

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

HENRY J. SAVIO and ANNA M. DOMAN,)	
Co-Executors of the Estate of KATHLEEN)	
SAVIO, deceased,)	
)	COURT NO.
Plaintiffs,)	
)	
v.)	
)	JURY DEMAND
DREW PETERSON and JAMES B. CARROLL))	
)	
Defendants.)	

COMPLAINT AT LAW

NOW COME Plaintiffs HENRY J. SAVIO and ANNA M. DOMAN, Co-Executors of the Estate of KATHLEEN SAVIO, deceased, by and through their attorneys, MARTIN L. GLINK, LAWRENCE E. VARSEK and JOHN Q. KELLY, complaining of Defendants DREW PETERSON and JAMES B. CARROLL, pleading hypothetically and in the alternative state as follows:

INTRODUCTION

1. This Complaint is brought by Henry J. Savio and Anna M. Doman, as Co-Executors of the Estate of Kathleen Savio, pursuant to the Illinois Wrongful Death Act, 740 ILCS et seq the Illinois Survival Act, 775 ILCS §5/27-6 and Illinois common law. It seeks to recover damages from defendant Peterson for causing the death of Kathleen Savio, for other losses arising from Kathleen Savio’s death, and for injuries suffered by Kathleen Savio prior to her death at the hand of defendant Peterson.

2. Damages are also sought for the mismanagement, breach of fiduciary duty and dissipation of estate assets by defendant Carroll and defendant Peterson subsequent to Ms. Savio's death.

THE PARTIES

3. The Plaintiffs, Henry J. Savio and Anna M. Doman, were appointed Co-Executors of the Estate of Kathleen Savio for, *inter alia*, purposes of administering an action on behalf of Kathleen Savio's two minor children, Thomas Drew and Kristopher Donald (see Order of Probate, dated April 21, 2008, attached hereto).

JURISDICTION and VENUE

4. Jurisdiction and venue are proper in Will County, Illinois because Plaintiff Anna Doman resides in Will County, and most of the acts and omissions committed by the defendants occurred in Will County, Illinois.

BACKGROUND

5. Kathleen Savio and defendant Peterson were married on May 3, 1992.

6. Kathleen Savio Peterson bore two sons, Thomas Drew and Kristopher Donald, during the course of her marriage to defendant Peterson.

7. On or about March 2, 1997 a document titled "Will," handwritten by defendant Peterson, was purportedly signed by Kathleen Savio Peterson. Said

handwritten “Will” provided equally for defendant Peterson’s two children from a prior marriage, appointed defendant Peterson’s uncle, James B. Carroll, as Executor, and was purportedly witnessed by two co-workers and friends of defendant Peterson.

8. In October 2001, Kathleen became aware of defendant Peterson’s extramarital relationship with Stacy Cales, and divorce proceedings were initiated shortly thereafter.

9. Kathleen Savio Peterson and defendant Peterson engaged in a contentious divorce proceeding, with custody of the children, personal property and finances contested. During 2002, with the divorce trial pending, there were a number of confrontations that resulted in Kathleen filing police reports detailing defendant Peterson’s physical assaults upon her, and repeated threats of physical violence.

10. On October 10, 2003, a judgment of divorce was entered on behalf of Kathleen Savio Peterson and defendant Peterson, but the issue of the distribution of marital assets between the parties was set down for trial on January 12, 2003 and was subsequently adjourned several times until a trial date of April 6, 2004 was set.

11. After Kathleen Savio’s divorce, Defendant Peterson was married for a fourth time, to Stacy Ann Cales Peterson, and they settled in a residence located in Bolingbrook.

12. On March 1, 2004 at approximately 10:30 p.m. Kathleen Savio was found

dead in her residence, face down in an empty bathtub, with a number of fresh bruises, scrapes and contusions on various parts of her body, along with a 1” laceration on the left parietal – occipital scalp, caused by blunt force trauma.

13. There was no evidence of forced entry, no indication of any property removed and the doors to the house were locked. Defendant Peterson previously was a co-owner of the residence, and after Kathleen took sole possession of the residence, defendant Peterson had gained entry to the residence, uninvited, by various means, including using a garage door opener and, on one occasion, cutting out a portion of wall and crawling through the opening into the residence.

14. The time of Kathleen’s death was estimated as early as Sunday morning, February 29, 2004.

15. A Coroners’ Jury Inquest was conducted, and after approximately one hour of testimony and deliberation the death of Kathleen Savio was ruled an accidental drowning. The Coroners’ Jury heard testimony from an Illinois State Trooper that never saw Kathleen’s body, did not attend the autopsy and never interviewed defendant Peterson. The witness lacked personal knowledge about much of his testimony.

16. One of the jurors on the Coroners’ Jury was a police officer from another agency. The juror knew defendant Peterson, and during deliberations this police officer assured the other jurors that he personally knew defendant Peterson, and that he knew

defendant Peterson would never harm his ex-wife.

17. On April 8, 2005 at a hearing to finalize the distribution of marital assets between defendant Peterson and The Estate of Kathleen Savio, defendant James B. Carroll, defendant Peterson's uncle, and executor of Kathleen Savio's estate, discharged the matrimonial attorney retained to represent Ms. Savio's interest in her marital assets, and appointed himself to represent her marital assets, and proceeded to turn over all of Ms. Savio's marital assets, that were to go to her estate, to defendant Peterson, her ex-husband.

18. The marital assets that defendant Carroll (defendant Peterson's uncle), turned over to defendant Peterson included, but were not limited to, the sale proceeds from the marital residence, the sale proceeds from various businesses (bar, printing company and commercial property), as well as the proceeds from various life insurance policies and personal property.

19. In addition, on the day of Kathleen Savio's funeral, rather than attend a reception for family and friends afterwards, defendant Peterson pulled a truck into the driveway of Kathleen Savio's residence, and removed a large amount of personal property that had not been inventoried yet, nor which he had any claim to. Defendant Carroll knew or should have known defendant Peterson did, or would do, this.

20. On August 31, 2007, Stacy Peterson (defendant Peterson's fourth wife)

met with Pastor Neil Schori, at her request. At that meeting Stacy Peterson told Pastor Schori that she had personal, detailed knowledge that defendant Peterson killed Kathleen Savio, and that she had such knowledge since the night Kathleen Savio died.

21. On October 28, 2007, less than eight weeks after sharing with Pastor Schori the details of defendant Peterson's involvement in Kathleen Savio's death, and while contemplating going to the authorities with this information, and also contemplating filing her own action for divorce, Stacy Peterson disappeared – defendant Peterson was the last person known to have been with her that day.

22. Based on the highly suspicious conduct of defendant Peterson, and the circumstances surrounding Stacy Peterson's disappearance, the remains of Kathleen Savio were exhumed.

23. In a subsequent autopsy, Ms. Savio's death was re-classified as a homicide. This conclusion was also reached in independent autopsies conducted by Dr. Michael Baden, at the request of Ms. Savio's family, and Dr. Larry Blum, at the request of the Will County State Attorney's Office.

24. On December 10, 2007 in an interview conducted by Mark Fuhrman for Fox News, Pastor Schori recounted the details given him by Stacy Peterson relating to defendant Peterson's role in Kathleen Savio's death, and Stacy's fear of defendant Peterson, including:

- 1 That during the night of February 28 – March 1, 2004 Stacy woke up and Drew was gone. She checked the house and couldn't find him.
- 2 That in the early morning hours of March 1, 2004 Stacy observed defendant Peterson standing in front of the washing machine, dressed in all black, and holding a bag – defendant Peterson then removed his clothes and put them in the washer, and emptied the contents of the bag he was holding, which appeared to be women's clothing, into the washer also.
- 3 Defendant Peterson told Stacy how he hit Kathleen on the back of the head, making her death look like an accident.

COUNT I
WRONGFUL DEATH AGAINST DREW PETERSON
(ILLINOIS WRONGFUL DEATH ACT)

25. Count I is brought by the Co-Executors of the estate of Kathleen Savio against defendant Peterson.

26. Plaintiffs re-allege and incorporate paragraphs 1 through 23 as though fully set forth herein.

27. On or about February 28, 2004, Kathleen Savio died as the legal and proximate result of the wrongful acts of defendant Peterson.

28. On or about February 28, 2004 defendant Peterson planned and prepared to assault, batter and murder Kathleen Savio and did thereafter brutally, and with malice aforethought, stalk, attack, repeatedly beat, then drown, decedent Kathleen Savio. Defendant Peterson left her dead in a bathtub. Kathleen Savio survived the brutal attack for some unknown period of time and thereafter drowned to death as a direct legal and proximate result of the wrongful and homicidal acts of defendant Peterson.

29. The attack was perpetrated by defendant Peterson with full knowledge that the assault and battery upon decedent's body, and the forced submergence of her head under water for a prolonged period of time, would lead to her death.

30. In doing the acts alleged herein, defendant Peterson acted with aggression, fraud and malice, and plaintiff is entitled to punitive and exemplary damages at an amount to be proven at trial.

31. On February 28, 2004 Thomas Drew and Kristopher Donald Peterson were the minor children and lawful heirs and survivors of Kathleen Savio.

32. As a legal and proximate result of the acts of defendant Peterson, Thomas and Kristopher Peterson suffered pecuniary loss, including loss of her society, companionship and support.

33. Kathleen Savio (and the Estate of Kathleen Savio) also sustained injuries, including pain and suffering, and incurred sums for funeral and other expenses related to her death.

WHEREFORE, Plaintiffs Henry J. Savio and Anna M. Doman, as Co-Executors of the Estate of Kathleen Savio, demand judgment be entered against defendant Peterson on Count I of the Complaint at Law, for all damages to be proven at trial, in an amount in excess of One Hundred-Thousand Dollars (\$100,000.00).

COUNT II
ILLINOIS SURVIVAL ACT CLAIM AGAINST
DREW PETERSON

34. Count II is brought by the Co-Executors of the Estate of Kathleen Savio against defendant Peterson.

35. Plaintiffs re-allege and incorporate paragraphs 1 through 32 as though fully set forth herein.

36. On February 28, 2004, Thomas and Kristopher Peterson were minor children and the sons of Kathleen Savio. Thomas and Kristopher Peterson have suffered and will suffer a loss of society as a result of the injuries and death suffered by Kathleen Savio. Additionally, Kathleen Savio's lost earnings and income, and thus, Thomas and Kristopher Peterson, will suffer a loss of financial benefit as a result of the injuries and death suffered by Kathleen Savio.

37. Kathleen Savio (and the Estate of Kathleen Savio) sustained injuries, including injuries to her person, endured pain and suffering and incurred sums for medical and hospital-type care expenses.

38. In doing the acts alleged herein, defendant Peterson acted with aggression, fraud and malice, and plaintiff is entitled to punitive and exemplary damages at an amount to be proven at trial.

WHEREFORE, Plaintiffs Henry J. Savio and Anna M. Doman, as Co-Executors of the Estate of Kathleen Savio, demand judgment be entered against defendant Peterson on Count II of the Complaint at Law, for all damages to be proven at trial, in an amount in excess of One Hundred-Thousand Dollars (\$100,000.00).

COUNT III
ASSAULT AND BATTERY AGAINST DREW PETERSON

39. Count III is brought by the Co-Executors of the Estate of Kathleen Savio against defendant Peterson.

40. Plaintiffs re-allege and incorporate paragraphs 1 through 37 as though fully set forth herein.

41. Defendant Peterson willfully and unlawfully touched Kathleen Savio when

he brutally beat and drowned her.

42. Defendant Peterson purposefully, knowingly and intentionally caused Kathleen Savio bodily injury and death by beating and drowning her.

43. On February 28, 2004 Thomas and Kristopher Peterson, the minor sons of Kathleen Savio, were the lawful heirs and survivors of Kathleen Savio.

44. As the legal and proximate result of the intentional acts of defendant Peterson, Thomas and Kristopher Peterson suffered substantial pecuniary losses, including the loss of her society, companionship and support.

45. Kathleen Savio (and the Estate of Kathleen Savio) also sustained injuries, including pain and suffering and incurred sums for funeral expenses and other expenses related to her death.

46. In doing the acts alleged herein, defendant Peterson acted with aggression, fraud and malice, and plaintiff is entitled to punitive and exemplary damages at an amount to be proven at trial.

WHEREFORE, Plaintiffs Henry Savio and Anna Doman, as Co-Executors of the Estate of Kathleen Savio, demand judgment be entered against defendant Peterson on Count III of the Complaint at Law, for all damages to be proven at trial, in an amount in excess of

One Hundred-Thousand Dollars (\$100,000.00).

COUNT IV
BREACH OF FIDUCIARY DUTY AGAINST
JAMES B. CARROLL AND DREW PETERSON

47. Count IV is brought by the Co-Executors of the Estate of Kathleen Savio against James B. Carroll and Drew Peterson.

48. Plaintiffs re-allege and incorporate paragraphs 1 through 45 as though fully set forth herein.

49. Drew Peterson was appointed guardian of the estate and person of his and Kathleen Savio's two minor children, Thomas D. Peterson and Kristopher D. Peterson, by the Circuit Court of Will County on April 5, 2004 in Case Number 04 P 0232.

50. James B. Carroll was appointed Independent Executor of the Estate of Kathleen Savio, deceased/ on March 23, 2005 by the Circuit Court of Will County in Case Number 04 P 188.

51. James B. Carroll was at all times Drew Peterson's uncle.

52. Under the terms of the will of Kathleen Savio, the beneficiaries of her estate are her children, Thomas D. Peterson and Kristopher D. Peterson and her two stepchildren, Eric Drew Peterson and Steven Paul Peterson.

53. At the time of the death of Kathleen Savio a divorce proceeding was pending between her and defendant Peterson in the Circuit Court of Will County as Case Number 02 D 420. The divorce proceeding was bifurcated with a judgment of dissolution entered prior to the death of the decedent and the court reserving the issue as to the division of the property of the parties for further proceedings. Kathleen Savio died just days before the completion of the proceedings.

54. Defendant Carroll as independent executor of the Estate, breached of his fiduciary duties, wasted and mismanaged the Estate, by terminating the representation of divorce counsel and by failing to retain alternate counsel. Further, appearing on behalf of the estate pro se, he agreed to permit all of the assets of the marriage to pass to Drew Peterson, Kathleen Savio's ex-husband, and away from the Estate of Kathleen Savio, and its intended beneficiaries.

55. Defendant Peterson participated in the remaining proceedings and reached an "agreement" with his uncle whereby Drew Peterson personally received all of the assets of the marriage and in addition alleviated himself from the obligation to contribute to the education of his children.

56. By virtue of the “agreement” entered into between defendant Peterson and defendant Carroll, assets which should have been assets of the estate of Kathleen Savio were diverted to the personal benefit of defendant Peterson and Carroll, or both.

57. In doing so, Drew Peterson violated his fiduciary obligations to protect and preserve the assets of his wards. His conduct was intentional, willful, egregious and motivated by financial gain to himself. His conduct was performed with full knowledge that the financial loss to his children would be to his own financial gain.

58. James B. Carroll breached his fiduciary duty by failing to preserve and protect the assets of the estate of Kathleen Savio and by entering into an agreement which was not in the best interests of the Estate or of the beneficiaries of the Estate.

59. Further, Carroll did not retain independent counsel to represent the Estate despite having a conflict of interest which made it impossible for Carroll to represent the Estate.

WHEREFORE, Plaintiffs, HENRY J. SAVIO and ANNA M. DOMAN, Co-Executors of the Estate of Kathleen Savio, deceased, pray:

1. For judgment in favor of the Estate of Kathleen Savio and against Drew Peterson and/or James B. Carroll, jointly and severally, in an amount sufficient to compensate the Estate for loss of the funds diverted from the estate by them in the dissolution proceedings.

2. For an award of punitive damages against Drew Peterson and/or James B. Carroll in an amount sufficient to deter others from such conduct including but not limited to reasonable attorney's fees and costs necessary to bring and prosecute these proceedings.

JURY TRIAL DEMANDED

Plaintiff demands a trial by jury on all counts so triable.

Respectfully submitted,

HENRY J. SAVIO
Co-Executor of the Estate of
Kathleen Savio

ANNA M. DOMAN
Co-Executor of the Estate of
Kathleen Savio

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