2025  Notice Of Filing Filed  
*NOF - Plaintiff's Reply to Defendants' Affirmative Defenses*
- 11/05/2025  Response / Reply - Filed  
*Plaintiff Reply to Defendant Legacy's Affirmative Defenses*
- 11/05/2025  Response / Reply - Filed  
*Plaintiff Reply to Defendant Sudler's Affirmative Defenses*
- 11/05/2025  Response / Reply - Filed  
*Plaintiff Reply to Defendant Garrett Smith's Affirmative Defenses*
- 10/29/2025  Certificate Filed  
COS  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
COS
- 10/28/2025  Appearance Filed - Fee Paid - (Jury Demand)  
*Robert Bishopp Jr and Natalie Bishopp Appearance and Jury Demand*  
Party: Defendant Bishopp, Robert John Jr.  
Party 2: Attorney Wilson, Fritz Vincent  
*Robert Bishopp Jr and Natalie Bishopp Appearance and Jury Demand*
- 10/27/2025  Strike From Case Management Call - Allowed (Judicial Officer: Cushing, Thomas M)  
Party: Defendant Clement, Andrew
- 10/27/2025  Leave To Join In Motion - Allowed (Judicial Officer: Cushing, Thomas M)

Case Summary

















Case No. 2024L005346

Party: Defendant Clement, Andrew

- 10/27/2025  File Amendment, Additional, Amended Pleadings - Allowed - (Judicial Officer: Cushing, Thomas M)  
Party: Defendant Clement, Andrew
- 10/27/2025  Extend Time - Allowed - (Judicial Officer: Cushing, Thomas M)  
Party: Defendant Clement, Andrew
- 10/27/2025  Case Continued For Case Management Conference - Allowed - (Judicial Officer: Cushing, Thomas M)  
Party: Defendant Clement, Andrew
- 10/27/2025 **First Time Motion Hearing** (10:00 AM) (Judicial Officer: Beach, Charles S., II)  
Resource: Location L2207 Court Room 2207  
Resource: Location D1 Richard J Daley Center
- 10/27/2025  Certificate Of Mailing Filed  
*COS - Guardian Subpoena response documents*  
Party: Defendant SMITH, GARRETT MARK  
*COS - Guardian Subpoena response documents*
- 10/24/2025  Certificate Filed  
*COS - Discovery to RIDs*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*COS - Discovery to RIDs*
- 10/24/2025  Notice Of Filing Filed  
*NOF - Response in Opposition to Motion to Extend*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*NOF - Response in Opposition to Motion to Extend*
- 10/24/2025  Response / Reply - Filed  
*Response in Opposition Motion to Extend*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Response in Opposition Motion to Extend*
- 10/24/2025  Exhibits Filed  
1  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
1
- 10/24/2025  Exhibits Filed  
2  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
2
- 10/20/2025  Notice Of Filing Filed  
*NOF Appearance*
- 10/20/2025  Appearance Filed - Fee Paid - (Jury Demand)  
*Appearance with Jury Demand*
- 10/20/2025  Notice Of Motion Filed  
*Notice of Motion*
- 10/20/2025  Motion For Extension Of Time (Scr 323E) Filed  
*Motion for Extension of Time to File Responsive Pleading*
- 10/17/2025  Notice Of Filing Filed

Case Summary

Case No. 2024L005346

- 10/17/2025  Appearance Filed - Fee Paid - (Jury Demand)  
*Appearance and Jury Demand for Defendants Deborah Romero, Dominic Tedaldi, and Younan "Jonah" Nena*
- 10/17/2025  Answer And Copy Filed  
*Defendant Deborah Romero's Answer and Affirmative Defenses to Plaintiff's Third Amended Complaint 10-17-25*
- 10/17/2025  Answer And Copy Filed  
*Defendant Dominic Tedaldi's Answer and Affirmative Defenses to Plaintiff's Third Amended Complaint*
- 10/17/2025  Answer And Copy Filed  
*Defendant Younan "Jonah" Nena's Answer and Affirmative Defenses to Plaintiff's Third Amended Complaint*
- 10/17/2025  Notice Of Filing Filed  
Party 2: Attorney Ash, Cameron William
- 10/17/2025  Appearance Filed - Fee Paid - (Jury Demand)  
Party 2: Attorney Ash, Cameron William
- 10/16/2025  File Appearance Or Jury Demand, Answer Or Plead - Allowed - (Judicial Officer: Andreou, Frank John)  
Party: Defendant SMITH, GARRETT MARK
- 10/16/2025  Case Continued For Case Management Conference - Allowed - (Judicial Officer: Andreou, Frank John)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE
- 10/16/2025  **Continued Case Management** (10:30 AM) (Judicial Officer: Andreou, Frank John)  
Resource: Location L2207 Court Room 2207  
Resource: Location D1 Richard J Daley Center  
**MINUTES - 10/16/2025**  
 Case Continued For Case Management Conference - Allowed - (Judicial Officer: Andreou, Frank John)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE  
 **CANCELED Continued Case Management** (11/06/2025 at 9:00 AM) (Judicial Officer: Beach, Charles S., II)  
Resource: Location L2207 Court Room 2207  
Resource: Location D1 Richard J Daley Center  
*Stricken*  
 File Appearance Or Jury Demand, Answer Or Plead - Allowed - (Judicial Officer: Andreou, Frank John)  
Party: Defendant SMITH, GARRETT MARK  
Continued;
- 10/15/2025  Amended Answer Filed  
*Smith's Answer to Third Amended Complaint*  
Party: Defendant SMITH, GARRETT MARK  
*Smith's Answer to Third Amended Complaint*
- 10/15/2025  Notice Of Filing Filed  
*NOF - Smith's Answer to Third Amended Complaint*  
Party: Defendant SMITH, GARRETT MARK  
*NOF - Smith's Answer to Third Amended Complaint*
- 10/14/2025  Notice Of Filing Filed  
Party: Defendant LEGACY AT MILLENIUM PARK CONDO ASSOCIATION
- 10/14/2025  Answer And Copy Filed

FILED DATE: 11/17/2025 3:26 PM 2024L005346

Case Summary

Case No. 2024L005346

Party: Defendant LEGACY AT MILLENIUM PARK CONDO ASSOCIATION

10/14/2025



Answer And Copy Filed

*Defendant Sudler and Company's Answer and Affirmative Defenses to Plaintiff's Third Amended Complaint at Law*

Party: Defendant LEGACY AT MILLENIUM PARK CONDO ASSOCIATION

*Defendant Sudler and Company's Answer and Affirmative Defenses to Plaintiff's Third Amended Complaint at Law*

10/10/2025



Certificate Filed

*COS - Plaintiff's 14th Supp Prod 000001-000159*

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

*COS - Plaintiff's 14th Supp Prod 000001-000159*

10/09/2025



Notice Filed

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

10/09/2025



Affidavit Filed

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

10/07/2025



Certificate Filed

*COS*

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

*COS*

10/03/2025



Protective Order - Continued - (Judicial Officer: Flanagan, Kathy M)

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;

Plaintiff JOSEPH, ABNERD DECEASED ESTATE

10/03/2025



Court Date To Stand - Allowed (Judicial Officer: Flanagan, Kathy M)

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;

Plaintiff JOSEPH, ABNERD DECEASED ESTATE

10/03/2025



File Amendment, Additional, Amended Pleadings - Allowed - (Judicial Officer: Flanagan, Kathy M)

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;

Plaintiff JOSEPH, ABNERD DECEASED ESTATE

10/03/2025



File Amendment, Additional, Amended Pleadings - Allowed - (Judicial Officer: Flanagan, Kathy M)

Party: Defendant LEGACY AT MILLENIUM PARK CONDO ASSOCIATION;

Defendant LEGACY HOMEOWNER ASSOC;

Defendant MESA DEVELOPMENT, LLC;

Defendant SMITH, GARRETT MARK;

Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT;

Defendant UNIVERSAL PROTECTION SERVICE, LLC d/b/a ALLIED UNIVERSAL SECURITY SERVICES

10/03/2025



Strike Or Withdraw Motion Or Petition - Allowed - (Judicial Officer: Flanagan, Kathy M)

Party: Defendant AVISON YOUNG - CHICAGO, LLC;

Defendant LEGACY AT MILLENIUM PARK CONDO ASSOCIATION;

Defendant LEGACY HOMEOWNER ASSOC;

Defendant MESA DEVELOPMENT, LLC;

Defendant SMITH, GARRETT MARK;

Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT;

Defendant UNIVERSAL PROTECTION SERVICE, LLC d/b/a ALLIED UNIVERSAL SECURITY SERVICES

10/03/2025



Execute Or Perform - Allowed - (Judicial Officer: Harvey, Toya T)

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

10/03/2025



Court Date To Stand - Allowed (Judicial Officer: Harvey, Toya T)

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

-

FILED DATE: 11/17/2025 3:26 PM 2024L005346

Case Summary

Case No. 2024L005346

10/03/2025 Strike Or Vacate An Order - Allowed - (Judicial Officer: Harvey, Toya T)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

10/03/2025 Sever - Allowed - (Judicial Officer: Harvey, Toya T)  
2024l010547  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
2024l010547

10/03/2025 Strike Or Vacate An Order - Denied - (Judicial Officer: Harvey, Toya T)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

10/03/2025 **Open Hearing** (10:30 AM) (Judicial Officer: Harvey, Toya T)  
Resource: Location L2005 Court Room 2005  
Resource: Location D1 Richard J Daley Center  
**MINUTES - 10/03/2025**

Strike Or Vacate An Order - Denied - (Judicial Officer: Harvey, Toya T)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

Strike Or Vacate An Order - Allowed - (Judicial Officer: Harvey, Toya T)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

Sever - Allowed - (Judicial Officer: Harvey, Toya T)  
2024l010547  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
2024l010547

Court Date To Stand - Allowed (Judicial Officer: Harvey, Toya T)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

Execute Or Perform - Allowed - (Judicial Officer: Harvey, Toya T)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

Denied;

10/01/2025 Strike Or Vacate An Order - Continued - (Judicial Officer: Lyons, Thomas V., II)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

10/01/2025 **Room 2005 - Motion Calendar M1** (10:30 AM) (Judicial Officer: Lyons, Thomas V., II)  
Resource: Location L2005 Court Room 2005  
Resource: Location D1 Richard J Daley Center  
**MINUTES - 10/01/2025**

Strike Or Vacate An Order - Continued - (Judicial Officer: Lyons, Thomas V., II)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

**Open Hearing** (10/03/2025 at 10:30 AM) (Judicial Officer: Harvey, Toya T)  
Resource: Location L2005 Court Room 2005  
Resource: Location D1 Richard J Daley Center  
Continued;

09/23/2025 Agreed Order Entered (Judicial Officer: Hannon, Maureen O)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE

09/23/2025 Case Continued For Case Management Conference - Allowed - (Judicial Officer: Hannon, Maureen O)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE

09/23/2025 Execute Or Perform - Allowed - (Judicial Officer: Hannon, Maureen O)  
9/16, 9/17, 9/24, 9/25  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;

Case Summary

Case No. 2024L005346

Plaintiff JOSEPH, ABNERD DECEASED ESTATE

9/16, 9/17, 9/24, 9/25














- 09/23/2025  Execute Or Perform - Denied - (Judicial Officer: Hannon, Maureen O)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE
- 09/23/2025  Amend Complaint Or Petition - Allowed - (Judicial Officer: Hannon, Maureen O)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 09/23/2025  Strike Or Withdraw Motion Or Petition - Allowed - (Judicial Officer: Hannon, Maureen O)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE
- 09/22/2025  Notice Of Filing Filed  
*Notice of Filing - Affidavits of Service*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Notice of Filing - Affidavits of Service*
- 09/22/2025  Affidavit Of Service Filed  
*affidavit of service - Steven Levy*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*affidavit of service - Steven Levy*
- 09/22/2025  Affidavit Of Service Filed  
*affidavit of service - Constantine "Dean" Andrews*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*affidavit of service - Constantine "Dean" Andrews*
- 09/19/2025  Notice Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 09/19/2025  Affidavit Of Service Filed  
*Affidavit of Service - Younan "Jonah" Nena*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Affidavit of Service - Younan "Jonah" Nena*
- 09/19/2025  Affidavit Of Service Filed  
*Affidavit of Service - Dominic Tedaldi*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Affidavit of Service - Dominic Tedaldi*
- 09/19/2025  Affidavit Of Service Filed  
*Affidavit of Service - Deborah Romero*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Affidavit of Service - Deborah Romero*
- 09/19/2025  Affidavit Of Service Filed  
*Affidavit of Service - John Carona*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Affidavit of Service - John Carona*
- 09/19/2025  Affidavit Of Service Filed  
*Affidavit of Service - Associa, Inc.*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Affidavit of Service - Associa, Inc.*
- 09/18/2025  Notice Of Motion Filed

FILED DATE: 11/17/2025 3:26 PM 2024L005346

Case Summary

Case No. 2024L005346

NOM - Mot for Reconsideration (consolidation)

- 09/17/2025  Motion Filed  
*Motion for Reconsideration*
- 09/17/2025  Exhibits Filed  
*Exhibits A-H*
- 09/17/2025  Notice Of Filing Filed  
*NOF - Affidavit of Service*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*NOF - Affidavit of Service*
- 09/17/2025  Affidavit Filed  
*Affidavit of Service - Natalie Bishopp*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Affidavit of Service - Natalie Bishopp*
- 09/17/2025  Affidavit Filed  
*Affidavit of Service - Robert John Bishopp, Jr.*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Affidavit of Service - Robert John Bishopp, Jr.*
- 09/17/2025  Summons Issued And Returnable  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 09/16/2025  Summons Issued And Returnable  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 09/16/2025  Summons Issued And Returnable  
*Summons - Andrew Clement*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Summons - Andrew Clement*
- 09/16/2025  Summons Issued And Returnable  
*Summons - Deborah Romero*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Summons - Deborah Romero*
- 09/16/2025  Summons Issued And Returnable  
*Summons - Dominic Tedaldi*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Summons - Dominic Tedaldi*
- 09/16/2025  Summons Issued And Returnable  
*Summons - Natalie Bishop*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Summons - Natalie Bishop*
- 09/16/2025  Summons Issued And Returnable  
*Summons - Robert John Bishop Jr*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Summons - Robert John Bishop Jr*
- 09/16/2025  Summons Issued And Returnable  
*Summons - Associa Inc*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

Case Summary

Case No. 2024L005346











Summons - Associa Inc

- 09/16/2025  Summons Issued And Returnable  
*Summons - Constantine "Dean" Andrews*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Summons - Constantine "Dean" Andrews*
- 09/16/2025  Summons Issued And Returnable  
*Summons - Steven Levy*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Summons - Steven Levy*
- 09/12/2025  **Continued Case Management** (11:00 AM) (Judicial Officer: Beach, Charles S., II)  
Resource: Location L2207 Court Room 2207  
Resource: Location D1 Richard J Daley Center
- 09/12/2025  Notice Of Filing Filed  
*NOF - Plaintiff's Third Amended Complaint*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*NOF - Plaintiff's Third Amended Complaint*
- 09/12/2025  Amended Complaint Filed  
*Plaintiff's Third Amended Complaint at Law*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Plaintiff's Third Amended Complaint at Law*
- 09/11/2025  **CANCELED Continued Case Management** (9:00 AM) (Judicial Officer: Flanagan, Kathy M)  
Resource: Location L2210 Court Room 2210  
Resource: Location D1 Richard J Daley Center  
*Stricken*
- 09/11/2025  Notice Of Motion Filed  
*Notice of Motion - Leave to File*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Notice of Motion - Leave to File*
- 09/11/2025  Motion Filed  
*Motion for Leave to File*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Motion for Leave to File*
- 09/11/2025  Exhibits Filed  
A  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
A
- 09/11/2025  Notice Of Motion Filed  
*Notice of Motion to Compel - Deposition of Dean Andrews*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Notice of Motion to Compel - Deposition of Dean Andrews*
- 09/11/2025  Motion Filed  
*Motion to Compel - Deposition of Dean Andrews*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Motion to Compel - Deposition of Dean Andrews*
- 09/11/2025  Notice Of Motion Filed  
*Notice of Motion - Order Requiring Forensic Protocol*

## Case Summary

Case No. 2024L005346

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Notice of Motion - Order Requiring Forensic Protocol*
















- 09/11/2025  Motion Filed  
*Motion for Order Requiring Protocol*  
 Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Motion for Order Requiring Protocol*
- 09/09/2025  Subpoena Filed  
*Subpoena*  
 Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Subpoena*
- 09/09/2025  Certificate Filed  
*NOF of COS*  
 Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*NOF of COS*
- 09/08/2025  Strike From Case Management Call - Allowed (Judicial Officer: Beach, Charles S., II)  
 Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 09/08/2025  **CANCELED Continued Case Management** (10:00 AM) (Judicial Officer: Beach, Charles S., II)  
 Resource: Location L2207 Court Room 2207  
 Resource: Location D1 Richard J Daley Center  
*Stricken*
- 09/05/2025  Comply - Denied - (Judicial Officer: Flanagan, Kathy M)  
 Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 09/05/2025  Case Continued For Case Management Conference - Allowed - (Judicial Officer: Flanagan, Kathy M)  
 @11:00AM  
 Party: Attorney Friedl, Jason John;  
 Attorney LEWIS BRISBOIS BISGAARD SMITH LLP;  
 Attorney Scharkey, John Joseph III;  
 Attorney Stevens, James Robert;  
 Defendant AVISON YOUNG - CHICAGO, LLC;  
 Defendant LEGACY AT MILLENIUM PARK CONDO ASSOCIATION;  
 Defendant LEGACY HOMEOWNER ASSOC;  
 Defendant MESA DEVELOPMENT, LLC;  
 Defendant SMITH, GARRETT MARK;  
 Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT;  
 Defendant UNIVERSAL PROTECTION SERVICE, LLC d/b/a ALLIED UNIVERSAL SECURITY SERVICES;  
 Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
 Plaintiff JOSEPH, ABNERD DECEASED ESTATE  
 @11:00AM
- 09/05/2025  Execute Or Perform - Allowed - (Judicial Officer: Flanagan, Kathy M)  
 Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
 Plaintiff JOSEPH, ABNERD DECEASED ESTATE
- 09/05/2025  Order In - Camera Inspection - Allowed (Judicial Officer: Flanagan, Kathy M)  
 Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 09/05/2025  Produce Exhibits,Other Records,Documents,Person - Allowed - (Judicial Officer: Flanagan, Kathy M)  
 Party: Attorney LEWIS BRISBOIS BISGAARD SMITH LLP;  
 Attorney Scharkey, John Joseph III;  
 Attorney Stevens, James Robert;  
 Defendant LEGACY AT MILLENIUM PARK CONDO ASSOCIATION;  
 Defendant LEGACY HOMEOWNER ASSOC;

Case Summary

Case No. 2024L005346

Defendant SMITH, GARRETT MARK;  
Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT;  
Defendant UNIVERSAL PROTECTION SERVICE, LLC d/b/a ALLIED UNIVERSAL SECURITY SERVICES

FILED DATE: 11/17/2025 3:26 PM 2024L005346

- 09/05/2025  Produce Exhibits,Other Records,Documents,Person -Continued- (Judicial Officer: Flanagan, Kathy M)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 09/05/2025  Strike From The Call - Allowed - (Judicial Officer: Flanagan, Kathy M)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 09/05/2025  Strike From The Call - Allowed - (Judicial Officer: Flanagan, Kathy M)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 09/05/2025  Strike Or Withdraw Motion Or Petition - Allowed - (Judicial Officer: Flanagan, Kathy M)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE
- 09/05/2025  Taking Of Deposition - Allowed - (Judicial Officer: Flanagan, Kathy M)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 09/05/2025  Taking Of Deposition - Allowed - (Judicial Officer: Flanagan, Kathy M)  
Party: Defendant SMITH, GARRETT MARK
- 09/05/2025  Taking Of Deposition - Allowed - (Judicial Officer: Flanagan, Kathy M)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE
- 09/04/2025  Certificate Of Mailing Filed  
*COS - Supplemental 213(f) and Production*  
Party: Defendant SMITH, GARRETT MARK  
*COS - Supplemental 213(f) and Production*
- 09/04/2025  Certificate Filed  
*COS*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*COS*
- 09/04/2025  Subpoena Filed  
*subpoena to CPD*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*subpoena to CPD*
- 08/26/2025  Certificate Filed  
*COS - Plaintiff's 13th SUPP 000001-000889*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*COS - Plaintiff's 13th SUPP 000001-000889*
- 08/26/2025  Emergency Motion Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 08/26/2025  Notice Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 08/26/2025  Emergency Motion Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 08/26/2025  Exhibits Filed

Case Summary

Case No. 2024L005346











Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

- 08/26/2025  Emergency Motion Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 08/26/2025  Emergency Motion Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 08/26/2025  Exhibits Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 08/26/2025  Exhibits Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 08/26/2025  Exhibits Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 08/26/2025  Exhibits Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 08/26/2025  Exhibits Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 08/26/2025  Exhibits Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 08/26/2025  Exhibits Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 08/26/2025  Notice Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 08/26/2025  Emergency Motion Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 08/26/2025  Notice Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 08/26/2025  Emergency Motion Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 08/26/2025  Notice Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 08/26/2025  Notice Of Filing Filed  
*NOF*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*NOF*
- 08/26/2025  Affidavit Of Service Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 08/22/2025 **CANCELED First Time Motion Hearing** (10:00 AM) (Judicial Officer: Beach, Charles S., II)  
Resource: Location L2207 Court Room 2207  
Resource: Location D1 Richard J Daley Center  
*Stricken*

FILED DATE: 11/17/2025 3:26 PM 2024L005346




## Case Summary

## Case No. 2024L005346

- 08/22/2025 **CANCELED First Time Motion Hearing** (10:00 AM) (Judicial Officer: Beach, Charles S., II)  
Resource: Location L2207 Court Room 2207  
Resource: Location D1 Richard J Daley Center  
*Stricken*
- 08/21/2025  Execute Or Perform - Allowed - (Judicial Officer: Flanagan, Kathy M)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE
- 08/21/2025  Exchange Information - Allowed - (Judicial Officer: Flanagan, Kathy M)  
*Illinois State Police*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE  
*Illinois State Police*
- 08/21/2025  Case Continued For Case Management Conference - Allowed - (Judicial Officer: Flanagan, Kathy M)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE
- 08/21/2025  Produce Exhibits,Other Records,Documents,Person - Allowed - (Judicial Officer: Flanagan, Kathy M)  
*Illionois State Police*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE  
*Illionois State Police*
- 08/21/2025  Taking Of Deposition - Allowed - (Judicial Officer: Flanagan, Kathy M)  
Party: Defendant LEGACY AT MILLENIUM PARK CONDO ASSOCIATION;  
Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT
- 08/21/2025  Case Continued For Case Management Conference - Allowed - (Judicial Officer: Flanagan, Kathy M)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE
- 08/21/2025  Produce Exhibits,Other Records,Documents,Person - Allowed - (Judicial Officer: Flanagan, Kathy M)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE
- 08/21/2025  Execute Or Perform - Allowed - (Judicial Officer: Flanagan, Kathy M)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE
- 08/21/2025 **CANCELED First Time Motion Hearing** (10:00 AM) (Judicial Officer: Beach, Charles S., II)  
Resource: Location L2207 Court Room 2207  
Resource: Location D1 Richard J Daley Center  
*Stricken*
- 08/21/2025 **CANCELED First Time Motion Hearing** (10:00 AM) (Judicial Officer: Beach, Charles S., II)  
Resource: Location L2207 Court Room 2207  
Resource: Location D1 Richard J Daley Center  
*Stricken*
- 08/21/2025  Certificate Filed  
*COS - 12th Supp Production Bates 000001-000434*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*COS - 12th Supp Production Bates 000001-000434*
- 08/20/2025  Answer Interrogatories - Allowed - (Judicial Officer: Flanagan, Kathy M)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE

Case Summary

Case No. 2024L005346

- 08/20/2025  Strike From Motion Call - Allowed (Judicial Officer: Flanagan, Kathy M)  
Party: Defendant LEGACY HOMEOWNER ASSOC;  
Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT
- 08/20/2025  File Affidavits - Allowed - (Judicial Officer: Flanagan, Kathy M)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE
- 08/20/2025  File Amendment, Additional, Amended Pleadings - Allowed - (Judicial Officer: Flanagan, Kathy M)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE
- 08/20/2025  Execute Or Perform - Allowed - (Judicial Officer: Flanagan, Kathy M)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE
- 08/20/2025  Produce Exhibits,Other Records,Documents,Person - Allowed - (Judicial Officer: Flanagan, Kathy M)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE
- 08/20/2025  Taking Of Deposition - Allowed - (Judicial Officer: Flanagan, Kathy M)  
Party: Defendant LEGACY HOMEOWNER ASSOC;  
Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT
- 08/20/2025  Quash Deposition - Denied - (Judicial Officer: Flanagan, Kathy M)  
Party: Defendant LEGACY HOMEOWNER ASSOC;  
Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT
- 08/20/2025  Quash Deposition - Allowed - (Judicial Officer: Flanagan, Kathy M)  
Party: Defendant LEGACY HOMEOWNER ASSOC;  
Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT
- 08/20/2025  Extend Time - Allowed - (Judicial Officer: Flanagan, Kathy M)  
Party: Defendant LEGACY AT MILLENIUM PARK CONDO ASSOCIATION;  
Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT
- 08/20/2025  Exchange Information - Allowed - (Judicial Officer: Flanagan, Kathy M)  
Party: Defendant AVISON YOUNG - CHICAGO, LLC;  
Defendant LEGACY AT MILLENIUM PARK CONDO ASSOCIATION;  
Defendant LEGACY HOMEOWNER ASSOC;  
Defendant MESA DEVELOPMENT, LLC;  
Defendant SMITH, GARRETT MARK;  
Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT;  
Defendant UNIVERSAL PROTECTION SERVICE, LLC d/b/a ALLIED UNIVERSAL SECURITY SERVICES;  
Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE
- 08/20/2025  Produce Exhibits,Other Records,Documents,Person - Allowed - (Judicial Officer: Flanagan, Kathy M)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE
- 08/20/2025  Strike From Motion Call - Allowed (Judicial Officer: Barrett, Michael B)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 08/20/2025  Taking Of Deposition - Allowed - (Judicial Officer: Barrett, Michael B)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

FILED DATE: 11/17/2025 3:26 PM 2024L005346




Case Summary

Case No. 2024L005346



- 08/20/2025  Comply - Allowed - (Judicial Officer: Barrett, Michael B)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 08/20/2025  Motion Filed  
*Motion to Strike and Enforce Discovery Deadline*  
Party: Defendant SMITH, GARRETT MARK  
*Motion to Strike and Enforce Discovery Deadline*
- 08/20/2025  Exhibits Filed  
*Exhibits to Mot to Strike - combined A-O*  
Party: Defendant SMITH, GARRETT MARK  
*Exhibits to Mot to Strike - combined A-O*
- 08/20/2025  Notice Of Motion Filed  
*NOM - Motion to Strike and Enforce Discovery Deadline*  
Party: Defendant SMITH, GARRETT MARK  
*NOM - Motion to Strike and Enforce Discovery Deadline*
- 08/20/2025  Certificate Filed  
*COS - Plaintiff's Supplemental Answers/Responses to Defendants' Discovery Requests*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*COS - Plaintiff's Supplemental Answers/Responses to Defendants' Discovery Requests*
- 08/20/2025  Certificate Filed  
*COS - Plaintiff's 11th Supp Production - BATES 000001-000542*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*COS - Plaintiff's 11th Supp Production - BATES 000001-000542*
- 08/19/2025  Notice Of Motion Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 08/19/2025  Motion Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 08/19/2025  Exhibits Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 08/19/2025  Certificate Filed  
*COS - Plaintiff's 10th Supplemental Production Bates 00001-000204*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*COS - Plaintiff's 10th Supplemental Production Bates 00001-000204*
- 08/18/2025  Court Date To Stand - Allowed (Judicial Officer: Harvey, Toya T)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 08/18/2025  Consolidate - Allowed - (Judicial Officer: Harvey, Toya T)  
*2024l010547*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*2024l010547*
- 08/18/2025  Court Date To Stand - Allowed (Judicial Officer: Harvey, Toya T)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 08/18/2025 **Room 2005 - Motion Calendar M1** (10:30 AM) (Judicial Officer: Harvey, Toya T)  
Resource: Location L2005 Court Room 2005  
Resource: Location D1 Richard J Daley Center  
**MINUTES - 08/18/2025**

Case Summary

Case No. 2024L005346

-  Consolidate - Allowed - (Judicial Officer: Harvey, Toya T)  
2024l010547  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
2024l010547
-  Court Date To Stand - Allowed (Judicial Officer: Harvey, Toya T)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
-  Court Date To Stand - Allowed (Judicial Officer: Harvey, Toya T)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

Granted;

- 08/15/2025  Response / Reply - Filed  
*Response to Pl's Mot for Consol.*  
Party: Defendant SMITH, GARRETT MARK  
*Response to Pl's Mot for Consol.*
- 08/15/2025  Exhibits Filed  
*Ex A*  
Party: Defendant SMITH, GARRETT MARK  
*Ex A*
- 08/15/2025  Exhibits Filed  
*Ex B*  
Party: Defendant SMITH, GARRETT MARK  
*Ex B*
- 08/15/2025  Exhibits Filed  
*Ex C*  
Party: Defendant SMITH, GARRETT MARK  
*Ex C*
- 08/15/2025  Exhibits Filed  
*Ex D*  
Party: Defendant SMITH, GARRETT MARK  
*Ex D*
- 08/15/2025  Exhibits Filed  
*Ex E*  
Party: Defendant SMITH, GARRETT MARK  
*Ex E*
- 08/15/2025  Exhibits Filed  
*Ex F*  
Party: Defendant SMITH, GARRETT MARK  
*Ex F*
- 08/15/2025  Exhibits Filed  
*Ex G*  
Party: Defendant SMITH, GARRETT MARK  
*Ex G*
- 08/14/2025  Notice Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 08/14/2025  Affidavit Of Service Filed  
*Affidavit CPD*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

Case Summary

Case No. 2024L005346

Affidavit CPD

08/14/2025



Affidavit Of Service Filed

Affidavit ISP

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

Affidavit ISP

08/12/2025



Court Date To Stand - Allowed (Judicial Officer: Harvey, Toya T)

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

08/12/2025



Case Set On Assignment Call (Judicial Officer: Harvey, Toya T)

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

08/12/2025



Substitute Or Add Attorney - Allowed - (Judicial Officer: Beach, Charles S., II)

41737

Party: Defendant LEGACY AT MILLENIUM PARK CONDO ASSOCIATION;  
Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT

41737

08/12/2025



Withdrawal Of Attorney From Case - Allowed - (Judicial Officer: Beach, Charles S., II)

37922

Party: Defendant LEGACY AT MILLENIUM PARK CONDO ASSOCIATION;  
Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT

37922

08/12/2025



**Continued Case Management** (10:30 AM) (Judicial Officer: Beach, Charles S., II)

Resource: Location L2207 Court Room 2207

Resource: Location D1 Richard J Daley Center

**MINUTES - 08/12/2025**



Withdrawal Of Attorney From Case - Allowed - (Judicial Officer: Beach, Charles S., II)

37922

Party: Defendant LEGACY AT MILLENIUM PARK CONDO ASSOCIATION;  
Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT

37922



Substitute Or Add Attorney - Allowed - (Judicial Officer: Beach, Charles S., II)

41737

Party: Defendant LEGACY AT MILLENIUM PARK CONDO ASSOCIATION;  
Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT

41737

Allowed;

08/12/2025

**Trial Setting Call Room 2005** (2:30 PM) (Judicial Officer: Harvey, Toya T)

Resource: Location L2005 Court Room 2005

Resource: Location D1 Richard J Daley Center

**MINUTES - 08/12/2025**



Case Set On Assignment Call (Judicial Officer: Harvey, Toya T)

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR



**Assignment Hearing** (04/27/2026 at 10:00 AM) (Judicial Officer: Lyons, Thomas V., II)

Resource: Location L2005 Court Room 2005

Resource: Location D1 Richard J Daley Center



Court Date To Stand - Allowed (Judicial Officer: Harvey, Toya T)

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

Continued;

08/11/2025



Motion Filed

Motion for Substitution of Attorneys

FILED DATE: 11/17/2025 3:26 PM 2024L005346

Case Summary

Case No. 2024L005346

Party: Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT  
*Motion for Substitution of Attorneys*

- 08/11/2025  Notice Of Motion Filed  
*Notice of Motion*  
Party: Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT  
*Notice of Motion*
- 08/11/2025  Notice Of Filing Filed  
*Notice of Filing - Exhibit B to Plaintiff's Reply*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Notice of Filing - Exhibit B to Plaintiff's Reply*
- 08/11/2025  Exhibits Filed  
*B*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*B*
- 08/11/2025  Notice Of Motion Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 08/11/2025  Motion Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 08/11/2025  Exhibits Filed  
*Exhibit A*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Exhibit A*
- 08/11/2025  Exhibits Filed  
*Exhibit B*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Exhibit B*
- 08/11/2025  Notice Of Motion Filed  
*NOM*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*NOM*
- 08/11/2025  Motion Filed  
*Mtn for Rule to show Cause CPD*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Mtn for Rule to show Cause CPD*
- 08/11/2025  Exhibits Filed  
*Exhibit A*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Exhibit A*
- 08/08/2025  Notice Of Filing Filed  
*NOF - Plaintiff's Reply to Sudler Motion to Extend Jonah Nenah's Deposition*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*NOF - Plaintiff's Reply to Sudler Motion to Extend Jonah Nenah's Deposition*
- 08/08/2025  Exhibits Filed  
*A*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*A*

FILED DATE: 11/17/2025 3:26 PM 2024L005346

Case Summary

Case No. 2024L005346

- 08/08/2025  Exhibits Filed  
B  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
B
- 08/08/2025  Response / Reply - Filed  
*Plaintiff's Reply to Sudler Motion to Extend Dep of Jonah Nena*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Plaintiff's Reply to Sudler Motion to Extend Dep of Jonah Nena*
- 08/08/2025  Notice Of Motion Filed  
*Plaintiff's Notice of Motion to Compel*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Plaintiff's Notice of Motion to Compel*
- 08/08/2025  Motion Filed  
*Motion to Compel Deposition Dates*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Motion to Compel Deposition Dates*
- 08/08/2025  Exhibits Filed  
A  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
A
- 08/08/2025  Exhibits Filed  
B  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
B
- 08/08/2025  Exhibits Filed  
C  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
C
- 08/08/2025  Notice Of Motion Filed  
*Plaintiff's Notice of Motion to Consolidate*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Plaintiff's Notice of Motion to Consolidate*
- 08/08/2025  Motion Filed  
*Plaintiff's Motion to Consolidate*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Plaintiff's Motion to Consolidate*
- 08/08/2025  Affidavit Of Service Filed  
*Aff of Service - Guardian*  
Party: Defendant SMITH, GARRETT MARK  
*Aff of Service - Guardian*
- 08/08/2025  Notice Of Motion Filed  
Party: Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT
- 08/07/2025  Motion Filed  
*Motion to Extend Date*  
Party: Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT  
*Motion to Extend Date*

FILED DATE: 11/17/2025 3:26 PM 2024L005346

Case Summary

Case No. 2024L005346

- 08/07/2025  Motion Filed  
*Motion to Quash*  
Party: Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT  
*Motion to Quash*
- 08/07/2025  Exhibits Filed  
*Group Exhibit A*  
Party: Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT  
*Group Exhibit A*
- 08/07/2025  Notice Of Motion Filed  
*NOM*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*NOM*
- 08/07/2025  Motion Filed  
*Mtn*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Mtn*
- 08/07/2025  Exhibits Filed  
*Exhibit A*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Exhibit A*
- 08/07/2025  Exhibits Filed  
*Exhibit B*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Exhibit B*
- 08/07/2025  Exhibits Filed  
*Exhibit C*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Exhibit C*
- 08/04/2025  Certificate Filed  
*COS - Plaintiff's 9th Supp Production*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*COS - Plaintiff's 9th Supp Production*
- 08/04/2025  Notice Filed  
*Notice of Subpoena*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Notice of Subpoena*
- 08/01/2025  Certificate Filed  
*Certificate of Service*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Certificate of Service*
- 08/01/2025  Certificate Filed  
*Certificate of Service*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Certificate of Service*
- 07/31/2025  Certificate Filed  
*Certificate of Service - Plaintiff's 8th Supplemental Production*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

FILED DATE: 11/17/2025 3:26 PM 2024L005346

Case Summary

Case No. 2024L005346

Certificate of Service - Plaintiff's 8th Supplemental Production

07/31/2025



Certificate Filed

Certificate of Service

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

Certificate of Service

07/30/2025



Strike Or Withdraw Motion Or Petition - Allowed - (Judicial Officer: Beach, Charles S., II)

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

07/30/2025



Comply - Continued - (Judicial Officer: Beach, Charles S., II)

Party: Defendant SMITH, GARRETT MARK

07/30/2025



Produce Exhibits,Other Records,Documents,Person - Allowed - (Judicial Officer: Beach, Charles S., II)

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

07/30/2025



File Amendment, Additional, Amended Pleadings - Allowed - (Judicial Officer: Beach, Charles S., II)

Party: Defendant AVISON YOUNG - CHICAGO, LLC;

Defendant LEGACY AT MILLENIUM PARK CONDO ASSOCIATION;

Defendant LEGACY HOMEOWNER ASSOC;

Defendant MESA DEVELOPMENT, LLC;

Defendant SMITH, GARRETT MARK;

Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT;

Defendant UNIVERSAL PROTECTION SERVICE, LLC d/b/a ALLIED UNIVERSAL SECURITY SERVICES

07/30/2025



Strike Or Withdraw Motion Or Petition - Allowed - (Judicial Officer: Beach, Charles S., II)

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

07/30/2025



Comply - Denied - (Judicial Officer: Beach, Charles S., II)

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

07/30/2025



Execute Or Perform - Allowed - (Judicial Officer: Beach, Charles S., II)

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

07/30/2025



Case Continued For Case Management Conference - Allowed - (Judicial Officer: Beach, Charles S., II)

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

07/30/2025



**Continued Case Management** (9:00 AM) (Judicial Officer: Beach, Charles S., II)

Resource: Location L2207 Court Room 2207

Resource: Location D1 Richard J Daley Center

**MINUTES - 07/30/2025**



Case Continued For Case Management Conference - Allowed - (Judicial Officer: Beach, Charles S., II)

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR



**Continued Case Management** (08/12/2025 at 10:30 AM) (Judicial Officer: Beach, Charles S., II)

Resource: Location L2207 Court Room 2207

Resource: Location D1 Richard J Daley Center



Comply - Denied - (Judicial Officer: Beach, Charles S., II)

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR



Execute Or Perform - Allowed - (Judicial Officer: Beach, Charles S., II)

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR



File Amendment, Additional, Amended Pleadings - Allowed - (Judicial Officer: Beach, Charles S., II)

Party: Defendant AVISON YOUNG - CHICAGO, LLC;

Defendant LEGACY AT MILLENIUM PARK CONDO ASSOCIATION;

Defendant LEGACY HOMEOWNER ASSOC;


FILED DATE: 11/17/2025 3:26 PM 2024L005346


Case Summary


Case No. 2024L005346

Defendant MESA DEVELOPMENT, LLC;  
Defendant SMITH, GARRETT MARK;  
Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT;  
Defendant UNIVERSAL PROTECTION SERVICE, LLC d/b/a ALLIED UNIVERSAL SECURITY SERVICES


 Strike Or Withdraw Motion Or Petition - Allowed - (Judicial Officer: Beach, Charles S., II)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR


 Comply - Continued - (Judicial Officer: Beach, Charles S., II)  
Party: Defendant SMITH, GARRETT MARK


 Produce Exhibits,Other Records,Documents,Person - Allowed - (Judicial Officer: Beach, Charles S., II)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR


 Strike Or Withdraw Motion Or Petition - Allowed - (Judicial Officer: Beach, Charles S., II)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR


Continued;


07/30/2025  Certificate Filed  
*COS - Plaintiffs Records Subpoenas 00001-000055*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*COS - Plaintiffs Records Subpoenas 00001-000055*


07/28/2025  Notice Filed  
*Notice of Subpoena*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Notice of Subpoena*


07/28/2025  Motion Filed  
*Motion to Compel*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Motion to Compel*

07/28/2025  Exhibits Filed  
*Exhibit A*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Exhibit A*

07/28/2025  Notice Of Motion Filed  
*Notice of Motion*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Notice of Motion*

07/25/2025  Certificate Filed  
*Certificate of Service*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Certificate of Service*

07/25/2025  Notice Filed  
*Notice of Subpoena*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Notice of Subpoena*

07/24/2025  Electronic Notice Sent  
Party: Attorney Stevens, James Robert

07/24/2025  Electronic Notice Sent
















07/24/2025  Electronic Notice Sent

FILED DATE: 11/17/2025 3:26 PM 2024L005346

Case Summary

Case No. 2024L005346

Party: Attorney Friedl, Jason John

- 07/24/2025  Electronic Notice Sent  
Party: Attorney Sweeney, Robert Damian
- 07/24/2025  Electronic Notice Sent  
Party: Attorney Scharkey, John Joseph III
- 07/24/2025  Electronic Notice Sent  
Party: Attorney Wenger, Erin Irene
- 07/24/2025  Electronic Notice Sent  
Party: Attorney Gomez, Melody
- 07/21/2025  Strike Or Vacate An Order - Allowed - (Judicial Officer: Beach, Charles S., II)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 07/21/2025  Execute Or Perform - Allowed - (Judicial Officer: Beach, Charles S., II)  
Party: Defendant SMITH, GARRETT MARK
- 07/21/2025  Taking Of Deposition - Allowed - (Judicial Officer: Beach, Charles S., II)  
Party: Defendant SMITH, GARRETT MARK;  
Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 07/21/2025  Taking Of Deposition - Allowed - (Judicial Officer: Beach, Charles S., II)
- 07/21/2025  Taking Of Deposition - Denied - (Judicial Officer: Beach, Charles S., II)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 07/21/2025  Response / Reply - Filed  
*Smith's Response in Opp to Pl's Emergency Motion*  
Party: Defendant SMITH, GARRETT MARK  
*Smith's Response in Opp to Pl's Emergency Motion*
- 07/21/2025  Exhibits Filed  
*Exhibit A*  
Party: Defendant SMITH, GARRETT MARK  
*Exhibit A*
- 07/21/2025  Exhibits Filed  
*Exhibit B*  
Party: Defendant SMITH, GARRETT MARK  
*Exhibit B*
- 07/21/2025  Exhibits Filed  
*Exhibit C*  
Party: Defendant SMITH, GARRETT MARK  
*Exhibit C*
- 07/21/2025  Exhibits Filed  
*Exhibit D*  
Party: Defendant SMITH, GARRETT MARK  
*Exhibit D*
- 07/21/2025  Exhibits Filed  
*Exhibit E*  
Party: Defendant SMITH, GARRETT MARK

FILED DATE: 11/17/2025 3:26 PM 2024L005346

Case Summary

Case No. 2024L005346

Exhibit E

07/21/2025



Exhibits Filed

Exhibit F

Party: Defendant SMITH, GARRETT MARK

Exhibit F

07/21/2025



Exhibits Filed

Exhibit G

Party: Defendant SMITH, GARRETT MARK

Exhibit G

07/18/2025



Emergency Motion Filed

Emergency Motion

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

Emergency Motion

07/18/2025



Exhibits Filed

Exhibit A

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

Exhibit A

07/18/2025



Exhibits Filed

Exhibit B

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

Exhibit B

07/18/2025



Exhibits Filed

Exhibit C

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

Exhibit C

07/18/2025



Exhibits Filed

Proposed Order

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

Proposed Order

07/18/2025



Notice Of Motion Filed

Notice of Emergency Motion

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

Notice of Emergency Motion

07/18/2025



Affidavit Of Service Filed

Aff of Service - Peachstate subpoena for docs

Party: Defendant SMITH, GARRETT MARK

Aff of Service - Peachstate subpoena for docs

07/18/2025



Certificate Of Mailing Filed

COS - Smith's Supplemental Prod (umb. terms)

Party: Defendant SMITH, GARRETT MARK

COS - Smith's Supplemental Prod (umb. terms)

07/17/2025



Certificate Filed

COS 5th Supplemental

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

COS 5th Supplemental

07/16/2025



Execute Or Perform - Allowed - (Judicial Officer: Beach, Charles S., II)

Case Summary

Case No. 2024L005346









- 07/16/2025  Execute Or Perform - Allowed - (Judicial Officer: Beach, Charles S., II)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 07/16/2025  Comply - Continued - (Judicial Officer: Beach, Charles S., II)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 07/16/2025  Rule To Show Cause Be Issued And Returnable Allowed - (Judicial Officer: Beach, Charles S., II)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 07/16/2025  Case Continued For Case Management Conference - Allowed - (Judicial Officer: Beach, Charles S., II)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 07/16/2025  Comply - Allowed - (Judicial Officer: Beach, Charles S., II)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 07/16/2025  Order Plaintiff, Defendant Or Witness To Appear - Allowed - (Judicial Officer: Beach, Charles S., II)  
Party: Defendant SMITH, GARRETT MARK
- 07/16/2025  **Continued Case Management** (10:00 AM) (Judicial Officer: Beach, Charles S., II)  
Resource: Location L2207 Court Room 2207  
Resource: Location D1 Richard J Daley Center  
**MINUTES - 07/16/2025**
  -  Comply - Allowed - (Judicial Officer: Beach, Charles S., II)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
  -  Order Plaintiff, Defendant Or Witness To Appear - Allowed - (Judicial Officer: Beach, Charles S., II)  
Party: Defendant SMITH, GARRETT MARK
  -  Case Continued For Case Management Conference - Allowed - (Judicial Officer: Beach, Charles S., II)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- Continued Case Management** (07/30/2025 at 9:00 AM) (Judicial Officer: Beach, Charles S., II)  
Resource: Location L2207 Court Room 2207  
Resource: Location D1 Richard J Daley Center
  -  Comply - Continued - (Judicial Officer: Beach, Charles S., II)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
  -  Rule To Show Cause Be Issued And Returnable Allowed - (Judicial Officer: Beach, Charles S., II)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
  -  Execute Or Perform - Allowed - (Judicial Officer: Beach, Charles S., II)
  -  Execute Or Perform - Allowed - (Judicial Officer: Beach, Charles S., II)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- Allowed;
- 07/16/2025 **CANCELED First Time Motion Hearing** (10:00 AM) (Judicial Officer: Beach, Charles S., II)  
Resource: Location L2207 Court Room 2207  
Resource: Location D1 Richard J Daley Center  
*Stricken*
- 07/15/2025  **CANCELED Continued Case Management** (10:00 AM) (Judicial Officer: Beach, Charles S., II)  
Resource: Location L2207 Court Room 2207  
Resource: Location D1 Richard J Daley Center  
*Stricken*
- 07/15/2025  Certificate Of Mailing Filed  
*COS - Smith's Supplemental Production 7-15-25*  
Party: Defendant SMITH, GARRETT MARK

FILED DATE: 11/17/2025 3:26 PM 2024L005346

Case Summary

Case No. 2024L005346

COS - Smith's Supplemental Production 7-15-25



- 07/15/2025  Certificate Filed  
*Certificate of Service*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Certificate of Service*
- 07/15/2025  Emergency Motion Filed  
*Emergency Motion to Compel Smith's Deposition*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Emergency Motion to Compel Smith's Deposition*
- 07/15/2025  Exhibits Filed  
A  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
A
- 07/15/2025  Notice Of Motion Filed  
*Notice of Emergency Motion - Compel Smith's Deposition*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Notice of Emergency Motion - Compel Smith's Deposition*
- 07/15/2025  Response / Reply - Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 07/15/2025  Notice Of Filing Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 07/15/2025  Exhibits Filed  
*Ex A*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Ex A*
- 07/15/2025  Exhibits Filed  
*Ex B*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Ex B*
- 07/15/2025  Exhibits Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 07/15/2025  Exhibits Filed  
*Ex . D*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Ex . D*
- 07/14/2025  Certificate Of Mailing Filed  
*COS - Smith Supplemental Production - HO terms*  
Party: Defendant SMITH, GARRETT MARK  
*COS - Smith Supplemental Production - HO terms*
- 07/09/2025  Protective Order - Allowed - (Judicial Officer: Beach, Charles S., II)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 07/09/2025  Protective Order - Allowed - (Judicial Officer: Beach, Charles S., II)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

—

FILED DATE: 11/17/2025 3:26 PM 2024L005346

Case Summary

Case No. 2024L005346













- 07/09/2025  Execute Or Perform - Allowed - (Judicial Officer: Beach, Charles S., II)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 07/09/2025  Execute Or Perform - Allowed - (Judicial Officer: Beach, Charles S., II)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 07/09/2025  Comply - Continued - (Judicial Officer: Beach, Charles S., II)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 07/09/2025  Strike From Case Management Call - Allowed (Judicial Officer: Beach, Charles S., II)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 07/09/2025  Taking Of Deposition - Allowed - (Judicial Officer: Beach, Charles S., II)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 07/09/2025  Case Continued For Case Management Conference - Allowed - (Judicial Officer: Beach, Charles S., II)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 07/09/2025  **Continued Case Management** (10:00 AM) (Judicial Officer: Beach, Charles S., II)  
Resource: Location L2207 Court Room 2207  
Resource: Location D1 Richard J Daley Center  
**MINUTES - 07/09/2025**
  -  Taking Of Deposition - Allowed - (Judicial Officer: Beach, Charles S., II)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
  -  Case Continued For Case Management Conference - Allowed - (Judicial Officer: Beach, Charles S., II)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
-  **Continued Case Management** (07/16/2025 at 10:00 AM) (Judicial Officer: Beach, Charles S., II)  
Resource: Location L2207 Court Room 2207  
Resource: Location D1 Richard J Daley Center
  -  Execute Or Perform - Allowed - (Judicial Officer: Beach, Charles S., II)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
  -  Comply - Continued - (Judicial Officer: Beach, Charles S., II)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
  -  Strike From Case Management Call - Allowed (Judicial Officer: Beach, Charles S., II)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
  -  Execute Or Perform - Allowed - (Judicial Officer: Beach, Charles S., II)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- Continued;
- 07/08/2025  Certificate Of Mailing Filed  
*COS - Smith Supp Production - CLEAR subpoena response*  
Party: Defendant SMITH, GARRETT MARK  
*COS - Smith Supp Production - CLEAR subpoena response*
- 07/08/2025  Certificate Of Mailing Filed  
*COS - Smith Supp Production*  
Party: Defendant SMITH, GARRETT MARK  
*COS - Smith Supp Production*
- 07/08/2025  Exhibits Filed  
*Revised Exhibits A-R to Def Smith's Motion to Compel and for Sanctions*  
Party: Defendant SMITH, GARRETT MARK

FILED DATE: 11/17/2025 3:26 PM 2024L005346

Case Summary

Case No. 2024L005346


Revised Exhibits A-R to Def Smith's Motion to Compel and for Sanctions


- 07/07/2025  Notice Of Motion Filed  
*NOM - Def's Mot to Compel and Sanctions*  
Party: Defendant SMITH, GARRETT MARK  
*NOM - Def's Mot to Compel and Sanctions*
- 07/07/2025  Motion Filed  
*Motion to Compel and for Sanctions*  
Party: Defendant SMITH, GARRETT MARK  
*Motion to Compel and for Sanctions*
- 07/07/2025  Exhibits Filed  
*Exhibits A-R to Smith's Motion to Compel and for Sanctions*  
Party: Defendant SMITH, GARRETT MARK  
*Exhibits A-R to Smith's Motion to Compel and for Sanctions*
- 07/03/2025  Notice Of Filing Filed  
*NOF - Affidavit of Service*  
Party: Defendant SMITH, GARRETT MARK  
*NOF - Affidavit of Service*
- 07/03/2025  Affidavit Of Service Filed  
*Affidavit of Service - E Fenton*  
Party: Defendant SMITH, GARRETT MARK  
*Affidavit of Service - E Fenton*
- 07/01/2025  Notice Of Motion Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 07/01/2025  Motion Filed  
*Mtn to compel*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Mtn to compel*
- 07/01/2025  Exhibits Filed  
*Ex 1*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Ex 1*
- 07/01/2025  Exhibits Filed  
*Exh 2*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Exh 2*
- 06/27/2025  Certificate Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 06/27/2025  Notice Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 06/27/2025  Affidavit Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 06/25/2025  Execute Or Perform - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
*COOK COUNTY STATE'S ATTORNEY*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE


Case Summary


Case No. 2024L005346


COOK COUNTY STATE'S ATTORNEY


06/25/2025  Produce Exhibits,Other Records,Documents,Person - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
 COOK COUNTY STATE'S ATTORNEY  
 Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
 Plaintiff JOSEPH, ABNERD DECEASED ESTATE  
 COOK COUNTY STATE'S ATTORNEY


06/25/2025  Rule To Show Cause Be Issued - Continued - (Judicial Officer: O'Connor, Eileen M.)  
 COOK COUNTY STATE'S ATTORNEY  
 Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
 Plaintiff JOSEPH, ABNERD DECEASED ESTATE  
 COOK COUNTY STATE'S ATTORNEY


06/25/2025  Case Continued For Case Management Conference - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
 COOK COUNTY STATE'S ATTORNEY  
 Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
 Plaintiff JOSEPH, ABNERD DECEASED ESTATE  
 COOK COUNTY STATE'S ATTORNEY

06/25/2025  Order Plaintiff, Defendant Or Witness To Appear - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
 CHICAGO POLICE DEPARTMENT  
 Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
 Plaintiff JOSEPH, ABNERD DECEASED ESTATE  
 CHICAGO POLICE DEPARTMENT


06/25/2025  Case Continued For Case Management Conference - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
 CHICAGO POLICE DEPARTMENT  
 Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
 Plaintiff JOSEPH, ABNERD DECEASED ESTATE  
 CHICAGO POLICE DEPARTMENT

06/25/2025  Order Plaintiff, Defendant Or Witness To Appear - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
 CHICAGO POLICE DEPARTMENT  
 Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
 Plaintiff JOSEPH, ABNERD DECEASED ESTATE  
 CHICAGO POLICE DEPARTMENT

06/25/2025  Execute Or Perform - Allowed - (Judicial Officer: Calendar, D)  
 CHICAGO POLICE DEPARTMENT  
 Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
 Plaintiff JOSEPH, ABNERD DECEASED ESTATE  
 CHICAGO POLICE DEPARTMENT

06/25/2025  Rule To Show Cause Be Issued And Returnable Allowed - (Judicial Officer: Calendar, D)  
 CHICAGO POLICE DEPARTMENT  
 Party: Plaintiff JOSEPH, ABNERD DECEASED ESTATE  
 CHICAGO POLICE DEPARTMENT

06/25/2025 **First Time Motion Hearing** (10:00 AM) (Judicial Officer: O'Connor, Eileen M.)  
 Resource: Location L2207 Court Room 2207  
 Resource: Location D1 Richard J Daley Center  
**MINUTES - 06/25/2025**

 Rule To Show Cause Be Issued And Returnable Allowed - (Judicial Officer: Calendar, D)  
 CHICAGO POLICE DEPARTMENT  
 Party: Plaintiff JOSEPH, ABNERD DECEASED ESTATE  
 CHICAGO POLICE DEPARTMENT

 Execute Or Perform - Allowed - (Judicial Officer: Calendar, D)  
 CHICAGO POLICE DEPARTMENT

FILED DATE: 11/17/2025 3:26 PM 2024L005346

Case Summary

Case No. 2024L005346

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE  
CHICAGO POLICE DEPARTMENT



Order Plaintiff, Defendant Or Witness To Appear - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
CHICAGO POLICE DEPARTMENT

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE  
CHICAGO POLICE DEPARTMENT



Case Continued For Case Management Conference - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
CHICAGO POLICE DEPARTMENT

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE  
CHICAGO POLICE DEPARTMENT



**CANCELED Continued Case Management** (07/15/2025 at 10:00 AM) (Judicial Officer: Beach, Charles S., II)  
Resource: Location L2207 Court Room 2207  
Resource: Location D1 Richard J Daley Center  
Stricken



Rule To Show Cause Be Issued - Continued - (Judicial Officer: O'Connor, Eileen M.)  
COOK COUNTY STATE'S ATTORNEY  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE  
COOK COUNTY STATE'S ATTORNEY



Case Continued For Case Management Conference - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
COOK COUNTY STATE'S ATTORNEY

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE  
COOK COUNTY STATE'S ATTORNEY



**Continued Case Management** (07/09/2025 at 10:00 AM) (Judicial Officer: Beach, Charles S., II)  
Resource: Location L2207 Court Room 2207  
Resource: Location D1 Richard J Daley Center



Execute Or Perform - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
COOK COUNTY STATE'S ATTORNEY  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE  
COOK COUNTY STATE'S ATTORNEY



Produce Exhibits,Other Records,Documents,Person - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
COOK COUNTY STATE'S ATTORNEY  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE  
COOK COUNTY STATE'S ATTORNEY

Allowed;

06/24/2025



Certificate Filed  
COS  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
COS

06/23/2025



Affidavit Of Service Filed  
Affidavit of Service - Aikens  
Party: Defendant SMITH, GARRETT MARK  
Affidavit of Service - Aikens

06/23/2025

















Notice Of Filing Filed  
NOF CPD  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

Case Summary

Case No. 2024L005346

















NOF CPD

- 06/23/2025  Affidavit Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 06/18/2025  Notice Of Motion Filed  
NOM  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
NOM
- 06/18/2025  Motion Filed  
*Mtn for Rule to show cause*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Mtn for Rule to show cause*
- 06/18/2025  Exhibits Filed  
*Ex 1*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Ex 1*
- 06/18/2025  Exhibits Filed  
*Ex 2*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Ex 2*
- 06/17/2025  Notice Filed  
NOF  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
NOF
- 06/17/2025  Affidavit Of Service Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 06/13/2025  Notice Of Motion Filed  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 06/13/2025  Motion Filed  
*Mtn to rule to show*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Mtn to rule to show*
- 06/13/2025  Exhibits Filed  
*Exhibit 1*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Exhibit 1*
- 06/11/2025  Affidavit Filed  
*Affidavit - M. Gomez re Motion to Quash*
- 06/11/2025  Notice Of Filing Filed  
NOF - Gomez Aff
- 06/11/2025  Exhibits Filed  
*Ex 1*
- 06/11/2025  Notice Of Motion Filed  
—

FILED DATE: 11/17/2025 3:26 PM 2024L005346

Case Summary

















Case No. 2024L005346

- 06/11/2025  Emergency Motion Filed
- 06/11/2025  Affidavit Of Service Filed  
*Affidavit of Service - Philippe*  
 Party: Defendant SMITH, GARRETT MARK  
*Affidavit of Service - Philippe*
- 06/10/2025  Certificate Filed  
 Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 06/03/2025  Certificate Of Mailing Filed  
*COS - Notice re: non-party FL subpoena for records (Aikens)*  
 Party: Defendant SMITH, GARRETT MARK  
*COS - Notice re: non-party FL subpoena for records (Aikens)*
- 06/03/2025  Subpoena Filed  
 Party: Defendant SMITH, GARRETT MARK
- 05/28/2025  Court Date To Stand - Allowed (Judicial Officer: O'Connor, Eileen M.)  
 Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 05/28/2025  Comply - Continued - (Judicial Officer: O'Connor, Eileen M.)  
 Party: Defendant SMITH, GARRETT MARK
- 05/28/2025  Execute Or Perform - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
 Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 05/28/2025  **Continued Case Management** (9:30 AM) (Judicial Officer: O'Connor, Eileen M.)  
 Resource: Location L2207 Court Room 2207  
 Resource: Location D1 Richard J Daley Center  
**MINUTES - 05/28/2025**  
 Comply - Continued - (Judicial Officer: O'Connor, Eileen M.)  
 Party: Defendant SMITH, GARRETT MARK  
 Execute Or Perform - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
 Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
 Court Date To Stand - Allowed (Judicial Officer: O'Connor, Eileen M.)  
 Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
 Continued;
- 05/20/2025  Subpoena Filed  
*Subpoena for deposition*  
 Party: Defendant SMITH, GARRETT MARK  
*Subpoena for deposition*
- 05/20/2025  Notice Of Motion Filed  
 Party: Plaintiff JOSEPH, ABNERD DECEASED ESTATE
- 05/20/2025  Motion Filed  
 Party: Plaintiff JOSEPH, ABNERD DECEASED ESTATE
- 05/16/2025  Hipaa Protective Order - Allowed (Judicial Officer: O'Connor, Eileen M.)  
 Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
 Plaintiff JOSEPH, ABNERD DECEASED ESTATE

FILED DATE: 11/17/2025 3:26 PM 2024L005346

Case Summary
















Case No. 2024L005346

- 05/12/2025  Case Continued For Case Management Conference - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 05/12/2025  Taking Of Deposition - Allowed - (Judicial Officer: O'Connor, Eileen M.)
- 05/12/2025  Comply - Continued - (Judicial Officer: O'Connor, Eileen M.)  
Party: Defendant SMITH, GARRETT MARK
- 05/12/2025  Case Continued For Case Management Conference - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 05/12/2025 **First Time Motion Hearing** (10:00 AM) (Judicial Officer: Beach, Charles S., II)  
Resource: Location L2207 Court Room 2207  
Resource: Location D1 Richard J Daley Center
- 05/12/2025  **Continued Case Management** (9:00 AM) (Judicial Officer: O'Connor, Eileen M.)  
Resource: Location L2207 Court Room 2207  
Resource: Location D1 Richard J Daley Center  
**MINUTES - 05/12/2025**
  -  Taking Of Deposition - Allowed - (Judicial Officer: O'Connor, Eileen M.)
  -  Comply - Continued - (Judicial Officer: O'Connor, Eileen M.)  
Party: Defendant SMITH, GARRETT MARK
  -  Case Continued For Case Management Conference - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
-  **Continued Case Management** (07/30/2025 at 9:00 AM) (Judicial Officer: Beach, Charles S., II)  
Resource: Location L2207 Court Room 2207  
Resource: Location D1 Richard J Daley Center  
Continued;
- 05/09/2025  Certificate Filed  
*Certificate of Service filed*  
Party: Defendant LEGACY AT MILLENIUM PARK CONDO ASSOCIATION  
*Certificate of Service filed*
- 05/08/2025  Certificate Of Mailing Filed  
*COS - Smith's Answers to Plaintiff's Rogs*  
Party: Defendant SMITH, GARRETT MARK  
*COS - Smith's Answers to Plaintiff's Rogs*
- 04/30/2025  Notice Of Motion Filed  
*NOM - Motion to Compel*
- 04/30/2025  Motion Filed  
*Motion to Compel*
- 04/30/2025  Exhibits Filed  
*Exhibit A*
- 04/30/2025  Exhibits Filed  
*Exhibit B*
- 04/09/2025  Strike Or Vacate An Order - Denied - (Judicial Officer: Dempsey, Maire Aileen)  
Party: Defendant SMITH, GARRETT MARK

FILED DATE: 11/17/2025 3:26 PM 2024L005346

## Case Summary

Case No. 2024L005346

- 04/09/2025  Answer Interrogatories - Allowed - (Judicial Officer: Dempsey, Maire Aileen)  
Party: Defendant SMITH, GARRETT MARK
- 04/09/2025  Court Date To Stand - Allowed (Judicial Officer: Dempsey, Maire Aileen)
- 04/09/2025 **First Time Motion Hearing** (10:00 AM) (Judicial Officer: Dempsey, Maire Aileen)  
Resource: Location L2207 Court Room 2207  
Resource: Location D1 Richard J Daley Center  
**MINUTES - 04/09/2025**
-  Strike Or Vacate An Order - Denied - (Judicial Officer: Dempsey, Maire Aileen)  
Party: Defendant SMITH, GARRETT MARK
-  Answer Interrogatories - Allowed - (Judicial Officer: Dempsey, Maire Aileen)  
Party: Defendant SMITH, GARRETT MARK
-  Court Date To Stand - Allowed (Judicial Officer: Dempsey, Maire Aileen)
- Allowed;
- 03/19/2025  Notice Of Motion Filed  
*NOM - Motion to Strike*  
Party: Defendant SMITH, GARRETT MARK  
*NOM - Motion to Strike*
- 03/19/2025  Motion Filed  
*Motion to Strike*  
Party: Defendant SMITH, GARRETT MARK  
*Motion to Strike*
- 02/18/2025  Certificate Filed  
*COS - Plaintiff's Answers / Responses to Sudler Property Management Discovery*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*COS - Plaintiff's Answers / Responses to Sudler Property Management Discovery*
- 02/18/2025  Certificate Filed  
*COS - 213 Interrogatories and 213(f) Interrogatories to Defendant Garrett Mark Smith*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*COS - 213 Interrogatories and 213(f) Interrogatories to Defendant Garrett Mark Smith*
- 02/18/2025  Certificate Filed  
*COS - Plaintiff's Answers to Discovery*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*COS - Plaintiff's Answers to Discovery*
- 02/07/2025  Motion To - Denied - (Judicial Officer: O'Connor, Eileen M.)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 02/07/2025  Issue Writ - Allowed - (Judicial Officer: O'Connor, Eileen M.)
- 02/07/2025  Case Continued For Case Management Conference - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 02/07/2025  **Continued Case Management** (9:30 AM) (Judicial Officer: Beach, Charles S., II)  
Resource: Location L2207 Court Room 2207  
Resource: Location D1 Richard J Daley Center
- 02/07/2025  **Continued Motion Hearing** (9:30 AM) (Judicial Officer: O'Connor, Eileen M.)  
Resource: Location L2207 Court Room 2207

Case Summary

Case No. 2024L005346

Resource: Location D1 Richard J Daley Center

MINUTES - 02/07/2025

Motion To - Denied - (Judicial Officer: O'Connor, Eileen M.)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

Issue Writ - Allowed - (Judicial Officer: O'Connor, Eileen M.)

Case Continued For Case Management Conference - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

Continued Case Management (05/12/2025 at 9:00 AM) (Judicial Officer: O'Connor, Eileen M.)

Resource: Location L2207 Court Room 2207  
Resource: Location D1 Richard J Daley Center

Continued;

02/07/2025 Certificate Filed  
*Certificate of Service 2.7.25 (Discovery to Sudler & Legacy)*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Certificate of Service 2.7.25 (Discovery to Sudler & Legacy)*

01/28/2025 Certificate Of Mailing Filed  
*COS - Smith's Responses to RFAs*  
Party: Defendant SMITH, GARRETT MARK  
*COS - Smith's Responses to RFAs*

01/08/2025 Answer To Additional Defense Filed  
*Reply to Defendant The Legacy at Millenium Park Condominium Association???'s Affirmative Defenses to Plaintiff???'s Second Amended Complaint at Law*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Reply to Defendant The Legacy at Millenium Park Condominium Association???'s Affirmative Defenses to Plaintiff???'s Second Amended Complaint at Law*

01/08/2025 Notice Of Filing Filed  
*Notice of Filing/Proof of Service 1.8.25 (Reply to Defendant The Legacy at Millenium Park Condominium Assoc.???'s AD to Plf???'s 2nd Amd CAL)*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Notice of Filing/Proof of Service 1.8.25 (Reply to Defendant The Legacy at Millenium Park Condominium Assoc.???'s AD to Plf???'s 2nd Amd CAL)*

01/07/2025 Response / Reply - Filed  
*Response to Plaintiff's Motion to Preclude*  
Party: Defendant SMITH, GARRETT MARK  
*Response to Plaintiff's Motion to Preclude*

12/30/2024 Certificate Filed  
*COS - Pltf's 216 Requests to G. Smith*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*COS - Pltf's 216 Requests to G. Smith*

12/20/2024 File Amendment, Additional, Amended Pleadings - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
Party: Defendant SMITH, GARRETT MARK

12/20/2024 Extend Time - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
Party: Defendant SMITH, GARRETT MARK

12/17/2024 Routine Motion Filed  
*Motion for Extension of Time*

FILED DATE: 11/17/2025 3:26 PM 2024L005346

Case Summary

Case No. 2024L005346

Party: Defendant SMITH, GARRETT MARK  
Motion for Extension of Time

12/17/2024



Notice Of Motion Filed

*Notice of Routine Motion*

Party: Defendant SMITH, GARRETT MARK  
*Notice of Routine Motion*

12/11/2024



Notice Of Filing Filed

Party: Defendant LEGACY AT MILLENIUM PARK CONDO ASSOCIATION

12/11/2024



Answer And Copy Filed

*The Legacy at Millenium Park Condominium Association's Answer to Second Amended Complaint at Law*

Party: Defendant LEGACY AT MILLENIUM PARK CONDO ASSOCIATION

*The Legacy at Millenium Park Condominium Association's Answer to Second Amended Complaint at Law*

12/03/2024



Case Continued For Case Management Conference - Allowed - (Judicial Officer: O'Connor, Eileen M.)

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE

12/03/2024



Continuance - Allowed - (Judicial Officer: O'Connor, Eileen M.)

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE

12/03/2024



Courtesy Copies Required - Allowed (Judicial Officer: O'Connor, Eileen M.)

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE

12/03/2024



File Appearance Or Jury Demand, Answer Or Plead - Allowed - (Judicial Officer: O'Connor, Eileen M.)

Party: Defendant LEGACY HOMEOWNER ASSOC

12/03/2024



File Amendment, Additional, Amended Pleadings - Allowed - (Judicial Officer: O'Connor, Eileen M.)

Party: Defendant AVISON YOUNG - CHICAGO, LLC;  
Defendant LEGACY AT MILLENIUM PARK CONDO ASSOCIATION;  
Defendant LEGACY HOMEOWNER ASSOC;  
Defendant MESA DEVELOPMENT, LLC;  
Defendant SMITH, GARRETT MARK;  
Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT;  
Defendant UNIVERSAL PROTECTION SERVICE, LLC d/b/a ALLIED UNIVERSAL SECURITY SERVICES

12/03/2024



File Amendment, Additional, Amended Pleadings - Allowed - (Judicial Officer: O'Connor, Eileen M.)

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE

12/03/2024



File Affirmative Defense - Allowed - (Judicial Officer: O'Connor, Eileen M.)

Party: Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT

12/03/2024



**Continued Case Management** (9:00 AM) (Judicial Officer: O'Connor, Eileen M.)

Resource: Location L2207 Court Room 2207

Resource: Location D1 Richard J Daley Center

**MINUTES - 12/03/2024**



File Affirmative Defense - Allowed - (Judicial Officer: O'Connor, Eileen M.)

Party: Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT



File Amendment, Additional, Amended Pleadings - Allowed - (Judicial Officer: O'Connor, Eileen M.)


Party: Defendant AVISON YOUNG - CHICAGO, LLC;  
Defendant LEGACY AT MILLENIUM PARK CONDO ASSOCIATION;  
Defendant LEGACY HOMEOWNER ASSOC;


FILED DATE: 11/17/2025 3:26 PM 2024L005346


Case Summary


Case No. 2024L005346


Defendant MESA DEVELOPMENT, LLC;  
Defendant SMITH, GARRETT MARK;  
Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT;  
Defendant UNIVERSAL PROTECTION SERVICE, LLC d/b/a ALLIED UNIVERSAL SECURITY SERVICES


 File Amendment, Additional, Amended Pleadings - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE


 Courtesy Copies Required - Allowed (Judicial Officer: O'Connor, Eileen M.)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE


 File Appearance Or Jury Demand, Answer Or Plead - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
Party: Defendant LEGACY HOMEOWNER ASSOC


 Continuance - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE

 **Continued Motion Hearing** (02/07/2025 at 9:30 AM) (Judicial Officer: O'Connor, Eileen M.)  
Resource: Location L2207 Court Room 2207  
Resource: Location D1 Richard J Daley Center  
Allowed;

11/25/2024  File Appearance Or Jury Demand, Answer Or Plead - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
Party: Defendant LEGACY AT MILLENIUM PARK CONDO ASSOCIATION

11/25/2024  Substitute Or Add Attorney - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
Party: Defendant LEGACY AT MILLENIUM PARK CONDO ASSOCIATION


11/25/2024  Withdrawal Of Attorney From Case - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
*SAUL EWING LLP*  
Party: Defendant LEGACY AT MILLENIUM PARK CONDO ASSOCIATION  
*SAUL EWING LLP*

11/22/2024  Notice Of Motion Filed  
*Notice of Motion - Routine Motion for Leave to File Affirmative Defenses*  
Party: Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT  
*Notice of Motion - Routine Motion for Leave to File Affirmative Defenses*

11/22/2024  Routine Motion Filed  
*Motion for Leave to File Affirmative Defenses*  
Party: Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT  
*Motion for Leave to File Affirmative Defenses*

11/22/2024  Exhibits Filed  
*Exhibit A*  
Party: Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT  
*Exhibit A*

11/19/2024  Notice Of Motion Filed  
Party: Defendant LEGACY AT MILLENIUM PARK CONDO ASSOCIATION

11/19/2024  Routine Motion Filed  
*Substitution of Attorneys*  
Party: Defendant LEGACY AT MILLENIUM PARK CONDO ASSOCIATION  
*Substitution of Attorneys*

11/18/2024  Certificate Filed

FILED DATE: 11/17/2025 3:26 PM 2024L005346













Case Summary

Case No. 2024L005346

COS - Pltf's 214 to Defendant, Garrett Smith














Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

COS - Pltf's 214 to Defendant, Garrett Smith

- 11/18/2024  Motion Filed  
*J. Abnerd - MTN to Preclude Fifth Amendment Privilege Claims*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*J. Abnerd - MTN to Preclude Fifth Amendment Privilege Claims*
- 11/18/2024  Notice Of Motion Filed  
*NOM - Pltf's MTN to Preclude Fifth Amendment Priv.*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*NOM - Pltf's MTN to Preclude Fifth Amendment Priv.*
- 11/18/2024  Exhibits Filed  
*Ex. A*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Ex. A*
- 11/18/2024  Exhibits Filed  
*Ex. B*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Ex. B*
- 11/18/2024  Exhibits Filed  
*Ex. C*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Ex. C*
- 11/18/2024  Exhibits Filed  
*Ex. D*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Ex. D*
- 11/18/2024  Exhibits Filed  
*Ex. E*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Ex. E*
- 10/24/2024  Court Date To Stand - Allowed (Judicial Officer: O'Connor, Eileen M.)  
Party: Defendant LEGACY AT MILLENIUM PARK CONDO ASSOCIATION
- 10/24/2024  File Appearance Or Jury Demand, Answer Or Plead - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
Party: Defendant LEGACY AT MILLENIUM PARK CONDO ASSOCIATION
- 10/24/2024  Vacate Any Or All Default Orders - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
Party: Defendant LEGACY AT MILLENIUM PARK CONDO ASSOCIATION
- 10/24/2024  Extend Time - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
Party: Defendant LEGACY AT MILLENIUM PARK CONDO ASSOCIATION
- 10/24/2024 **First Time Motion Hearing** (10:00 AM) (Judicial Officer: O'Connor, Eileen M.)  
Resource: Location L2207 Court Room 2207  
Resource: Location D1 Richard J Daley Center
- 10/22/2024  Alias Summons - Retd P.S.  
*Sheriff ID: 50478069, UNKNOWN LITIGANT Sheriff Filename: 2024L00534650478069.pdf*  
Date Served: 10/18/2024

Case Summary

Case No. 2024L005346

- 10/17/2024  Notice Of Motion Filed  
*Notice of Motion for Additional Time to Answer or Otherwise Plead*  
Party: Defendant LEGACY HOMEOWNER ASSOC  
*Notice of Motion for Additional Time to Answer or Otherwise Plead*
- 10/17/2024  Appearance Filed - Fee Paid - (Jury Demand)  
*Legacy Appearance and Jury Demand*  
Party: Defendant LEGACY HOMEOWNER ASSOC  
Party 2: Attorney Stevens, James Robert  
*Legacy Appearance and Jury Demand*
- 10/17/2024  Motion Filed  
*Motion for Additional Time to Answer or Otherwise Plead*  
Party: Defendant LEGACY HOMEOWNER ASSOC  
Party 2: Attorney Stevens, James Robert  
*Motion for Additional Time to Answer or Otherwise Plead*
- 10/17/2024  Answer And Copy Filed  
*Defendant's Answer to Second Amended Complaint*  
Party: Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT  
*Defendant's Answer to Second Amended Complaint*
- 10/17/2024  Notice Filed  
*NOF & COS - Defendant's Answer to Second Amended Complaint*  
Party: Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT  
*NOF & COS - Defendant's Answer to Second Amended Complaint*
- 10/11/2024  Certificate Filed  
*COS - Discovery Demand Package to Plaintiff*  
Party: Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT  
*COS - Discovery Demand Package to Plaintiff*
- 10/09/2024  Alias Summons Issued  
*Alias Summons Legacy at Millennium Park Condo. Association*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Alias Summons Legacy at Millennium Park Condo. Association*
- 10/07/2024  Case Continued For Case Management Conference - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE
- 10/07/2024  File Appearance Or Jury Demand, Answer Or Plead - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
Party: Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT
- 10/07/2024  Issue Alias Summons - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
Party: Defendant LEGACY HOMEOWNER ASSOC
- 10/07/2024  **Continued Case Management** (9:00 AM) (Judicial Officer: O'Connor, Eileen M.)  
Resource: Location L2207 Court Room 2207  
Resource: Location D1 Richard J Daley Center  
**MINUTES - 10/07/2024**  
 File Appearance Or Jury Demand, Answer Or Plead - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
Party: Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT  
 Issue Alias Summons - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
Party: Defendant LEGACY HOMEOWNER ASSOC

Case Summary

Case No. 2024L005346

Case Continued For Case Management Conference - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE

**Continued Case Management** (12/03/2024 at 9:00 AM) (Judicial Officer: O'Connor, Eileen M.)  
Resource: Location L2207 Court Room 2207  
Resource: Location D1 Richard J Daley Center  
Continued;

09/27/2024 Answer And Copy Filed  
*Smith's Answer to Second Amended Complaint*  
Party: Defendant SMITH, GARRETT MARK  
*Smith's Answer to Second Amended Complaint*

09/06/2024 Notice Filed  
*NOF - Pltf's Second ACAL*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*NOF - Pltf's Second ACAL*

09/06/2024 Amended Complaint Filed  
*Pltf's Second ACAL*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Pltf's Second ACAL*

08/30/2024 File Appearance Or Jury Demand, Answer Or Plead - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

08/30/2024 Case Continued For Case Management Conference - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

08/30/2024 Amend Complaint Or Petition - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

08/30/2024 **Continued Case Management** (9:00 AM) (Judicial Officer: O'Connor, Eileen M.)  
Resource: Location L2207 Court Room 2207  
Resource: Location D1 Richard J Daley Center  
**MINUTES - 08/30/2024**

Amend Complaint Or Petition - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

File Appearance Or Jury Demand, Answer Or Plead - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

Case Continued For Case Management Conference - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

**Continued Case Management** (10/07/2024 at 9:00 AM) (Judicial Officer: O'Connor, Eileen M.)  
Resource: Location L2207 Court Room 2207  
Resource: Location D1 Richard J Daley Center  
Continued;















08/30/2024 Summons Issued And Returnable  
*The Legacy Summons*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*The Legacy Summons*

08/09/2024 Amend Complaint Or Petition - Allowed - (Judicial Officer: Dempsey, Maire Aileen)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

FILED DATE: 11/17/2025 3:26 PM 2024L005346

## Case Summary

Case No. 2024L005346

- 08/09/2024  Case Continued For Case Management Conference - Allowed - (Judicial Officer: Dempsey, Maire Aileen)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 08/09/2024 **Continued Motion Hearing** (9:00 AM) (Judicial Officer: O'Connor, Eileen M.)  
Resource: Location L2207 Court Room 2207  
Resource: Location D1 Richard J Daley Center
- 08/09/2024  **Continued Case Management** (9:00 AM) (Judicial Officer: O'Connor, Eileen M.)  
Resource: Location L2207 Court Room 2207  
Resource: Location D1 Richard J Daley Center
- 08/08/2024  Appearance Filed - No Fee Paid - (Jury Demand)  
*Additional Attorney Appearance*  
Party: Defendant SMITH, GARRETT MARK  
*Additional Attorney Appearance*
- 08/08/2024  Answer And Copy Filed  
*Answer and Affirmative Defenses*  
Party: Defendant SMITH, GARRETT MARK  
Party 2: Attorney Sweeney, Robert Damian  
*Answer and Affirmative Defenses*
- 07/31/2024  Amended Complaint Filed  
*Plaintiff's First Amended Complaint at Law*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Plaintiff's First Amended Complaint at Law*
- 07/31/2024  Notice Filed  
*Notice of Filing*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Notice of Filing*
- 07/23/2024  Notice Of Filing Filed  
Party: Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT
- 07/23/2024  Answer And Copy Filed  
Party: Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT
- 07/23/2024  Appearance Filed - Fee Paid -  
*Appearance*  
Party: Defendant MESA DEVELOPMENT, LLC  
*Appearance*
- 07/16/2024  Amend Complaint Or Petition - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR;  
Plaintiff JOSEPH, ABNERD DECEASED ESTATE
- 07/16/2024  Add An Additional Defendant - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
Party: Defendant LEGACY HOMEOWNER ASSOC
- 07/16/2024  File Appearance Or Jury Demand, Answer Or Plead - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
Party: Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT
- 07/16/2024  Case Continued For Case Management Conference - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 07/16/2024  Strike,Withdraw Compl,Amended Compl,Portion Thereof -Cnt - (Judicial Officer: O'Connor, Eileen M.)

Case Summary

Case No. 2024L005346

Party: Defendant AVISON YOUNG - CHICAGO, LLC

07/16/2024 **First Time Case Management** (10:00 AM) (Judicial Officer: O'Connor, Eileen M.)


Resource: Location L2207 Court Room 2207

Resource: Location D1 Richard J Daley Center

**MINUTES - 07/16/2024**

 Strike,Withdraw Compl,Amended Compl,Portion Thereof -Cnt - (Judicial Officer: O'Connor, Eileen M.)


Party: Defendant AVISON YOUNG - CHICAGO, LLC

 File Appearance Or Jury Demand, Answer Or Plead - Allowed - (Judicial Officer: O'Connor, Eileen M.)

Party: Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT

 Case Continued For Case Management Conference - Allowed - (Judicial Officer: O'Connor, Eileen M.)

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

 **Continued Case Management** (08/09/2024 at 9:00 AM) (Judicial Officer: O'Connor, Eileen M.)

Resource: Location L2207 Court Room 2207

Resource: Location D1 Richard J Daley Center

Continued;

07/09/2024  Appearance Filed - Fee Paid - (Jury Demand)


Party: Defendant AVISON YOUNG - CHICAGO, LLC

07/09/2024  Notice Of Filing Filed


Party: Defendant AVISON YOUNG - CHICAGO, LLC

07/09/2024  Motion To Dismiss Filed


Party: Defendant AVISON YOUNG - CHICAGO, LLC

07/09/2024  Exhibits Filed

Party: Defendant AVISON YOUNG - CHICAGO, LLC

07/09/2024  Exhibits Filed


Party: Defendant AVISON YOUNG - CHICAGO, LLC

07/09/2024  Exhibits Filed

Party: Defendant AVISON YOUNG - CHICAGO, LLC

07/09/2024  Notice Of Motion Filed

Party: Defendant AVISON YOUNG - CHICAGO, LLC

07/08/2024  Extend Time - Allowed - (Judicial Officer: O'Connor, Eileen M.)

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

07/08/2024  File Amendment, Additional, Amended Pleadings - Allowed - (Judicial Officer: O'Connor, Eileen M.)

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

07/05/2024  Appearance Filed - Fee Paid - (Jury Demand)

*Appearance and Jury Demand*

Party: Defendant SMITH, GARRETT MARK

*Appearance and Jury Demand*

07/05/2024  Motion For Extension Of Time (Scr 323E) Filed

*Motion for Extension of Time*

Party: Defendant SMITH, GARRETT MARK

Party 2: Attorney Scharkey, John Joseph III

*Motion for Extension of Time*

-

## Case Summary

Case No. 2024L005346

07/05/2024  Notice Filed  
*Notice of Motion*  
 Party: Defendant SMITH, GARRETT MARK  
 Party 2: Attorney Scharkey, John Joseph III  
*Notice of Motion*

07/01/2024  Notice Of Filing Filed  
 Party: Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT  
 Party 2: Attorney Gomez, Melody

07/01/2024  Appearance Filed - Fee Paid - (Jury Demand)  
 Party: Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT  
 Party 2: Attorney Gomez, Melody

06/24/2024  File Amendment, Additional, Amended Pleadings - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
 Party: Defendant AVISON YOUNG - CHICAGO, LLC

06/24/2024  Dismiss, Strike Or Withdraw A Specific Defendant - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
 Party: Defendant UNIVERSAL PROTECTION SERVICE, LLC d/b/a ALLIED UNIVERSAL SECURITY SERVICES

06/24/2024 **First Time Motion Hearing** (10:00 AM) (Judicial Officer: O'Connor, Eileen M.)  
 Resource: Location L2207 Court Room 2207  
 Resource: Location D1 Richard J Daley Center

06/14/2024  Notice Of Motion Filed  
*NOM UPS*  
 Party: Defendant UNIVERSAL PROTECTION SERVICE, LLC d/b/a ALLIED UNIVERSAL SECURITY SERVICES  
*NOM UPS*

06/13/2024  Motion Filed  
*UPS Motion to Dismiss Joseph v AUS*  
 Party: Defendant UNIVERSAL PROTECTION SERVICE, LLC d/b/a ALLIED UNIVERSAL SECURITY SERVICES  
*UPS Motion to Dismiss Joseph v AUS*

06/13/2024  Exhibits Filed  
*Exhibit A*  
 Party: Defendant UNIVERSAL PROTECTION SERVICE, LLC d/b/a ALLIED UNIVERSAL SECURITY SERVICES  
*Exhibit A*

06/13/2024  Exhibits Filed  
*Exhibit B*  
 Party: Defendant UNIVERSAL PROTECTION SERVICE, LLC d/b/a ALLIED UNIVERSAL SECURITY SERVICES  
*Exhibit B*

06/12/2024  Affidavit Of Service Filed  
*Affidavit of Service on Garrett Smith*  
 Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Affidavit of Service on Garrett Smith*

06/12/2024  Notice Of Filing Filed  
*Notice of Filing/Proof of Service 6.12.24 (Aff of Srv on Garrett Smith)*  
 Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Notice of Filing/Proof of Service 6.12.24 (Aff of Srv on Garrett Smith)*

06/12/2024  Electronic Notice Sent  
 Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
 Party 2: Attorney Friedl, Jason John

Case Summary

Case No. 2024L005346

- 06/10/2024  Appearance Filed - Fee Paid - (Jury Demand)  
*Appearance JD Universal*  
Party: Defendant UNIVERSAL PROTECTION SERVICE, LLC d/b/a ALLIED UNIVERSAL SECURITY SERVICES  
*Appearance JD Universal*
- 06/10/2024  Appearance Filed - No Fee Paid -  
*Appearance JD Universal CW*  
Party: Defendant UNIVERSAL PROTECTION SERVICE, LLC d/b/a ALLIED UNIVERSAL SECURITY SERVICES  
*Appearance JD Universal CW*
- 06/06/2024  Affidavit Of Service Filed  
*Mesa Affiavit of Srv 5.31.24*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Mesa Affiavit of Srv 5.31.24*
- 06/06/2024  Affidavit Of Service Filed  
*Avison Young Affiavit of Srv 5.31.24*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Avison Young Affiavit of Srv 5.31.24*
- 06/06/2024  Affidavit Of Service Filed  
*Sudler Affiavit of Srv 5.31.24*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Sudler Affiavit of Srv 5.31.24*
- 06/06/2024  Affidavit Of Service Filed  
*Allied Universal Affiavit of Srv 5.31.24*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Allied Univrsal Affiavit of Srv 5.31.24*
- 06/06/2024  Notice Of Filing Filed  
*Notice of Filing 6.6.24 (Affidavits of Service: Allied, Avison, Mesa, Sudler)*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Notice of Filing 6.6.24 (Affidavits of Service: Allied, Avison, Mesa, Sudler)*
- 05/22/2024  Appoint Special Deputy - Allowed - (Judicial Officer: O'Connor, Eileen M.)  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR
- 05/17/2024  Routine Motion Filed  
*Routine Motion to Appoint Private Process Server*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Routine Motion to Appoint Private Process Server*
- 05/17/2024  Notice Of Motion Filed  
*Notice of Routine Motion to Appoint Private Process Server*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
*Notice of Routine Motion to Appoint Private Process Server*
- 05/14/2024 New Case Filing
- 05/14/2024  Premises Liability Complaint Filed (Jury Demand)  
*Complaint at Law*  
Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR  
Party 2: Attorney Friedl, Jason John  
*Complaint at Law*
- 05/14/2024  Affidavit Filed  
*Affidavit Regarding Damages Sought*

Case Summary

Case No. 2024L005346

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

Party 2: Attorney Friedl, Jason John

*Affidavit Regarding Damages Sought*

05/14/2024



Summons Issued And Returnable

*Summons on All Defendants*

Party: Plaintiff CHARLES, DELBERT J INDEPENDENT ADMINISTRATOR

Party 2: Attorney Friedl, Jason John

*Summons on All Defendants*

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Other Documents

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	07/08/2025	Law Division Forms	Case Management Order	1 Pages
	07/16/2025	Law Division Forms	Case Management Order	1 Pages
	07/16/2025	Law Division Forms	Case Management Order	1 Pages
	07/29/2025	Law Division Forms	Case Management Order	2 Pages
	08/08/2025	Law Division Forms	Case Management Order	1 Pages
	09/05/2025	Law Division Forms	Case Management Order	1 Pages
	09/08/2025	Law Division Forms	Oral Order	2 Pages

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

**DELBERT J. CHARLES, as Independent  
Administrator of the Estate of ABNERD JOSEPH,  
deceased,**

**Plaintiff,**

**v.**

**SUDLER AND COMPANY d/b/a SUDLER  
PROPERTY MANAGEMENT, LEGACY AT  
MILLENNIUM PARK CONDOMINIUM  
ASSOCIATION, DEBORAH ROMERO,  
DOMINIC TEDALDI, GARRETT MARK  
SMITH, YOUNAN “JONAH” NENA, ANDREW  
CLEMENT, ROBERT JOHN BISHOPP, JR., and  
NATALIE BISHOPP,**

**Defendants.**

**STEVEN LEVY, CONSTANTINE “DEAN”  
ANDREWS, JOHN CARONA, and ASSOCIA,  
INC., Respondents in Discovery.**

**No.: 2024 L 005346**

**Plaintiff Demands a Jury Trial**

**THIRD AMENDED COMPLAINT AT LAW**

NOW COMES Plaintiff DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, deceased, by and through his attorneys, ROMANUCCI & BLANDIN, LLC, complaining against Defendants SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT, THE LEGACY AT MILLENNIUM PARK CONDOMINIUM ASSOCIATION, DEBORAH ROMERO, DOMINIC TEDALDI, GARRETT MARK SMITH, YOUNAN “JONAH” NENA, ANDREW CLEMENT, ROBERT JOHN BISHOPP, JR., and NATALIE BISHOPP, pleading factually, hypothetically and/or in the alternative, states as follows:

FILED DATE: 9/12/2025 12:38 PM 2024L005346

## PARTIES AND JURISDICTION

1. At all times relevant herein, Plaintiff DELBERT J. CHARLES was a resident of Fulton County, Georgia.

2. At all times relevant herein, ABNERD JOSEPH, deceased, was a resident of Cook County, Illinois.

3. DELBERT J. CHARLES is the Independent Administrator of the Estate of ABNERD JOSEPH, (hereinafter “JOSEPH”) deceased, having been appointed on April 11, 2024.

4. At all times relevant herein, Defendant THE LEGACY AT MILLENIUM PARK CONDOMINIUM ASSOCIATION (hereinafter “LEGACY”) was a domestic corporation existing under the laws of Illinois with its principal place of business in Cook County, Illinois.

5. At all times relevant herein, Defendant SUDLER AND COMPANY d/b/a SUDLER PROPERTY MANAGEMENT (hereinafter “SUDLER”) was a domestic corporation existing under the laws of Illinois with its principal place of business in Cook County, Illinois.

6. At all times relevant herein, Defendant GARRETT MARK SMITH (hereinafter “SMITH”) was a resident of Cook County, Illinois.

7. At all times relevant herein, Defendant DEBORAH ROMERO (hereinafter “ROMERO”) was a resident of Cook County, Illinois.

8. At all times relevant herein, Defendant DOMINIC TEDALDI (hereinafter “TEDALDI”) was a resident of Cook County, Illinois.

9. At all times relevant herein, Defendant YOUNAN “JONAH” NENA (hereinafter “NENA”) was a resident of Cook County, Illinois.

10. At all times relevant herein, Defendant ANDREW CLEMENT (hereinafter “CLEMENT”) was a resident of Cook County, Illinois.

11. At all times relevant herein, Defendant ROBERT JOHN BISHOPP, JR. (hereinafter “ROBERT BISHOPP”) was a resident of Cook County, Illinois.

12. At all times relevant herein, Defendant NATALIE BISHOPP was a resident of Cook County, Illinois.

13. Pursuant to the Illinois Code of Civil Procedure and the Rules of the Illinois Supreme Court, this matter is properly before the Circuit Court of Cook County, Illinois because the conduct complained of herein occurred in Cook County, Illinois.

### **FACTUAL ALLEGATIONS**

14. On September 14, 2023, and prior thereto, 60 East Monroe Street was a 75-story high rise mixed use/condominium building in the City of Chicago.

15. The aforesaid property’s common elements and areas were owned by Defendant LEGACY at all times relevant.

16. The aforesaid property’s common elements were operated by agents and employees of Defendant LEGACY at all times relevant.

17. The aforesaid property’s common elements were controlled by agents and employees of Defendant LEGACY at all times relevant.

18. The aforesaid property’s common elements were maintained by agents and employees of Defendant LEGACY at all times relevant.

19. On the aforesaid date and at all times relevant prior thereto, Defendant SUDLER was the property manager for the aforesaid property.

20. The aforesaid property’s common elements were maintained by agents and employees of Defendant SUDLER at all times relevant.

21. The aforesaid property's common elements were operated by agents and employees of Defendant SUDLER at all times relevant.

22. The aforesaid property's common elements were controlled by agents and employees of Defendant SUDLER at all times relevant.

23. Defendant SUDLER and Defendant LEGACY entered into a contract for Defendant SUDLER to be the property manager for the aforesaid property, which was in effect on September 14, 2023, and at all times relevant prior thereto.

24. As property manager for said property, at all times relevant, Defendant SUDLER agreed to train all Defendant LEGACY employees at 60 East Monroe Street, including Defendant NENA.

25. As property manager for said property, at all times relevant, Defendant SUDLER agreed to manage all Defendant LEGACY employees at 60 East Monroe Street, including Defendant NENA.

26. As property manager for said property, at all times relevant, Defendant SUDLER agreed to supervise all Defendant LEGACY employees at 60 East Monroe Street, including Defendant NENA.

27. On September 14, 2023, and at all times relevant, Defendant ROMERO was acting as an agent and/or employee of Defendant SUDLER and/or Defendant LEGACY.

28. On September 14, 2023, and at all times relevant, Defendant ROMERO was acting within the scope of her employment.

29. On September 14, 2023, and at all times relevant, Defendant TEDALDI was acting as an agent and/or employee of Defendant SUDLER and/or Defendant LEGACY.

30. On September 14, 2023, and at all times relevant, Defendant TEDALDI was acting within the scope of his employment.

31. On September 14, 2023, and at all times relevant, Defendant NENA was acting as an agent and/or employee of Defendant SUDLER and/or Defendant LEGACY.

32. On September 14, 2023, and at all times relevant, Defendant NENA was acting within the scope of his employment.

33. On September 14, 2023, and at all times relevant prior thereto, decedent JOSEPH was a resident of 60 East Monroe Street, Chicago, Illinois.

34. On September 14, 2023, and at all times relevant prior thereto, Defendant SMITH was a resident of 60 East Monroe Street, Chicago, Illinois.

35. On September 14, 2023, and at all times relevant prior thereto, Defendant CLEMENT was a resident of 60 East Monroe Street, Chicago, Illinois.

36. On September 14, 2023, and at all times relevant prior thereto, Defendant ROBERT BISHOPP was a resident of 60 East Monroe Street, Chicago, Illinois.

37. On September 14, 2023, and at all times relevant prior thereto, Defendant NATALIE BISHOPP was a resident of 60 East Monroe Street, Chicago, Illinois.

38. On September 14, 2023, and at all times relevant, Defendant SUDLER held itself out to the public as providing the highest level of resident safety and security for condominiums in Chicago.

39. At the aforesaid time and place, pursuant to its contract with Defendants LEGACY and SUDLER agreed to “furnish the management services of its management organization, to conduct the management of the condominium as provided in the agreement and to use its best efforts to operate the condominium as a first class-owner-occupied condominium apartment

building within the policy guidelines and financial budget provided by the Association’s Board of Directors.”

40. Pursuant to the condominium management agreement, “the obligation and responsibility to provide security or security services for the condominium shall be solely that of the Defendant LEGACY Board and Association.”

41. At all times relevant herein, Defendant LEGACY held itself out as providing the highest level of safety and security to its residents as a luxury high rise condominium in Chicago.

42. Defendant SUDLER was contractually required to submit the annual budget for the safe operation of the property to Defendant LEGACY on an annual basis, pursuant to the condominium management agreement.

43. Defendant SUDLER was obligated to properly supervise and train all personnel, required to safely maintain, operate, and manage the property for the safety of the residents, including decedent JOSEPH, pursuant to the aforesaid contract.

44. Pursuant to the aforesaid contract, all personnel responsible for the safety and security of the 60 East Monroe Street residents were to remain employees of Defendant LEGACY, with the exception of the Defendant SUDLER on site manager, Defendant ROMERO, and her office personnel.

45. Despite Defendant SUDLER contracting and receiving payment to provide security for residents of 60 East Monroe, Defendant SUDLER is not a security company, and is not licensed as a security company.

46. Despite Defendant SUDLER contracting and receiving payment to provide security for residents of 60 East Monroe, Defendant SUDLER did not provide any resources to its agents and/or employees for security guard training.

47. Despite Defendant SUDLER contracting and receiving payment to provide security for residents of 60 East Monroe, Defendant SUDLER never provided any training for agents and/or employees to act as security guards.

48. Defendant SUDLER hired all the Defendant LEGACY employees responsible for providing for the safety and security of JOSEPH and all the 60 East Monroe Street residents on September 14, 2023, and at all times relevant.

49. Defendant SUDLER supervised all the Defendant LEGACY employees responsible for providing for the safety and security of decedent JOSEPH and all the 60 East Monroe Street residents on September 14, 2023, and at all times relevant.

50. Defendant SUDLER managed all the Defendant LEGACY employees responsible for providing for the safety and security of decedent JOSEPH, and all the 60 East Monroe Street residents on September 14, 2023, and at all times relevant.

51. Defendant SUDLER trained all the Defendant LEGACY employees responsible for providing for the safety and security of decedent JOSEPH and all the 60 East Monroe Street residents on September 14, 2023, and at all times relevant.

52. Defendant LEGACY employed all the 60 East Monroe Street staff responsible for providing for the safety and security of JOSEPH, and all the 60 East Monroe Street residents on September 14, 2023, except Defendant ROMERO and her staff.

53. Defendant ROMERO was the property manager for Defendant SUDLER on site at 60 East Monroe Street, from 2014 through September 14, 2023, and at all times relevant.

54. Defendant TEDALDI was the assistant property manager for Defendant SUDLER on site at 60 East Monroe Street, from 2014 through September 14, 2023, and at all times relevant.

55. Defendants ROMERO and TEDALDI were employees of Defendant SUDLER who were responsible to make sure that the doormen and/or front desk associates, including Defendant JONAH NENA understood their job descriptions.

56. Defendants ROMERO and TEDALDI were responsible for training the front doormen and/or front desk associates and other employees of Defendant LEGACY that were responsible for providing for the safety and security of JOSEPH, deceased, and all the 60 East Monroe Street residents on September 14, 2023, and at all times relevant.

57. Defendants ROMERO and TEDALDI were responsible for supervising the front doormen and/or front desk associates and other employees of Defendant LEGACY that were responsible for providing for the safety and security of JOSEPH, deceased, and all the 60 East Monroe Street residents on September 14, 2023, and at all times relevant.

58. Defendants ROMERO and TEDALDI were responsible for managing the front doormen and/or front desk associates and other employees of Defendant LEGACY that were responsible for providing for the safety and security of JOSEPH, deceased, and all the 60 East Monroe Street residents on September 14, 2023, and at all times relevant.

59. Defendants ROMERO and TEDALDI did not provide any security training for the front doormen and/or front desk associates and other Defendant LEGACY employees who were responsible for the safety and security of JOSEPH, deceased, and all the 60 East Monroe Street residents.

60. Defendant SUDLER did not provide any security training for the front doormen and/or front desk associates and other Defendant LEGACY employees who were responsible for the safety and security of JOSEPH, deceased, and all the 60 East Monroe Street residents.

61. The front doormen and/or front desk associates hired by Defendants ROMERO, TEDALDI and/or SUDLER, were not previously or properly trained in safety and security at 60 East Monroe Street, Chicago, Illinois.

62. Defendant LEGACY did not retain or employ any front doormen and/or front desk associates or any staff who had been trained in security or providing for resident safety of the 60 East Monroe Street residents on September 14, 2023.

63. Defendant SUDLER did not require front doormen and/or front desk associates and other staff responsible for resident security and safety to receive union safety and security training prior to September 14, 2023.

64. On September 14, 2023, Defendant SUDLER did not hire licensed security staff for resident safety and security, as required by 225 ILCS 447/10-5.

65. Defendant LEGACY did not require front door personnel and other staff responsible for resident security and safety to attend union safety and security training.

66. On September 14, 2023, Defendant LEGACY did not employ licensed security staff for resident safety as required by 225 ILCS 447/10-5.

67. On September 14, 2023, Defendant NENA did not possess union safety or security training, or licensing as required by 225 ILCS 447/10-5.

68. On and prior to September 14, 2023, Defendant NENA had not received any training in resident safety or security, nor was he licensed as required by 225 ILCS 447/10-5.

69. Pursuant to Chicago Municipal Code Section 13-196-204, the property at 60 East Monroe Street was required to have an emergency communication system for the building to communicate emergency instructions to the residents.

70. Employees and agents of Defendant SUDLER and Defendant LEGACY were required to train Defendant NENA to operate the emergency communication system.

71. Defendant SUDLER, by and through its agents and employees, knew that Defendant NENA was not capable of operating the resident emergency notification system and chose not to attempt to train him when they left him solely in charge of and responsible for the safety and security of 75 floors and approximately 800 residents for an eight hour shift, beginning at 7:00 p.m. on September 14, 2023.

72. The safe custom and practice for residential condominium building property management companies is to instruct building personnel that, after 911 had been called, they should wait for the police to arrive and not engage the threat or investigate further.

73. Defendant SUDLER by and through its agents and employees, and Defendant ROMERO trained Defendant NENA, and other 60 East Monroe Street staff responsible for the security and safety of residents, to disregard safe industry custom and practice and to confront hazardous individuals, investigate and assess, after the police had been called, rather than to wait for the police to arrive.

74. On September 14, 2023, starting at approximately 7:14 p.m., Defendant NENA began to receive phone calls from residents stating they had called 911 due to a person acting in a “crazy” manner who was running around in a bathrobe, pounding on doors, and screaming, and that they were frightened for their safety.

75. JOSEPH, decedent, was experiencing a mental health crisis on September 14, 2023, at approximately 7:14 p.m. and for a short time prior thereto.

76. JOSEPH, decedent, was the resident being described by residents to Defendant NENA as acting in a “crazy” manner at the aforesaid time and date.

77. Defendant NENA responded to the complaints from residents by calling 911 requesting police presence at 60 East Monroe Street due to this threat.

78. Defendant SMITH, a resident of Defendant LEGACY and neighbor of JOSEPH on the 29<sup>th</sup> floor, was one of the residents who called 911 from the safety of his unit on the 29<sup>th</sup> floor, claiming to be afraid of JOSEPH who was acting in a “crazy” manner in the hallway.

79. After determining that his neighbor, JOSEPH, was no longer in the common hallway on the 29<sup>th</sup> floor, Defendant SMITH left his unit with one of the two loaded guns he owned and had available to him.

80. Defendant SMITH then proceeded immediately to the front desk in the lobby and told Defendant NENA that he had a valid Illinois Concealed Carry License and was armed with a firearm.

81. At the front desk Defendant, NENA and Defendant SMITH were informed by Defendants ROBERT BISHOPP and NATALIE BISHOPP that the person previously identified as “crazy,” decedent JOSEPH, had moved to the 48<sup>th</sup> floor. Also present for this conversation was Defendant CLEMENT.

82. After advising Defendants NENA, CLEMENT, ROBERT BISHOPP and NATALIE BISHOPP that he possessed a concealed firearm, Defendant SMITH agreed to accompany Defendants NENA, CLEMENT, ROBERT BISHOPP, and NATALIE BISHOPP to confront the “crazy” person on the 48<sup>th</sup> floor, decedent, JOSEPH.

83. Defendant NENA did not wait for the police to arrive but instead formed a group, consisting of Defendants NENA, SMITH, CLEMENT, ROBERT BISHOPP, and NATALIE BISHOPP, who went together to confront JOSEPH.

84. Defendant NENA did not timely or properly alert Defendant ROMERO to the emergency that was taking place in the building, despite his training that he was required to do so.

85. Defendant NENA did not wait for the police to arrive and instead went to investigate and assess JOSEPH, pursuant to his Defendant SUDLER training which he received from agents and employees of Defendant SUDLER, including but not limited to Defendant ROMERO.

86. Defendants NENA, SMITH, CLEMENT, ROBERT BISHOPP and NATALIE BISHOPP then proceeded on the elevator to confront this “crazy” person while Defendant NENA stated to Defendant SMITH, “I hope you don’t have to use it,” referring to the concealed firearm, all within earshot of Defendants SMITH, CLEMENT, ROBERT BISHOPP, and NATALIE BISHOPP.

87. The entire discussion at the front desk with Defendants NENA, SMITH, ANDREW CLEMENT, ROBERT BISHOPP and NATALIE BISHOPP, for which maintenance worker Hamilton Steele was also present, lasted approximately 27 seconds, according to the Defendant LEGACY lobby surveillance video.

88. After those 27 seconds passed, Defendants, and each of them, NENA, SMITH, CLEMENT, ROBERT BISHOPP, and NATALIE BISHOPP chose not to wait for the trained police officers and/or the Crisis Assistance Response and Engagement Program (hereinafter “CARE”) to arrive but instead took it upon themselves to form a vigilante posse to confront JOSEPH, who was experiencing a mental health crisis.

89. None of this group, Defendants NENA, SMITH, CLEMENT, ROBERT BISHOPP, and NATALIE BISHOPP, possessed the necessary licensing, training, or experience to safely confront JOSEPH, who was experiencing a mental health crisis.

90. None of the Defendant SUDLER or Defendant LEGACY staff, nor any member of this group, Defendants NENA, SMITH, CLEMENT, ROBERT BISHOPP, and NATALIE BISHOPP were trained in de-escalation, managing a person in a mental health crisis, the use of non-lethal force to subdue an individual or the appropriate criteria for the use of lethal force.

91. None of this group, Defendants NENA, SMITH, CLEMENT, ROBERT BISHOPP, and NATALIE BISHOPP, formed a plan of any kind as to how they would attempt to subdue JOSEPH, other than knowing that SMITH intended to use his handgun as he deemed fit.

92. At said time and place, SMITH elected to go from a place of safety, his unit behind thick undamaged doors where he possessed at least two handguns, after notifying the police of the emergency and his fear, and then chose to leave his place of safety and place a loaded gun in his pocket to confront his neighbor, JOSEPH, whom he had seen on the floor through his door viewer, because JOSEPH purportedly, “spit” on his door, despite knowing that the police were en route and that police were posted continuously in close proximity to the building.

93. Defendants NENA, SMITH, CLEMENT, ROBERT BISHOPP and NATALIE BISHOPP knew or should have known that there were manned Chicago Police Department (hereinafter “CPD”) vehicles that were posted on Wabash and Michigan Avenues that could easily have been summoned, as they were ultimately summoned by Defendant ROBERT BISHOPP.

94. By the time that CPD arrived, with properly trained officers in de-escalation tactics, and the use of both lethal and non-lethal force, DEFENDANT SMITH already discharged his weapon five times, striking JOSEPH’s body.

95. The 911 emergency response system in Chicago at the time had both CPD officers, as well as CARE teams consisting of a police officer, an EMT, and a social worker, who had extensive training and experience in de-escalation, and the use of both lethal and non-lethal force.

96. Contemporaneous with the time of this shooting, statistics kept by the City of Chicago showed that these trained police and CARE teams had over a 99.5% success rate of responding safely to persons in similar situations to decedent JOSEPH.

97. JOSEPH experienced conscious fear and mental suffering prior to being shot, and experienced conscious pain and suffering after he was shot prior to his death.

98. Defendant NATALIE BISHOPP encountered JOSEPH coming off the elevator onto the 48<sup>th</sup> floor and claims to have seen JOSEPH wearing only a bathrobe and underwear and described him as yelling.

99. Defendant NATALIE BISHOPP testified at her deposition on May 27, 2025, that when she got on the elevator, after JOSEPH got off, she told her husband, Defendant ROBERT BISHOPP, “I don’t know if we locked our door and he said “Well, we are not going back.” (Natalie Bishopp Dep. at 32.).

100. Defendant NATALIE BISHOPP testified on the aforesaid date that she was afraid JOSEPH would get into her home and that she was worried about her two cats. (Natalie Bishopp Dep. at 34).

101. Defendant NATALIE BISHOPP testified on the aforesaid date that Defendant ROBERT BISHOPP was also concerned about their unit and two cats. (Natalie Bishopp Dep. at 34).

102. Defendant NATALIE BISHOPP testified on the aforesaid date that she did not notice that JOSEPH was a Black man, and she thought he was coming from the pool. (Natalie Bishopp Dep. at 39-40).

103. Defendant NATALIE BISHOPP testified that she noticed JOSEPH’s robe was open. (Natalie Bishopp Dep. at 41).

104. Defendant NATALIE BISHOPP testified that JOSEPH was talking to himself in the elevator and, when JOSEPH saw them, he was swearing. (Natalie Bishopp Dep. at 32).

105. Defendant NATALIE BISHOPP testified that she and her husband, Defendant ROBERT BISHOPP, were afraid of JOSEPH prior to going to the lobby and they were not going to confront him alone. (Natalie Bishopp Dep. at 46).

106. Defendant NATALIE BISHOPP testified that she was afraid that if she confronted someone acting like JOSEPH, he might hurt her. (Natalie Bishopp Dep. at 53).

107. Defendant NATALIE BISHOPP testified that her husband, Defendant ROBERT BISHOPP, voiced the same concerns about their safety that she had on the elevator ride to the lobby. (Natalie Bishopp Dep. at 53).

108. Defendant NATALIE BISHOPP testified that her husband, Defendant ROBERT BISHOPP, told Defendant NENA that someone had scared them, (Natalie Bishopp Dep. at 54).

109. Defendant NENA advised the Defendants BISHOPP that there was an incident on the 29<sup>th</sup> floor and he thought the individual had moved to the 48<sup>th</sup> floor.

110. Defendant NATALIE BISHOPP testified that Defendant NENA advised them the police had been notified, and that he was waiting for them to arrive. (Natalie Bishopp Dep. at 56).

111. Defendant NATALIE BISHOPP testified that Defendant SMITH then came to the lobby and asked Defendant NENA if the police had arrived and they talked and decided not to wait for the police but to go to the 48<sup>th</sup> floor. (Natalie Bishopp Dep. at 57).

112. Defendant SMITH has filed a complaint for libel and slander against Defendant Delbert J. Charles et al., where he alleges Defendant NATALIE BISHOPP requested that Defendants SMITH, NENA, and CLEMENT, accompany her and her husband to the 48<sup>th</sup> floor.

113. Defendant SMITH told Defendants ROBERT BISHOPP, NATALIE BISHOPP, NENA, and CLEMENT that he possessed a conceal and carry license and handgun before each of them decided to encounter JOSEPH. (Robert Bishopp Dep. at 25-26, 32, 34).

114. Defendant CLEMENT testified at his deposition that Defendants ROBERT BISHOPP and NATALIE BISHOPP came to the lobby and told him and Defendant NENA that the individual in the bathrobe (presumably JOSEPH) started screaming that he wanted to kill white people. (Clement Dep. at 89).

115. Defendants NATALIE BISHOPP, ROBERT BISHOPP, CLEMENT, NENA, and SMITH, then decided to go encounter JOSEPH, who they knew was experiencing a mental health crisis on the 48<sup>th</sup> floor, instead of waiting for the police to arrive.

116. Defendants NATALIE BISHOPP, ROBERT BISHOPP, CLEMENT, NENA, and SMITH, and each of them, agreed it was NENA's decision for the group to go to the 48<sup>th</sup> floor, where they knew that JOSEPH was last located, in order to confront JOSEPH.

117. Defendant NENA previously advised Defendant CLEMENT, while still in the lobby and prior to the shooting, that he was overwhelmed because the building was single staffed that night.

118. At the aforesaid date and time, JOSEPH did not possess any weapons or firearms on the 29<sup>th</sup> floor, in the elevator, on the 48<sup>th</sup> floor or at any time relevant herein, as he was only wearing underwear and a bathrobe.

**Count I**

**Negligence – Survival Action**

***DELBERT J. CHARLES, as Independent Administrator of the Estate of  
ABNERD JOSEPH, v. DEFENDANT LEGACY***

119. DELBERT J. CHARLES, as brother and Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 118 as and for his allegations for this paragraph of this count.

120. Defendant LEGACY, by and through its agents and/or employees, did not provide adequate and proper training for Defendant NENA and the other staff responsible for the safety and security of JOSEPH and the other 60 East Monroe Street residents.

121. At 7:00 p.m., and subsequent thereto up until the shooting of decedent JOSEPH on September 14, 2023, Defendants SUDLER and LEGACY, only had the front doorman and/or front desk associate and maintenance man working to provide for the entire safety and security of the building's 800 residents.

122. Defendant LEGACY did not provide residents and staff with properly licensed and trained security staff on September 14, 2023.

123. Defendant SUDLER did not provide for or require that Defendant LEGACY provide adequate amounts of properly licensed and trained security personnel for residents' safety on September 14, 2023, and at all times relevant.

124. Defendant LEGACY did not possess any policies, procedures, or guidelines for requiring licensed trained staff on the safety and security of the residents, on the aforementioned date, and at all times relevant.

125. As the property owner, Defendant LEGACY had a duty to see that 60 East Monroe Street was safe for the residents.

126. Defendant LEGACY had a duty to provide properly licensed and trained security personnel for the residents living at 60 East Monroe Street on September 14, 2023, and at all times relevant.

127. Defendant LEGACY knew or should have known that it was illegal and unsafe to permit residents to bring loaded weapons from one floor to another for the purposes of building security and to permit them in common areas after rejecting residents' requests to limit guns in the common areas.

128. Defendant LEGACY chose to take the risk of permitting Defendant SMITH and other residents to possess firearms in common areas for the purpose of building security, following warnings from other residents that this practice would lead to tragedy.

129. Defendant LEGACY did not provide first-class owner operator safety and security to its residents, contrary to its holding out to them and the public.

130. Defendant LEGACY negligently and carelessly committed one or more of the following acts or omissions by and through its agents and employees on September 14, 2023:

- a. Failed to provide safety and security policies, procedures, guidelines, and/or rules.
- b. Failed to properly train and instruct front doormen and/or front desk associates and other staff on resident safety and security.
- c. Failed to provide an adequate number of properly trained and licensed safety security personnel.
- d. Failed to require that Defendant SUDLER provide proper security training, supervision, and management to the 60 East Monroe Street staff.
- e. Failed to train and instruct Defendant NENA that you do not go with a resident carrying a gun to confront an unarmed individual experiencing a mental health crisis.
- f. Failed to flag down a police officer outside of the property.
- g. Failed to instruct the residents to remain in their units until the police arrived.
- h. Failed to use the BOSS recommended app to communicate emergencies to residents.

- i. Improperly permitted Defendant SMITH and other residents to carry weapons in common areas and throughout the building.
- j. Failed to teach Defendant NENA how to use the emergency communication system to warn and instruct residents.

131. As a further direct and proximate result of one or more of Defendant LEGACY's aforesaid acts or omissions, decedent JOSEPH experienced conscious pain and suffering prior to being shot.

132. As a further direct and proximate result of one or more of the aforesaid acts or omissions, decedent JOSEPH suffered at least six gunshot wounds.

133. As a further direct and proximate result of the aforesaid acts or omissions, decedent JOSEPH suffered conscious pain and suffering after he was shot before he died.

134. This matter is brought by his estate pursuant to the Illinois Survival Act, 755 ILCS 5/27-6 and following.

WHEREFORE, Plaintiff, DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, prays that this Court enter judgment in his favor and against Defendant THE LEGACY AT MILLENIUM PARK CONDOMINIUM ASSOCIATION in an amount that will adequately and fairly compensate him and the estate for its damages and losses, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count II**  
**Negligence – Wrongful Death Action**  
***DELBERT J. CHARLES, as Independent Administrator of the Estate of***  
***ABNERD JOSEPH v. DEFENDANT LEGACY***

135. DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 134 as and for his allegations for this paragraph of this count.

136. As a further direct and proximate result of the Defendant LEGACY's aforesaid acts and omissions, JOSEPH died from his gunshot wounds.

137. JOSEPH left surviving certain heirs and next of kin that have suffered a loss of love, society, affection, support, guidance, grief, and other damages consistent with the Illinois Wrongful Death Act, 740 ILCS 180/1 and following.

WHEREFORE, Plaintiff, DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, prays that this Court enter judgment in his favor and against Defendant THE LEGACY AT MILLENIUM PARK CONDOMINIUM ASSOCIATION in an amount that will adequately and fairly compensate him for his injuries, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count III**

**Negligence – Survival Action**

***DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH  
v. DEFENDANT SUDLER***

138. DELBERT J. CHARLES, as brother and Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 126 as and for his allegations for this paragraph of this count.

139. Defendant SUDLER negligently and carelessly committed one or more of the following acts or omissions by and through its agents and employees on September 14, 2023:

- a. Failed to provide safety and security policies, procedures, guidelines, and/or rules.
- b. Failed to properly train and instruct front doormen and/or front desk associates and other staff on resident safety and security.
- c. Failed to provide an adequate number of properly trained and licensed safety security personnel.
- d. Failed to require that its employees and agents provide proper security training, supervision, and management to the 60 East Monroe Street staff.

- e. Failed to train and instruct Defendant NENA that you do not go with a resident carrying a gun to confront an unarmed individual experiencing a mental health crisis.
- f. Failed to flag down a police officer outside of the property.
- g. Failed to instruct the residents to remain in their units until the police arrived.
- h. Failed to use the BOSS recommended app to communicate emergencies to residents.
- i. Improperly permitted Defendant SMITH and other residents to carry weapons in commons areas and throughout the building.
- j. Failed to teach Defendant NENA how to use the emergency communication system to warn and instruct residents.

140. As a further direct and proximate result of one or more of Defendant SUDLER's aforesaid acts or omissions, decedent JOSEPH experienced conscious pain and suffering prior to being shot.

141. As a further direct and proximate result of one or more of the aforesaid acts or omissions, decedent JOSEPH suffered at least six gunshot wounds.

142. As a further direct and proximate result of the aforesaid acts or omissions, decedent JOSEPH suffered conscious pain and suffering after he was shot before he died.

143. This matter is brought by his estate pursuant to the Illinois Survival Act, 755 ILCS 5/27-6 and following.

WHEREFORE, Plaintiff, DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, prays that this Court enter judgment in his favor and against Defendant SUDLER AND COMPANY in an amount that will adequately and fairly compensate him and the estate for its damages and losses, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count IV**  
**Negligence – Wrongful Death Action**  
***DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH***  
***v. DEFENDANT SUDLER***

144. DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 143 as and for his allegations for this paragraph of this count.

145. As a further direct and proximate result of the Defendant SUDLER’s aforesaid acts and omissions, JOSEPH died from his gunshot wounds.

146. JOSEPH left surviving certain heirs and next of kin that have suffered a loss of love, society, affection, support, guidance, grief, and other damages consistent with the Illinois Wrongful Death Act, 740 ILCS 180/1 and following.

WHEREFORE, Plaintiff, DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, prays that this Court enter judgment in his favor and against Defendant SUDLER AND COMPANY in an amount that will adequately and fairly compensate him for his injuries, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count V**  
**Negligence – Survival Action**  
***DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH***  
***v. DEFENDANT SMITH***

147. DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 146 as and for his allegations for this paragraph of this count.

148. Defendant SMITH owed JOSEPH a duty to act with reasonable care under the circumstances.

149. Defendant SMITH violated his concealed carry training by deliberately leaving a place of safety to encounter JOSEPH.

150. Defendant SMITH created the hazardous situation that led to the death of JOSEPH by leaving multiple places of safety to encounter JOSEPH.

151. Defendant SMITH was motivated by seeking out the person who had spit on his condominium door on the 29<sup>th</sup> floor when he went looking for JOSEPH on the 48<sup>th</sup> floor.

152. Defendant SMITH acted with conscious disregard for the safety of JOSEPH when he got onto the elevator with the vigilante group to encounter JOSEPH.

153. Defendant SMITH knew that he was not trained in de-escalation, and that he had no training in the use of non-lethal force.

154. Defendant SMITH was not legally licensed to act as an armed security person in the protection of the building.

155. Defendant SMITH negligently and carelessly, and with conscious disregard for the safety of JOSEPH when he committed one or more of the following acts or omissions:

- a. Failed to stay in his unit and wait for the police.
- b. Failed to stay in the lobby and wait for police.
- c. Told Defendants NENA, CLEMENT, ROBERT BISHOPP, and NATALIE BISHOPP that he possessed a firearm.
- d. Told Defendants NENA, CLEMENT, ROBERT BISHOPP and NATALIE BISHOPP that he was an Illinois Concealed Carry License holder, creating a misleading sense of safety and security to form a vigilante posse to encounter JOSEPH.
- e. Discharged his firearm at JOSEPH.
- f. Shot JOSEPH at least five times.
- g. Left JOSEPH to die without rendering aid or immediately calling 911.

h. Acted as an armed security guard without going through the required training and licensing required by 225 ILCS 447/25-5 to obtain his Permanent Employee Registration Card (hereinafter “PERC”) card.

156. As a further direct and proximate result of one or more of Defendant SMITH’s aforesaid acts or omissions, decedent JOSEPH experienced conscious pain and suffering prior to being shot.

157. As a further direct and proximate result of one or more of the aforesaid acts or omissions, decedent JOSEPH suffered at least six gunshot wounds.

158. As a further direct and proximate result of the aforesaid acts or omissions, decedent JOSEPH suffered conscious pain and suffering after he was shot before he died.

159. This matter is brought by his estate pursuant to the Illinois Survival Act, 755 ILCS 5/27-6 and following.

WHEREFORE, Plaintiff, DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, prays that this Court enter judgment in his favor and against Defendant GARRETT MARK SMITH in an amount that will adequately and fairly compensate the estate for ABNERD JOSEPH’s conscious pain and suffering, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count VI**  
**Negligence – Wrongful Death Action**  
***DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH***  
***v. DEFENDANT SMITH***

160. DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 159 as and for his allegations for this paragraph of this count.

161. As a further direct and proximate result of one or more of the aforesaid acts or omissions by Defendant SMITH, decedent JOSEPH experienced a wrongful death under the Illinois Wrongful Death Act and his heirs and next of kin have suffered a loss of love, society, affection, guidance, support, grief, and other damages pursuant to the Illinois Wrongful Death Act, 740 ILCS 180/1 and following.

WHEREFORE, Plaintiff, DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, prays that this Court enter judgment in his favor and against Defendant GARRETT MARK SMITH in an amount that will adequately and fairly compensate him and the estate for its losses and damages under the Wrongful Death Act, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count VII**

**Willful and Wanton (Punitive Damages to be requested at close of discovery)  
*DELBERT J. CHARLES as Independent Administrator of the Estate of  
ABNERD JOSEPH v. DEFENDANT LEGACY***

162. DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 161 as and for his allegations for this paragraph of this count.

163. In 2014, Defendant LEGACY was provided with a list of rules that they could implement to limit firearms in the building's common areas in order to prevent residents shooting other residents and avert the type of tragedy that occurred subsequently September 14, 2023.

164. Defendant LEGACY chose not to implement any of the rules to limit firearms in the common areas and has still not implemented any firearm prohibition in the common areas.

165. Had Defendant LEGACY implemented any of the rules made available, limiting possession of firearms in common areas or other non-resident floors, SMITH would not have been

permitted to lead an armed vigilante group from the lobby to the 48<sup>th</sup> floor to encounter and shoot JOSEPH.

166. Defendant LEGACY chose to reject the recommendations for the implementation of gun safety rules that would have prevented Defendant NENA from knowingly escorting a group of armed vigilante residents and from encountering JOSEPH on the 48<sup>th</sup> floor.

167. A formal recommendation was made to the Defendant LEGACY board of directors on April 16, 2014, nine years prior to the shooting of JOSEPH, recommending a strong policy prohibiting firearms from being carried in common areas of the building.

168. Defendant LEGACY was made aware that there were no legal restrictions placed on them banning or restricting firearm possession or use in the common areas of their property in 2014.

169. During the presentation to the board of directors requesting limits to be placed on gun possession in the building, the board was reminded of multiple incidents at Defendant LEGACY and in the community that could lead to tragedy, absent limits on gun possession at Defendant LEGACY.

170. For financial reasons, Defendant LEGACY chose not to provide properly trained security staff in violation of their duty to protect the security and safety of the residents.

171. Defendant LEGACY chose not to require their employees to be trained by their union or the property manager to secure residents' safety.

172. Defendant LEGACY chose to allow only two staff members to serve as operation and security for the entire 75-story building on September 14, 2023, at the time of the shooting.

173. Defendant LEGACY's staff and board members knew that it was unsafe to permit only two untrained staff to secure and operate the 75-story, 800-resident property.

174. Defendant LEGACY knowingly permitted its untrained staff to be in charge of and responsible for the 800 residents' safety and security on the property.

175. Defendant LEGACY permitted, encouraged, and trained staff not to wait for the police after they were called for an emergency but instead trained them to continue to investigate, assess and confront dangerous individuals, contrary to industry custom and practice.

176. From 2014 to present, Defendant LEGACY has refused to implement any gun safety rules to limit the use or possession of guns in the building's common areas that would have prevented JOSEPH's death and future tragic shootings.

177. Defendant LEGACY has sanctioned and approved Defendant NENA leading a group of armed vigilante residents to travel from the lobby in search of JOSEPH when they knew it was unsafe to do so rather than to wait for the police to arrive.

178. At all times relevant herein, it was the duty of the Defendant LEGACY, to not cause injury or death by a willful and wanton act, such that to act with conscious disregard or utter indifference causing injury to others.

179. At the aforesaid time and place, Defendant LEGACY, by and through its agents and employees, were willful and wanton in one or more of the following respects:

- a. With a conscious disregard or utter indifference for the safety of JOSEPH and other residents of their property, refused to implement rules proposed by their attorneys and residents restricting gun possession in the common areas for over a decade, going back to 2014.
- b. With conscious disregard and utter indifference for JOSEPH and other residents' safety, refused to hire properly trained and licensed security staff and personnel to protect their 800 residents.
- c. With conscious disregard and utter indifference for JOSEPH and other residents' safety, permitted their property managers to hire, supervise, and train staff without requiring that they have safety and security training and licensing.

- d. With conscious disregard and utter indifference for JOSEPH and other residents' safety, specifically knew that Defendant NENA was not capable of operating the building's security systems and chose not to attempt to train him.
- e. With conscious disregard and utter indifference for JOSEPH and other residents' safety, knew, permitted, and approved of allowing Defendant NENA and Hamilton Steele to be in charge of the safety and security of over 800 residents, when it was not physically possible for them to do so.
- f. With conscious disregard and utter indifference for JOSEPH and other residents' safety, instructed Defendant NENA and other staff, to knowingly place themselves in a place of danger, by directing them to confront individuals having a mental health crisis and not wait for the police to arrive.
- g. With conscious disregard and utter indifference for JOSEPH and other residents' safety, authorized and approved Defendant NENA getting onto an elevator with a group of armed vigilantes to encounter JOSEPH when they knew he was acting in a "crazy" manner, instead of waiting for the police to do their job, for which Defendant LEGACY knew their employees were not trained, licensed or qualified to perform in the face of obvious danger.

180. As a direct and proximate result of one or more of the aforementioned willful and wanton actions, JOSEPH was shot, killed, and experienced horrific emotion and physical pain before his death.

181. As a further direct and proximate result of one or more of Defendant LEGACY's willful and wanton actions or omissions, Plaintiff DELBERT J. CHARLES, as Independent Administrator of the Estate of JOSEPH, requests punitive damages.

182. This matter is brought pursuant to the Illinois Survival Act, 755 ILCS 5/27-6 and following.

WHEREFORE, Plaintiff, DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, prays that this Court permit the Plaintiff to add a prayer for relief of punitive damage at the close of discovery against Defendant LEGACY and to permit financial discovery on the assets of Defendant LEGACY.

**Count VIII**  
**Willful and Wanton (Punitive Damages to be requested at close of discovery)**  
***DELBERT J. CHARLES as Independent Administrator of the Estate of***  
***ABNERD JOSEPH v. DEFENDANT SUDLER***

183. DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 182 as and for his allegations for this paragraph of this count.

184. On September 14, 2023, Defendant SUDLER knew that it was responsible for properly training and supervising all Defendant LEGACY staff to properly protect the residents at 60 East Monroe Street.

185. On and prior to September 14, 2023, Defendant SUDLER chose to train and instruct Defendant LEGACY staff, contrary to industry custom and practice, to deliberately investigate, assess and intervene after police had been notified of a dangerous situation for untrained staff.

186. On September 14, 2023, and at all times relevant, Defendant SUDLER knew that pursuant to the Chicago Municipal Code, 60 East Monroe Street was required to have an emergency communication system in the building.

187. On September 14, 2023, and at all times relevant, Defendant SUDLER knew they were required to train Defendant NENA on the operation of the emergency communication system at 60 East Monroe Street.

188. On September 14, 2023, and at all times relevant, Defendant SUDLER chose not to train Defendant NENA and other staff on the operation of the emergency communication system.

189. On September 14, 2023, and at all times relevant, Defendant SUDLER, knew that Defendant NENA and Hamilton Steele were not capable of providing for the safety of a 75-story building without additional properly trained and licensed staff.

190. Defendant SUDLER staff knew that it was unsafe to permit only two untrained and unlicensed staff to secure and operate the 75-story, 800-resident property, but did so anyway.

191. Defendant SUDLER permitted, encouraged, and trained staff not to wait for the police after they were called for an emergency but instead trained them to continue to investigate, assess, and confront potentially dangerous individuals, all in violation of industry custom and practice.

192. Defendant SUDLER approved front doorman and/or front desk associate Defendant NENA leading a group of armed vigilante residents to travel from the lobby in search of JOSEPH when they knew it was unsafe to do so rather than to wait for the police to arrive.

193. At the aforesaid time and place, Defendant SUDLER by and through its agents and employees, including Defendant ROMERO, were willful and wanton in one or more of the following respects:

- a. With conscious disregard and utter indifference for JOSEPH and other residents' safety, refused to recommend and/or impose rules restricting guns in common areas for the purpose of tenants providing unlicensed and untrained individuals to provide security for the building.
- b. With conscious disregard and utter indifference for JOSEPH and other residents' safety, permitted their property managers to hire, supervise, and train staff without requiring that they have safety and security training or licensing.
- c. With conscious disregard and utter indifference for JOSEPH and other residents' safety, specifically knew that Jonah Nena was not capable of operating the building's security and communications systems and chose not to attempt to train him.

- d. With conscious disregard and utter indifference for JOSEPH and other residents' safety, knew, permitted, and approved of allowing Defendant NENA and Hamilton Steele to be in charge of the safety and security of over 800 residents, when it was not possible for them to physically do so.
- e. With conscious disregard and utter indifference for JOSEPH and other residents' safety, instructed Defendant NENA and other staff, to knowingly place themselves in a place of danger by directing them to confront potentially dangerous individuals and not wait for the police to arrive.
- f. With conscious disregard and utter indifference for JOSEPH and other residents' safety, trained, instructed, and/or permitted Defendant NENA to confront potentially dangerous individuals with unlicensed and untrained armed residents, instead of waiting for the police to arrive.

194. As a direct and proximate result of one or more of the aforementioned willful and wanton actions, JOSEPH was shot, killed, and experienced horrific emotion and physical pain before his death.

195. As a further direct and proximate result of DEFENDANT SUDLER's willful and wanton actions or omissions, Plaintiff DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, requests punitive damages.

WHEREFORE, Plaintiff, DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, prays that this Court permit the Plaintiff to add a prayer for relief of punitive damages at the close of discovery against Defendant SUDLER and to permit financial discovery on the assets of Defendant SUDLER.

**Count IX**

**Willful and Wanton (Punitive Damages to be requested at close of discovery)  
*DELBERT J. CHARLES, as Independent Administrator of the Estate of  
ABNERD JOSEPH v. DEFENDANT SMITH***

196. DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 195 as and for his allegations for this paragraph of this count.

197. After Defendant SMITH called 911 from his 29<sup>th</sup> floor apartment requesting police presence, he called the front desk and notified Defendant NENA that the police had been summoned.

198. After being afraid for his own safety, Defendant SMITH left his condominium unit with his loaded gun to look for JOSEPH.

199. Defendant SMITH advised Defendant JONAH NENA that he was in possession of a firearm.

200. Defendant SMITH left his place of safety in the lobby to deliberately encounter JOSEPH with his firearm.

201. Defendant SMITH knew that he was not trained in de-escalation, mental health intervention, safety, security, use of non-lethal force or use of deadly force, nor did he have licensing and training as an armed security guard as required by state law.

202. Defendant SMITH got on an elevator from the lobby with Defendant NENA and three other residents to encounter JOSEPH when he knew that JOSEPH was having a mental health crisis and was acting “crazy.”

203. Defendant SMITH chose to act as a vigilante and encounter JOSEPH who was having a mental health crisis.

204. Defendant SMITH sought vengeance in tracking down JOSEPH with his firearm because he believed that JOSEPH had spit on his door.

205. At the aforesaid time and place, Defendant SMITH acted with willful and wanton disregard for the safety of JOSEPH, deceased, in one or more of the following respects:

- a. With conscious disregard and utter indifference for JOSEPH’s safety, left multiple places of safety to encounter JOSEPH with his firearm.

- b. With conscious disregard and utter indifference for JOSEPH's safety, chose to participate in a posse by going with other residents to encounter JOSEPH.
- c. With conscious disregard and utter indifference for JOSEPH's safety, refused to wait for the police and took it upon himself to act as an armed vigilante.
- d. With conscious disregard and utter indifference for JOSEPH's safety, Defendant SMITH sought to punish JOSEPH.
- e. With conscious disregard and utter indifference for JOSEPH's safety, Defendant SMITH discharged his firearm at JOSEPH five times while JOSEPH was unarmed and dressed only in his bathrobe and underwear, and thus, was not justified.

206. As a direct and proximate result of one or more of Defendant SMITH's aforesaid willful and wanton actions, JOSEPH was wrongfully shot and killed and experienced horrific emotion and physical pain before his death.

207. As a further direct and proximate result of Defendant SMITH's willful and wanton actions or omissions, Plaintiff, DELBERT J. CHARLES, requests punitive damages against Defendant SMITH.

WHEREFORE, Plaintiff, DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, prays that this Court permit the Plaintiff to add a prayer for relief of punitive damages at the close of discovery against Defendant SMITH and to permit financial discovery on the insurance and assets of Defendant SMITH.

**Count X**  
**Negligence – Survival Action**  
***DELBERT J. CHARLES, as Independent Administrator of the Estate of***  
***ABNERD JOSEPH v. DEFENDANT ROMERO***

208. DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 207 as and for his allegations for this paragraph of this count.

209. On September 14, 2023, and at all times relevant, Defendant ROMERO, (was employed by Defendant SUDLER as the property manager for the Defendant LEGACY at Millenium Park, 60 East Monroe Street, Chicago, Illinois.

210. Defendant ROMERO was the highest-ranking Defendant SUDLER employee that worked at the Defendant LEGACY on September 14, 2023, and at all times relevant.

211. Defendant ROMERO was responsible for hiring Defendant LEGACY staff, including the doormen and/or front desk associates on September 14, 2023, and at all times relevant.

212. Defendant ROMERO was responsible for training Defendant LEGACY staff, including the doormen and/or front desk associates on September 14, 2023, and at all times relevant.

213. Defendant ROMERO was responsible for supervising Defendant LEGACY staff, including the doormen and/or front desk associates on September 14, 2023, and at all times relevant.

214. Defendant ROMERO was responsible for providing Defendant LEGACY staff, including Defendant JONAH NENA, training in resident safety and security on September 14, 2023, and at all times relevant.

215. Prior to September 14, 2023, Defendant ROMERO did not provide the Defendant LEGACY staff, including Defendant NENA with any training in resident safety and security.

216. Prior to September 14, 2023, Defendant ROMERO's supervisors at Defendant SUDLER knew that Defendant ROMERO did not have any background in safety and security training.

217. Defendant ROMERO knew prior to September 14, 2023 that Defendant ROMERO had not hired any contractors to provide Defendant LEGACY staff with training in resident safety and security, prior to September 14, 2023.

218. Prior to September 14, 2023, Defendant ROMERO elected not to use any of the recommended emergency software applications for resident safety and security communication.

219. Prior to September 14, 2023, Defendant ROMERO elected not to train Defendant LEGACY staff in the operation of the emergency communication system in violation of the Chicago Municipal Code.

220. On September 14, 2023, the Chicago Municipal Code, as previously enumerated, required that the Defendant LEGACY staff be able to operate the emergency communication system at 60 East Monroe Street, Chicago, Illinois.

221. Defendant ROMERO knew that the Defendant LEGACY staff, including Defendant NENA, were not competent and/or qualified to operate the emergency communication system at 60 East Monroe Street, Chicago, Illinois, prior to September 14, 2023.

222. Defendant ROMERO permitted safety and security of the 800 residents to be left to two staff members who were not trained or licensed in resident safety, security, and emergency communication.

223. At all times relevant herein, Defendant ROMERO had a duty to act with reasonable care so as not to cause harm to others.

224. Notwithstanding said duty, Defendant ROMERO, negligently and carelessly did one or more of the following:

- a. Failed to provide safety and security policies, procedures, guidelines, and/or rules.

- b. Failed to properly train and instruct front door personnel and other staff on resident safety and security.
- c. Failed to provide an adequate number of properly trained and licensed safety security personnel.
- d. Failed to require that Defendant SUDLER provide proper security training, supervision, and management to the 60 East Monroe Street staff.
- e. Failed to train and instruct Defendant NENA that you do not go with a resident carrying a gun to confront an unarmed individual having a mental health crisis.
- f. Failed to flag down a police officer outside of the property.
- g. Failed to instruct the residents to remain in their units until the police arrived.
- h. Failed to use the BOSS recommended app to communicate emergencies to residents.
- i. Improperly permitted Defendant SMITH and other residents to carry weapons in common areas, and throughout the building.
- j. Failed to teach Defendant NENA how to use the emergency communication system to warn and instruct residents.

225. As a further direct and proximate result of one or more of Defendant ROMERO's aforesaid acts or omissions, decedent JOSEPH experienced conscious pain and suffering prior to being shot.

226. As a further direct and proximate result of one or more of the aforesaid acts or omissions, decedent JOSEPH suffered at least six gunshot wounds.

227. As a further direct and proximate result of the aforesaid acts or omissions, decedent JOSEPH suffered conscious pain and suffering after he was shot before he died.

228. This matter is brought by his estate pursuant to the Illinois Survival Act, 755 ILCS 5/27-6 and following.

WHEREFORE, Plaintiff, DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, prays that this Court enter judgment in his favor and against Defendant DEBORAH ROMERO in an amount that will adequately and fairly compensate him for his injuries, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count XI**

**Negligence – Survival Action**

***DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH,  
v. DEFENDANT TEDALDI***

229. DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 228 as and for his allegations for this paragraph of this count.

230. On September 14, 2023, and at all times relevant, Defendant TEDALDI was employed by Defendant SUDLER as the assistant property manager for the Defendant LEGACY at Millenium Park, 60 East Monroe Street, Chicago, Illinois.

231. Defendant TEDALDI was the second highest ranking Defendant SUDLER employee that worked at the Defendant LEGACY on September 14, 2023, and at all times relevant.

232. Defendant TEDALDI was responsible for hiring Defendant LEGACY staff, including the doormen and/or front desk associates on September 14, 2023, and at all times relevant.

233. Defendant TEDALDI was responsible for training Defendant LEGACY staff, including the doormen and/or front desk associates on September 14, 2023, and at all times relevant.

234. Defendant TEDALDI was responsible for supervising Defendant LEGACY staff, including the doormen and/or front desk associates on September 14, 2023, and at all times relevant.

235. Defendant TEDALDI was responsible for providing Defendant LEGACY staff, including Defendant JONAH NENA, training in resident safety and security on September 14, 2023 and at all times relevant.

236. Prior to September 14, 2023, Defendant TEDALDI did not provide Defendant LEGACY staff, including Defendant NENA, with any training in resident safety and security prior to September 14, 2023.

237. Prior to September 14, 2023 Defendant TEDALDI's supervisors at Defendant SUDLER, knew that Defendant TEDALDI did not have any background in safety and security training.

238. Defendant TEDALDI knew prior to September 14, 2023 that Defendant TEDALDI had not hired any contractors to provide Defendant LEGACY staff with training in resident safety and security.

239. Prior to September 14, 2023, Defendant TEDALDI elected not to use any of the recommended emergency software applications for resident safety and security communication.

240. Prior to September 14, 2023, Defendant TEDALDI elected not to train Defendant LEGACY staff in the operation of the emergency communication system in violation of the Chicago Municipal Code.

241. On September 14, 2023, the Chicago Municipal Code required that the Defendant LEGACY staff be able to operate the emergency communication system at 60 East Monroe Street, Chicago, Illinois.

242. Defendant TEDALDI knew that the Defendant LEGACY staff, including Defendant NENA, were not competent and/or qualified to operate the emergency communication system at 60 East Monroe Street, Chicago, Illinois, prior to September 14, 2023.

243. Defendant TEDALDI permitted the 800 Defendant LEGACY residents' safety and security to be left to two staff members who were not trained or licensed in resident safety, security, and emergency communication.

244. Prior to September 14, 2023, Defendant SUDLER hired Defendant TEDALDI to serve as the assistant property manager for the Defendant LEGACY at Millennium Park, 60 East Monroe Street, Chicago, Illinois.

245. Defendant TEDALDI was the second in command assigned to 60 East Monroe Street, who was responsible for the safety and security of the residents of Defendant LEGACY.

246. Defendant SUDLER knew that Defendant TEDALDI did not have any background, training, or experience in resident safety and security when they assigned him to be assistant property manager at 60 East Monroe Street.

247. Prior to September 14, 2023, Defendant TEDALDI was being trained by Defendant SUDLER to become a property manager.

248. Prior to September 14, 2023, Defendant SUDLER paid for Defendant TEDALDI to become trained and certified in safe property management industry custom and practice.

249. Defendant TEDALDI was trained and certified in property management industry custom and practice prior to September 14, 2023.

250. Prior to September 14, 2023, Defendant TEDALDI knew or should have known that Defendant LEGACY staff were not properly trained to provide for the safety and security of Defendant LEGACY residents.

251. At all times relevant herein, Defendant TEDALDI had a duty to act with reasonable care so as not to cause harm to others.

252. Notwithstanding said duty, Defendant TEDALDI, negligently and carelessly did one or more of the following:

- a. Failed to provide safety and security policies, procedures, guidelines, and/or rules.
- b. Failed to properly train and instruct front door personnel and other staff on resident safety and security.
- c. Failed to provide an adequate number of properly trained and licensed safety security personnel.
- d. Failed to require that Defendant SUDLER provide proper security training, supervision, and management to the 60 East Monroe Street staff.
- e. Failed to train and instruct Defendant NENA that you do not go with a resident carrying a gun to confront an unarmed individual having a mental health crisis.
- f. Failed to flag down a police officer outside of the property.
- g. Failed to instruct the residents to remain in their units until the police arrived.
- h. Failed to use the BOSS recommended app to communicate emergencies to residents.
- i. Improperly permitted Defendant SMITH and other residents to carry weapons in common areas, and throughout the building.
- j. Failed to teach Defendant NENA how to use the emergency communication system to warn and instruct residents.

253. As a further direct and proximate result of one or more of Defendant's aforesaid acts or omissions, decedent JOSEPH experienced conscious pain and suffering prior to being shot.

254. As a further direct and proximate result of one or more of the aforesaid acts or omissions, decedent JOSEPH suffered at least six gunshot wounds.

255. As a further direct and proximate result of the aforesaid acts or omissions, decedent JOSEPH suffered conscious pain and suffering after he was shot before he died.

256. This matter is brought by his estate pursuant to the Illinois Survival Act, 755 ILCS 5/27-6 and following.

WHEREFORE, Plaintiff, DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, prays that this Court enter judgment in his favor and against Defendant DOMINIC TEDALDI in an amount that will adequately and fairly compensate him for his injuries, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count XII**  
**Negligence – Wrongful Death**  
***DELBERT J. CHARLES, as Independent Administrator of the Estate of***  
***ABNERD JOSEPH v. DEFENDANT ROMERO***

257. DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 256 as and for his allegations for this paragraph of this count.

258. As a further direct and proximate result of one or more of the aforesaid acts or omissions by Defendant ROMERO JOSEPH experienced a wrongful death under the Illinois Wrongful Death Act and his heirs and next of kin have suffered a loss of love, society, affection, guidance, support, grief, and other damages pursuant to the Illinois Wrongful Death Act.

WHEREFORE, Plaintiff, DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, prays that this Court enter judgment in his favor and against Defendant DEBORAH ROMERO in an amount that will adequately and fairly compensate him and the estate for its losses and damages under the Wrongful Death Act, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count XIII**  
**Negligence – Wrongful Death Action**  
***DELBERT J. CHARLES, as Independent Administrator of the Estate***  
***of ABNERD JOSEPH v. DEFENDANT TEDALDI***

259. DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 258 as and for his allegations for this paragraph of this count.

260. As a further direct and proximate result of one or more of the aforesaid acts or omissions by Defendant TEDALDI, JOSEPH experienced a wrongful death under the Illinois Wrongful Death Act and his heirs and next of kin have suffered a loss of love, society, affection, guidance, support, grief, and other damages pursuant to the Illinois Wrongful Death Act.

WHEREFORE, Plaintiff, DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, prays that this Court enter judgment in his favor and against Defendant DOMINIC TEDALDI in an amount that will adequately and fairly compensate him and the estate for its losses and damages under the Wrongful Death Act, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count XIV**  
**Negligence – Survival Action**  
***DELBERT J. CHARLES, as Independent Administrator of the Estate of***  
***ABNERD JOSEPH v. DEFENDANT NENA***

261. DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 260 as and for his allegations for this paragraph of this count.

262. On September 14, 2023, Defendant NENA was employed by the DEFENDANT LEGACY as a doorman and/or front desk associate at 60 East Monroe Street, Chicago, Illinois.

263. Defendant NENA was responsible for the safety and security of the residents of 60 East Monroe Street on September 14, 2023, including JOSEPH.

264. Defendant NENA had a duty to exercise ordinary care for the safety of the residents as a doorman and/or front desk associate who was responsible for their safety and security.

265. In violation of his aforesaid duty to exercise ordinary care, Defendant NENA individually and as an employee of the DEFENDANT LEGACY and agent of DEFENDANT SUDLER, committed one or more of the aforesaid acts or omissions:

- a. Failed to wait for the police to arrive.
- b. Failed to advise residents to remain in their units.
- c. Failed to advise Defendant SMITH to stay away from the 48<sup>th</sup> floor or otherwise confront Defendant SMITH, and to stay in a place of safety.
- d. Permitted the group of residents to encounter JOSEPH, when he knew or should have known that it was not safe.
- e. Failed to communicate with Defendant ROMERO.
- f. Failed to flag down/hail a police unit on the street.
- g. Acted as an armed security guard without going through the required training and licensing required by 225 ILCS 447/25-5 to obtain his PERC card.

266. As a further direct and proximate result of one or more of Defendant NENA'S aforesaid acts or omissions, decedent JOSEPH experienced conscious pain and suffering prior to being shot.

267. As a further direct and proximate result of one or more of the aforesaid acts or omissions, decedent JOSEPH suffered at least six gunshot wounds.

268. As a further direct and proximate result of the aforesaid acts or omissions, decedent JOSEPH suffered conscious pain and suffering after he was shot before he died.

269. This matter is brought by his estate pursuant to the Illinois Survival Act, 755 ILCS 5/27-6 and following.

WHEREFORE, Plaintiff, DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, prays that this Court enter judgment in his favor and against Defendant JONAH NENA in an amount that will adequately and fairly compensate the estate for ABNERD JOSEPH's conscious pain and suffering, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count XV**  
**Negligence – Wrongful Death Action**  
***DELBERT J. CHARLES, as Independent Administrator of the Estate of***  
***ABNERD JOSEPH v. DEFENDANT NENA***

270. DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 269 as and for his allegations for this paragraph of this count.

271. As a further direct and proximate result of one or more of the aforesaid acts or omissions by Defendant NENA, JOSEPH experienced a wrongful death under the Illinois Wrongful Death Act and his heirs and next of kin have suffered a loss of love, society, affection, guidance, support, grief, and other damages pursuant to the Illinois Wrongful Death Act.

WHEREFORE, Plaintiff, DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, prays that this Court enter judgment in his favor and against Defendant JONAN NENA in an amount that will adequately and fairly compensate him and the estate for its losses and damages under the Wrongful Death Act, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count XVI**  
**Negligence – Survival Action**  
***DELBERT J. CHARLES, as Independent Administrator of the Estate of***  
***ABNERD JOSEPH v. DEFENDANT NATALIE BISHOPP***

272. DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 271 as and for his allegations for this paragraph of this count.

273. On September 14, 2023, Defendant NATALIE BISHOPP, owed JOSEPH a duty of ordinary care.

274. In violation of her aforesaid duty to exercise ordinary care, Defendant NATALIE BISHOPP committed one or more of the aforesaid acts or omissions:

- a. Requested and encouraged Defendants SMITH, NENA, and CLEMENT accompany her and DEFENDANT ROBERT BISHOPP to check on their cat and unit when it was not safe to do so.
- b. Knew or should have known that the danger of going with an armed group to secure their cat and unit posed the risk of SMITH shooting JOSEPH.
- c. Failed to wait for the police to arrive.
- d. Acted as a security guard without going through the required training and licensing required by 225 ILCS 447/25-5 to obtain her PERC card.

275. As a further direct and proximate result of one or more of Defendant BISHOPP's aforesaid acts or omissions, decedent JOSEPH experienced conscious pain and suffering prior to being shot.

276. As a further direct and proximate result of one or more of the aforesaid acts or omissions, decedent JOSEPH suffered at least six gunshot wounds.

277. As a further direct and proximate result of the aforesaid acts or omissions, decedent JOSEPH suffered conscious pain and suffering after he was shot before he died.

278. This matter is brought by his estate pursuant to the Illinois Survival Act, 755 ILCS 5/27-6 and following.

WHEREFORE, Plaintiff, DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, prays that this Court enter judgment in his favor and against Defendant NATALIE BISHOPP in an amount that will adequately and fairly compensate the estate for ABNERD JOSEPH's conscious pain and suffering, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count XVII**  
**Negligence – Wrongful Death Action**  
***DELBERT J. CHARLES, as Independent Administrator of the Estate of***  
***ABNERD JOSEPH v. DEFENDANT NATALIE BISHOPP***

279. DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 278 as and for his allegations for this paragraph of this count.

280. As a further direct and proximate result of one or more of the aforesaid acts or omissions by Defendant NATALIE BISHOPP, JOSEPH experienced a wrongful death under the Illinois Wrongful Death Act and his heirs and next of kin have suffered a loss of love, society, affection, guidance, support, grief, and other damages pursuant to the Illinois Wrongful Death Act.

WHEREFORE, Plaintiff, DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, prays that this Court enter judgment in his favor and against Defendant NATALIE BISHOPP in an amount that will adequately and fairly compensate him and

the estate for its losses and damages under the Wrongful Death Act, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count XVIII**

**Negligence – Survival Action**

***DELBERT J. CHARLES, as Independent Administrator of the Estate of  
ABNERD JOSEPH v. DEFENDANT ROBERT BISHOPP***

281. DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 280 as and for his allegations for this paragraph of this count.

282. On September 14, 2023, Defendant ROBERT BISHOPP, owed JOSEPH, a duty of ordinary care.

283. In violation of his aforesaid duty to exercise ordinary care, Defendant ROBERT BISHOPP committed one or more of the aforesaid acts or omissions:

- a. Requested and encouraged Defendants SMITH, NENA, and CLEMENT to accompany him and Defendant NATALIE BISHOPP to check on their cat and unit when it was not safe to do so.
- b. Knew or should have known that that the danger of going with an armed group to secure their cat and unite, posed the risk of SMITH shooting JOSEPH.
- c. Failed to wait for the police to arrive.
- d. Failed to flag down/hail a police unit, when he knew they were located around the corner from the Defendant LEGACY building, and it was not safe to proceed to the 48<sup>th</sup> floor.
- e. Acted as a security guard without going through the required training and licensing required by 225 ILCS 447/25-5 to obtain his PERC card.

284. As a further direct and proximate result of one or more of Defendant BISHOPP's aforesaid acts or omissions, decedent JOSEPH experienced conscious pain and suffering prior to being shot.

285. As a further direct and proximate result of one or more of the aforesaid acts or omissions, decedent JOSEPH suffered at least six gunshot wounds.

286. As a further direct and proximate result of the aforesaid acts or omissions, decedent JOSEPH suffered conscious pain and suffering after he was shot before he died.

287. This matter is brought by his estate pursuant to the Illinois Survival Act, 755 ILCS 5/27-6 and following.

WHEREFORE, Plaintiff, DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, prays that this Court enter judgment in his favor and against Defendant ROBERT BISHOPP in an amount that will adequately and fairly compensate the estate for ABNERD JOSEPH's conscious pain and suffering, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count XIX**  
**Negligence – Wrongful Death Action**  
***DELBERT J. CHARLES, as Independent Administrator of the Estate of***  
***ABNERD JOSEPH v. ROBERT BISHOPP***

288. DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 287 as and for his allegations for this paragraph of this count.

289. As a further direct and proximate result of one or more of the aforesaid acts or omissions by Defendant BISHOPP, JOSEPH experienced a wrongful death under the Illinois Wrongful Death Act and his heirs and next of kin have suffered a loss of love, society, affection, guidance, support, grief, and other damages pursuant to the Illinois Wrongful Death Act.

WHEREFORE, Plaintiff, DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, prays that this Court enter judgment in his favor and against Defendant ROBERT BISHOPP in an amount that will adequately and fairly compensate him and the estate for its losses and damages under the Wrongful Death Act, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count XX**  
**Negligence – Survival Action**  
***DELBERT J. CHARLES, as Independent Administrator of the Estate of***  
***ABNERD JOSEPH v. DEFENDANT CLEMENT***

290. DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 289 as and for his allegations for this paragraph of this count.

291. On September 14, 2023, Defendant CLEMENT owed JOSEPH, a duty of ordinary care.

292. In violation of his aforesaid duty to exercise ordinary care, ANDREW CLEMENT committed one or more of the aforesaid acts or omissions:

- a. Knew or should have known that the danger of going with an armed group to secure a cat and unit posed the risk of Defendant SMITH shooting JOSEPH.
- b. Failed to wait for the police to arrive.
- c. Failed to flag down/hail a police unit, when he knew they were located around the corner from the Defendant LEGACY building, and it was not safe to proceed to the 48<sup>th</sup> floor.
- d. Acted as a security guard without going through the required training and licensing required by 225 ILCS 447/25-5 to obtain his PERC card.

293. As a further direct and proximate result of one or more of Defendant BISHOPP's aforesaid acts or omissions, decedent JOSEPH experienced conscious pain and suffering prior to being shot.

294. As a further direct and proximate result of one or more of the aforesaid acts or omissions, decedent JOSEPH suffered at least six gunshot wounds.

295. As a further direct and proximate result of the aforesaid acts or omissions, decedent JOSEPH suffered conscious pain and suffering after he was shot before he died.

296. This matter is brought by his estate pursuant to the Illinois Survival Act, 755 ILCS 5/27-6 and following.

WHEREFORE, Plaintiff, DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, prays that this Court enter judgment in his favor and against Defendant ANDREW CLEMENT in an amount that will adequately and fairly compensate the estate for ABNERD JOSEPH's conscious pain and suffering, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count XXI**  
**Negligence – Wrongful Death Action**  
***DELBERT J. CHARLES, as Independent Administrator of the Estate of***  
***ABNERD JOSEPH v. DEFENDANT CLEMENT***

297. DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 296 as and for his allegations for this paragraph of this count.

298. As a further direct and proximate result of one or more of the aforesaid acts or omissions by Defendant, ANDREW CLEMENT, JOSEPH experienced a wrongful death under

the Illinois Wrongful Death Act and his heirs and next of kin have suffered a loss of love, society, affection, guidance, support, grief, and other damages pursuant to the Illinois Wrongful Death Act.

WHEREFORE, Plaintiff, DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, prays that this Court enters judgment in his favor and against Defendant ANDREW CLEMENT in an amount that will adequately and fairly compensate him and the estate for its losses and damages under the Wrongful Death Act, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count XXII**

**Tortious Conspiracy to Cause Harm – Survival Action**

***DELBERT J. CHARLES, as Independent Administrator of the Estate of  
ABNERD JOSEPH v. DEFENDANTS NENA, SMITH, CLEMENT, ROBERT BISHOPP,  
and NATALIE BISHOPP***

299. DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 298 as and for his allegations for this paragraph of this count.

300. On the aforesaid date, Defendants NENA, SMITH, CLEMENT, ROBERT BISHOPP, and NATALIE BISHOPP, entered into an agreement not to wait for the police but instead to confront and subdue the decedent JOSEPH, which included the understanding between them that the firearm discussed with them by Defendant SMITH, might need to be used to accomplish said goal, and to which the Defendants NENA, SMITH, CLEMENT, ROBERT BISHOPP, and NATALIE BISHOPP acceded consent to do so.

301. The purpose of this agreement was to act as unlicensed security guards, and at least in part, to physically subdue the decedent JOSEPH by force or threat of force.

302. The conspirators, Defendants NENA, SMITH, CLEMENT, ROBERT BISHOPP, and NATALIE BISHOPP, then went as a physical group together from the lobby to the elevator, to the 48<sup>th</sup> floor of the building.

303. Defendant NENA, upon hearing sounds from the Decedent JOSEPH that made him believe that the decedent, JOSEPH, was acting “crazy,” then led the group of said defendants off the elevator to the left towards the sounds, rather than going to the right, towards the condominium of Defendants ROBERT and NATALIE BISHOPP and safety for the group.

304. Defendant NENA then led the group towards the decedent JOSEPH, to directly confront him, despite decedent JOSEPH remaining confined to a small, contained area at the end of the hallway in which he was not visible until the conspirators were less than 15 feet away from the decedent JOSEPH.

305. Despite Defendant NENA recognizing decedent JOSEPH as a resident of the building, being unarmed dressed in a bathrobe and underwear, and who was having a mental health crisis, the group proceeded to confront decedent JOSEPH.

306. Defendant SMITH, while the decedent was unarmed and wearing only a bathrobe and his underwear drew his firearm and shot decedent JOSEPH at least five times, killing him.

307. At all times relevant, the Defendant conspirators, and each of them, had a duty to act with reasonable care so as not to cause injury to others, including the decedent, JOSEPH.

308. Notwithstanding said duty, the conspirators, Defendants, NENA, SMITH, CLEMENT, ROBERT BISHOPP and NATALIE BISHOPP, and each of them, breached said duty in furtherance of their conspiracy in one or more of the following ways:

- a. Acted as unarmed and/or armed security guards without going through the required training and licensing required by 225 ILCS 447/25-5 to obtain a PERC card.

- b. Failed to stay in a place of safety such as their units or the lobby and wait for the 911 responders.
- c. Attempted to subdue by force or threat of force a fellow tenant of the building who was having a mental health crisis.
- d. Proceeded to attempt to subdue a fellow tenant by force or threat of force despite the fact they knew or should have known that not one of them had training in de-escalation, use of non-lethal force or understanding of the justifiable use of lethal force.
- e. Failed to warn each other that lethal force was not necessary because decedent JOSEPH was a tenant who was unarmed and having a mental health crisis.
- f. While acting in concert as a group, conspirator and Defendant SMITH discharged his firearm at decedent JOSEPH and shot him at least five times.
- g. Left decedent JOSEPH to die after injuring him without providing aid or contacting 911 in a timely fashion.

309. As a direct and proximate result of one or more of the aforesaid acts or omissions by Defendants, decedent JOSEPH was caused to suffer grievous injuries and endure conscious pain and suffering prior to his death.

310. This matter is brought by his estate pursuant to the Illinois Survival Act, 755 ILCS 5/27-6 and following.

WHEREFORE, Plaintiff, DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, prays that this Court enter judgment in his favor and against Defendants JONAH NENA, GARRETT SMITH, ANDREW CLEMENT, ROBERT BISHOPP, and NATALIE BISHOPP in an amount that will adequately and fairly compensate him and the

estate for its losses and damages under the Illinois Survival Act, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count XXIII**

**Tortious Conspiracy to Cause Harm – Wrongful Death**

***DELBERT J. CHARLES, as Independent Administrator of the Estate of  
ABNERD JOSEPH v. DEFENDANTS NENA, SMITH, CLEMENT, ROBERT BISHOPP,  
and NATALIE BISHOPP***

311. DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 310 as and for his allegations for this paragraph of this count.

312. JOSEPH left surviving certain heirs and next of kin that have suffered a loss of love, society, affection, support, guidance, grief, and other damages consistent with the Illinois Wrongful Death Act, 740 ILCS 180/1 and following.

WHEREFORE, Plaintiff, DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, prays that this Court enter judgment in his favor and against Defendants JONAH NENA, GARRETT SMITH, ANDREW CLEMENT, ROBERT BISHOPP and NATALIE BISHOPP in an amount that will adequately and fairly compensate him and the estate for its losses and damages under the Illinois Wrongful Death Act, which amount exceeds FIFTY THOUSAND DOLLARS (\$50,000.00).

**Count XXIV**

**RESPONDENTS IN DISCOVERY**

***STEVEN LEVY, CONSTATINE “DEAN” ANDREWS, JOHN CARONA & ASSOCIA, INC.***

313. DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, restates, realleges, and incorporates the allegations of Paragraphs 1 through 312 as and for his allegations for this paragraph of this count.

314. At all times relevant herein, Respondent in Discovery STEVEN LEVY was the CEO of Defendant SUDLER, and Respondent in Discovery CONSTANTINE “DEAN” ANDREWS was the COO of Defendant SUDLER.

315. At all times relevant herein, Respondent in Discovery ASSOCIA, INC. was a holding company that owns multiple management companies, including Defendant SUDLER.

316. At all times relevant herein, the Respondent in Discovery JOHN CARONA is the primary beneficial owner of Respondent in Discovery ASSOCIA, INC., and Defendant SUDLER.

317. Upon information and belief, Respondents in Discovery STEVEN LEVY, CONSTANTINE “DEAN” ANDREWS, JOHN CARONA, and ASSOCIA, INC. are in control of information essential to the determination of the appropriate parties and/or issues in this matter.

WHEREFORE, Plaintiff requests that each of the respondents in discovery, and their agents or employees, provide written and oral discovery in accordance with 735 ILCS 5/2-402, and for such other and further relief as the Court deems proper and just.

Respectfully Submitted,

Stephan D. Blandin  
An Attorney for Plaintiff

Stephan D. Blandin  
Paul McMahon  
Maura White  
Isabella Mazzanti  
**ROMANUCCI & BLANDIN, LLC**  
321 N. Clark St., Ste. 900  
Chicago, IL 60654  
t.: 312.458.1000 / f.: 312.458.1004  
[sblandin@rblaw.net](mailto:sblandin@rblaw.net)  
[pmcmahon@rblaw.net](mailto:pmcmahon@rblaw.net)  
[mwhite@rblaw.net](mailto:mwhite@rblaw.net)  
[imazzanti@rblaw.net](mailto:imazzanti@rblaw.net)  
Attorney Number: 35875