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FILED 22
IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
JACKSON COUNTY, ILLINOIS 7 PH 1:25

LOVELY VARUGHESE, Administrator of
the Estate of PRAVIN M. VARUGHESE,

Plaintiff,

vs.

GAEGE BETHUNE, THE CITY OF
CARBONDALE, and JODY O'GUINN,
CARBONDALE CHIEF OF POLICE,

Defendants.

Greg B. Stegmeier
CIRCUIT CLERK
JACKSON COUNTY, IL

No: 14 L 85

COMPLAINT

WRONGFUL DEATH

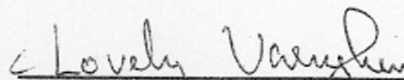
COUNT I

Comes now the plaintiff, LOVELY VARUGHESE, Administrator of the Estate of PRAVIN M. VARUGHESE by and through her counsel, Charles H. Stegmeyer of Stegmeyer & Stegmeyer, Ltd. and for her complaint against defendant, GAEGE BETHUNE states as follows:

1. That on February 12, 2014, defendant, GAEGE BETHUNE, was a resident of the County of Jackson, State of Illinois.
2. That on February 12, 2014, the deceased, PRAVIN M. VARUGHESE, was a student at SIU Carbondale in the County of Jackson, State of Illinois.
3. That on or about February 12, 2014, OR February 13, 2014, PRAVIN M. VARUGHESE died from blunt force trauma to the head.
4. That on July 18, 2014, LOVELY VARUGHESE, was appointed Independent Administrator of the Estate of PRAVIN M. VARUGHESE by the Circuit Court of Cook County, State of Illinois, which has jurisdiction of the subject matter and parties.

5. That the Defendant was present at the time of PRAVIN M. VARUGHESE's death and caused or contributed to his death in that after he picked up PRAVIN M. VARUGHESE on the road, he attacked PRAVIN M. VARUGHESE and hit PRAVIN M. VARUGHESE in the head with a blunt force instrument causing his death.
6. That as a result of the decedent, PRAVIN M. VARUGHESE's death, his next of kin have lost his guidance, services and companionship and have suffered and continue to suffer grief, sorrow and mental suffering.

WHEREFORE, the Plaintiff prays judgment against the defendant for an amount in excess of One Million Dollars (\$1,000,000.00) and for such other and further relief as the court deems necessary.



Lovely Varughese, Administrator
Estate of Pravin M. Varughese, Deceased

COUNT II

NEGLIGENCE/SPECIAL DUTY . POLICE CHIEF

Comes now the plaintiff, LOVELY VARUGHESE, Administrator of the Estate of PRAVIN M. VARUGHESE, by and through her counsel, Charles H. Stegmeyer of Stegmeyer & Stegmeyer, Ltd. and for her Complaint against Carbondale Police Chief, JODY O'GUINN, INDIVIDUALLY and in his capacity as CARBONDALE POLICE CHIEF and as agent for the City of Carbondale, states as follows:

1-6. Plaintiff restates and realleges Paragraphs 1 through 6 of COUNT I.

7. That at all relevant times herein JODY O'GUINN was acting both individually and in his capacity as Carbondale Chief of Police;

8. That on February 12, 2014, PRAVIN M. VARUGHESE, was a student enrolled at Southern Illinois University at Carbondale.

9. That on February 12, 2014, PRAVIN M. VARUGHESE, became a "missing person."

10. That on February 13, 2014, Plaintiff, LOVELY VARUGHESE, Administrator of the Estate of PRAVIN M. VARUGHESE, drove from Chicago, Illinois to Carbondale, Illinois.

11. That on February 12, 2013 and thereafter, Defendant O'GUINN, Individually and as Carbondale Chief of Police was uniquely aware of the danger posed to student Decedent.

12. That Defendant, O'Guinn, knew or should have known that an Illinois State Trooper, had reported a man "coming out of a particular wooded area" within the defendant's jurisdiction.

13. That said State Trooper had made a videotape of the incident and recorded the

man's driver's license plate.

14. That this aforesaid man told the State Trooper he had given a ride to a "black male" and that he wandered off into the woods;

15. That Defendant O'Guinn owed Decedent a "special duty" to protect him and search for him as a student at Southern Illinois University and as a reported missing person.

16. That Defendant, O'Guinn, breached this "special duty" owed to Decedent when he committed the following specific acts or omissions:

- a. Defendant failed to further investigate the incident with the State Trooper.
- b. Defendant failed to put out an APB on the Decedent;
- c. Defendant failed to conduct any kind of search of the wooded area, where PRAVIN M. VARUGHESE's corpse was later discovered.;
- d. Defendant failed to secure a crime scene;
- e. Defendant failed to conduct a body search with police dogs or otherwise;
- f. Defendant ignored the missing person incident as "it's just what college kids do; they go missing for several days";
- g. That the Chicago coroner who examined PRAVIN'S corpse reported that Pravin could have lived up to another 24 hours since the time of the incident around 1 a.m. on February 13.

17. That all of the above Acts or Omissions of Defendant, O'Guinn, were affirmative or willful; They were not accidental or inadvertent.

18. That Defendant O'GUINN failed to take any action for fear of bad publicity for the City of Carbondale which is largely dependent on Southern Illinois University for its income.

19. That Defendant, O'GUINN, individually and in his capacity as Carbondale Chief of Police, breached the special duty owed to Pravin.

20. That as a proximate result of Defendant's breach of this "special duty", PRAVIN M. VARUGHESE was left to die and his body was later recovered and found to be dead from blunt force trauma to the head.

21. That PRAVIN M. VARUGHESE's was at all relevant times under the direct or immediate control of the Carbondale Police and its Agents or Employees.

WHEREFORE the plaintiff, LOVELY VARUGHESE, prays judgment against Defendant, JODY O'GUINN, Individually and in his capacity as Carbondale Chief of Police, for an amount in excess of One Million Dollars (\$1,000,000) and for such other and further relief as this Court deems necessary.

Lovely Varughese

Lovely Varughese, Administrator Estate
of Pravin M. Varughese, Deceased

COUNT III

NEGLIGENCE/ WILLFUL AND WANTON- POLICE CHIEF

Comes now the plaintiff, LOVELY VARUGHESE, Administrator of the Estate of PRAVIN M. VARUGHESE, by and through her counsel, Charles H. Stegmeyer of Stegmeyer & Stegmeyer, Ltd. and for her Complaint against Carbondale Police Chief, JODY O'GUINN, INDIVIDUALLY and in his capacity as CARBONDALE POLICE CHIEF, and agent of the CITY OF CARBONDALE, states as follows:

1-6. Plaintiff restates and realleges paragraphs 1 through 6 of COUNT I.

7-21. Plaintiff restates and realleges Paragraphs 7 through 21 of COUNT II.

22. At all relevant times herein, the Carbondale Police Chief was in control of the Campus and the protection of that Campus.

23. That Defendant owed a duty to Plaintiff and her son as a resident of Carbondale and as a "missing" student at Southern Illinois University.

24. Upon receiving the Missing Persons Report from Plaintiff, Defendant utterly failed to act to protect the safety of plaintiff's son, PRAVIN M. VARUGHESE.

25. At all relevant times herein Defendant O'GUINN's acts and omissions were done with utter indifference and a conscious disregard for the Plaintiff's son and were otherwise willful and wanton.

WHEREFORE the plaintiff, LOVELY VARUGHESE, prays judgment against Defendant, JODY O'GUINN, Individually and in his capacity as Carbondale Chief of Police, for an amount in excess of One Million Dollars (\$1,000,000) and for such other and

further relief as this Court deems necessary.

Lovely Varughese

Lovely Varughese, Administrator Estate of
Pravin M. Varughese, Deceased

COUNT IV

NEGLIGENCE/SPECIAL DUTY . CITY OF CARBONDALE

Comes now the plaintiff, LOVELY VARUGHESE, Administrator of the Estate of PRAVIN M. VARUGHESE, by and through her counsel, Charles H. Stegmeyer of Stegmeyer & Stegmeyer, Ltd. and for her Complaint against THE CITY OF CARBONDALE, states as follows:

1-6 Plaintiff restates and realleges paragraphs 1 through 6 of COUNT I.

7-21. Plaintiff restates and realleges Paragraphs 7 through 21 of COUNT II.

22. At all relevant times herein, the Carbondale Police Chief was in control of the Campus and the protection of that Campus.

23. That Defendant owed a duty to Plaintiff and her son as a resident of Carbondale and as a "missing" student at Southern Illinois University.

24. That at all relevant times herein, the CITY OF CARBONDALE was liable for the negligent acts and omissions of its agents and employees, including Police Chief Jody O'Guinn, under the Doctrine of Respondent Superior.

25. As a result of the breach of duty of the CITY OF CARBONDALE, its agents and employees, including Police Chief Jody O'Guinn, plaintiff, PRAVIN M. VARUGHESE died.

WHEREFORE the plaintiff, LOVELY VARUGHESE, prays judgment against Defendant, CITY OF CARBONDALE BY AND THROUGH ITS AGENTS OR EMPLOYEES, INCLUDING POLICE CHIEF JODY O'GUINN, Chief of Police, for an amount in excess of One Million Dollars (\$1,000,000) and for such other and further relief

as this Court deems necessary.

**Lovely Varughese, Administrator Estate of
Pravin M. Varughese, Deceased**

COUNT V

NEGLIGENCE/WILLFUL AND WANTON . CITY OF CARBONDALE

Comes now the plaintiff, LOVELY VARUGHESE, Administrator of the Estate of PRAVIN M. VARUGHESE, by and through her counsel, Charles H. Stegmeyer of Stegmeyer & Stegmeyer, Ltd. and for her Complaint against THE CITY OF CARBONDALE, states as follows:

1-6. Plaintiff restates and realleges paragraphs 1 through 6 of COUNT I.

7-21. Plaintiff restates and realleges Paragraphs 7 through 21 of COUNT II.

22. At all relevant times herein, the Carbondale Police Chief was in control of the Campus and the protection of that Campus.

23. That Defendant owed a duty to Plaintiff and her son as a resident of Carbondale and as a "missing" student at Southern Illinois University.

24. That the CITY OF CARBONDALE breached its duty to Plaintiff when it:

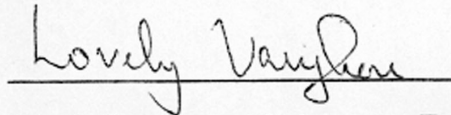
a. Failed to institute adequate standard procedures for searching for missing persons and, specifically, students;

b. Failed institute standard procedures for instructing its Police Chief and other Agents and Employees to immediately secure a crime scene;

25. That at all relevant times herein, the CITY OF CARBONDALE was liable for the willful and wanton acts and omissions of its agents and employees, including Police Chief Jody O'Guinn, under the Doctrine of Respondent Superior.

WHEREFORE the plaintiff, LOVELY VARUGHESE, prays judgment against Defendant, CITY OF CARBONDALE BY AND THROUGH ITS AGENTS OR EMPLOYEES, INCLUDING POLICE CHIEF JODY O'GUI9NN, Chief of Police, for an

amount in excess of One Million Dollars (\$1,000,000) and for such other and further relief as this Court deems necessary.



Lovely Varughese, Administrator Estate
of Pravin M. Varughese, Deceased

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PLAINTIFF DEMANDS TRIAL BY JURY