

IN THE CIRCUIT COURT
FOR THE FIFTH JUDICIAL CIRCUIT
PARIS, EDGAR COUNTY, ILLINOIS

Faxed to [redacted]
(312) [redacted]

BRENDA S. ARBOGAST,
f/k/a BRENDA SUE GRAVES,
Plaintiff,

vs.

NO. 2012-1114

KANSAS COMMUNITY UNIT
SCHOOL DISTRICT #3 and the
BOARD OF EDUCATION OF KANSAS
COMMUNITY UNIT SCHOOL DISTRICT #3 –
John Saxton, James Radcliff, Ned Heltsley,
Britta Baker, Thad Brimmer, Steve Pinnell,
Robert Washburn,

Defendants.

Kan
SUMMONS

To the Defendant: Kansas Community Unit School District #3, c/o Chris Long, Superintendent,
310 Front Street, P.O. Box 350, Kansas, Illinois 61933

Plaintiff has commenced action for damages due to personal injury. YOU ARE SUMMONED and required to file an answer in this case, or otherwise file your appearance, in the office of the Clerk of this Court, Edgar County Courthouse, Courthouse Square, 115 W. Court St., Paris, Illinois, within 30 days after service of his summons, not counting the day of service. IF YOU FAIL TO DO SO, A JUDGMENT OR DECREE BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.

To the Officer:

This summons must be returned by the officer or other persons to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.

WITNESS, MAY 24, 2012

(Seal of Court)

Karen D. Halloran
Clerk of Court

[Signature]
Associate Circuit Clerk - Deputy

Associate Circuit Clerk - Deputy

Name: Alane A. Arbogast
Attorney for Brenda S. Arbogast
Address: P. O. Box 7,
City: Casey, Illinois 62420
Telephone: (217) 932-5832

Date of service: _____, 2012

(To be inserted by Officer on copy left with defendant or other person)

White copy - Original
Casey copy - Defendant

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FOR THE FIFTH JUDICIAL CIRCUIT
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FILED

MAY 21 2012

BRENDA S. ARBOGAST,
f/k/a BRENDA SUE GRAVES,
Plaintiff,

vs.

KANSAS COMMUNITY UNIT
SCHOOL DISTRICT #3 and the
BOARD OF EDUCATION OF KANSAS
COMMUNITY UNIT SCHOOL DISTRICT #3 –
John Saxton, James Radcliff, Ned Heltsley,
Britta Baker, Thad Brimner, Steve Pinnell,
Robert Washburn,

Defendants.

Karen D. Halloran
Circuit Clerk, 5th Judicial Circuit, Edgar County

NO. 2012-L-4

COMPLAINT

Count I (Negligence)

NOW COMES Brenda S. Arbogast, f/k/a Brenda Sue Graves, by and through her attorney, Alane A. Arbogast of Casey, Illinois, and in her complaint against KANSAS COMMUNITY UNIT SCHOOL DISTRICT #3 and the BOARD OF EDUCATION OF KANSAS COMMUNITY UNIT SCHOOL DISTRICT #3 – John Saxton, James Radcliff, Ned Heltsley, Britta Baker, Thad Brimner, Steve Pinnell, Robert Washburn states as follows:

1. That this court has jurisdiction over the subject matter and the parties.
2. That on May 20, 2011, at midday, Brenda S. Arbogast, Plaintiff, went to the Kansas CUSD #3 located at 310 S. Front Street, Kansas, Illinois.
3. Plaintiff went to the school, at the invitation of the school, to attend an academic program involving her granddaughter.
4. Because the Plaintiff was invited to the school, the school and its staff owed a duty to Plaintiff to exercise reasonable care to maintain the premises in a reasonably safe condition.

5. The school building at 310 S. Front Street is a multifunction building with both educational classrooms and recreational facilities, and the gymnasium is used for both educational and recreational purposes.
6. Plaintiff entered the school through the gymnasium door, one of the entrances to the school.
7. The Plaintiff was walking west to east on the sidewalk in front the gymnasium, from the bright outside sunshine; she then turned right into the first doorway where the door was already standing open, into the darker interior foyer.
8. When Plaintiff stepped inside the gymnasium foyer a large wooden box approximately 4" tall, a game commonly known as "corn hole", painted purple and orange, the same color as the floor mat, was lying on the floor mat inside the door.
9. Said game was in the down position so it was flat.
10. Plaintiff did not see the box and fell over said box and suffered serious injuries to her shoulders, wrists and other parts of her body requiring prolonged medical attention and causing her great pain and suffering.
11. Her attending physician is Dr. Christopher R. Glock, The Christian Hand Center, 1800 S. 3rd St., Terre Haute, IN 47802.
12. On information and belief, the "cornhole" game was placed in the foyer of the gymnasium on the floor mat, just inside the door, by some physical education students or other individuals.
13. On information and belief, a physical education teacher told the students to put the game(s) somewhere in the foyer of the gymnasium but did not supervise where the students put the game(s).
14. The school and its employees breached its duty to the Plaintiff by failing to maintain safe, obstacle free walkways through the school.
15. The school and its employees also failed to have an employee or other mechanism warn the Plaintiff and others about the obstacle.

16. That the actions of the teacher and or other employees of the school were negligent in allowing a hazard to be located in the common walkway of the school when Plaintiff and others were invited to the school, proximately causing Plaintiffs injuries.
17. The premises were under the complete supervision and control of the Defendants.

WHEREFORE, Plaintiff prays this court to award actual damages including pain and suffering costs due to the negligence of the Defendants in excess of \$50,000.00 plus court costs.

Count II (Wilful and Wanton Conduct)

NOW COMES Brenda S. Arbogast, f/k/a Brenda Sue Graves, by and through her attorney, Alane A. Arbogast of Casey, Illinois, and in her complaint against against KANSAS COMMUNITY UNIT SCHOOL DISTRICT #3 and the BOARD OF EDUCATION OF KANSAS COMMUNITY UNIT SCHOOL DISTRICT #3 – John Saxton, James Radcliff, Ned Heltsley, Britta Baker, Thad Brimmer, Steve Pinnell, Robert Washburn states as follows:

1. That this court has jurisdiction over the subject matter and the parties.
2. That on May 20, 2011, at midday, Brenda S. Arbogast, Plaintiff, went to the Kansas CUSD #3 located at 310 S. Front Street, Kansas, Illinois.
3. Plaintiff went to the school, at the invitation of the school, to attend an academic program involving her granddaughter.
4. Because the Plaintiff was invited to the school, the school and its staff owed a duty to Plaintiff to exercise reasonable care to maintain the premises in a reasonably safe condition.
5. The school building at 310 S. Front Street is a multifunction building with both educational classrooms and recreational facilities, and the gymnasium is used for both educational and recreational purposes.
6. Plaintiff entered the school through the gymnasium door, one of the entrances to the school.
7. The Plaintiff was walking west to east on the sidewalk in front the gymnasium, from the bright outside sunshine; she then turned right into the first doorway where the door was already standing open, into the darker interior foyer.

8. When Plaintiff stepped inside the gymnasium foyer a large wooden box approximately 4" tall, a game commonly known as "corn hole", painted purple and orange, the same color as the floor mat, was lying on the floor mat inside the door.
9. Said game was in the down position so it was flat.
10. Plaintiff did not see the box and fell over said box and suffered serious injuries to her shoulders, wrists and other parts of her body requiring prolonged medical attention and causing her great pain and suffering.
11. Her attending physician is Dr. Christopher R. Glock, The Christian Hand Center, 1800 S. 3rd St., Terre Haute, IN 47802.
12. On information and belief, the "corn hole" game was placed in the foyer of the gymnasium on the floor mat, just inside the door, by some physical education students or other individuals.
13. On information and belief, a physical education teacher told the students to put the game(s) somewhere in the foyer of the gymnasium but did not supervise where the students put the game(s).
14. The school and its employees breached its duty to the Plaintiff by failing to maintain safe, obstacle free walkways through the school.
15. The school and its employees also failed to have an employee or other mechanism warn the Plaintiff and others about the obstacle.
16. That the actions of the teacher and or other employees of the school were willful and wanton in allowing a hazard to be located in the common walkway of the school when Plaintiff and others were invited to the school.
17. The premises were under the complete supervision and control of the Defendants.

WHEREFORE, Plaintiff prays this court to award actual damages including pain and suffering due to the wilful and wanton conduct of the Defendants in excess of \$50,000.00 plus court costs.

PLAINTIFF DEMANDS TRIAL BY JURY ON COUNT I and COUNT II.

Dated this 19th day of May, 2012.

BRENDA S. ARBOGAST, f/k/a BRENDA SUE
GRAVES


BY: ALANE A. ARBOGAST, HER ATTORNEY

ALANE A. ARBOGAST ARDC #6200840
ATTORNEY AT LAW
P.O. BOX 7
CASEY, IL 62420
(217) 932-5832


COUNTY OF EDGAR)
)
STATE OF ILLINOIS) SS.

AFFIDAVIT

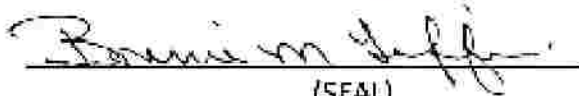
I, Alane A. Arbogast, attorney for Plaintiff Brenda S. Arbogast, f/k/a Brenda Sue Graves, being first duly sworn, do hereby state, pursuant to Illinois Supreme Court Rule 222(b), as follows:

1. I am an adult under no legal disability and I am the Plaintiff's attorney in the case at bar.
2. I am the Plaintiff's attorney in this action and have filed a Complaint to be filed in the Fifth Judicial Circuit, Edgar County, Illinois, captioned BRENDA S. ARBOGAST, f/k/a BRENDA SUE GRAVES, Plaintiff, vs. KANSAS COMMUNITY UNIT SCHOOL DISTRICT #3 and the BOARD OF EDUCATION OF KANSAS COMMUNITY UNIT SCHOOL DISTRICT #3 – John Saxton, James Radcliff, Ned Heltsley, Britta Baker, Thad Brimmer, Steve Pinnell, Robert Washburn, Defendants.
3. Such action is based upon damages sustained by Brenda S. Arbogast, f/k/a Brenda Sue Graves for injuries due to a fall caused by the Defendants.
4. The total money damages sought in this action does exceed \$50,000.00.

FURTHER THIS AFFIANT SAYETH NOT.


Alane A. Arbogast, attorney for
Brenda S. Arbogast, f/k/a Brenda
Sue Graves

Subscribed and sworn before me this 18th day of May, 2012.


(SEAL)
Notary Public
My Commission Expires:

