

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

USF HOLLAND, INC.

v.

§ CIVIL ACTION No. 11-7597

UNITED STATES OF AMERICA and
MYRON WERES

ORIGINAL COMPLAINT FOR DAMAGES
UNDER THE FEDERAL TORT CLAIMS ACT

Now comes the Plaintiff, USF Holland, Inc., by and through their attorneys, Guest, Walsh & Townsend, Ltd., and in complaining of the Defendants, United States of America and Myron Weres, states as follows:

I. JURISDICTION, VENUE, AND CONDITIONS

PRECEDENT

1. Plaintiff is a corporation licensed to do business in the State of Illinois.
2. The claims herein are brought against the United States pursuant to the Federal Tort Claims Act (28 U.S.C. §2671, *et seq.*) and 28 U.S.C. §§1346(b)(1), for money damages as compensation for loss of property that was caused by the negligent and wrongful acts and omissions of employees of the United States Government while acting within the scope of their offices and employment, under circumstances where the United States, if a private person, would be liable to the Plaintiffs in accordance with the laws of the State of Illinois.
3. Venue is proper in that all, or a substantial part of the acts and omissions forming the basis of these claims occurred in the Northern District of Illinois, and arose from an automobile accident relating to the negligent acts by the United States Government and its agents. Plaintiffs have fully complied with the provisions of 28 U.S.C. §2675 of the Federal Tort Claims Act.

4. This suit has been timely filed, in that Plaintiffs timely served notice of their claims on The United States Department of Justice United States Marshal Service on October 11, 2010. The U.S. Department of Justice responded by letter of April 28, 2011 denying the claim and this action has been filed within six months of that determination.

II. EVENTS FORMING THE BASIS OF THE

CLAIMS

5. That on or about **June 27, 2008**, the Plaintiff was the owner of a certain motor vehicle which was being operated in a south bound direction along and upon Interstate 294, in the Township of Maine, County of Cook and State of Illinois.
6. That the Defendant(s) individually or by a duly authorized agent, at said time and place operated and controlled a certain motor vehicle in a(n) south bound direction along and upon Interstate 294 in the City, County and State aforesaid.
7. That the Defendant(s) was (were) guilty of one or more of the following negligent acts or omissions:
 - a. Operated said motor vehicle in a negligent manner;
 - b. Negligently operated said motor vehicle at an excessive rate of speed in violation of the Statute of the State of Illinois, and lost control of said vehicle;
 - c. Negligently failed to give any warning signal by blowing horn;
 - d. Failed to stop said motor vehicle when danger to plaintiff's subrogor was imminent; or
 - e. Changed lanes without warning and hit said vehicle.
8. That as a direct and proximate result of one or more of the foregoing acts, Defendant's motor vehicle was caused to and did collide with the vehicle belonging to the insured.
9. That as a proximate result of the foregoing, the vehicle of the Plaintiff was damaged and the Plaintiff was required to repair or replace said vehicle at a cost of **\$19,523.64**.

V. PRAYER FOR RELIEF

WHEREFORE, the Plaintiff is entitled to damages from the United States, and they do hereby pray that judgment be entered in its favor and against the United States for \$19,523.64.

Plaintiffs further are entitled and do hereby seek recovery of all costs and attorneys fees incurred by Plaintiffs in this civil action, together with for such further and additional relief at law or in equity that this Court may deem appropriate or proper.

Respectfully submitted,

S / Dennis M. Walsh

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