

4. That on or about June 12, 2007, the Defendant, SOUTHMONT, as principle by and through its employees and/or authorized and/or ostensible agents, did operate a venue which hosted live performances of musical groups, including "Fall Out Boy."

5. Defendants JOHN DOES 1-10 are other natural persons that were involved in the assault, battery and false imprisonment of Plaintiff as described below and are unknown at this time to Plaintiff.

COUNT I – ASSAULT AND BATTERY AGAINST WENTZ AND JOHN DOES 1-10

6. In the early morning hours of June 12, 2007, and for some time prior thereto, Plaintiff, KALLAS, was lawfully present at Schuba's Tavern, _____, in the City of Chicago, State of Illinois during a performance by Fall Out Boy which featured Defendant WENTZ.

7. At the time and place aforesaid, Defendant WENTZ, along with several currently unidentified members of his security personnel and/or entourage (hereinafter "JOHN DOES 1-10"), wrongfully and without authorization or provocation, by physical force did strike, kick and beat KALLAS for several minutes.

8. That as a direct and proximate result of the foregoing acts of WENTZ and JOHN DOES 1-10, KALLAS suffered serious injuries to his head, mouth and face. He has suffered, and will continue to suffer pain, mental anguish, loss of normal life and disability to his mind and body. KALLAS was forced to seek medical treatment in endeavoring to be cured of these physical and emotional injuries and has incurred medical and hospital bills, lost earnings and other expenses due to the injuries sustained.

9. The conduct of WENTZ, at all times material hereto, was deliberate, willful, malicious and calculated to cause serious injury to KALLAS.

10. At all times material hereto, WENTZ, knew or should have known that his conduct

would cause serious injury to KALLAS.

WHEREFORE, the Plaintiff, ANDY KALLAS, by and through his attorneys, STEPHAN ZOURAS, LLP, demands judgment in favor of the Plaintiff and against the Defendants, PETER WENTZ and JOHN DOES 1-10, for an amount in excess of the jurisdictional limit together with punitive damages and costs of this suit.

COUNT II - FALSE IMPRISONMENT AGAINST WENTZ AND JOHN DOES 1-10

1-10. Plaintiff incorporates by reference paragraphs 1 through 10 of Count I as and for paragraphs 1 through 10 of Count II as though fully set forth herein.

11. That at the time and place aforesaid, Defendant WENTZ, along with JOHN DOES 1-10, wrongfully and without authorization or provocation, surrounded KALLAS and refused to allow him to leave the premises, despite the Plaintiff's attempts to do so. The imprisonment of the Plaintiff was deliberate, willful, malicious and calculated to intimidate and injure KALLAS and place him in apprehension of his safety.

12. That as a direct and proximate result of the foregoing willful and intentional acts committed by WENTZ, KALLAS was deprived of his liberty during which time he was kicked and beaten by the Defendant as heretofore alleged, and further, placed in apprehension of his safety and has suffered emotional injury and anxiety and will in the future so suffer.

WHEREFORE, the Plaintiff, ANDY KALLAS, by and through his attorneys, STEPHAN ZOURAS, LLP, demands judgment in favor of the Plaintiff and against the Defendants, PETER WENTZ and JOHN DOES 1-10, for an amount in excess of the jurisdictional limit together with punitive damages and costs of this suit.

COUNT III – NEGLIGENCE AGAINST WENTZ

1-12. Plaintiff incorporates by reference paragraphs 1 through 12 of Count II as and for paragraphs 1 through 12 of Count III as though fully set forth herein.

13. That at the aforesaid time and place, and at all times material hereto, the Defendant, WENTZ, owed a duty to KALLAS and to the public generally, to refrain from negligent conduct which would endanger the safety of KALLAS, said duty included, but was not limited to, refraining from a negligent standard of care in guarding against foreseeable injuries.

14. That notwithstanding said duty, the Defendant, WENTZ, was then and there guilty of one or more of the following acts and/or omissions:

- (a) Failed to properly instruct and train his security personnel in the procedures adequate to maintain safety of persons in his immediate vicinity, including KALLAS;
- (b) Carelessly and negligently failed to protect KALLAS from reasonably foreseeable violent activities by his security personnel; and,
- (c) Failed to establish procedures adequate to maintain the safety of persons in his immediate vicinity, including KALLAS.

15. That as a direct and proximate result of one or more of the foregoing negligent acts and/or omissions by the Defendant, WENTZ, KALLAS suffered serious injuries to his head, mouth and face. He has suffered, and will continue to suffer pain, mental anguish, loss of normal life and disability to his mind and body. KALLAS was forced to seek medical treatment in endeavoring to be cured of these physical and emotional injuries and has incurred medical and hospital bills, lost earnings and other expenses due to the injuries sustained.

WHEREFORE, the Plaintiff, ANDY KALLAS, by and through his attorneys, STEPHAN ZOURAS, LLP, demands judgment in favor of the Plaintiff and against the Defendant, SOTHMONT, for an amount in excess of the jurisdictional limit and costs of this suit.

COUNT IV – NEGLIGENCE AGAINST SOTHMONT

1-15. Plaintiff incorporates by reference paragraphs 1 through 15 of Count III as and for paragraphs 1 through 15 of Count IV as though fully set forth herein.

16. That at the time and place aforesaid, and at all relevant times herein, KALLAS was an intended and permitted user of said premises.
17. That at the time and place aforesaid, KALLAS, in his capacity as an invitee, as lawfully upon said premises.
18. That at all relevant times herein, KALLAS was in the exercise of all due care and caution for his own safety and the safety of others; that care being commensurate with his age, intellect and mental capacity and with the physical circumstances existent at such time and place.
19. That at the aforesaid time and place, and at all times material hereto, the Defendant, SOUTHMONT, owed a duty to KALLAS and to the public generally, to refrain from negligent conduct which would endanger the safety of KALLAS, said duty included, but was not limited to, refraining from a negligent standard of care in guarding against foreseeable injuries
20. That notwithstanding said duty, the Defendant, SOUTHMONT, was then and there guilty of one or more of the following acts and/or omissions:
- (a) Carelessly and negligently failed to keep security personnel or equipment on or about the premises to protect K/LLAS from reasonably foreseeable violent activities;
 - (b) Carelessly and negligently failed to protect KALLAS from reasonably foreseeable violent activities;
 - (c) Failed to establish procedures adequate to maintain safety on the premises;
 - (d) Failed to properly instruct and train personnel in the procedures adequate to maintain safety of all patrons upon said premises.
21. That as a direct and proximate result of one or more of the foregoing negligent acts and/or omissions by the Defendant, SOUTHMONT, KALLAS suffered serious injuries to his head, mouth and face. He has suffered, and will continue to suffer pain, mental anguish, loss of normal life and disability to his mind and body. KALLAS was forced to seek medical treatment in endeavoring to

be cured of these physical and emotional injuries and has incurred medical and hospital bills, lost earnings and other expenses due to the injuries sustained.

WHEREFORE, the Plaintiff, ANDY KALLAS, by and through his attorneys, STEPHAN ZOURAS, LLP, demands judgment in favor of the Plaintiff and against the Defendant, SOUTHMONT, for an amount in excess of the jurisdictional limit and costs of this suit.

Respectfully submitted,



One of the Attorneys for Plaintiff

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