

**IN THE CIRCUIT COURT OF WILL COUNTY, ILLINOIS
12TH JUDICIAL CIRCUIT COURT, LAW DIVISION**

DAVID LARSON, as the Independent)	
Administrator of the Estate of)	
ELIZABETH LARSON, Deceased,)	
)	
Plaintiff,)	
)	
v.)	No. 18L143
)	
CITY OF WILMINGTON, a Municipal)	
Corporation, THE VAN DUYNE COTTAGE, LLC)	
An Illinois Corporation, VAN DUYNE MOTEL,)	
A Sole Proprietor, PATRICK VAN DUYNE,)	
Individually and as Agent and Servant of VAN)	
DUYNE MOTEL, KANKAKEE RIVER CANOE)	
RENTALS, A Sole Proprietor, and PATRICK)	
VAN DUYNE, Individually and as Agent and)	
Servant of KANKAKEE RIVER CANOE)	
RENTALS,)	
)	
Defendants.)	

COMPLAINT AT LAW

NOW COMES the Plaintiff, DAVID LARSON, as the Independent Administrator of the Estate of ELIZABETH LARSON, Deceased, by and through his attorneys, LUCAS & CÁRDENAS, P.C., complaining of Defendant, CITY OF WILMINGTON, a Municipal Corporation, THE VAN DUYNE COTTAGE, LLC, an Illinois Corporation, VAN DUYNE MOTEL, a Sole Proprietor, PATRICK VAN DUYNE, Individually and as Agent and Servant of VAN DUYNE MOTEL, KANKAKEE RIVER CANOE RENTALS, A Sole Proprietor, and PATRICK VAN DUYNE, Individually and as Agent and Servant of KANKAKEE RIVER CANOE RENTALS, and alleges as follows:

Initial case management set for 05/30/2018 at: 9:00 a.m.

COUNT I vs. CITY OF WILMINGTON
WRONGFUL DEATH OF ELIZABETH LARSON

1. In July of 2017, and for a long time prior to, Defendant, City of Wilmington, was and is a municipal corporation organized under the laws of the State of Illinois.
2. In July of 2017, and for a long time prior to, there existed a public park known as South Island Park, located in the City of Wilmington, County of Will, State of Illinois.
3. In July of 2017, Defendant, City of Wilmington, owned, possessed, maintained, patrolled, controlled and operated South Island Park, located in the City of Wilmington, Will County, Illinois.
4. On and before July of 2017, Defendant, City of Wilmington, through its duly authorized employees and/or agents, owned, maintained, patrolled, supervised, possessed, and controlled the land that abuts the Wilmington Dam, located upon the Kankakee River, in the City of Wilmington, County of Will, State of Illinois.
5. On and before July of 2017, Defendant, City of Wilmington, through its duly authorized employees and/or agents, owned, maintained, patrolled, supervised, possessed, and controlled the Kankakee River, located in the City of Wilmington, County of Will, State of Illinois.
6. On and before July 29, 2017, Defendant, City of Wilmington, owned, possessed, maintained, and controlled the Kankakee River, pursuant to their riparian water rights.
7. On and for at least 10 years prior to July 29, 2017, the Wilmington Dam was not being used to generate power.
8. On and for at least 10 years prior July 29, 2017, the Wilmington Dam was not functional or operable for its original purpose.

9. On and prior to July 29, 2017, the Wilmington Dam was owned by the Defendant, City of Wilmington.
10. On and prior to July 29, 2017, Defendant, City of Wilmington, initiated, financed, performed and supervised certain structural repair work to the Wilmington Dam, abutment, and river bank.
11. On and prior to July 29, 2017, Defendant, City of Wilmington, as owner of the Wilmington Dam and adjacent South Island Park, exerted control, supervision, maintenance, and management over the Kankakee River itself.
12. On and prior to July of 2017, South Island Park was adjacent to the Wilmington Dam, located in the City of Wilmington, County of Will, State of Illinois.
13. On and prior to July of 2017, the Wilmington Dam was a “low-head dam” or “run-of-river dam.”
14. On and prior to July of 2017, South Island Park was open and intended for the public’s use.
15. On and prior to July of 2017, the Kankakee River was a public body of water.
16. On and prior to July of 2017, children and adults were permitted and intended users of the Kankakee River.
17. On and prior to July of 2017, Elizabeth Larson, deceased, was a permitted and intended user of the Kankakee River.
18. On July 29, 2017, Elizabeth Larson was using the Kankakee River in a manner that it was intended to be used.
19. On and prior to July 2017, the Kankakee River ran through and along South Island Park.
20. On and prior to July 29, 2017, Defendant, City of Wilmington, advertised South Island Park as a fishing location open to the public.

21. On and prior to July 29, 2017, Defendant, City of Wilmington, permitted the rental of kayaks, canoes, and/or rafts at or near South Island Park.
22. On and prior to July 29, 2017, Defendant, City of Wilmington, permitted the use of kayaks, canoes, and/or rafts on the Kankakee River.
23. On and prior to July 29, 2017, Defendant, City of Wilmington, permitted the use of kayaks, canoes, and/or rafts at or near the Wilmington Dam.
24. On and prior to July 29, 2017, Defendant, City of Wilmington, issued licenses and/or permits to corporations/individuals to engage in the business of renting kayaks, canoes, and/or rafts to be used on the Kankakee River at or near the Dam.
25. On and prior to July 29, 2017, Defendant, City of Wilmington, permitted Van Duyne's Motel to rent kayaks, canoes, and/or rafts to the public.
26. On and prior to July 29, 2017, Defendant, City of Wilmington, permitted Kankakee River Canoe Rentals to rent kayaks, canoes, and/or rafts to the public.
27. At all relevant times, Defendant, City of Wilmington, had actual knowledge that the kayaks, canoes, and/or rafts rented by the public were being used on the Kankakee River.
28. At all relevant times, Defendant, City of Wilmington, had actual knowledge that the rented kayaks, canoes, and/or rafts were being used near the Wilmington Dam.
29. On and prior to July 29, 2017, Defendant, City of Wilmington, knew adults and children were entering the Kankakee River, upstream from the Wilmington Dam.
30. On and prior to July 29, 2017, Defendant, City of Wilmington, knew adults and children did not appreciate the danger of the Wilmington Dam.
31. On and prior to July 29, 2017, Defendant, City of Wilmington, placed a warning sign a few feet upstream from the Wilmington Dam.

32. The location and placement of the warning sign failed to adequately warn individuals of the Wilmington Dam's dangers. Specifically, the sign failed to provide proper notice for individuals upon the Kankakee River to take evasive action to avoid the Wilmington Dam.
33. On and before July 29, 2017, Defendant, City of Wilmington, had actual knowledge that the Wilmington Dam caused an underwater vortex beneath the surface of the Kankakee River, adjacent to South Island Park.
34. On and before July 29, 2017, Defendant, City of Wilmington, knew people were continuously dying or in need of rescue because of the underwater vortex created by the Wilmington Dam.
35. At all relevant times, Defendant, City of Wilmington, had actual knowledge that individuals died or were in need of rescue, in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.
36. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about September 1, 1982, Jesus Licea-Martinez was killed in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.
37. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about June 1, 1984, canoeist #1 needed to be rescued in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.
38. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about June 1, 1984, canoeist #2 needed to be rescued in the area of the Wilmington Dam

adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.

39. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about June 1, 1984, canoeist #3 needed to be rescued in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.

40. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about June 1, 1984, canoeist #4 needed to be rescued in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.

41. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about June 1, 1984, canoeist #5 needed to be rescued in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.

42. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about June 1, 1984, canoeist #6 needed to be rescued in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.

43. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about March 1, 1990, Harry Grady was killed in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.

44. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about July 4, 1990, Orlando Quintero needed to be rescued in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.
45. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about July 4, 1990, Ester Ochoa needed to be rescued in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.
46. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about April 1, 1993, Robert Koesling needed to be rescued in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.
47. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about September 1, 1993, John Doe 1 was killed in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.
48. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about September 1, 1993, John Doe 2 was killed in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.
49. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about June 1, 1994, a six year-old boy needed to be rescued in the area of the Wilmington

Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.

50. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about June 1, 1994, Nick Cognasi needed to be rescued in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.

51. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about July 11, 1997, Eugene McRea was killed in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.

52. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about August 4, 1997, Robert DeMarche was killed in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.

53. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about August 4, 1997, Donald Coday needed to be rescued in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.

54. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about August 25, 1997, Eleanore M. Rokos was killed in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.

55. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about June 10, 1998, Dave Barnhart needed to be rescued in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.
56. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about May 1, 1999, Joliet Family member #1 needed to be rescued in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.
57. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about May 1, 1999, Joliet Family member #2 needed to be rescued in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.
58. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about May 1, 1999, Joliet Family member #3 needed to be rescued in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.
59. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about January 3, 2000, Mike Smith was killed in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.
60. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about May 29, 2000, Andrew Antolak was killed in the area of the Wilmington Dam

adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.

61. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about May 29, 2000, Theresa Masnica was killed in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.
62. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about April 11, 2002, a Coal City Boy needed to be rescued in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.
63. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about May 2, 2002, Constance Corbett was killed in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.
64. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about June 10, 2002, Juan C. Rodriguez was killed in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.
65. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about June 10, 2002, Carlos G. Rodriguez was killed in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.

66. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about August 1, 2003, Randy Cartwright needed to be rescued in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.
67. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about September 4, 2004, Dave Gertz, Jr. was killed in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.
68. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about July 15, 2006, a Chicago Boy needed to be rescued in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.
69. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about August 13, 2006, Bryan Santoyo needed to be rescued in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.
70. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about August 13, 2006, Jafet Santoyo was killed in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.
71. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about August 13, 2006, Delia Santoyo was killed in the area of the Wilmington Dam

adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.

72. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about August 13, 2006, Albert Medina was killed in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.

73. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about June 4, 2014, John Doe 3 was killed in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.

74. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about July 10, 2014, John Doe 4 was killed in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.

75. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about May 30, 2016, Abigail Arroyo was killed in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.

76. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about May 30, 2016, Eder Arroyo was killed in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.

77. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about May 30, 2016, Alvaro Ibarra needed to be rescued in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.
78. On and before July 29, 2017, the City of Wilmington had actual knowledge that on or about May 30, 2016, Ramon De Jesus Ibarra needed to be rescued in the area of the Wilmington Dam adjacent to South Island Park, on the Kankakee River, because of the underwater vortex created by the Wilmington Dam.
79. On and before July 29, 2017, numerous visitors and patrons of South Island Park and users of the Kankakee River were injured, rescued, and/or killed at or near the Wilmington Dam.
80. On and before July 29, 2017, Defendant, City of Wilmington, had actual notice of the numerous injuries, rescues, and/or deaths suffered by visitors of South Island Park and the Kankakee River, due to the Wilmington Dam's underwater vortex.
81. During the May 2007 Governor's Conference, Gary R. Clark, P.E., a civil engineer, on behalf of the Department of Natural Resources, Office of Water Resources, presented "Dam Removal and Safety Issues in Illinois."
82. On July 20, 2007, Evaluation of Public Safety at Run-of-River Dams, an Illinois State Wide Program, published a report on the Wilmington Dam.
83. The July 20, 2007, Evaluation of Public Safety at Run-of-River Dams, included a description of the existing conditions of and proposed structural options for remedying the Wilmington Dam's dangerous and deadly underwater vortex.

84. Prior to July 29, 2017, Defendant, City of Wilmington, failed and/or refused to implement any of the aforementioned, July 20, 2007, recommendations to make the Wilmington Dam safe for the public.
85. On July 29, 2017, the Kankakee River did not appear to be dangerous.
86. On July 29, 2017, Plaintiff's decedent, Elizabeth Larson, was on a raft rented near the Wilmington Dam in the City of Wilmington.
87. On July 29, 2017, Plaintiff's decedent, Elizabeth Larson, was on a raft rented from Van Duyne's Motel and/or Kankakee River Canoe Rentals.
88. On July 29, 2017, Plaintiff's decedent, Elizabeth Larson, while using the river for its intended purpose, entered the Kankakee River on a raft.
89. On July 29, 2017, Plaintiff's decedent, Elizabeth Larson, was pulled beneath the water's surface by the Wilmington Dam's underwater vortex while on the Kankakee River.
90. On July 29, 2017, Plaintiff's decedent, Elizabeth Larson, was unable to free herself from the Wilmington Dam's underwater vortex and drowned.
91. On July 29, 2017, Defendant, City of Wilmington, by and through its agents and employees had a duty to provide the plaintiff and his decedent, and all others similarly situated, with a reasonably safe area to enjoy the Kankakee River.
92. In disregard of its duty, Defendant, City of Wilmington, by and through its agents and employees, committed one or more of the following willful and wanton acts and/or omissions:
- a. Allowed the Wilmington Dam to exist and remain in a dangerous and deadly condition when it had actual knowledge of the dangerous and deadly conditions that existed;

- b. Failed to take any corrective action to remove and/or eliminate the dangerous condition;
- c. Ignored the State of Illinois' recommendations to improve the Wilmington Dam;
- d. Showed an utter indifference to the safety of the public by inviting the public to a dangerous and deadly location;
- e. Knowing of the actual danger of the Wilmington Dam, permitted the rental of kayaks, canoes, and/or rafts at or near the Wilmington Dam.
- f. Knowing of the actual danger of the Wilmington Dam, permitted the use of kayaks, canoes, and/or rafts on the Kankakee River.
- g. Knowing of the actual danger of the Wilmington Dam, permitted the use of kayaks, canoes, and/or rafts at or near the Wilmington Dam.
- h. Knowing of the actual danger of the Wilmington Dam, issued licenses and/or permits to corporations/individuals to engage in the business of renting kayaks, canoes, and/or rafts to be used on the Kankakee River.
- i. Knowing of the actual danger of the Wilmington Dam, issued licenses and/or permits to corporations/individuals to engage in the business of renting kayaks, canoes, and/or rafts to be used near the Wilmington Dam.
- j. Knowing of the actual danger of the Wilmington Dam, permitted Van Duyne's Motel to rent kayaks, canoes, and/or rafts to the public.
- k. Knowing of the actual danger of the Wilmington Dam, permitted Kankakee River Canoe Rentals to rent kayaks, canoes, and/or rafts to the public.
- l. Knowing of the actual danger of the Wilmington Dam, chose not to place warning signs that were visible from the water;

- m. Knowing of the actual danger of the Wilmington Dam, chose not to place warning signs that were visible to the general public on the Kankakee River in enough time to take evasive action;
- n. Knowing of the actual danger of the Wilmington Dam, chose not to place a lifeguard at the Wilmington Dam;
- o. Knowing of the actual danger of the Wilmington Dam, chose not place any life-saving ropes, life-jackets, or life-rings at or near the Wilmington Dam;
- p. Allowed the public to use the Kankakee River in such close proximity to the Wilmington Dam in complete and utter disregard of the foreseeable harm to the public;
- q. Knowing that warning signs were not serving their intended purpose of warning the public of the dangerous condition, chose not to take any other reasonable action to prevent the harm;
- r. Continued to encourage the public use of the Kankakee River when it had actual knowledge of the deadly and dangerous conditions;
- s. Failed to install barriers at or around the Wilmington Dam itself;
- t. Chose not to police, supervise or monitor the area adjacent to the Wilmington Dam to warn the public of the underwater vortex;
- u. Actively chose not to mitigate a known and deadly condition on its property; and/or
- v. Actively chose not sell or to turn the property over to the State of Illinois.

93. As a direct and proximate result of one or more of the foregoing willful and wanton acts and/or omissions of Defendant, City of Wilmington, Plaintiff's decedent, Elizabeth Larson,

was trapped in the Wilmington Dam's underwater vortex and suffered injuries resulting in her death, on July 29, 2017.

94. At the time of her death, Elizabeth Larson was survived by her husband, Nathan Stein, her father, David Larson, her mother, Laura Larson, her brothers, Eric and Thomas Larson, all of whom are adults and free from negligence.

95. David Larson has been appointed the Independent Administrator of the Estate of Elizabeth Larson, deceased, and brings this action pursuant to the Illinois Wrongful Death Act, 740 ILCS 180/1 et seq. See "Exhibit A."

WHEREFORE, Plaintiff, DAVID LARSON, Individually and as Independent Administrator of the Estate of ELIZABETH LARSON, Deceased, demands judgment be entered against Defendant, CITY OF WILMINGTON, a Municipal Corporation, for an amount in excess of one million dollars, plus the costs of this lawsuit.

COUNT II vs. CITY OF WILMINGTON
SURVIVAL ACTION

1-95. Plaintiff hereby adopts and re-alleges paragraphs 1-95 of Counts I, as paragraphs 1-45 of Count II, as if fully set forth herein.

96. As a direct and proximate result of the willful and wanton acts and/or omissions of Defendant, City of Wilmington, plaintiff's decedent, Elizabeth Larson, was trapped in the Wilmington Dam's underwater vortex causing her to suffer injuries, including conscious pain and suffering prior to her death, on July 29, 2017, and said claim survives her death.

97. David Larson has been appointed the Independent Administrator of the Estate of Elizabeth Larson.

WHEREFORE, Plaintiff, DAVID LARSON, Individually and as Independent Administrator of the Estate of ELIZABETH LARSON, Deceased, demands judgment be entered against Defendant, CITY OF WILMINGTON, a Municipal Corporation, for an amount in excess of one million dollars, plus the costs of this lawsuit.

COUNT III vs. THE VAN DUYNE COTTAGE, LLC
WRONGFUL DEATH OF ELIZABETH LARSON

1. In July of 2017, and for a long time prior to, THE VAN DUYNE COTTAGE, LLC, was and is an Illinois Corporation organized under the laws of the State of Illinois.
2. In July of 2017, THE VAN DUYNE COTTAGE, LLC, was located at 107 Bridge Street, City of Wilmington, State of Illinois.
3. In July of 2017, the Kankakee River ran through the City of Wilmington, State of Illinois.
4. In July of 2017, in and upon the Kankakee River in the City of Wilmington there existed a Dam, commonly known as the Wilmington Dam.
5. In July of 2017, and for a long time prior, this defendant was aware of the existence of the Wilmington Dam.
6. In July of 2017, and for a long time prior, this defendant had actual knowledge that the Wilmington Dam created a dangerous and deadly condition on and upon the Kankakee River, specifically an underwater vortex.
7. In July of 2017, and for a long time prior, this defendant had actual knowledge that adults and children died and/or needed to be rescued at or near the Wilmington Dam.
8. On July 29, 2017, Defendant, The Van Duyne Cottage, LLC, by and through its agents and employees, had a duty to operate its cottage in a reasonably safe manner.

9. In disregard of its duty, Defendant, The Van Duyne Cottage, LLC, by and through its agents and employees committed one or more of the following negligent acts and/or omissions:
- a. Encouraged its cottage guests, for its own financial gain, to rent kayaks, canoes and/or rafts to be used on the Kankakee River in the City of Wilmington;
 - b. Knowing the actual danger of the Wilmington Dam, permitted the rental of kayaks, canoes and/or rafts to be used on the Kankakee River;
 - c. Knowing the actual danger of the Wilmington Dam, encouraged and profited from the rental of kayaks, canoes and/or rafts to be used on the Kankakee River;
 - d. Failed to provide guides in and upon the Kankakee River when it knew or should have known that its customers were unaware of the dangers of the Wilmington Dam;
 - e. Allowed and encouraged untrained cottage residents to guide the other cottage guests to a safe area to kayak, canoe and/or raft on the Kankakee River when it knew or should have known that the untrained residents were not qualified or trained to act as guides along and upon the Kankakee River;
 - f. Allowed and encouraged untrained cottage residents to guide the other cottage guests to a safe area to kayak, canoe and/or raft on the Kankakee River when it knew or should have known that the untrained residents were not qualified or trained to inform the guests of the dangers of the Wilmington Dam on the Kankakee River;
 - g. Allowed women and children to rent kayaks, canoes and/or rafts to be used on the Kankakee River at or near the Wilmington Dam when it knew or should

have known that they were not strong enough to fight the current, undertow and vortex of the Wilmington Dam;

- h. Allowed women and children to rent kayaks, canoes and/or rafts to be used on the Kankakee River at or near the Wilmington Dam when it knew or should have known that they were not strong enough to fight the current and undertow of the Kankakee River to avoid the vortex of the Wilmington Dam
- i. Allowed women and children to rent kayaks, canoes and/or rafts to be used on the Kankakee River without life jackets at or near the Wilmington Dam when it knew or should have known that they were not strong enough to fight the current, undertow and vortex of the Wilmington Dam;
- j. Failed to adequately warn its cottage guests of the dangers of the Wilmington Dam;
- k. Failed to adequately instruct the cottage guest as to safe drop off and pick areas located on the Kankakee River;

10. As a direct and proximate result of one or more of the foregoing negligent acts or omissions of the Defendant, The Van Duyne Cottage, LLC, Plaintiff's decedent, Elizabeth Larson, was trapped in the Wilmington Dam and suffered injuries resulting in her death on July 29, 2017.

11. At the time of her death, Elizabeth Larson was survived by her husband, Nathan Stein, her father, David Larson, her mother, Laura Larson, her brothers, Eric and Thomas Larson, all of whom are adults and free from negligence.

12. David Larson has been appointed the Independent Administrator of the Estate of Elizabeth Larson, deceased, and brings this action pursuant to the Illinois Wrongful Death Act, 740 ILCS 180/1 et seq. See “Exhibit A.”

WHEREFORE, Plaintiff, DAVID LARSON, Individually and as Independent Administrator of the Estate of ELIZABETH LARSON, Deceased, demands judgment be entered against Defendant, VAN DUYNE COTTAGE, LLC, an Illinois Corporation, for an amount in excess of one million dollars, plus the costs of this lawsuit.

COUNT IV vs. THE VAN DUYNE COTTAGE, LLC
SURVIVAL ACTION

1-12. Plaintiff hereby adopts and re-alleges paragraphs 1-12 of Count III, as paragraphs 1-12 of Count IV, as if fully set forth herein.

13. As a direct and proximate result of the willful and wanton acts and/or omissions of Defendant, City of Wilmington, plaintiff’s decedent, Elizabeth Larson, was trapped in the Wilmington Dam’s underwater vortex causing her to suffer injuries, including conscious pain and suffering prior to her death, on July 29, 2017, and said claim survives her death.

14. David Larson has been appointed the Independent Administrator of the Estate of Elizabeth Larson.

WHEREFORE, Plaintiff, DAVID LARSON, Individually and as Independent Administrator of the Estate of ELIZABETH LARSON, Deceased, demands judgment be entered against Defendant, VAN DUYNE COTTAGE, LLC, an Illinois Corporation, for an amount in excess of one million dollars, plus the costs of this lawsuit.

COUNT V vs. VAN DUYNE MOTEL
WRONGFUL DEATH OF ELIZABETH LARSON

1. In July of 2017, and for a long time prior to, VAN DUYNE MOTEL, was and is a business licensed in the City of Wilmington, State of Illinois.
2. In July of 2017, VAN DUYNE MOTEL, was located at 107 Bridge Street, City of Wilmington, State of Illinois.
3. In July of 2017, the Kankakee River ran through the City of Wilmington, State of Illinois.
4. In July of 2017, in and upon the Kankakee River in the City of Wilmington there existed a dam, commonly known as the Wilmington Dam.
5. In July of 2017, and for a long time prior, this defendant was aware of the existence of the Wilmington Dam.
6. In July of 2017, and for a long time prior, this defendant had actual knowledge that the Wilmington Dam created a dangerous and deadly condition on and upon the Kankakee River.
7. In July of 2017, and for a long time prior, this defendant had actual knowledge that adults and children died and/or needed to be rescued at or near the Wilmington Dam.
8. On July 29, 2017, Defendant, Van Duyne Motel, by and through its agents and employees, had a duty to operate its motel in a reasonably safe manner.
9. In disregard of its duty, Defendant, Van Duyne Motel, by and through its agents and employees committed one or more of the following negligent acts and/or omissions:
 - a. Encouraged its motel guests, for its own financial gain, to rent kayaks, canoes and/or rafts to be used on the Kankakee River in the City of Wilmington;

- b. Knowing the actual danger of the Wilmington Dam, permitted the rental of kayaks, canoes and/or rafts to be used on the Kankakee River;
- c. Knowing the actual danger of the Wilmington Dam, encouraged and profited from the rental of kayaks, canoes and/or rafts to be used on the Kankakee River;
- d. Failed to provide guides in and upon the Kankakee River when it knew or should have known that its customers were unaware of the dangers of the Wilmington Dam;
- e. Allowed and encouraged untrained motel residents to guide the other guests to a safe area to kayak, canoe and/or raft on the Kankakee River when it knew or should have known that the untrained residents were not qualified or trained to act as guides along and upon the Kankakee River;
- f. Allowed and encouraged untrained motel residents to guide the other guests to a safe area to kayak, canoe and/or raft on the Kankakee River when it knew or should have known that the untrained residents were not qualified or trained to inform the guests of the dangers of the Wilmington Dam on the Kankakee River;
- g. Allowed women and children to rent kayaks, canoes and/or rafts to be used on the Kankakee River at or near the Wilmington Dam when it knew or should have known that they were not strong enough to fight the current, undertow and vortex of the Wilmington Dam;
- h. Allowed women and children to rent kayaks, canoes and/or rafts to be used on the Kankakee River at or near the Wilmington Dam when it knew or should have known that they were not strong enough to fight the current and undertow of the Kankakee River to avoid the vortex of the Wilmington Dam

- i. Allowed women and children to rent kayaks, canoes and/or rafts to be used on the Kankakee River without life jackets at or near the Wilmington Dam when it knew or should have known that they were not strong enough to fight the current, undertow and vortex of the Wilmington Dam;
 - j. Failed to adequately warn its motel guests of the dangers of the Wilmington Dam;
 - k. Failed to adequately instruct the motel guest as to safe drop off and pick areas located on the Kankakee River;
10. As a direct and proximate result of one or more of the foregoing negligent acts or omissions of the Defendant, Van Duyne Motel, plaintiff's decedent, Elizabeth Larson, was trapped in the Wilmington Dam and suffered injuries resulting in her death on July 29, 2017.
11. At the time of her death, Elizabeth Larson was survived by her husband, Nathan Stein, her father, David Larson, her mother, Laura Larson, her brothers, Eric and Thomas Larson, all of whom are adults and free from negligence.
12. David Larson has been appointed the Independent Administrator of the Estate of Elizabeth Larson, deceased, and brings this action pursuant to the Illinois Wrongful Death Act, 740 ILCS 180/1 et seq. See "Exhibit A."

WHEREFORE, Plaintiff, DAVID LARSON, Individually and as Independent Administrator of the Estate of ELIZABETH LARSON, Deceased, demands judgment be entered against Defendant, VAN DUYNE MOTEL, a Sole Proprietor, for an amount in excess of one million dollars, plus the costs of this lawsuit.

COUNT VI vs. VAN DUYNE MOTEL
SURVIVAL ACTION

- 1-12. Plaintiff hereby adopts and re-alleges paragraphs 1-12 of Count V, as paragraphs 1-12 of Count VI, as if fully set forth herein.
13. direct and proximate result of the willful and wanton acts and/or omissions of Defendant, City of Wilmington, plaintiff's decedent, Elizabeth Larson, was trapped in the Wilmington Dam's underwater vortex causing her to suffer injuries, including conscious pain and suffering prior to her death, on July 29, 2017, and said claim survives her death.
14. David Larson has been appointed the Independent Administrator of the Estate of Elizabeth Larson.

WHEREFORE, Plaintiff, DAVID LARSON, Individually and as Independent Administrator of the Estate of ELIZABETH LARSON, Deceased, demands judgment be entered against Defendant, VAN DUYNE MOTEL, a sole proprietor, for an amount in excess of one million dollars, plus the costs of this lawsuit.

COUNT VII vs. PATRICK VAN DUYNE INDIVIDUALLY
AND AS AGENT AND SERVANT OF VAN DUYNE MOTEL
WRONGFUL DEATH OF ELIZABETH LARSON

1. In July of 2017, and for a long time prior to, VAN DUYNE MOTEL, was and is a business licensed in the City of Wilmington, State of Illinois.
2. In July of 2017, VAN DUYNE MOTEL, was located at 107 Bridge Street, City of Wilmington, State of Illinois.

3. In July of 2017, and for a long time prior to, Patrick Van Duyne, was the owner and sole proprietor of Van Duyne Motel.
4. In July of 2017, the Kankakee River ran through the City of Wilmington, State of Illinois.
5. In July of 2017, in and upon the Kankakee River in the City of Wilmington there existed a dam, commonly known as the Wilmington Dam.
6. In July of 2017, and for a long time prior, this defendant was aware of the existence of the Wilmington Dam.
7. In July of 2017, and for a long time prior, this defendant had actual knowledge that the Wilmington Dam created a dangerous and deadly condition on and upon the Kankakee River.
8. In July of 2017, and for a long time prior, this defendant had actual knowledge that adults and children died and/or needed to be rescued at or near the Wilmington Dam.
9. On July 29, 2017, this defendant, individually and as agent and servant of Van Duyne Motel, had a duty to operate his motel in a reasonably safe manner.
10. In disregard of his duty, Defendant, individually and as agent and servant of Van Duyne Motel, committed one or more of the following negligent acts and/or omissions:
 - l. Encouraged motel guests, for his own financial gain, to rent kayaks, canoes and/or rafts to be used on the Kankakee River in the City of Wilmington;
 - m. Knowing the actual danger of the Wilmington Dam, permitted the rental of kayaks, canoes and/or rafts to be used on the Kankakee River;
 - n. Knowing the actual danger of the Wilmington Dam, encouraged and profited from the rental of kayaks, canoes and/or rafts to be used on the Kankakee River;

- o. Failed to provide guides in and upon the Kankakee River when he knew or should have known that his customers were unaware of the dangers of the Wilmington Dam;
- p. Allowed and encouraged untrained motel residents to guide the other guests to a safe area to kayak, canoe and/or raft on the Kankakee River when he knew or should have known that the untrained residents were not qualified or trained to act as guides along and upon the Kankakee River;
- q. Allowed and encouraged untrained motel residents to guide the other guests to a safe area to kayak, canoe and/or raft on the Kankakee River when he knew or should have known that the untrained residents were not qualified or trained to inform the guests of the dangers of the Wilmington Dam on the Kankakee River;
- r. Allowed women and children to rent kayaks, canoes and/or rafts to be used on the Kankakee River at or near the Wilmington Dam when he knew or should have known that they were not strong enough to fight the current, undertow and vortex of the Wilmington Dam;
- s. Allowed women and children to rent kayaks, canoes and/or rafts to be used on the Kankakee River at or near the Wilmington Dam when he knew or should have known that they were not strong enough to fight the current and undertow of the Kankakee River to avoid the vortex of the Wilmington Dam
- t. Allowed women and children to rent kayaks, canoes and/or rafts to be used on the Kankakee River without life jackets at or near the Wilmington Dam when he knew or should have known that they were not strong enough to fight the current, undertow and vortex of the Wilmington Dam;
- u. Failed to adequately warn his motel guests of the dangers of the Wilmington Dam;

- v. Failed to adequately instruct the motel guest as to safe drop off and pick areas located on the Kankakee River;
11. As a direct and proximate result of one or more of the foregoing negligent acts or omissions of this Defendant, Plaintiff's decedent, Elizabeth Larson, was trapped in the Wilmington Dam and suffered injuries resulting in her death on July 29, 2017.
12. At the time of her death, Elizabeth Larson was survived by her husband, Nathan Stein, her father, David Larson, her mother, Laura Larson, her brothers, Eric and Thomas Larson, all of whom are adults and free from negligence.
13. David Larson has been appointed the Independent Administrator of the Estate of Elizabeth Larson, deceased, and brings this action pursuant to the Illinois Wrongful Death Act, 740 ILCS 180/1 et seq. See "Exhibit A."

WHEREFORE, Plaintiff, DAVID LARSON, Individually and as Independent Administrator of the Estate of ELIZABETH LARSON, Deceased, demands judgment be entered against Defendant, PATRICK VAN DUYNE, individually and as agent and servant of VAN DUYNE MOTEL, for an amount in excess of one million dollars, plus the costs of this lawsuit.

**COUNT VIII vs. PATRICK VAN DUYNE INDIVIDUALLY
AND AS AGENT AND SERVANT OF VAN DUYNE MOTEL
SURVIVAL ACTION**

- 1-13. Plaintiff hereby adopts and re-alleges paragraphs 1-13 of Count V, as paragraphs 1-13 of Count VI, as if fully set forth herein.
14. direct and proximate result of the willful and wanton acts and/or omissions of Defendant, City of Wilmington, plaintiff's decedent, Elizabeth Larson, was trapped in the Wilmington

Dam's underwater vortex causing her to suffer injuries, including conscious pain and suffering prior to her death, on July 29, 2017, and said claim survives her death.

15. David Larson has been appointed the Independent Administrator of the Estate of Elizabeth Larson.

WHEREFORE, Plaintiff, DAVID LARSON, Individually and as Independent Administrator of the Estate of ELIZABETH LARSON, Deceased, demands judgment be entered against Defendant, PATRICK VAN DUYNE, individually and as agent and servant of VAN DUYNE MOTEL, for an amount in excess of one million dollars, plus the costs of this lawsuit.

COUNT IX vs. KANKAKEE RIVER CANOE RENTALS
WRONGFUL DEATH OF ELIZABETH LARSON

1. In July of 2017, and for a long time prior to, KANKAKEE RIVER CANOE RENTALS, was and is a business licensed in the City of Wilmington, State of Illinois.
2. In July of 2017, KANKAKEE RIVER CANOE RENTALS was located at 107 Bridge Street, City of Wilmington, State of Illinois.
3. In July of 2017, the Kankakee River ran through the City of Wilmington, State of Illinois.
4. In July of 2017, in and upon the Kankakee River in the City of Wilmington there existed a Dam, commonly known as the Wilmington Dam.
5. In July of 2017, and for a long time prior, this defendant was aware of the existence of the Wilmington Dam.
6. In July of 2017, and for a long time prior, this defendant had actual knowledge that the Wilmington Dam created a dangerous and deadly condition on and upon the Kankakee River.

7. In July of 2017, and for a long time prior, this defendant had actual knowledge that adults and children died and/or needed to be rescued at or near the Wilmington Dam.
8. On July 29, 2017, Defendant, Kankakee River Canoe Rentals, by and through its agents and employees, had a duty to operate its rental company in a reasonably safe manner.
9. In disregard of its duty, Defendant, Kankakee River Canoe Rentals, by and through its agents and employees committed one or more of the following negligent acts and/or omissions:
 - a. Encouraged the public, for its own financial gain, to rent kayaks, canoes and/or rafts to be used on the Kankakee River in the City of Wilmington;
 - b. Knowing the actual danger of the Wilmington Dam, rented kayaks, canoes and/or rafts to be used on the Kankakee River;
 - c. Knowing the actual danger of the Wilmington Dam, encouraged and profited from the rental of kayaks, canoes and/or rafts to be used on the Kankakee River;
 - d. Failed to provide guides in and upon the Kankakee River when it knew or should have known that its customers were unaware of the dangers of the Wilmington Dam;
 - e. Allowed and encouraged untrained motel guests to guide the customers to a safe area to kayak, canoe and/or raft on the Kankakee River when it knew or should have known that the untrained guests were not qualified to act as guides along and upon the Kankakee River;
 - f. Allowed women and children to rent kayaks, canoes and/or rafts to be used on the Kankakee River at or near the Wilmington Dam when it knew or should

have known that they were not strong enough to fight the current, undertow and vortex of the Wilmington Dam;

- g. Allowed women and children to rent kayaks, canoes and/or rafts to be used on the Kankakee River without life jackets at or near the Wilmington Dam when it knew or should have known that they were not strong enough to fight the current of the Kankakee River;
- h. Failed to adequately warn its customers of the dangers of the Wilmington Dam;
- i. Failed to adequately instruct its customers as to safe drop off and pick areas located on the Kankakee River;

10. As a direct and proximate result of one or more of the foregoing negligent acts or omissions of the Defendant, Kankakee River Canoe Rentals, plaintiff's decedent, Elizabeth Larson, was trapped in the Wilmington Dam and suffered injuries resulting in her death on July 29, 2017.

11. At the time of her death, Elizabeth Larson was survived by her husband, Nathan Stein, her father, David Larson, her mother, Laura Larson, her brothers, Eric and Thomas Larson, all of whom are adults and free from negligence.

12. David Larson has been appointed the Independent Administrator of the Estate of Elizabeth Larson, deceased, and brings this action pursuant to the Illinois Wrongful Death Act, 740 ILCS 180/1 et seq. See "Exhibit A."

WHEREFORE, Plaintiff, DAVID LARSON, Individually and as Independent Administrator of the Estate of ELIZABETH LARSON, Deceased, demands judgment be entered against Defendant, KANKAKEE RIVER CANOE RENTALS, a Sole Proprietor, for an amount in excess of one million dollars, plus the costs of this lawsuit.

COUNT X vs. KANKAKEE RIVER CANOE RENTAL
SURVIVAL ACTION

1-12. Plaintiff hereby adopts and re-alleges paragraphs 1-12 of Count VII, as paragraphs 1-12 of Count VIII, as if fully set forth herein.

13. As a direct and proximate result of the willful and wanton acts and/or omissions of Defendant, City of Wilmington, plaintiff's decedent, Elizabeth Larson, was trapped in the Wilmington Dam's underwater vortex causing her to suffer injuries, including conscious pain and suffering prior to her death, on July 29, 2017, and said claim survives her death.

14. David Larson has been appointed the Independent Administrator of the Estate of Elizabeth Larson.

WHEREFORE, Plaintiff, DAVID LARSON, Individually and as Independent Administrator of the Estate of ELIZABETH LARSON, Deceased, demands judgment be entered against Defendant, KANKAKEE RIVER CANOE RENTALS, a Sole Proprietor, for an amount in excess of one million dollars, plus the costs of this lawsuit.

COUNT XI vs. PATRICK VAN DUYNE INDIVIDUALLY
AND AS AGENT AND SERVANT OF KANKAKEE RIVER CANOE RENTALS
WRONGFUL DEATH OF ELIZABETH LARSON

1. In July of 2017, and for a long time prior to, KANKAKEE RIVER CANOE RENTALS, was and is a business licensed in the City of Wilmington, State of Illinois.
2. In July of 2017, KANKAKEE RIVER CANOE RENTALS was located at 107 Bridge Street, City of Wilmington, State of Illinois.

3. In July of 2017, and for a long time prior to, In July of 2017, and for a long time prior to, Patrick Van Duyne, was the owner and sole proprietor of Kankakee River Canoe Rentals.
4. In July of 2017, the Kankakee River ran through the City of Wilmington, State of Illinois.
5. In July of 2017, in and upon the Kankakee River in the City of Wilmington there existed a Dam, commonly known as the Wilmington Dam.
6. In July of 2017, and for a long time prior, this defendant was aware of the existence of the Wilmington Dam.
7. In July of 2017, and for a long time prior, this defendant had actual knowledge that the Wilmington Dam created a dangerous and deadly condition on and upon the Kankakee River.
8. In July of 2017, and for a long time prior, this defendant had actual knowledge that adults and children died and/or needed to be rescued at or near the Wilmington Dam.
9. On July 29, 2017, Defendant, Patrick Van Duyne, individually and as agent and servant of Kankakee River Canoe Rentals, had a duty to operate its rental company in a reasonably safe manner.
10. In disregard of its duty, Defendant, Patrick Van Duyne, individually and as agent and servant of Kankakee River Canoe Rentals, by and through its agents and employees committed one or more of the following negligent acts and/or omissions:
 - j. Encouraged the public, for his own financial gain, to rent kayaks, canoes and/or rafts to be used on the Kankakee River in the City of Wilmington;

- k. Knowing the actual danger of the Wilmington Dam, rented kayaks, canoes and/or rafts to be used on the Kankakee River;
- l. Knowing the actual danger of the Wilmington Dam, encouraged and profited from the rental of kayaks, canoes and/or rafts to be used on the Kankakee River;
- m. Failed to provide guides in and upon the Kankakee River when he knew or should have known that his customers were unaware of the dangers of the Wilmington Dam;
- n. Allowed and encouraged untrained motel guests to guide the customers to a safe area to kayak, canoe and/or raft on the Kankakee River when he knew or should have known that the untrained guests were not qualified to act as guides along and upon the Kankakee River;
- o. Allowed women and children to rent kayaks, canoes and/or rafts to be used on the Kankakee River at or near the Wilmington Dam when he knew or should have known that they were not strong enough to fight the current, undertow and vortex of the Wilmington Dam;
- p. Allowed women and children to rent kayaks, canoes and/or rafts to be used on the Kankakee River without life jackets at or near the Wilmington Dam when he knew or should have known that they were not strong enough to fight the current of the Kankakee River;
- q. Failed to adequately warn his customers of the dangers of the Wilmington Dam;
- r. Failed to adequately instruct his customers as to safe drop off and pick areas located on the Kankakee River;

11. As a direct and proximate result of one or more of the foregoing negligent acts or omissions of the Defendant, Patrick Van Duyne, individually and as agent and servant of Kankakee River Canoe Rentals, Plaintiff's decedent, Elizabeth Larson, was trapped in the Wilmington Dam and suffered injuries resulting in her death on July 29, 2017.
12. At the time of her death, Elizabeth Larson was survived by her husband, Nathan Stein, her father, David Larson, her mother, Laura Larson, her brothers, Eric and Thomas Larson, all of whom are adults and free from negligence.
13. David Larson has been appointed the Independent Administrator of the Estate of Elizabeth Larson, deceased, and brings this action pursuant to the Illinois Wrongful Death Act, 740 ILCS 180/1 et seq. See "Exhibit A."

WHEREFORE, Plaintiff, DAVID LARSON, Individually and as Independent Administrator of the Estate of ELIZABETH LARSON, Deceased, demands judgment be entered against Defendant, PATRICK VAN DUYNE, individually and as agent and servant of KANKAKEE RIVER CANOE RENTALS, a Sole Proprietor, for an amount in excess of one million dollars, plus the costs of this lawsuit.

**COUNT XII vs. PATRICK VAN DUYNE INDIVIDUALLY
AND AS AGENT AND SERVANT OF KANKAKEE RIVER CANOE RENTAL
SURVIVAL ACTION**

- 1-13. Plaintiff hereby adopts and re-alleges paragraphs 1-13 of Count XI, as paragraphs 1-13 of Count XII, as if fully set forth herein.
14. As a direct and proximate result of the willful and wanton acts and/or omissions of Defendant, City of Wilmington, plaintiff's decedent, Elizabeth Larson, was trapped in

the Wilmington Dam's underwater vortex causing her to suffer injuries, including conscious pain and suffering prior to her death, on July 29, 2017, and said claim survives her death.

15. David Larson has been appointed the Independent Administrator of the Estate of Elizabeth Larson.

WHEREFORE, Plaintiff, DAVID LARSON, Individually and as Independent Administrator of the Estate of ELIZABETH LARSON, Deceased, demands judgment be entered against Defendant, PATRICK VAN DUYNE, individually and as agent and servant of KANKAKEE RIVER CANOE RENTALS, a Sole Proprietor, for an amount in excess of one million dollars, plus the costs of this lawsuit.

Respectfully Submitted,
DAVID LARSON, as the Independent Administrator
of the Estate of ELIZABETH LARSON, Deceased,
Plaintiff

By:


Attorney for Plaintiff

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