

IN THE CIRCUIT COURT
TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS

MICHAEL MANCULICH,

Plaintiff,

v.

Case No. 19L0201

MEL PROPERTIES, INC.

Serve at:

2848 Woodfield Dr.

Maryville, IL 62062

BRAD LERCH,

Serve at:

2848 Woodfield Dr.

Maryville, IL 62062

Defendants.

COMPLAINT

COUNT I
MEL PROPERTIES, INC.

COMES NOW Plaintiff, Michael Manculich, by and through counsel, Swanson and Sackett, and for his cause of action against Defendant, MEL Properties, Inc., states as follows:

1. Defendant, MEL Properties, Inc is an Illinois Corporation with a registered agent in Maryville, Illinois.
2. Brad Lerch is the President of MEL Properties, Inc. and owns, operates and/or manages MEL Properties, Inc.
3. On or about June 14, 2018, and prior thereto, MEL Properties, Inc. owned, operated, managed, maintained and/or controlled the property at 901/903 Terrace Court, O'Fallon, Illinois (hereinafter the "Property").

4. Prior to June 14, 2018 Brad Lerch as agent of MEL Properties, Inc. contracted with Michael Manculich to perform *certain concrete work* in the back yard of the Property.
5. On or about June 14, 2018, Michael Manculich was legally on the Property completing services contracted for by Brad Lerch as agent for MEL Properties, Inc.
6. On or about June 14, 2018, the Property was in *unreasonably safe condition* in the area Michael Manculich's work was to be performed on the Property.
7. On or about June 14, 2018, Michael Manculich fell into the hole in the backyard of the Property.
8. MEL Properties, Inc. individually and/or by and through its agents, servants and/or employees, had a duty to maintain the aforementioned premises, in a *reasonably safe condition* for the persons lawfully on the premises, including Michael Manculich.
9. MEL Properties, Inc., by and through its owners, agents, servants and/or employees, knew or should have known that there was an unsafe condition on the Property.
10. MEL Properties, Inc., individually and/or by and through its agents, servants and/or employees, knew or should have known that the Property was not in a safe condition.
11. The unsafe condition on the Property caused Michael Manculich to trip and fall.
12. At the aforesaid time and place, MEL Properties, Inc. disregarded and breached its duty and failed to properly maintain the Property free of obstacles and allowed the Property to have holes which rendered the area *dangerously uneven and unsafe* for use.
13. As a result of MEL Properties, Inc. breach of duty, Michael Manculich tripped and fell.
14. Michael Manculich's trip and fall occurred as a *direct and proximate result* of the

negligence and carelessness of MEL Properties, Inc., as hereinafter more particularly set forth, to wit:

- a. Defendant failed to properly *maintain* the Property in a safe condition;
- b. Defendant allowed a hole to *remain on* the Property making it unreasonably unsafe;
- c. Defendant failed to warn Michael Manculich of the dangerous and unsafe condition of the Property;
- d. Defendant failed to make a reasonable inspection of the Property;
- e. Defendant failed to maintain the Property in a good and safe condition;
- f. Defendant failed to comply with the applicable laws and regulations of the State of Illinois and applicable Federal laws and regulations;
- g. Defendant otherwise failed to exercise the degree of care required under the circumstances; and
- h. Defendant was otherwise negligent.

15. As a result of the aforesaid breach of care and negligence of MEL Properties, Inc.,

Michael Manculich sustained the following damages:

- a. Incurred medical expenses;
- b. Will incur additional medical expenses;
- c. Lost wages;
- d. Suffered disfigurement;
- e. Suffered disability;
- f. Suffered pain;
- g. Suffered mental anguish, inconvenience, embarrassment and suffering;

- h. Been and will continue to be deprived of ordinary pleasures of life, loss of well-being and equanimity;
- i. Overall health, strength and vitality has been greatly impaired;
- j. Is and will be restricted in pursuing usual activities.

WHEREFORE, Plaintiff, Michael Manculich, prays judgment against the Defendant, MEL Properties, Inc., in an amount in excess of \$50,000.00, together with the costs of this action, and for such other further relief this honorable Court deems just and proper.

**COUNT II
BRAD LERCH**

COMES NOW Plaintiff, Michael Manculich, by and through counsel, Swanson and Sackett, and for his cause of action against Defendant, Brad Lerch, states as follows:

16. Defendant, MEL Properties, Inc is an Illinois Corporation with a registered agent in Maryville, Illinois.
17. Brad Lerch is the President of MEL Properties, Inc. and owns, operates and/or manages MEL Properties, Inc.
18. On or about June 14, 2018, and prior thereto, Brad Lerch owned, operated, managed, maintained and/or controlled the property at 901/903 Terrace Court, O'Fallon, Illinois (hereinafter the "Property").
19. Prior to June 14, 2018 Brad Lerch contracted with Michael Manculich to perform certain concrete work in the back yard of the Property.
20. On or about June 14, 2018, Michael Manculich was legally on the Property completing services contracted for by Brad Lerch.

21. On or about June 14, 2018, the Property was in unreasonably safe condition in the area Michael Manculich's work was to be performed on the Property.
22. On or about June 14, 2018, Michael Manculich fell into the hole in the backyard of the Property.
23. Brad Lerch had a duty to maintain the aforementioned Property, in a reasonably safe condition for the persons lawfully on the Property, including Michael Manculich.
24. Brad Lerch knew or should have known that there was an unsafe condition on the Property.
25. Brad Lerch knew or should have known that the Property was not in a safe condition.
26. The unsafe condition on the Property caused Michael Manculich to trip and fall.
27. At the aforesaid time and place, Brad Lerch disregarded and breached its duty and failed to properly maintain the Property free of obstacles and allowed the Property to have holes which rendered the area dangerously uneven and unsafe for use.
28. As a result of Brad Lerch's breach of duty, Michael Manculich tripped and fell.
29. Michael Manculich's trip and fall occurred as a direct and proximate result of the negligence and carelessness of Brad Lerch, as hereinafter more particularly set forth, to wit:
 - a. Defendant failed to properly maintain the Property in a safe condition;
 - b. Defendant allowed a hole to remain on the Property making it unreasonably unsafe;
 - c. Defendant failed to warn Michael Manculich of the dangerous and unsafe condition of the Property;
 - d. Defendant failed to make a reasonable inspection of the Property;

- e. Defendant failed to maintain the Property in a good and safe condition;
- f. Defendant failed to comply with the applicable laws and regulations of the State of Illinois and applicable Federal laws and regulations;
- g. Defendant otherwise failed to exercise the degree of care required under the circumstances; and
- h. Defendant was otherwise negligent.

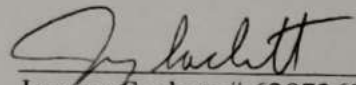
30. As a result of the aforesaid breach of care and negligence of Brad Lerch, Michael Manculich sustained the following damages:

- a. Incurred medical expenses;
- b. Will incur additional medical expenses;
- c. Lost wages;
- d. Suffered disfigurement;
- e. Suffered disability;
- f. Suffered pain;
- g. Suffered mental anguish, inconvenience, embarrassment and suffering;
- h. Been and will continue to be deprived of ordinary pleasures of life, loss of well-being and equanimity;
- i. Overall health, strength and vitality has been greatly impaired;
- j. Is and will be restricted in pursuing usual activities.

WHEREFORE, Plaintiff, Michael Manculich, prays judgment against the Defendant,

Brad Lerch, in an amount in excess of \$50,000.00, together with the costs of this action, and for such other further relief this honorable Court deems just and proper.

SWANSON & SACKETT P.C.



Jeremy Sackett # 6287268

315 N. Main St., Ste. 1

Edwardsville, IL 62025

jsackett@swansonandsackett.com

P: 618-692-8225

F: 618-692-8235

Attorneys for Plaintiff