

12-Person Jury

Firm No. 62177

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DOROTHY BROWN  
CIRCUIT CLERK  
COOK COUNTY, IL  
2018L013273

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

**TEREASA MARTIN, as Special  
Administrator for the ESTATE OF  
KEN'NEKA JENKINS, DECEASED,**

Plaintiff

Case No.: 2018L013273

v

**CPO HOSPITALITY LLC, d/b/a  
CROWNE PLAZA CHICAGO-  
O'HARE HOTEL;**

Registered Agent:  
David M. Friedman  
5005 W Touhy #200  
Skokie, IL 60077

**F & F REALTY LTD.;**

Registered Agent:  
David M. Friedman  
5005 W Touhy #200  
Skokie, IL 60077

**CAPITAL SECURITY AND  
INVESTIGATIONS;**

Registered Agent:  
Lester N. Arnold  
115 W. Lake Dr. #200  
Glendale Heights, IL 60139

and

**MBC ROSEMONT, LLC d/b/a  
MURRAY BROS. CADDYSHACK**

Registered Agent:  
C T Corporation System  
208 SO LaSalle St. Suite 814  
Chicago, IL 60604

Defendants.

COMPLAINT AND DEMAND FOR TRIAL BY JURY

NOW COMES Plaintiff, TEREASA MARTIN, as Special Administrator for the ESTATE OF KEN'NEKA JENKINS, Deceased, by and through her counsel, BEAM LEGAL TEAM, LLC, and for her Complaint against Defendants, CPO HOSPITALITY LLC d/b/a CROWNE PLAZA CHICAGO-O'HARE HOTEL, F & F REALTY LTD., CAPITAL SECURITY AND INVESTIGATIONS, and MBC ROSEMONT, LLC d/b/a MURRAY BROS. CADDYSHACK, hereby states as follows:

1. At all times relevant TEREASA MARTIN was the biological mother of KEN'NEKA JENKINS. A petition to duly appoint TEREASA MARTIN as Administrator of the Estate of KEN'NEKA JENKINS has been filed and is currently pending in the Probate Court of Cook County, Illinois.

2. At all times relevant, Plaintiff's Decedent, KEN'NEKA JENKINS, was a resident of the City of Chicago, County of Cook, State of Illinois.

3. Upon all information and belief, Defendant, CPO HOSPITALITY LLC., was an Illinois corporation doing business as CROWNE PLAZA CHICAGO-O'HARE HOTEL in the City of Rosemont, County of Cook, State of Illinois.

4. Upon all information and belief, Defendant, F & F REALTY LTD., was an Illinois corporation doing business in the City of Rosemont, County of Cook, State of Illinois. F & F REALTY LTD., owned, operated, and managed the CROWNE PLAZA CHICAGO-O'HARE HOTEL.

5. Upon all information and belief, Defendant, CAPITAL SECURITY AND INVESTIGATIONS, (hereinafter "CAPITAL SECURITY") was an Illinois corporation doing business in the City of Rosemont, County of Cook, State of Illinois. CAPITAL SECURITY provided security services to the CROWNE PLAZA CHICAGO-O'HARE HOTEL.

6. Upon all information and belief, Defendant, MBC ROSEMONT, LLC., was an Illinois corporation doing business as MURRAY BROS. CADDYSHACK RESTAURANT (hereinafter "CADDYSHACK RESTAURANT") in the City of Rosemont, County of Cook, State of Illinois. CADDYSHACK RESTAURANT leased premises from Defendants CPO HOSPITALITY LLC d/b/a CROWNE PLAZA CHICAGO-O'HARE HOTEL and/or F & F REALTY LTD.

7. Defendants CPO HOSPITALITY LLC d/b/a CROWNE PLAZA CHICAGO-O'HARE HOTEL, and F & F REALTY LTD., are collectively referred to as CROWNE PLAZA Defendants.

8. This matter arises out of a September 10, 2017, incident resulting in the death of KEN'NEKA JENKINS that occurred at the CROWNE PLAZA CHICAGO-O'HARE HOTEL, located at 5400 River Road in the City of Rosemont, County of Cook, State of Illinois.

9. On or about September 9, 2017, at approximately 1:13 AM, Plaintiff's Decedent, KEN'NEKA JENKINS, entered the CROWNE PLAZA Defendants' hotel as a guest.

10. Plaintiff's Decedent, KEN'NEKA JENKINS, entered the hotel completely coherent and without incident.

11. On or about September 9, 2017, at approximately 2:30 AM, Plaintiff's Decedent, KEN'NEKA JENKINS, left a room on the ninth floor, and was last seen by her friends at that time.

12. On information and belief, prior to 2:30 AM on or about September 9, 2017, there were multiple notifications to the CROWNE PLAZA Defendants and/or agents of Defendant, CAPITAL SECURITY regarding the room where Decedent, KEN'NEKA JENKINS, was believed to be.

13. On information and belief, prior to 2:30 AM on or about September 9, 2017, the CROWNE PLAZA Defendants and/or agents of Defendant, CAPITAL SECURITY had actual and/or constructive knowledge that there were too many occupants in the room where Decedent, KEN'NEKA JENKINS was believed to be, a smoke detector had been disabled in the room where Decedent, KEN'NEKA JENSKINS was believed to be, and/or there was a smell of strong intoxicants emanating from the room where Decedent, KEN'NEKA JENKINS, was believed to be.

14. On information and belief, prior to 2:30 AM on or about September 9, 2017, neither the CROWNE PLAZA Defendants and/nor agents of Defendant, CAPITAL SECURITY who had actual and/or constructive knowledge of dangerous and/or impermissible conduct of individuals in the room where Decedent, KEN'NEKA JENKINS was believed to be, intervened or appropriately investigated such conduct, as was required under the circumstances then and there existing.

15. On or about September 9, 2017, shortly after Defendants knew and/or had reason to know KEN'NEKA JENKINS was missing at or about 2:30 AM, Tereasa Martin, was assured by CROWNE PLAZA Defendants hotel staff and employees and/or agents of CAPITAL SECURITY they would check and review all security cameras and footage to locate Plaintiff's Decedent, KEN'NEKA JENKINS.

16. On or about September 9, 2017, CROWNE PLAZA Defendants and Defendant, CAPITAL SECURITY undertook the responsibility of checking security cameras footage in order to locate Plaintiff's Decedent, KEN'NEKA JENKINS.

17. After Defendants were informed of Plaintiff's Decedent, KEN'NEKA JENKIN's, disappearance, employees of Defendants failed to properly monitor and/or review security video

cameras and footage which would have shown the whereabouts of KEN'NEKA JENKINS, which would have saved her life.

18. Plaintiff's Decedent, KEN'NEKA JENKINS was a guest at the CROWNE PLAZA Defendants' hotel.

19. Plaintiff's Decedent, KEN'NEKA JENKINS, was last seen near an elevator on the ninth floor, where surveillance cameras were installed, in use, and properly working, and therefore she was observable.

20. On or about September 9, 2017, at approximately 3:32 AM, Plaintiff's Decedent, KEN'NEKA JENKINS, was seen on camera, entering a kitchen, through the employee door from the downstairs hallway of the CROWNE PLAZA CHICAGO-O'HARE hotel.

21. Between approximately 2:30 AM when Plaintiff's Decedent, KEN'NEKA JENKINS was last seen by her friends, and 3:32 AM when she was last seen on camera entering an abandoned kitchen, she appeared on CROWNE PLAZA Defendants' surveillance footage at all times.

22. Had CROWNE PLAZA Defendants' staff and employees and/or agents of Defendant, CAPITAL SECURITY, checked the surveillance footage sooner, or alternatively, properly and timely reviewed the video footage, they would have seen Plaintiff's Decedent, KEN'NEKA JENKINS enter the kitchen, and would have been able to locate her which would have prevented her death.

23. On or about September 9, 2017, between 2:30 AM when Plaintiff's Decedent, KEN'NEKA JENKINS, was last seen by her friends, and 3:32 AM when she was last seen on surveillance footage entering the kitchen of the CROWNE PLAZA Defendants' hotel, she passed several hotel personnel who failed to prevent KEN'NEKA JENKINS from entering the kitchen.

24. After last being seen leaving a room on the ninth floor, Plaintiff's Decedent, KEN'NEKA JENKINS, was visibly disoriented and in dire need of assistance. CROWNE PLAZA Defendants' through their employees and employees and/or agents of Defendant, CAPITAL SECURITY should have assisted Plaintiff's Decedent, KEN'NEKA JENKINS which would have prevented her death.

25. Upon information and belief, CROWNE PLAZA Defendants maintained several double walk-in freezers within the hotel, but locked and sequestered them from access by the general public.

26. At all times relevant hereto, the kitchen within the CROWNE PLAZA Defendants' hotel, contained a double walk-in freezer that was accessible to the general public and all Defendants' agents and/or employees without restriction on access.

27. At all times relevant hereto, the double walk-in freezer in the abandoned kitchen within the CROWNE PLAZA Defendants' hotel had a sticker affixed that was completely faded and failed to instruct how to release the lock system of the door.

28. At all times relevant hereto, the double walk-in cooler in the abandoned kitchen of the CROWNE PLAZA Defendants' hotel was unused and did not contain any food or produce.

29. Upon information and belief, all coolers and freezers within the CROWNE PLAZA Defendants' hotel were supposed to be temperature monitored on a regular basis.

30. On or about September 9, 2017, at approximately 12:36 PM, Plaintiff's Decedent, KEN'NEKA JENKINS, was reported missing to the Rosemont Public Safety Police when the family did not receive a response from the CROWNE PLAZA Defendants' hotel staff and employees and/or agents of Defendant, CAPITAL SECURITY.

31. On or about September 9, 2017, at approximately 3:20 PM the Rosemont Public Safety Police commenced an investigation at the CROWNE PLAZA Defendants' hotel.

32. Upon information and belief, it was not until after Rosemont Public Safety Police requested review of the surveillance that the CROWNE PLAZA Defendants staff and employees and/or agents of CAPITAL SECURITY actually began the undertaking of reviewing surveillance footage.

33. On or about September 9, 2017, at approximately 10:30 PM, an unidentified employee entered the aforesaid kitchen and failed to discover Plaintiff's Decedent, KEN'NEKA JENKINS.

34. On or about September 10, 2017, at approximately 12:25 AM, Plaintiff's Decedent, KEN'NEKA JENKINS, was found unresponsive inside of the double walk-in freezer, of the aforesaid kitchen of the CROWNE PLAZA Defendants' hotel.

35. On information and belief, Decedent, KEN'NEKA JENKINS, was caused to die from hypothermia and/or freezing to death which caused immeasurable conscious pain and suffering prior to her death.

**COUNT I**  
**NEGLIGENCE/ GROSS NEGLIGENCE/ PREMISES LIABILITY**  
**CROWNE PLAZA DEFENDANTS**

36. Plaintiff's Decedent re-alleges and reasserts all previously enumerated paragraphs as though fully set forth herein.

37. At all pertinent times herein, CROWNE PLAZA Defendants, owed a duty to provide security and maintain a safe premises.

38. At all pertinent times relevant herein, CROWNE PLAZA Defendants, owed a duty to warn of, or otherwise take reasonable steps to protect the general public, its business invitees,

guests and Plaintiff's Decedent, KEN'NEKA JENKINS, in particular, regarding the state of the premises or acts done or omitted on them.

39. At all times relevant hereto, CROWNE PLAZA Defendants owed a duty to warn their agents and/or employees of unreasonable risks and dangers on their premises.

40. At all pertinent times herein, CROWNE PLAZA Defendants, owed a duty to the general public, its business invitees, guests and Plaintiff's Decedent, KEN'NEKA JENKINS, in particular maintain a safe premises.

41. At all pertinent times relevant herein, CROWNE PLAZA Defendants, owed a duty to the general public, its business invitees, guests and Plaintiff's Decedent, KEN'NEKA JENKINS, in particular, to warn of latent defects or dangers, such as abandoned kitchens and/or accessible double walk-in freezers.

42. At all times relevant, Defendants owed their business invitees, guests and Plaintiff's Decedent, KEN'NEKA JENKINS, in particular, a duty to exercise reasonable care to ensure that services undertaken by security services and food service providers were done so in a manner so as to not inflict injury upon others.

43. At all times relevant, CROWNE PLAZA Defendants, owed a duty to the general public, its business invitees, guests and Plaintiff's Decedent, KEN'NEKA JENKINS, in particular, to properly supervise, train, and hire its personnel who were working at the CROWNE PLAZA Defendants' hotel.

44. At all times relevant hereto, CROWNE PLAZA Defendants owed a duty to their business invitees, guests and Plaintiff's Decedent, KEN'NEKA JENKINS, in particular, to maintain policies and/or procedures so as to prevent injury upon others when undertaking a duty to act.



45. At all pertinent times relevant hereto, CROWNE PLAZA Defendants, owed a duty to the general public, its business invitees, guests and Plaintiff's Decedent, KEN'NEKA JENKINS, in particular, provide adequate security for their hotel to protect the premises and their patrons.

46. That CROWNE PLAZA Defendants, were negligent and/or grossly negligent and responsible for:

- a. Failing to secure areas which should have been closed off to the general public;
- b. Failing to secure areas restricted to employees only;
- c. Failing to maintain proper signage;
- d. Failing to warn of a dangerous condition;
- e. Maintaining a defective and faulty freezer;
- f. Improperly allowing a dangerously designed freezer area to remain in operation, unsupervised and open to the public.
- g. Failing to maintain the latch and entry system to their kitchen freezer;
- h. Failing to secure an area otherwise inherently dangerous;
- i. Failing to timely review security cameras when undertaking a duty to do so;
- j. Failing to hire, manage, supervise and train employees and/or agents who were competent to deal with missing persons in a reasonable manner;
- k. Failing to hire, manage, supervise and train employees and/or agents who were properly trained not to negligently disregard dangers to the general public;
- l. Failing to hire, manage, supervise and train employees and/or agents who were competent;

- m. Failing to hire security providers who are competent and capable of acting reasonably under the circumstances;
- n. Failing to hire food service providers who are competent and capable of acting reasonably under the circumstances;
- o. Failing to enforce existing policies and procedures to prevent the conduct described herein and/or failing to promulgate sufficient policies to prevent the occurrence alleged herein;
- p. Failing to adopt proper procedures for their employees and personnel; and
- q. Failing to properly and adequately train its staff with relation to safety procedures of personnel only areas.

47. At all pertinent times, employees and/or agents of CROWNE PLAZA Defendants and Defendant, CAPITAL SECURITY, had a duty to act when they were put on notice of Plaintiff's Decedent's disappearance and undertook the responsibility to act as existed at the time.

48. Had CROWNE PLAZA Defendants and employees and/or agents of Defendant, CAPITAL SECURITY, checked the surveillance footage, when they undertook the duty to do so, they would have found Plaintiff's Decedent, KEN'NEKA JENKINS, in a timely fashion and prevented her death.

49. Had CROWNE PLAZA Defendants and employees and/or agents of Defendant, CAPITAL SECURITY, properly intervened when they observed Plaintiff's Decedent visibly disoriented, confused and lost within their premises, they would have prevented her from entering the abandoned kitchen and prevented her death.

50. Had CROWNE PLAZA Defendants properly secured the unused kitchen, they would have prevented Plaintiff's Decedent, KEN'NEKA JENKINS, from entering the abandoned kitchen and thereby prevented her death.

51. Had CROWNE PLAZA Defendants provided adequate security, they would have intervened quickly, appropriately, and correctly to the dangerous conditions created in the subject hotel room, they would have prevented Plaintiff's Decedent, KEN'NEKA JENKINS, from becoming disoriented and distressed.

52. As a direct and proximate result of the negligence of CROWNE PLAZA Defendants, Plaintiff's Decedent, KEN'NEKA JENKINS, was seriously, painfully, and permanently hurt and injured as her body shut down and she froze to death.

53. That as a direct and proximate result of the above described actions, Plaintiffs' decedent, KEN'NEKA JENKINS, and her ESTATE, suffered damages, including, but not limited to:

- a. Conscious, physical pain and suffering and death;
- b. Severe emotional injuries;
- c. Mental anguish;
- d. Mortification and humiliation;
- e. Embarrassment and denial of social pleasures;
- f. Economic loss including wage loss;
- g. Medical expenses past present and future;
- h. Exemplary damages;
- i. Punitive Damages;
- j. Attorney fees and costs;
- k. Loss of love, society and companionship;
- l. Reasonable funeral and burial expenses;

m. Loss of gifts, gratuities and other items of economic value; and

n. All other damages allowable by law.

54. CROWNE PLAZA Defendants are vicariously liable under the doctrine of *respondet superior*, for all negligent acts committed by their employees and/or agents, when acting within the course and scope of their employment.

WHEREFORE Plaintiff respectfully requests that this Honorable Court enter a judgment in favor of Plaintiff and against the Defendants in excess of Fifty Million Dollars (\$50,000,000.00), exclusive of costs, interest and attorney fees.

**COUNT II**  
**NEGLIGENCE AND/OR GROSS NEGLIGENCE**  
**DEFENDANT, MURRAY BROS. CADDYSHACK RESTAURANT**

55. Plaintiff's Decedent re-alleges and reasserts all previously enumerated paragraphs as though fully set forth herein.

56. At all pertinent times herein, Defendant, CADDYSHACK RESTAURANT, was renting the Kosher Kitchen from the CROWNE PLAZA Defendants.

57. At all pertinent times herein, Defendant, CADDYSHACK RESTAURANT, owed a duty to maintain a safe premises.

58. At all pertinent times relevant herein, Defendant, CADDYSHACK RESTAURANT, owed a duty to warn of, or otherwise take reasonable steps to protect the general public, its business invitees, guests and Plaintiff's Decedent, KEN'NEKA JENKINS, in particular, regarding the state of the premises or acts done or omitted on them.

59. At all times relevant hereto, Defendant, CADDYSHACK RESTAURANT, owed a duty to warn their agents and/or employees of unreasonable risks and dangers in their leased premises.

60. At all pertinent times herein, Defendants, CADDY SHACK RESTAURANT, owed a duty to the general public, its business invitees, guests and Plaintiff's Decedent, KEN'NEKA JENKINS, in particular maintain a safe premises.

61. At all pertinent times relevant herein, Defendant CADDYSHACK RESTAURANT, owed a duty to the general public, its business invitees, guests and Plaintiff's Decedent, KEN'NEKA JENKINS, in particular, to warn of latent defects or dangers, within their leased premises, namely the abandoned kitchen.

62. At all times relevant, Defendant, CADDYSHACK RESTAURANT, owed their business invitees, guests and Plaintiff's Decedent, KEN'NEKA JENKINS, in particular, a duty to exercise reasonable care to ensure that services undertaken by their food service providers were done so in a manner so as to not inflict injury upon others.

63. At all times relevant, Defendant, CADDYSHACK RESTAURANT, owed a duty to the general public, its business invitees, guests and Plaintiff's Decedent, KEN'NEKA JENKINS, in particular, to properly supervise, train, and hire its personnel who were working at for their company, at the leased premises.

64. At all times relevant hereto, Defendant, CADDYSHACK RESTAURANT owed a duty to their business invitees, guests and Plaintiff's Decedent, KEN'NEKA JENKINS, in particular, to maintain policies and/or procedures so as to prevent injury upon others when supervising and/or using their premises.

65. At all pertinent times relevant hereto, Defendant, CADDYSHACK RESTAURANT, owed a duty to the general public, its business invitees, guests and Plaintiff's Decedent, KEN'NEKA JENKINS, in particular, maintain safe premises for the patrons.

66. That Defendant, CADDYSHACK RESTAURANT, was negligent and/or grossly negligent and responsible for:

- a. Failing to secure areas which should have been closed off to the general public;
- b. Failing to secure areas restricted to employees only;
- c. Failing to maintain proper signage;
- d. Failing to warn of a dangerous condition;
- e. Maintaining a defective and faulty freezer;
- f. Improperly allowing a dangerously designed freezer area to remain in operation, unsupervised and open to the public.
- g. Failing to maintain the latch and entry system to their kitchen freezer;
- h. Failing to secure an area otherwise inherently dangerous;
- i. Failing to hire, manage, supervise and train employees and/or agents who were properly trained not to negligently disregard dangers to the general public;
- j. Failing to hire, manage, supervise and train employees and/or agents who were competent;
- k. Failing to hire food service providers who are competent and capable of acting reasonably under the circumstances;
- l. Failing to enforce existing policies and procedures to prevent the conduct described herein and/or failing to promulgate sufficient policies to prevent the occurrence alleged herein;
- m. Failing to adopt proper procedures for their employees and personnel; and

- n. Failing to properly and adequately train its staff with relation to safety procedures of personnel only areas.

67. At all pertinent times, employees and/or agents of Defendant, CADDYSHACK RESTAURANT, had a duty to properly secure the unused kitchen, and ensure the safe and proper management of all supplies within the kitchen.

68. Had Defendant, CADDYSHACK RESTAURANT, properly secured the unused kitchen, they would have prevented Plaintiff's Decedent, KEN'NEKA JENKINS, from entering the abandoned kitchen and prevented her death.

69. Had Defendant, CADDYSHACK RESTAURANT, ensured that equipment not in use, such as the abandoned freezer, was properly turned off and managed, Plaintiff's Decedent, KEN'NEKA JENKINS, would not have frozen to death.

70. As a direct and proximate result of the negligence of Defendant, CADDYSHACK RESTAURANT, Plaintiff's Decedent, KEN'NEKA JENKINS, was seriously, painfully, and permanently hurt and injured as her body shut down and froze to death.

71. That as a direct and proximate result of the above described actions, Plaintiff's Decedent, KEN'NEKA JENKINS, and her ESTATE, suffered damages, including but not limited to:

- a. Conscious, physical pain and suffering and death;
- b. Severe emotional injuries;
- c. Mental anguish;
- d. Mortification and humiliation;
- e. Embarrassment and denial of social pleasures;
- f. Economic loss including wage loss;

- g. Medical expenses past present and future;
- h. Exemplary damages;
- i. Punitive Damages;
- j. Attorney fees and costs;
- k. Loss of love, society and companionship;
- l. Reasonable funeral and burial expenses;
- m. Loss of gifts, gratuities and other items of economic value; and
- n. All other damages allowable by law

72. Defendant, CADDYSHACK RESTAURANT, is vicariously liable under the doctrine of *respondeat superior*, for all negligent acts committed by their employees and/or agents, when acting within the course and scope of their employment.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter a judgment in favor of Plaintiff and against the Defendants in excess of Fifty Million Dollars (\$50,000,000.00), exclusive of costs, interest, and attorney fees.

**COUNT III**  
**NEGLIGENCE AND/OR GROSS NEGLIGENCE**  
**DEFENDANT, CAPITAL SECURITY**

73. Plaintiff's decedent re-alleges and reasserts all previously enumerated paragraphs as though fully set forth herein.

74. At all pertinent times herein, Defendant, CAPITAL SECURITY, owed a duty to provide security services and maintain a safe premises at CROWNE PLAZA Defendants' hotel.

75. At all pertinent times herein, Defendant CAPITAL SECURITY, was in the business of providing private security, loss prevention, and investigative services.



76. At all pertinent times herein, Defendant, CAPITAL SECURITY, was the exclusive provider of security services on the premises at CROWNE PLAZA Defendants' hotel.

77. At all pertinent times herein, Defendant, CAPITAL SECURITY, voluntarily and/or contractually assumed a duty to protect the premises, the general public, its business invitees, guests, and Plaintiff's Decedent, KEN'NEKA JENKINS, in particular, on the premises of the CROWNE PLAZA Defendants' hotel.

78. At all pertinent times herein, Defendant, CAPITAL SECURITY, voluntarily and/or contractually assumed a duty to protect the general public, its business invitees, guests and Plaintiff's Decedent, KEN'NEKA JENKINS, in particular, from the criminal acts on the premises of the CROWNE PLAZA Defendants' hotel.

79. At all times relevant hereto, Defendant, CAPITAL SECURITY owed the business invitees, guests, and Plaintiff's Decedent, KEN'NEKA JENKINS, in particular, a duty to exercise reasonable care to ensure that services voluntarily undertaken by their agents and/or employees were done so in a manner so as to not inflict injury upon others.

80. At all pertinent times herein, Defendant, CAPITAL SECURITY, owed a duty to the general public, its business invitees, guests and Plaintiff's Decedent, KEN'NEKA JENKINS, in particular, to properly supervise, train and hire its agents and/or employees who were working at the CROWNE PLAZA Defendants' hotel.

81. At all times relevant hereto, Defendant, CAPITAL SECURITY, owed a duty to their business invitees, guests, and Plaintiff's Decedent, KEN'NEKA JENKINS, in particular, to maintain policies and/or procedures so as to prevent injury upon others when undertaking a duty to act.

82. At all times relevant hereto, Defendant, CAPITAL SECURITY, owed a duty to their business invitees, guests, and Plaintiff's Decedent, KEN'NEKA JENKINS, in particular, to maintain policies and/or procedures so as to prevent injury upon others when agents and/or employees voluntarily undertake a duty to act and/or protect the premises patrons.

83. At all times relevant hereto, Defendant, CAPITAL SECURITY, owed a duty to their business invitees, guests, and Plaintiff's Decedent, KEN'NEKA JENKINS, in particular, to maintain and properly observe security and/or surveillance footage so as to ensure the safety and security of others and prevent injury upon others.

84. At all times relevant hereto, Defendant, CAPITAL SECURITY, owed a duty to their business invitees, guests, and Plaintiff's Decedent, KEN'NEKA JENKINS, in particular, to maintain and properly observe security and/or surveillance footage when voluntarily undertaking the duty to do so.

85. Defendant, CAPITAL SECURITY, was negligent and/or grossly negligent and responsible for:

- a. Failing to secure an area otherwise inherently dangerous;
- b. Failing to timely review security cameras when undertaking a duty to do so;
- c. Failing to hire, manage, supervise, and train employees and/or agents who were competent to deal with missing persons in a reasonable manner;
- d. Failing to hire, manage, supervise and train employees and/or agents who were properly trained not to negligently disregard dangers to the general public;
- e. Failing to hire, manage, supervise, and train employees and/or agents who were competent;

- f. Failing to hire security personnel who are competent and capable of acting reasonably under the circumstances;
- g. Failing to adopt proper procedures and policies for their employees and/or agents;
- h. Failing to enforce existing policies and procedures to prevent the conduct described herein and/or failing to promulgate sufficient policies to prevent the occurrence alleged herein;
- i. Failing to properly and adequately train its agents and/or employees with relation to safety procedures; and
- j. Other acts of negligence and gross negligence and reckless conduct to be discovered.

86. At all pertinent times, Defendant, CAPITAL SECURITY, had a duty to act when they were put on notice of Plaintiff's Decedent's disappearance and were contractually obligated to act and/or voluntarily undertook the responsibility to act as existed at the time.

87. Had employees and/or agents of Defendant, CAPITAL SECURITY, checked the security and/or surveillance footage, when they undertook the duty to do so, they would have found Plaintiff's Decedent, KEN'NEKA JENKINS, in a timely fashion and prevented her death.

88. Had employees and/or agents of Defendant, CAPITAL SECURITY, maintained careful watch of their security and/or surveillance footage, they would have noticed Plaintiff's Decedent, KEN'NEKA JENKINS, visibly disoriented, distressed, and lost, and been able prevent her from entering the abandoned kitchen and prevented her death.

89. Had employees and/or agents of Defendant, CAPITAL SECURITY, properly intervened when they observed Plaintiff's Decedent visibly disoriented, confused and lost within

their premises, they would have prevented her from entering the abandoned kitchen and prevented her death.

90. As a direct and proximate result of the negligence of Defendant, CAPITAL SECURITY, Plaintiff's Decedent, KEN'NEKA JENKINS, was seriously, painfully, and permanently hurt and injured as her body shut down and she froze to death.

91. That as a direct and proximate result of the above described actions, Plaintiffs' decedent, KEN'NEKA JENKINS, and her ESTATE, suffered damages, including, but not limited to:

- a. Conscious, physical pain and suffering and death;
- b. Severe emotional injuries;
- c. Mental anguish;
- d. Mortification and humiliation;
- e. Embarrassment and denial of social pleasures;
- f. Economic loss including wage loss;
- g. Medical expenses past present and future;
- h. Exemplary damages;
- i. Punitive Damages;
- j. Attorney fees and costs;
- k. Loss of love, society and companionship;
- l. Reasonable funeral and burial expenses;
- m. Loss of gifts, gratuities and other items of economic value; and
- n. All other damages allowable by law.

92. Under Illinois law, Defendant, CAPITAL SECURITY, is vicariously liable under the doctrine of *respondeat superior*, for all negligent acts committed by their employees and/or agents, when acting within the course and scope of their employment.

WHEREFORE Plaintiff respectfully requests that this Honorable Court enter a judgment in favor of Plaintiff and against the Defendants in excess of Fifty Million Dollars (\$50,000,000.00), exclusive of costs, interest and attorney fees.

**COUNT IV**  
**BREACH OF CONTRACT; THIRD-PARTY BENEFICIARY**  
**DEFENDANT, CAPITAL SECURITY**

93. Plaintiff's Decedent re-alleges and reasserts all previously enumerated paragraphs as though fully set forth herein.

94. At all pertinent times herein, Defendant, CAPITAL SECURITY, entered into a contract with the CROWNE PLAZA Defendants as the exclusive provider of security services.

95. At all pertinent times herein, upon all information and belief, pursuant to Illinois law, Defendant, CAPITAL SECURITY, owed a contractual duty to provide security services and maintain a safe premises for the benefit of the business invitees, guests, and Plaintiff's Decedent, KEN'NEKA JENKINS, in particular, at CROWNE PLAZA Defendants' hotel.

96. At all pertinent times herein, Defendant, CAPITAL SECURITY, intended to confer a benefit upon a nonparty, namely the business invitees, guests, and patrons of the CROWNE PLAZA Defendants' hotel, to prevent unreasonable risks and dangers on their premises.

97. At all pertinent times herein, Defendant, CAPITAL SECURITY, contractually assumed a duty to protect the premises, the general public, its business invitees, guests, and Plaintiff's Decedent, KEN'NEKA JENKINS, in particular, on the premises of the CROWNE PLAZA Defendants' hotel.

98. At all pertinent times relevant hereto, Defendant, CAPITAL SECURITY, had a duty to act when they were put on notice of a disturbance in the hotel room where Plaintiff's Decedent, KEN'NEKA JENKINS, was a guest.

99. At all pertinent times relevant hereto, Defendant, CAPITAL SECURITY, had a duty to act when their agents and/or employees responded to a hotel room where they smelled strong intoxicants.

100. At all pertinent times relevant hereto, Defendant, CAPITAL SECURITY, had a duty to act when their agents and/or employees were aware that dozens of people were present in a hotel room limited to only four guests.

101. At all pertinent times relevant hereto, Defendant, CAPITAL SECURITY, had a duty to act when their agents and/or employees were aware of criminal activity occurring at the CROWNE PLAZA Defendants' hotel.

102. At all pertinent times relevant hereto, Defendant, CAPITAL SECURITY, had a duty to act when their agents and/or employees were notified that a smoke detector had been disabled in the subject hotel room.

103. Defendant, CAPITAL SECURITY, was negligent and/or grossly negligent and responsible for:

- a. Failing to secure an area otherwise inherently dangerous;
- b. Failing to timely review security cameras when undertaking a duty to do so;
- c. Failing to hire, manage, supervise, and train employees and/or agents who were competent to deal with missing persons in a reasonable manner;

- d. Failing to hire, manage, supervise and train employees and/or agents who were properly trained not to negligently disregard dangers to the general public;
- e. Failing to hire, manage, supervise, and train employees and/or agents who were competent;
- f. Failing to hire security personnel who are competent and capable of acting reasonably under the circumstances;
- g. Failing to adopt proper procedures and policies for their employees and/or agents;
- h. Failing to enforce existing policies and procedures to prevent the conduct described herein and/or failing to promulgate sufficient policies to prevent the occurrence alleged herein;
- i. Failing to properly and adequately train its agents and/or employees with relation to safety procedures; and
- j. Other acts of negligence and gross negligence and reckless conduct to be discovered.

104. Had employees and/or agents of Defendant, CAPITAL SECURITY, properly intervened, in a timely fashion, when they were put on notice of a disturbance in the hotel room where Plaintiff's Decedent, KEN'NEKA JENKINS, was a guest, she would not have been able to become disoriented, distressed, and lost.

105. Had employees and/or agents of Defendant, CAPITAL SECURITY, properly intervened, in a timely fashion, when they smelled strong intoxicants from the subject hotel room, Plaintiff's Decedent, KEN'NEKA JENKINS, would not have been able to become disoriented, distressed, and lost and which would have prevented her death.

106. Had employees and/or agents of Defendant, CAPITAL SECURITY, properly intervened, in a timely fashion, when they realized that the subject hotel room was not used for its

intended purposes and that dozens of people were present in a room limited to four guests, Plaintiff's Decedent, KENNEKA JENKINS, would not have been able to become disoriented, distressed, and lost which would have prevented her death.

107. Had employees and/or agents of Defendant, CAPITAL SECURITY, properly intervened, in a timely fashion, when they were put on notice that criminal activity was occurring in the subject hotel room, they would have broke apart the party, and Plaintiff's Decedent, would not have been able to become disoriented, distressed, and lost which would have prevented her death.

108. Had employees and/or agents of Defendant, CAPITAL SECURITY, properly intervened, in a timely fashion, when they were notified that a smoke detector had been disabled in the subject hotel room, they would have evacuated the room and Plaintiff's Decedent, would not have been able to become disoriented, distressed, and lost which would have prevented her death.

109. As a direct and proximate result of the negligence of Defendant, CAPITAL SECURITY, Plaintiff's Decedent, KENNEKA JENKINS, was seriously, painfully, and permanently hurt and injured as her body shut down and she froze to death.

110. That as a direct and proximate result of the above described actions, Plaintiffs' decedent, KENNEKA JENKINS, and her ESTATE, suffered damages, including, but not limited to:

- a. Conscious, physical pain and suffering and death;
- b. Severe emotional injuries;
- c. Mental anguish;
- d. Mortification and humiliation;
- e. Embarrassment and denial of social pleasures;



- f. Economic loss including wage loss;
- g. Medical expenses past present and future;
- h. Exemplary damages;
- i. Punitive Damages;
- j. Attorney fees and costs;
- k. Loss of love, society and companionship;
- l. Reasonable funeral and burial expenses;
- m. Loss of gifts, gratuities and other items of economic value; and
- n. All other damages allowable by law.

111. Under Illinois law, Defendant, CAPITAL SECURITY, is vicariously liable under the doctrine of *respondeat superior*, for all negligent acts committed by their employees and/or agents, when acting within the course and scope of their employment

WHEREFORE Plaintiff respectfully requests that this Honorable Court enter a judgment in favor of Plaintiff and against the Defendants in excess of Fifty Million Dollars (\$50,000,000.00), exclusive of costs, interest and attorney fees.

**COUNT V**  
**DOCTRINE OF RESPONDEAT SUPERIOR/VICARIOUS LIABILITY AND/OR**  
**CONTRACTOR LIABILITY**  
**CROWNE PLAZA DEFENDANTS**

112. Plaintiff's Decedent re-alleges and reasserts all previously enumerated paragraphs as though fully set forth herein.

113. Upon information and belief, on September 9, 2017, agents and/or employees of CROWNE PLAZA Defendants, were notified of Plaintiff's Decedent's disappearance.

114. Upon information and belief, on September 9, 2017, agents and/or employees of the CROWNE PLAZA Defendants, undertook the duty to aid in the search for Plaintiff's Decedent, KEN'NEKA JENKINS.

115. At all times relevant hereto, employees and/or agents of the CROWNE PLAZA Defendants were acting within the course and scope of their employment with the CROWNE PLAZA Defendants when they undertook the duty to aid in the search and recovery of Plaintiff's Decedent, KEN'NEKA JENKINS.

116. At all times relevant hereto, CROWNE PLAZA Defendants, contracted with Defendant, CAPITAL SECURITY, to provide security services to the CROWNE PLAZA Defendants' hotel.

117. Upon information and belief, CROWNE PLAZA Defendants, contracted with Defendant, CADDYSHACK RESTAURANT, to provide food services to the CROWNE PLAZA Defendants' hotel.

118. At all times relevant hereto, and pursuant to Illinois Law, Defendant, CAPITAL SECURITY, owed a duty to act with ordinary care for the safety and security of the public and specifically to Plaintiff's Decedent, KEN'NEKA JENKINS.

119. At all times relevant hereto, the CROWNE PLAZA Defendants and Defendant, CAPITAL SECURITY, owed to Plaintiff's Decedent, KEN'NEKA JENKINS, those duties set forth in this Complaint and negligently and/or grossly negligently breached the same as set forth in this Complaint.

120. As a direct and/or proximate cause of all Defendants' negligent and/or grossly negligent actions, Plaintiff's Decedent, KEN'NEKA JENKINS, and her ESTATE, suffered damages, including but not limited to, those set forth in this complaint.

121. Under Illinois Law, the CROWNE PLAZA Defendants are vicariously liable under the doctrine of *respondeat superior* for all negligent and/or grossly negligent acts committed by its employees and/or agents, when acting within the course and scope of their employment.

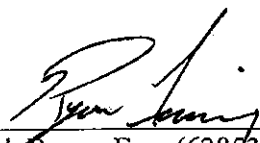
122. Under Illinois Law, the CROWNE PLAZA Defendants, are responsible for Defendants', CAPITAL SECURITY and CADDYSHACK RESTAURANT's, negligence and/or gross negligence by virtue of contractor liability.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter a judgment in favor of Plaintiff and against the Defendants in excess of Fifty Million Dollars (\$50,000,000.00), exclusive of costs, interest and attorney fees.

Dated: December 11, 2018

Respectfully submitted,

BY:

  
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Jack Beam, Esq. (6287383)  
Matthew M. Patterson, Esq. (6316641)  
Ryan P. Timoney, Esq. (6324756)  
BEAM LEGAL TEAM, LLC  
954 W. Washington Blvd, Suite 215  
Chicago, IL 60607  
Firm No. 62177  
(312) 733-0930  
(312) 733-0921 (fax)

*Attorneys for Plaintiffs*