

1023-823-100
STATE OF ILLINOIS
COUNTY OF COOK

SS

ATTORNEY NO.: 39903



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

CLARA JOHNSON,
Plaintiff,

v.

SINUHE MARTINEZ,
Defendant.

No.

FILED-2
2009 MAY -1 PM 1:36
CIVIL COURT OF COOK
COUNTY ILLINOIS
LAW DIVISION
CLERK
2009L005177
CALENDAR/ROOM B
TIME 00:00
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COMPLAINT AT LAW

NOW COMES Plaintiff, CLARA JOHNSON, (hereinafter JOHNSON), by her counsel, SHIPLEY LAW GROUP, LTD., and complaining of Defendant, SINUHE MARTINEZ, (hereinafter MARTINEZ), states as follows:

COUNT I-Negligence

1. On and prior to May 2, 2008, MARTINEZ was employed and working as a radiologist technician at the University of Illinois at Chicago Hospital, Chicago, Illinois.
2. On and prior to May 2, 2008, MARTINEZ, while working as a radiologist technician was an agent and/or employee of the hospital.
3. On and prior to May 2, 2008, MARTINEZ job duties and responsibilities included performing medical, radiological and related services for and on behalf patients of the hospital, said services requiring direct communication and contact with the patients.
4. MARTINEZ performed his job duties and responsibilities as a radiologist technician with the full approval and knowledge of the hospital.

5. On said date JOHNSON was lawfully on said premises as a patient at the hospital scheduled to receive medical, radiological and related services and was placed under the care and supervision of MARTINEZ.

6. At all relevant times it was the duty of MARTINEZ while in the performance of his job duties to exercise ordinary care while providing medical, radiological and related services to patients at the hospital and to ensure that the services provided to patients, including JOHNSON would be conducted in an appropriate and professional manner consistent with the expected scope of services.

7. On said date MARTINEZ inappropriately touched, fondled and made physical contact of an insulting and offensive manner with the person of JOHNSON which MARTINEZ knew or in the exercise of ordinary care should have known was without JOHNSON'S consent and against her will.

8. On said date MARTINEZ was guilty of one or more of the following negligent acts and/or omissions:

- a. Failed to properly perform his duties as a radiologist technician;
- b. Touched JOHNSON in a lewd, lascivious and sexual manner;
- c. Made physical contact with JOHNSON'S body with his hands and penis even though he knew or in the exercise of ordinary care should have known that such contact was not permitted;
- d. Harassed JOHNSON during the performance of his duties as a radiological technician;
- e. Engaged in conduct outside the description and scope of his duties and responsibilities as a radiologist technician.

9. As a direct and proximate result of one or more of the foregoing negligent acts and omissions JOHNSON suffered severe and permanent injuries and damages.

WHEREFORE, Plaintiff, CLARA JOHNSON, demands judgment against Defendant, SINUE MARTINEZ, in a sum in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS; plus costs.

COUNT II-Battery

1. On and prior to May 2, 2008, MARTINEZ was employed and working as a radiologist technician at the University of Illinois at Chicago Hospital, Chicago, Illinois.
2. On and prior to May 2, 2008, MARTINEZ, while working as a radiologist technician was an agent and/or employee of the hospital.
3. On and prior to May 2, 2008, MARTINEZ job duties and responsibilities included performing medical, radiological and related services for and on behalf patients of the hospital, said services requiring direct communication and contact with the patients.
4. MARTINEZ performed his job duties and responsibilities as a radiologist technician with the full approval and knowledge of the hospital.
5. On said date JOHNSON was lawfully on said premises as a patient at the hospital scheduled to receive medical, radiological and related services and was placed under the care and supervision of MARTINEZ.
6. On said date MARTINEZ with intent and malice aforethought, did inappropriately touch, fondle and make physical contact of an insulting and offensive manner with the person of JOHNSON which was against her will and without her consent.
7. On the day and date aforesaid MARTINEZ was guilty of one or more of the following deliberate acts:
 - a. Failed to properly perform his duties as a radiologist technician;
 - b. Touched JOHNSON in a lewd, lascivious and sexual manner;
 - c. Made physical contact with JOHNSON'S body with his hands and penis even though he knew that such contact was not permitted;

- d. Harassed JOHNSON during the performance of his duties as a radiological technician;
 - e. Engaged in conduct outside the description and scope of his duties and responsibilities as a radiologist technician.
8. As a direct and proximate result of one or more of the foregoing deliberate acts JOHNSON suffered severe and permanent physical and psychological injuries and damages.

WHEREFORE, Plaintiff, CLARA JOHNSON, demands judgment against Defendant, SINUHE MARTINEZ, in a sum in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS; plus costs.

COUNT III-Negligent Infliction Of Emotional Distress

1. On and prior to May 2, 2008, MARTINEZ was employed and working as a radiologist technician at the University of Illinois at Chicago Hospital, Chicago, Illinois.
2. On and prior to May 2, 2008, MARTINEZ, while working as a radiologist technician was an agent and/or employee of the hospital.
3. On and prior to May 2, 2008, MARTINEZ job duties and responsibilities included performing medical, radiological and related services for and on behalf patients of the hospital, said services requiring direct communication and contact with the patients.
4. MARTINEZ performed his job duties and responsibilities as a radiologist technician with the full approval and knowledge of the hospital.
5. On said date JOHNSON was lawfully on said premises as a patient at the hospital scheduled to receive medical, radiological and related services and was placed under the care and supervision of MARTINEZ.

6. At all relevant times it was the duty of MARTINEZ while in the performance of his job duties to exercise ordinary care while providing medical, radiological and related services to patients at the hospital and to ensure that the services provided to patients, including JOHNSON would be conducted in an appropriate and professional manner consistent with the expected scope of services.

7. On said date MARTINEZ inappropriately touched, fondled and made physical contact of an insulting and offensive manner with the person of JOHNSON which MARTINEZ knew or in the exercise of ordinary care should have known was without JOHNSON'S consent and against her will.

8. On said date MARTINEZ was guilty of one or more of the following negligent acts and/or omissions:

- a. Failed to properly perform his duties as a radiologist technician;
- b. Touched JOHNSON in a lewd, lascivious and sexual manner;
- c. Made physical contact with JOHNSON'S body with his hands and penis even though he knew or in the exercise of ordinary care should have known that such contact was not permitted;
- d. Harassed JOHNSON during the performance of his duties as a radiological technician;
- e. Engaged in conduct outside the description and scope of his duties and responsibilities as a radiologist technician.

9. As a direct and proximate result of one or more of the foregoing negligent acts and omissions JOHNSON suffered severe emotional and psychological injuries and trauma involving anxiety, fear, post traumatic stress and related damages.

WHEREFORE, Plaintiff, CLARA JOHNSON, demands judgment against Defendant, SINUHE MARTINEZ, in a sum in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS; plus costs.

COUNT IV-Intentional Infliction of Emotional Distress

1. On and prior to May 2, 2008, MARTINEZ was employed and working as a radiologist technician at the University of Illinois at Chicago Hospital, Chicago, Illinois.

2. On and prior to May 2, 2008, MARTINEZ, while working as a radiologist technician was an agent and/or employee of the hospital.

3. On and prior to May 2, 2008, MARTINEZ job duties and responsibilities included performing medical, radiological and related services for and on behalf patients of the hospital, said services requiring direct communication and contact with the patients.

4. MARTINEZ performed his job duties and responsibilities as a radiologist technician with the full approval and knowledge of the hospital.

5. On said date JOHNSON was lawfully on said premises as a patient at the hospital scheduled to receive medical, radiological and related services and was placed under the care and supervision of MARTINEZ.

6. At all relevant times it was the duty of MARTINEZ while in the performance of his job duties to refrain from engaging in willful conduct while providing medical, radiological and related services to patients at the hospital and to ensure that the services provided to patients, including JOHNSON would be conducted in an appropriate and professional manner consistent with the expected scope of services.

7. On said date MARTINEZ did willfully inappropriately touch, fondle and make physical contact of an insulting and offensive manner with the person of JOHNSON which was against her will and without her consent.

8. On said date MARTINEZ was guilty of one or more of the following willful acts and/or omissions:

a. Willfully failed to properly perform his duties as a radiologist technician;

- b. Willfully touched JOHNSON in a lewd, lascivious and sexual manner;
- c. Willfully made physical contact with JOHNSON'S body with his hands and penis even though he knew that such contact was not permitted;
- d. Willfully harassed JOHNSON during the performance of his duties as a radiological technician;
- e. Willfully engaged in conduct outside the description and scope of his duties and responsibilities as a radiologist technician.

9. As a direct and proximate result of one or more of the foregoing willful acts JOHNSON suffered severe emotional and psychological injuries and trauma involving anxiety, fear, post traumatic stress and related damages.

WHEREFORE, Plaintiff, CLARA JOHNSON, demands judgment against Defendant, SINUHE MARTINEZ, in a sum in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS; plus costs.

SHIPLEY LAW GROUP, LTD.

BY:



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