

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

RUTILA MORALES, Individually and as Mother and Next Friend of CHRISTIAN MONTES, a minor; ISAIAS MONTES; CAROLINA MONTES; and FABIOLA MARTINEZ,

Plaintiffs,

No.

2010L001113
CALENDAR/ROOM X
TIME 00:00
FI Other

v.

NICOR, INC., a foreign corporation,

Defendant.

PLAINTIFFS DEMAND TRIAL BY JURY

COMPLAINT AT LAW

Plaintiffs, RUTILA MORALES, Individually and as Mother and Next Friend of CHRISTIAN MONTES, a minor; ISAIAS MONTES; CAROLINA MONTES; and FABIOLA MARTINEZ, and each of them, by and through their attorneys, CORBOY & DEMETRIO, P.C., complaining of defendant, NICOR, INC., a foreign corporation, state:

Negligence

1. On January 12, 2010, defendant, NICOR, INC., was a utility company which supplied natural gas for a profit to residents in Cook County and transacted business as Nicor Gas.
2. On and before January 12, 2010, plaintiffs, RUTILA MORALES and ISAIAS MONTES, owned a home at 708 Elma Street, City of Elgin, County of Cook, State of Illinois.
3. On and before January 12, 2010, defendant, NICOR, supplied natural gas to the aforesaid home through the gas line which ran from the street to the home under the paved



driveway.

4. On January 12, 2010, plaintiffs, RUTILA MORALES and ISAIAS MONTES, and neighbors adjacent to their home, detected a strong odor of natural gas in the area outside of their home and concentrated above the driveway.

5. On January 12, 2010, defendant, NICOR, was notified of the strong odor of natural gas in the area around the home and responded to investigate.

6. On January 12, 2010, plaintiff, ISAIAS MONTES, showed the employees of defendant, NICOR, gas bubbles emanating from the driveway at the aforesaid location.

7. At the time and place aforesaid, defendant, NICOR'S, employees inspected and tested the ambient air in plaintiffs' basement and instructed plaintiffs to open a basement window.

8. At the time and place aforesaid, defendant, NICOR'S, employees did not evacuate the residents and guest and instead told the parents it was safe to remain in the home.

9. At the time and place aforesaid, defendant, NICOR, began to dig into plaintiffs' driveway using power tools.

10. At the time and place aforesaid, there was a low order explosion in plaintiffs' home, knocking the walls outward causing the roof to pancake to the floor.

11. At the time and place aforesaid, plaintiffs, RUTILA MORALES, ISAIAS MONTES, CAROLINA MONTES, CHRISTIAN MONTES, and FABIOLA MARTINEZ were in the home.

12. At the time and place aforesaid, defendant, NICOR, by and through its employees, did then and there commit one or more of the following acts or omissions:

- a. Instructed plaintiffs, RUTILA MORALES and ISAIAS MONTES to open the window in the home when the greater concentration of gas was surrounding the outside of one home;
- b. Began digging into plaintiffs driveway before insuring it was safe to do so;
- c. Permitted and allowed the occupants to remain inside the home when it knew or should have known it was unsafe to do so during the digging process;
- d. Failed to shut off the gas to the area before digging into the driveway; and
- e. Dug in the driveway with power tools when it knew there was an active actual gas leak in the driveway.

13. As a direct and proximate result of one or more of the above, plaintiffs, RUTILA MORALES, ISAIAS MONTES, CAROLINA MONTES, CHRISTIAN MONTES, and FABIOLA MARTINEZ, and each of them, sustained injuries of a personal, pecuniary, real property and personal property nature.

WHEREFORE, plaintiffs, RUTILA MORALES, Individually and as Mother and Next Friend of CHRISTIAN MONTES, a minor; ISAIAS MONTES; CAROLINA MONTES; and FABIOLA MARTINEZ, and each of them, demand judgment against defendant, NICOR, INC., a foreign corporation, for a sum of money in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).



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