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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.)

GARRETT M. SMITH, et al.,)
)
Defendants.)

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

GARRETT M. SMITH,)
)
Plaintiff,)

v.)

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

**DEFENDANT/COUNTER PLAINTIFF YOUNAN “JONAH” NENA’S
COUNTERCLAIM FOR BATTERY & ASSAULT**

NOW COMES Defendant/Counter-Plaintiff, YOUNAN “JOHAH” NENA (“Nena”), by and through his attorneys, LEWIS BRISBOIS BISGAARD & SMITH LLP, and for his Counterclaim for Battery and Assault 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:

COMMON ALLEGATIONS

1. On or about the evening of September 14, 2023, Nena was involved in a discussion with Plaintiff/Counter-Defendant’s decedent, ABNERD JOSEPH (“Joseph”) and other individuals

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on the 48th Floor of the property located at 60 E. Monroe Street in the City of Chicago, County of Cook, and State of Illinois.

2. At that time and place, Joseph suddenly and violently attacked Nena without provocation.

3. At that time and place, Joseph intentionally made physical contact with Nena's body by striking Nena twice with his right fist.

4. Thereafter, Joseph intentionally attempted to punch Nena with his left fist but did not make physical contact with Nena's body.

5. After Joseph failed to strike Nena with his third punch, Nena attempted to move away from Joseph.

6. After Joseph attacked Nena, Nena witnessed Joseph attack other individuals involved in the discussion on the 48th Floor in a violent, aggressive manner.

COUNT I
(BATTERY)

7. Nena restates, realleges, and incorporates the allegations of Paragraphs 1 through 6 as though fully set forth herein as Paragraph 7 of Nena's Counterclaim..

8. At that time and place, Joseph intentionally made offensive, physical contact with Nena's body.

9. Nena did not consent to Joseph's offensive, physical contact.

10. As a direct and proximate result of Joseph's battery, Nena suffered bodily harm, pain and suffering, emotional distress, the need for medical care, and medical expenses.

WHEREFORE, Defendant/Counter-Plaintiff, YOUNAN "JOHAH" prays that this Court enter judgment in his favor and against the Plaintiff/Counter-Defendant, DELBERT J. CHARLES,

as Independent Administrator of the Estate of ABNERD JOSEPH, with respect to this Counterclaim for Battery.

COUNT II
(ASSAULT)

11. Nena restates, realleges, and incorporates the allegations of Paragraphs 1 through 10 as though fully set forth herein as Paragraph 11 of Nena’s Counterclaim.

12. After Joseph failed to make physical contact with Nena’s body with his left fist, Joseph attacked other individuals involved in the discussion on the 48th Floor.

13. Joseph threatened Nena with imminent bodily harm when he intentionally swung his left fist at Nena’s body and thereafter intentionally attacked other members of the group.

14. At that time and place, as a result of the aforesaid actions of Joseph, Nena feared imminent and immediate harmful and offensive contact.

15. Nena did not consent to the aforesaid actions by Joseph.

16. As a direct and proximate cause of Joseph’s assault upon Nena, Nena was caused to suffer emotional damages and distress.

WHEREFORE, Defendant/Counter-Plaintiff, YOUNAN “JOHAH” NENA prays that this Court enter judgment in his favor and against the Plaintiff/Counter-Defendant, DELBERT J. CHARLES, as Independent Administrator of the Estate of ABNERD JOSEPH, with respect to this Counterclaim for Assault.

Respectfully submitted,

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: /s/ Cameron W. Ash
One of the Attorneys for Younan “Jonah” Nena

Scott C. Bentivenga

Thomas M. Wolf

Cameron W. Ash

Patrick J. O'Neill

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