

Litigation

(111) 111 East Chestnut Condominium



December 2014

Is the HOA involved in any litigation, mediation, arbitration or other dispute resolution process?

- A lawsuit has been filed by a resident seeking compensation for damages allegedly incurred as a result of an incident on a passenger elevator at 111 E. Chestnut. (Norma Jean Williams vs. 111 E. Chestnut Condominium Assoc., Otis Elevator Company, and Draper & Kramer, Inc., Cook County Circuit Court Case no. 2013L002139). The lawsuit has been tendered to the Association's insurance carrier for coverage and defense.
- A lawsuit has been filed by a patron of the parking garage who alleges that she slipped and fell on spilled paint on the 7th floor garage elevator vestibule. (Danielle Meier vs. 111 E Chestnut Condominium Association, *et al.*, Cook County Circuit Court Case No. 2014 L 1312). The lawsuit is in the process of being settled.
- A lawsuit has been filed by a resident and former board member who alleges various breaches of fiduciary duties and defamation as a result of Plaintiff's interactions with the defendants. (Brian Connolly vs. Milazzo, *et al.*, Cook County Circuit Court Case No. 2012 L 8489). The lawsuit has been tendered to the Association insurance carrier for coverage and defense.
- Brian Connolly v. Tony Milazzo, Case No. 2013 CH 24252, is pending in the Circuit Court of Cook County, Illinois before the Honorable Judge Pantle. The Association itself is not a party, although members of its current Board are. Mr. Connolly's prior three complaints – one or more of which have named the Association as a party - have been withdrawn or dismissed. Currently pending is his Third Amended Complaint, a copy of which is supplied herewith. Defendants have filed a motion to dismiss the Third Amended Complaint, briefing on which has yet to begin.
- Michael Boucher v. 111 East Chestnut Condominium Association, Case No. 2013 CH 24832, is pending in the Circuit Court of Cook County, Illinois before the Honorable Judge Thomas Allen. Plaintiff's Amended Complaint was dismissed, in part, on the Defendants' motion to dismiss. Remaining in the lawsuit following the motion to dismiss are Plaintiff's claims under Section 19 of the Condominium Property Act, for production

of documents (namely, a videotape of a disciplinary hearing) and a claim for breach of fiduciary duties against the individual Board members. Written discovery is underway.