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**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

ILENE DIETZ,)
)
)
Plaintiff,)
v.) No.:
)
)
MATTHEW ZAVALA and)
MELISSA IDSTEIN,)
)
)
Defendants.)

COMPLAINT AT LAW

COUNT I – NEGLIGENCE – MATTHEW ZAVALA

Plaintiff, ILENE DIETZ, by and through her attorneys, CAVANAGH LAW GROUP, complaining of Defendant, MATTHEW ZAVALA, alleges as follows:

1. On November 4, 2022, and at all times relevant hereto, Illinois Route 59 was a public roadway traveling in a general north/south direction approximately at or near its intersection with Illinois Route 68, in the Village of Barrington Hills, County of Cook, State of Illinois.
2. On November 4, 2022, and at all times relevant hereto, Illinois Route 68 was a public roadway traveling in a general east/west direction approximately at or near its intersection with Illinois Route 59, in the Village of Barrington Hills, County of Cook, State of Illinois.
3. On November 4, 2022, Plaintiff, ILENE DIETZ, was a passenger in a vehicle operated by her husband, Charles Dietz.
4. On November 4, 2022, Charles Dietz was operating his motor vehicle which Plaintiff, ILENE DIETZ, occupied in an easterly direction on Illinois Route 68 at its intersection with Illinois Route 59, in the Village of Barrington Hills, County of Cook, State of Illinois.

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5. On November 4, 2022, Defendant, MATTHEW ZAVALA, operated, controlled, and maintained a 2013 Nissan Rogue in a southbound direction on Illinois Route 59 at or near its intersection with Illinois Route 68, in the Village of Barrington Hills, County of Cook, State of Illinois.

6. On November 4, 2022, Defendant, MATTHEW ZAVALA, failed to stop at the red light at the intersection of Illinois Route 59 and Illinois Route 68, coming into to contact with the vehicle which Plaintiff, ILENE DIETZ, occupied.

7. On November 4, 2022, Defendant, MATTHEW ZAVALA, owed a duty to exercise reasonable care in the operation of his motor vehicle to avoid placing others in danger and to avoid coming into contact with another vehicle on the roadway.

11. At the time and place aforesaid, Defendant, MATTHEW ZAVALA, was negligent in one or more of the following respects:

- a. Failed to stop at a red light in violation of 625 ILCS 5/11-305;
- b. Failed to maintain proper control over his vehicle to avoid colliding with another vehicle;
- c. Proceeded at a speed which was greater than reasonable and proper with regard to traffic conditions and the use of the highway, or which endangered the safety of persons or property in violation of 625 ILCS 5/11-601(a);
- d. Failed to keep and maintain a proper lookout; and
- e. Was otherwise careless and negligent.

12. As a direct and proximate result of one or more of the aforesaid negligent acts or omissions of Defendant, MATTHEW ZAVALA, Plaintiff, ILENE DIETZ, sustained injuries of a personal and pecuniary nature.

WHEREFORE, Plaintiff, ILENE DIETZ, prays that judgment be entered in her favor and against Defendant, MATTHEW ZAVALA, in an amount in excess of the jurisdictional limits of the Circuit Court of Cook County, Illinois, plus costs.

COUNT II – NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS

1-12. Plaintiff, ILENE DIETZ, re-alleges and incorporates paragraphs 1 through 12 of Count I as paragraphs 1 through 12 of Count II.

13. As a direct and proximate result of Defendant MATTHEW ZAVALA’s negligent conduct, as previously alleged, Plaintiff, ILENE DIETZ, suffered an immediate emotional response which was severe, initially manifesting in crying on the scene from witnessing and experiencing the trauma of the crash which included broken glass, deployed airbags, mangled metal, and witnessing her husband injured, and later made worse by learning of her husband’s death from the crash, resulting in past and future emotional distress including past and future anxiety, and other emotional damages for purposes of negligent infliction of emotional distress.

WHEREFORE, Plaintiff, ILENE DIETZ, prays that judgment be entered in her favor and against Defendant, MATTHEW ZAVALA, in an amount in excess of the jurisdictional limits of the Circuit Court of Cook County, Illinois, plus costs.

COUNT III – NEGLIGENT ENTRUSTMENT – MELISSA IDSTEIN

Plaintiff, ILENE DIETZ, by and through her attorneys, CAVANAGH LAW GROUP, complaining of Defendant, MELISSA IDSTEIN, alleges as follows:

1. On November 4, 2022, and at all times relevant hereto, Illinois Route 59 was a public roadway traveling in a general north/south direction approximately at or near its intersection with Illinois Route 68, in the Village of Barrington Hills, County of Cook, State of Illinois.

2. On November 4, 2022, and at all times relevant hereto, Illinois Route 68 was a public roadway traveling in a general east/west direction approximately at or near its intersection with Illinois Route 59, in the Village of Barrington Hills, County of Cook, State of Illinois.

3. On November 4, 2022, Plaintiff, ILENE DIETZ, was a passenger in a vehicle operated by her husband, Charles Dietz.

4. On November 4, 2022, Charles Dietz was operating his motor vehicle which Plaintiff, ILENE DIETZ, occupied in an easterly direction on Illinois Route 68 at its intersection with Illinois Route 59, in the Village of Barrington Hills, County of Cook, State of Illinois.

5. On November 4, 2022, Defendant, MELISSA IDSTEIN, owned the 2013 Nissan Rogue which was operated by Defendant MATTHEW ZAVALA in a southbound direction on Illinois Route 59 at or near its intersection with Illinois Route 68, in the Village of Barrington Hills, County of Cook, State of Illinois.

6. On November 4, 2022, Defendant, MELISSA IDSTEIN, entrusted her motor vehicle to Defendant, MATTHEW ZAVALA, by her express or implied consent or knowledge.

7. On November 4, 2022, Defendant, MELISSA IDSTEIN, owed a duty to Plaintiff, ILENE DIETZ, not to negligently allow her vehicle to be driven by Defendant, MATTHEW ZAVALA, without due care and caution and not to allow the vehicle to be operated in such a manner as to endanger Plaintiff's health, life, and property and in violation of the motor vehicle codes of the State of Illinois.

8. On November 4, 2022, Plaintiff, ILENE DIETZ, was a passenger in a vehicle operated in an eastern direction on Illinois Route 68 at its intersection with Illinois Route 59, in the Village of Barrington Hills, County of Cook, State of Illinois.

9. On November 4, 2022, the vehicle owned by Defendant, MELISSA IDSTEIN, came into contact with the vehicle Plaintiff, ILENE DIETZ, occupied.

10. On November 4, 2022, and at all times relevant hereto, contrary to the duties owed to Plaintiff, ILENE DIETZ, Defendant, MELISSA IDSTEIN, negligently breached the aforesaid duties by allowing her vehicle to be operated by Defendant MATTHEW ZAVALA, whom Defendant MELISSA IDSTEIN knew or should have known would operate the vehicle in a careless, reckless, or incompetent manner, in violation of the motor vehicle code of the state of Illinois.

11. On November 4, 2022, Defendant, MELISSA IDSTEIN's negligent entrustment of the motor vehicle to Defendant, MATTHEW ZAVALA, and Defendant MATTHEW ZAVALA's negligence as set forth in Count I, proximately caused Plaintiff's injuries.

12. That as a direct and proximate result of one or more of the aforesaid acts or omissions of Defendant, MELISSA IDSTEIN, Plaintiff, ILENE DIETZ, sustained injuries of a personal and pecuniary nature.

WHEREFORE, Plaintiff, ILENE DIETZ, prays that judgment be entered in her favor and against Defendant, MATTHEW ZAVALA, in an amount in excess of the jurisdictional limits of the Circuit Court of Cook County, Illinois, plus costs.

CAVANAGH LAW GROUP



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