

STATE OF ILLINOIS)
) ss
COUNTY OF LAKE)

RAYMOND MACHOSKI

IN THE NINETEENTH JUDICIAL CIRCUIT COURT
LAKE COUNTY, ILLINOIS

TREVOR WIRTZ, a minor by his mother and
Guardian, Sara Wirtz, SARA WIRTZ, Individually
and JUDITH PENOYER

Plaintiffs

vs.

SERPENT SAFARI, INC.

Defendant.

12-11-09P12:08 FILE

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No.:

FILED

DEC 11 2009

COMPLAINT AT LAW
COUNT I

(Trevor Wirtz v. Serpent Safari, Inc. - Negligence)

Suzanne A. Coffelt
CIRCUIT CLERK

NOW COMES the Plaintiff, Trevor Wirtz, a minor by his mother and
Sara Wirtz, by and through their attorneys, Salvi & Maher, LLC, and complains of the
Defendant, Serpent Safari, Inc. (herein after referred to as "Serpent Safari"), stating as
follows:

1. On and before December 14, 2007, Defendant, Serpent Safari was a for-profit
business operating in Illinois, specifically located at 6710 Grand Avenue, Unit 807,
Gurnee Mills, Gurnee, Lake County, Illinois.

NOTICE
BY LOCAL RULE 3.12
THIS CASE IS HEREBY SET FOR A SCHEDULING
CONFERENCE IN COURTROOM 305 ON 4.27
2010, AT 10 AM. FAILURE TO APPEAR MAY RESULT
IN THE CASE BEING DISMISSED OR AN ORDER OF DEFAULT
BEING ENTERED.

2. On and before December 14, 2007, Defendant, Serpent Safari offered for sale and exhibition various animals including snakes of various species by and through its agents, employees and/or servants.

3. On December 14, 2007, Plaintiff, Trevor Wirtz, a minor, was lawfully near the premises of the Defendant, Serpent Safari.

4. On December 14, 2007, Plaintiff, Trevor Wirtz, a minor, did with the permission and under the direction of the agents, employees and/or servants of the Defendant, Serpent Safari, pet a snake that was exhibited at the business.

5. On December 17, 2007, Plaintiff, Trevor Wirtz, a minor, was admitted to the Northern Illinois Medical Center and was subsequently diagnosed with a salmonella infection.

6. On December 14, 2007, Defendant, Serpent Safari, had a duty to exercise ordinary care for the safety of others, including the Plaintiff, Trevor Wirtz.

7. On December 14, 2007, Defendant, Serpent Safari, breached that duty and was guilty of one or more of the following careless and negligent acts and/or omissions:

- (a) Failed to post notice regarding hand washing after touching and/or handling reptiles, in violation of 225 ILCS 605/18.1;
- (b) Failed to provide hand sanitizer for the patrons of the facility, in violation of 225 ILCS 605/18.1;
- (c) Failed to warn Plaintiff regarding the risk of contracting salmonella from handling and/or touching reptiles in violation of 225 ILCS 605/18.1;
- (d) Failed to warn Plaintiff regarding the risk of infection from touching and/or handling reptiles for children under the age of 5, in violation of 225 ILCS 605/18.1;
- (e) Allowed and encouraged a two year old child to touch or pet a snake.

8. That as a direct and proximate result of one or more of the aforesaid negligent acts and/or omissions of the Defendant, the Plaintiff, Trevor Wirtz, then and there sustained

severe illness and/or injury, both externally and internally, suffered pain, disability and the loss of a normal life and has become obligated for large sums of money for medical care.

WHEREFORE, the Plaintiff, Trevor Wirtz, a minor by his mother and guardian, Sara Wirtz, prays for judgment against the Defendant, Serpent Safari, Inc., in an amount in excess of the jurisdictional limits of the Law Division of the Circuit Court of Lake County, State of Illinois.

COUNT II
(Sara Wirtz v. Serpent Safari, Inc. - Family Expense Act)

NOW COMES the Plaintiff, Sara Wirtz, Individually, by and through her attorneys, Salvi & Maher, LLC, and complaining of the Defendant, Serpent Safari, Inc. (herein after referred to as "Serpent Safari"), states as follows:

1 - 8. Plaintiff hereby adopts and re-alleges Paragraphs 1 through 8 of Count I, as Paragraphs 1 - 8 of Count II of this Complaint at Law, and further states:

9. That as a direct and proximate result of one or more or all of the foregoing wrongful and negligent acts and/or omissions of the Defendant, Serpent Safari, Plaintiff, Sara Wirtz, has become liable for sums of money for hospital and medical care attention under the provisions of 750 ILCS 65/15, also known as the Family Expense Act for the minor Plaintiff, Trevor Wirtz.

WHEREFORE, the Plaintiff, Sara Wirtz, prays for judgment against the Defendant, Serpent Safari, Inc., in an amount in excess of the jurisdictional limits of the Law Division of the Circuit Court of Lake County, State of Illinois.

COUNT III
(Penoyer v. Serpent Safari, Inc. - Negligence)

NOW COMES the Plaintiff, Judith Penoyer, by and through her attorneys, Salvi & Maher, LLC, and complains of the Defendant, Serpent Safari, Inc. (herein after referred to as "Serpent Safari"), stating as follows:

1. On and before December 14, 2007, Defendant, Serpent Safari was a for-profit business operating in Illinois, specifically located at 6710 Grand Avenue, Unit 807, Gurnee Mills, Gurnee, Lake County, Illinois.
2. On and before December 14, 2007, Defendant, Serpent Safari offered for sale and exhibition various animals including snakes of various species by and through its agents, employees and/or servants.
3. On December 14, 2007, Plaintiff, Trevor Wirtz, a minor, was lawfully on and near the premises of the Defendant, Serpent Safari.
4. On December 14, 2007, Plaintiff, Trevor Wirtz, a minor, did with the permission and under the direction of the agents, employees and/or servants of the Defendant, Serpent Safari, pet a snake that was exhibited at the business.
5. On December 17, 2007, Plaintiff, Trevor Wirtz, a minor, was admitted to the Northern Illinois Medical Center and was subsequently diagnosed with a salmonella infection.
6. On and after December 14, 2007, Plaintiff, Judith Penoyer, was actively involved in the care of Plaintiff, Trevor Wirtz, and thereby contracted the same salmonella infection.

7. On January 7, 2008, Plaintiff, Judith Penoyer, was admitted to the Northern Illinois Medical Center and was subsequently diagnosed with the same salmonella infection as Plaintiff, Trevor Wirtz.

8. On December 14, 2007, Defendant, Serpent Safari, had a duty to exercise ordinary care for the safety of others, including the Plaintiff, Judith Penoyer.

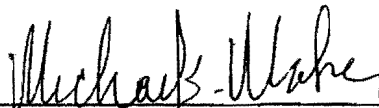
9. On December 14, 2007, Defendant, Serpent Safari, breached that duty and was guilty of one or more of the following careless and negligent acts and/or omissions:

- (a) Failed to post notice regarding hand washing after touching and/or handling reptiles, in violation of 225 ILCS 605/18.1;
- (b) Failed to provide hand sanitizer for the patrons of the facility, in violation of 225 ILCS 605/18.1;
- (c) Failed to warn Plaintiff regarding the risk of contracting salmonella from handling and/or touching reptiles in violation of 225 ILCS 605/18.1;
- (d) Failed to warn Plaintiff regarding the risk of infection from touching and/or handling reptiles for children under the age of 5, in violation of 225 ILCS 605/18.1;
- (e) Allowed and encouraged a two year old child to touch or pet a snake;
- (f) Failed to warn Plaintiff regarding the risk of infection from touching and/or handling reptiles for people with weakened immune systems.

10. That as a direct and proximate result of one or more of the aforesaid negligent acts and/or omissions of the Defendant, the Plaintiff, Judith Penoyer, then and there sustained severe and permanent illness and/or injuries, both externally and internally, suffered and will in the future suffer pain, disability and the loss of a normal life; has been permanently scarred and disfigured; has become and will in the future become obligated for large sums of money for medical care.

WHEREFORE, the Plaintiff, Judith Penoyer, prays for judgment against the Defendant, Serpent Safari, Inc., in an amount in excess of the jurisdictional limits of the Law

Division of the Circuit Court of Lake County, State of Illinois.

A handwritten signature in black ink, appearing to read "Michael E. Maher", written over a horizontal line.

Michael E. Maher, Attorney for Plaintiffs

Michael E. Maher (ARDC # 6191618)

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