

**IN THE CIRCUIT COURT FOR THE 20<sup>TH</sup> JUDICIAL DISTRICT  
ST. CLAIR COUNTY, ILLINOIS**

<b>FLORINCE HARLAN, as Special Administrator</b>	)	
<b>for the Estate of ALEXIS WINSTON,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>NO. 18L0475</b>
	)	
<b>EAST ST. LOUIS HOUSING AUTHORITY,</b>	)	<b>Amount claimed: in excess</b>
	)	<b>of \$50,000 plus costs</b>
<b>Defendant.</b>	)	

**COMPLAINT AT LAW**

NOW COMES the Plaintiff, **FLORINCE HARLAN, as Special Administrator** for the Estate of **ALEXIS WINSTON**, by and through her attorneys, **DEUTSCHMAN & ASSOCIATES, PC**, and complaining of the Defendant, **EAST ST. LOUIS HOUSING AUTHORITY**, states:

**COUNT I – NEGLIGENCE (WRONGFUL DEATH ACT)**

1. That on and prior to August 8, 2017, the Defendant, **EAST ST. LOUIS HOUSING AUTHORITY**, was a business entity located in the City of East St. Louis, County of St. Clair, and State of Illinois, doing business as a provider of public housing.
2. That on and prior to August 8, 2017, the Defendant, **EAST ST. LOUIS HOUSING AUTHORITY**, owned, operated, controlled, maintained, and managed the John Robinson homes at or near 1200 Market Avenue, East St. Louis, Illinois.
3. That on and prior to August 8, 2017, the complex in question had a known and documented history of violence, including murder, on its grounds.
4. That on and prior to August 8, 2017, **ALEXIS WINSTON** was a resident of the complex. residing in unit 38E.

5. That as a paying tenant at the apartment she rented from Defendant, ALEXIS WINSTON was a business invitee on the aforesaid premises at the time of the incident in question.

6. That ALEXIS WINSTON's unit was accessible from the ground floor exterior.

7. That other units had metal security screens covering windows for the safety of occupants, but the security screen on ALEXIS WINSTON's window was missing on August 8, 2017.

8. That prior to August 8, 2017, ALEXIS WINSTON had complained to Defendant's agents that her window was not secure and that it left her vulnerable to intruders.

9. That Defendant did not replace the security screen or otherwise take any actions to secure ALEXIS WINSTON's window prior to August 8, 2017.

10. That on August 8, 2017, while ALEXIS WINSTON was in her unit, an intruder entered through the unsecured window, shooting and killing ALEXIS WINSTON.

11. That FLORINCE HARLAN brings this action as Special Administrator of the Estate of ALEXIS WINSTON.

12. That ALEXIS WINSTON is survived by her minor daughter, Royal Spencer, born January 27, 2016.

13. That at all times mentioned herein, there was in full force and effect a certain statute of the State of Illinois commonly known as the Wrongful Death Act,

Chapter 740, Illinois Compiled Statutes, Section 180/1 *et sequitur*, and this action is brought pursuant to the Act.

14. That the defendant, EAST ST. LOUIS HOUSING AUTHORITY, owed a duty of reasonable care to properly maintain its premises for the safety of its tenants.

15. In violation of its duty as aforesaid, Defendant, EAST ST. LOUIS HOUSING AUTHORITY, committed one or more of the following negligent acts or omissions:

- (a) Failed to repair a security device, even though it knew or should have known that doing so was necessary for the safety of its tenants;
- (b) Failed to maintain a security device, even though it knew or should have known that doing so was necessary for the safety of its tenants;
- (c) Failed to properly secure the premises against the known and foreseeable threat of violent crime; and
- (d) Otherwise acted carelessly and negligently.

16. That as a direct and proximate result of Defendant's careless and negligent actions as aforesaid, plaintiff's decedent was shot and killed, resulting in injuries to herself and her heirs at law.

**WHEREFORE**, the plaintiff, FLORINCE HARLAN, as Special Administrator for the Estate of ALEXIS WINSTON, prays for judgment against the defendant, EAST ST. LOUIS HOUSING AUTHORITY, for an amount in excess of \$50,000.00 (Fifty Thousand Dollars) and for her costs of suit.

**COUNT II – NEGLIGENCE (WRONGFUL DEATH ACT) –**  
**PREMISES LIABILITY ACT**

1-13. Plaintiff realleges and reaffirms paragraphs 1 through 13 of Count I hereof as paragraphs 1 through 13 of this count and incorporates the same by reference herein.

14. That at all times mentioned herein, there was in full force and effect a certain statute of the State of Illinois commonly known as the Premises Liability Act, Chapter 740, Illinois Compiled Statutes, Section 130/1 *et sequitur* and this complaint is brought pursuant to this statute.

15. That at all times mentioned herein, Defendant, individually and through its agents, servants and employees, had the duty to control, manage and maintain the premises in such a manner so as to avoid injury to persons lawfully upon said premises.

16. In violation of its duty as aforesaid, Defendant, EAST ST. LOUIS HOUSING AUTHORITY, committed one or more of the following negligent acts or omissions:

- (a) Failed to repair a security device, even though it knew or should have known that doing so was necessary for the safety of its tenants;
- (b) Failed to maintain a security device, even though it knew or should have known that doing so was necessary for the safety of its tenants;
- (c) Failed to properly secure the premises against the known and foreseeable threat of violent crime; and
- (d) Otherwise acted carelessly and negligently.

17. That as a direct and proximate result of Defendant's careless and negligent actions as aforesaid, plaintiff's decedent was shot and killed, resulting in injuries to herself and her heirs at law.

WHEREFORE, the plaintiff, FLORINCE HARLAN, as Special Administrator for the Estate of ALEXIS WINSTON, prays for judgment against the defendant, EAST ST. LOUIS HOUSING AUTHORITY, for an amount in excess of \$50,000.00 (Fifty Thousand Dollars) and for her costs of suit.

Respectfully submitted,

By:

  
ATTORNEYS FOR PLAINTIFF

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for the Estate of ALEXIS WINSTON, )  
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Plaintiff, )  
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EAST ST. LOUIS HOUSING AUTHORITY, )  
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Defendant. )

NO. 18L0475

**222 AFFIDAVIT**

I, BRADLEY A. SKAFISH, attorney for the Plaintiff, FLORINCE HARLAN, as Special Administrator of the Estate of ALEXIS WINSTON, hereby claims that the amount of damages sought in this claim exceeds \$50,000.00.

THE AFFIANT FURTHER SAYETH NAUGHT.

**1-109 Certification**

UNDER PENALTIES AS PROVIDED BY LAW PURSUANT TO Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he or she verily believes to be true.

Date: 6/28/18

  
\_\_\_\_\_  
Bradley A. Skafish

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