

# **EXHIBIT “A”**

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CIRCUIT COURT OF  
COOK COUNTY, ILLINOIS  
LAW DIVISION  
CLERK DOROTHY BROWN

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

DUSTIN FOWLER, )  
)  
Plaintiff, )  
)  
v. )  
)  
THE ILLINOIS SPORTS FACILITIES )  
AUTHORITY, Illinois government )  
entity, and CHICAGO WHITE SOX, )  
LTD., an Illinois limited partnership, )  
)  
Defendants. )

No.

*Plaintiff Demands Trial by Jury.*

**COMPLAINT AT LAW**

Plaintiff, DUSTIN FOWLER, through his attorneys, BAILLY & McMILLAN, LLP, and Local Rule 707 Counsel CAVANAGH LAW GROUP, complaining of the Defendants, THE ILLINOIS SPORTS FACILITIES AUTHORITY, an Illinois governmental entity, and CHICAGO WHITE SOX, an Illinois Limited Partnership, alleges as follows:

**THE PARTIES**

1. That on all relevant times hereto, Plaintiff was a resident of Georgia.
2. That on June 29, 2017, Defendant, THE ILLINOIS SPORTS FACILITIES AUTHORITY (hereinafter "ISFA"), was an Illinois government entity created for the purpose of constructing and renovating sports stadiums for professional sports teams in the State of Illinois.
3. That on June 29, 2017, Defendant, CHICAGO WHITE SOX (hereinafter "WHITE SOX"), was an Illinois Limited Partnership, existing under the laws of the State of Illinois, with its principal place of business situated in the County of Cook and the State of Illinois.

**FACTUAL BACKGROUND**

4. That on June 29, 2017, Plaintiff was employed as a professional baseball player by the New York Yankees, a professional baseball organization, and one of thirty (30) teams that comprise the professional baseball league known as “Major League Baseball” (hereinafter “MLB”).

5. That on all relevant times hereto, Defendant WHITE SOX was a professional baseball organization, and one of thirty (30) teams that comprise the professional baseball league known as MLB.

6. That on all relevant times hereto, Defendant WHITE SOX conducted business in the State of Illinois by playing baseball games against other MLB teams at the premises known as Guaranteed Rate Field (formerly known as U.S. Cellular Field) located at or about 333 W 35<sup>th</sup> Street, in the City of Chicago, County of Cook and State of Illinois (hereinafter the “premises”).

7. That on June 29, 2017, Defendant WHITE SOX and the New York Yankees played a baseball game.

8. That on June 29, 2017, Plaintiff, as an employee of the New York Yankees, was both lawfully present at and an intended and permitted user of the premises.

9. That on June 29, 2017, Plaintiff was playing right field for the New York Yankees in his first Major League professional baseball game.

10. That on June 29, 2017, and for a long time prior thereto, upon information and belief, Defendants had knowledge that during the course of a game, it was foreseeable that baseball players such as Plaintiff would come into contact with the walls and railing that border the stands adjacent to the right field foul line.

11. That on June 29, 2017, and for a long time prior thereto, the aforesaid wall and railing were padded to protect baseball players such as Plaintiff from injury, as it was foreseeable that

persons such as Plaintiff would come into contact with the wall and railing during the course of a game.

12. That on June 29, 2017, and for a long time prior thereto, a metal electrical box (hereinafter “exposed box”) was installed and/or affixed to a portion of the right field wall.

13. That prior to June 29, 2017, Defendants intentionally or permitted to be installed the exposed box.

14. The exposed box was positioned at a hazardous location between the padded right field wall and the padded rail, at the player’s knee level.

15. That on June 29, 2017, the exposed box was not padded, guarded, covered or protected in any way.

16. The ISFA knowingly and recklessly permitted the exposed unpadded box at a player’s knee level, despite being aware of potential grave and foreseeable harm to players, who frequently run into the walls at high speeds.

17. That the exposed box at the player’s knee level, recessed behind and between the wall and rail, constituted an extremely hazardous condition hidden from the player’s view.

18. That on June 29, 2017, Plaintiff’s knee came into contact with the exposed box while he was running at high speed attempting to catch a foul ball hit near the wall in foul territory down the right field line.

19. That as a result of coming into contact with the exposed box inside the premises, Plaintiff suffered serious and significant personal injuries and was transported to Rush University Medical Center for emergency surgery.

20. That as a result of the negligent, grossly negligent, reckless, willful and wanton conduct of the Defendants, the Plaintiff missed the remainder of the 2017 baseball season and has undergone

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and continues to undergo rehabilitation for the injuries sustained, has sustained past lost earnings and potential future lost earnings, pain and suffering and medical expenses.

**COUNT I**  
**THE ILLINOIS SPORTS FACILITY AUTHORITY**

21. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs "1" through "20" of this Complaint with the same force and effect as if more fully set forth herein.

22. That on June 29, 2017, and for a long time prior thereto, ISFA owned, possessed, operated, managed, maintained and controlled or had a duty to own, possess, operate, manage, maintain and control, both directly and indirectly, individually and through its agents, servants and employees, the premises.

23. That at the aforementioned time and place and prior thereto, ISFA, well knowing its duty in this regard, carelessly and negligently caused and permitted said premises to become and remain in an unreasonably dangerous and hazardous condition for the Plaintiff in his foreseeable use of the premises, although ISFA knew, or in the exercise of ordinary and reasonable care should have known, of said unreasonably dangerous and hazardous condition; specifically, the exposed box affixed to the right field wall adjacent to the right field foul line.

24. That at the aforesaid time and place, Plaintiff was both lawfully present and an intended and permitted user of the aforementioned premises, playing right field for the New York Yankees against the Chicago White Sox.

25. That ISFA was then and there guilty of one of more of the following careless, negligent, willful and wanton acts and/or omissions:

- (a) Improperly operated, managed, maintained and controlled the aforesaid premises and exposed metal electrical box, so that as a direct and proximate result thereof, the Plaintiff was injured.

(b) Allowed and permitted the exposed box to be set up and installed in such a way as to allow the Plaintiff's knee to come in contact with said box during the Plaintiff's foreseeable use of the premises.

(c) Failed to implement, maintain and operate a reasonably adequate inspection system of the aforesaid premises, including the right field wall and the exposed box affixed thereto, when the ISFA knew, or should have known, that said inspection was necessary to prevent injury to persons lawfully present at the aforesaid location, and that the cost of said inspection was not outweighed by the likelihood and magnitude of the potential danger.

(d) Failed to take reasonable precautions to prevent persons lawfully present at the aforesaid location to come into contact with the exposed box, despite installing protective padding on the railing and the right field wall.

(e) Installed the exposed box at knee level, recessed between the padded wall and padded rail, in a manner so as to create a hidden and undetectable hazard to the Plaintiff and other players.

(f) In failing to pad, guard, cover and/or protect the exposed box in any way, with knowledge that it was foreseeable that persons such as Plaintiff would come into contact with the walls at high rates of speed, ISFA engaged in a course of action indicating an utter indifference to or conscious disregard for the safety of the Plaintiff.

26. That ISFA had actual and constructive notice of the existence of conditions described above, which were not reasonably safe, and possessed reasonably adequate time prior to June 29, 2017, to take measures to remedy or protect against such conditions, but failed to do so.

27. That on the aforementioned date and as a result of the aforesaid acts and/or omissions of ISFA, the Plaintiff was caused to come into contact with the exposed box.

28. That as a direct and proximate result of one or more of the aforesaid careless, negligent, wanton and willful acts and/or omissions of ISFA, the Plaintiff then and there sustained severe and permanent injuries, both externally and internally, and was, and will be hindered and prevented from attending to usual duties and affairs and has lost, and will in the future lose, the value of that time as aforementioned. Plaintiff also suffered great pain and anguish, both in mind and body, and will in the future continue to suffer. Plaintiff further expended and became liable for, and will expend and

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become liable for, large sums of money for medical care and services endeavoring to become healed and cured of said injuries.

WHEREFORE, the Plaintiff, DUSTIN FOWLER, demands judgment against the Defendants, THE ILLINOIS SPORTS FACILITIES AUTHORITY, in a dollar amount to satisfy the jurisdictional limitation of this Court and such additional amounts as the jury and the Court shall deem proper, and additionally, costs of said suit.

**COUNT II**  
**CHICAGO WHITE SOX**

29. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs "1" through "28" of this Complaint with the same force and effect as if more fully set forth herein.

30. That on June 29, 2017, and for a long time prior thereto, WHITE SOX owned, possessed, operated, managed, maintained and controlled or had a duty to own, possess, operate, manage, maintain and control, both directly and indirectly, individually and through its agents, servants and employees, the premises.

31. That at the aforementioned time and place and prior thereto, WHITE SOX, well knowing its duty in this regard, carelessly and negligently caused and permitted said premises to become and remain in an unreasonably dangerous and hazardous condition for the Plaintiff in his foreseeable use of the premises, although WHITE SOX knew, or in the exercise of ordinary and reasonable care should have known, of said unreasonably dangerous and hazardous condition; specifically, the exposed box affixed to the right field wall adjacent to the right field foul line.

32. That at the aforesaid time and place, Plaintiff was both lawfully present and an intended and permitted user of the aforementioned premises, playing right field for the New York Yankees against the Chicago White Sox.

33. That WHITE SOX was then and there guilty of one or more of the following careless, negligent, willful and wanton acts and/or omissions:

(a) Improperly operated, managed, maintained and controlled the aforesaid premises and exposed metal electrical box, so that as a direct and proximate result thereof, the Plaintiff was injured.

(b) Allowed and permitted the exposed box to be set up and installed in such a way as to allow the Plaintiff's knee to come in contact with said box during the Plaintiff's foreseeable use of the premises.

(c) Failed to implement, maintain and operate a reasonably adequate inspection system of the aforesaid premises, including the right field wall and the exposed box affixed thereto, when the WHITE SOX knew, or should have known, that said inspection was necessary to prevent injury to persons lawfully present at the aforesaid location, and that the cost of said inspection was not outweighed by the likelihood and magnitude of the potential danger.

(d) Failed to take reasonable precautions to prevent persons lawfully present at the aforesaid location to come into contact with the exposed box, despite installing protective padding on the railing and the right field wall.

(e) Installed the exposed box at knee level, recessed between the padded wall and padded rail, in a manner so as to create a hidden and undetectable hazard to the Plaintiff and other players.

(f) In failing to pad, guard, cover and/or protect the exposed box in any way, with knowledge that it was foreseeable that persons such as Plaintiff would come into contact with the walls at high rates of speed, WHITE SOX engaged in a course of action indicating an utter indifference to or conscious disregard for the safety of the Plaintiff.

34. That WHITE SOX had actual and constructive notice of the existence of the not reasonably safe conditions, described above, and possessed reasonably adequate time prior to June 29, 2017, to take measures to remedy or protect against such conditions, but failed to do so.

35. That on the aforementioned date and as a result of the aforesaid acts and/or omissions of WHITE SOX, the Plaintiff was caused to come into contact with the exposed box.

36. That as a direct and proximate result of one or more of the aforesaid careless, negligent, wanton and willful acts and/or omissions of WHITE SOX, the Plaintiff then and there sustained severe and permanent injuries, both externally and internally, and was, and will be hindered and



prevented from attending to usual duties and affairs and has lost, and will in the future lose, the value of that time as aforementioned. Plaintiff also suffered great pain and anguish, both in mind and body, and will in the future continue to suffer. Plaintiff further expended and became liable for, and will expend and become liable for, large sums of money for medical care and services endeavoring to become healed and cured of said injuries.

WHEREFORE, the Plaintiff, DUSTIN FOWLER, demands judgment against the Defendants, CHICAGO WHITE SOX, in a dollar amount to satisfy the jurisdictional limitation of this Court and such additional amounts as the jury and the Court shall deem proper, and additionally, costs of said suit.

  
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