

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

MARYANNE KEANE, as Parent and Next  
Friend of EK, a minor,

*Plaintiff*

v.

TK BEHAVIORAL, LLC d/b/a  
TIMBERLINE KNOLLS and  
TIMBERLINE KNOLLS RESIDENTIAL  
TREATMENT CENTER, and R.M.  
BROWN ENTERPRISES, LLC d/b/a  
TIMBERLINE KNOLLS, LLC,

*Defendants.*

Case no.: \_\_\_\_\_

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2015L01045  
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TIME 00:00  
PI Motor Vehicle

**COMPLAINT AT LAW**

NOW COMES the Plaintiff, MARYANNE KEANE, as Parent and Next Friend of EK, a minor, through her attorneys, HARMAN & FEDICK, LTD., and complaining of the Defendants, TK BEHAVIORAL, LLC d/b/a TIMERBLINE KNOLLS and TIMBERLINE KNOLLS RESIDENTIAL TREATMENT CENTER, and R.M. BROWN ENTERPRISES, LLC d/b/a TIMBERLINE KNOLLS, LLC, alleges as follows:

**ALLEGATIONS COMMON TO ALL COUNTS**

1. That on April 11, 2014 and for a long time prior thereto the Defendant, TK BEHAVIORAL, LLC, d/b/a TIMBERLINE KNOLLS and TIMBERLINE KNOLLS RESIDENTIAL TREATMENT CENTER, ("TK BEHAVIORAL"), a foreign corporation duly

authorized and licensed to conduct business in Illinois, owned, operated, maintained, and controlled Timberline Knolls Residential Treatment Center, which is located at 40 Timberline Drive, in the Village of Lemont, County of Cook, State of Illinois.

2. That on April 11, 2014 and for a long time prior thereto the Defendant, R.M. BROWN ENTERPRISES, LLC d/b/a TIMBERLINE KNOLLS, LLC ("R.M. BROWN"), a foreign corporation duly authorized and licensed to conduct business in Illinois, owned, operated, maintained, and controlled Timberline Knolls Residential Treatment Center, which is located at 40 Timberline Drive, in the Village of Lemont, County of Cook, State of Illinois.

3. That on and sometime prior to April 11, 2014, the Plaintiff's minor daughter, EK (DOB 5-5-99), was a resident at Timberline Knolls Residential Treatment Center located at the aforementioned location.

4. That on and sometime prior to April 11, 2014, JN was a sixteen (16) year old resident at Timberline Knolls Residential Treatment Center located at the aforementioned location.

5. That at all times mentioned herein the nurses and support staff at Timberline Knolls Residential Treatment Center were acting as the agents, servants and/or employees of the Defendants, TK BEHAVIORAL and/or R.M. BROWN.

6. That on the morning of April 11, 2014, the Plaintiff's minor daughter, EK, was on the premises of Timberline Knolls Residential Treatment Center accompanied by her peer to attend classes.

7. That at the same time and place, JN was also on the premises of Timberline Knolls Residential Treatment Center to attend class.

8. That on the aforementioned time and date, while the Plaintiff's minor daughter, EK, and

her peer were walking to their classes, JN ran up to the Plaintiff and punched her in the face twice, knocking the Plaintiff down, and proceeded to get on top of the Plaintiff and continue to attack her.

9. That shortly after the Plaintiff's minor daughter, EK, was attacked, the Timberline Knolls Residential Treatment Center staff was summoned to the scene and separated EK and JN.

10. That the aforementioned assault took place on a school day during the time which Plaintiff's minor daughter, EK, and JN, were under the care, custody, supervision, and control of the Defendants, TK BEHAVIORAL and/or R.M. BROWN.

**COUNT I**  
**WILLFUL AND WANTON CONDUCT – TK BEHAVIORAL**

11. Plaintiff repeats and re-alleges the allegations contained in Paragraphs 1 through 10 of this Complaint as though fully set forth in Count I.

12. That at all times mentioned herein the Defendant, TK BEHAVIORAL, had a duty to refrain from conduct showing utter indifference and/or conscious disregard for the safety of others and to refrain from willful and wanton conduct.

13. That on April 11, 2014 the Defendant, TK BEHAVIORAL, by and through its agents, breached that duty in the following ways:

- a. The Defendant's servants, and/or employees failed to supervise student JN to prevent her from attacking the Plaintiff's minor daughter, EK, when they knew that said relationship between both students put EK at risk for harm;
- b. Failed to intervene, mediate and put a stop to any verbal hostile behaviors between JN and the Plaintiff's minor daughter, EK, when they knew that said relationship would lead to a physical altercation or cause harm to EK;
- c. Failed to stop and/or report the inappropriate or hostile

behavior or relations between JN and the Plaintiff's minor daughter when they knew through their agents that there was an ongoing hostile relationship between JN and the EK;

- d. Failed to investigate the relationship between JN and the Plaintiff's minor daughter, EK, when they knew of facts indicating that EK was at risk of harm by JN;
- e. Failed to have in place or to enforce policies, procedures and safeguards to prevent, investigate and report any hostile relationships between their students;
- f. Failed to provide sufficient staff to supervise the students at the time and place of the aforesaid attack; and/or
- g. Failed to protect the Plaintiff's minor daughter, EK, when it knew of the high probability of a physical altercation.

14. That as a direct and proximate cause of one or more of these instances of willful and wanton misconduct on behalf of the Defendant, TK BEHAVIORAL., the Plaintiff's minor daughter, EK, was caused to be physically harmed and thereby sustained various injuries internally and externally and otherwise, both temporarily and permanently; and Plaintiff thereby became sick, sore, lame, diseased and disordered and so remained for a long time, to wit: from thence hitherto, during all of which time she suffered or will suffer great pain and was hindered and prevented from attending to her business and affairs, and thereby will sustain the loss of earnings, gains or profits; and the Plaintiff was or will be thereby compelled to pay out, expend and become liable for divers of sums of money in and about endeavoring to be cured of her injuries, as aforesaid.

WHEREFORE, the Plaintiff, MARYANNE KEANE, as Parent and Next Friend of EK, and minor, prays for judgment against the Defendant, TK BEHAVIORAL, in the amount within the jurisdiction of the Law Division of the Circuit Court of Cook County.

**COUNT II**  
**WILLFUL AND WANTON CONDUCT – R.M. BROWN**

15. Plaintiff repeats and re-alleges the allegations contained in Paragraphs 1 through 10 of this Complaint as though fully set forth in Count II.

16. That at all times mentioned herein the Defendant, R.M. BROWN, had a duty to refrain from conduct showing utter indifference and/or conscious disregard for the safety of others and to refrain from willful and wanton conduct.

17. That on April 11, 2014 the Defendant, R.M. BROWN, by and through its agents, breached that duty in the following ways:

- a. The Defendant's servants, and/or employees failed to supervise student JN to prevent her from attacking the Plaintiff's minor daughter, EK, when they knew that said relationship between both students put EK at risk for harm;
- b. Failed to intervene, mediate and put a stop to any verbal hostile behaviors between JN and the Plaintiff's minor daughter, EK, when they knew that said relationship would lead to a physical altercation or cause harm to EK;
- c. Failed to stop and/or report the inappropriate or hostile behavior or relations between JN and the Plaintiff's minor daughter when they knew through their agents that there was an ongoing hostile relationship between JN and the EK;
- d. Failed to investigate the relationship between JN and the Plaintiff's minor daughter, EK, when they knew of of facts indicating that EK was at risk of harm by JN;
- e. Failed to have in place or to enforce policies, procedures and safeguards to prevent, investigate and report any hostile relationships between their students;
- f. Failed to provide sufficient staff to supervise the students at the time and place of the aforesaid attack;
- g. Failed to protect the Plaintiff's minor daughter, EK, when it

knew of the high probability of a physical altercation.

18. That as a direct and proximate cause of one or more of these instances of willful and wanton misconduct on behalf of the Defendant, R.M. BROWN., the Plaintiff's minor daughter, EK, was caused to be physically harmed and thereby sustained various injuries internally and externally and otherwise, both temporarily and permanently; and Plaintiff thereby became sick, sore, lame, diseased and disordered and so remained for a long time, to wit: from thence hitherto, during all of which time she suffered or will suffer great pain and was hindered and prevented from attending to her business and affairs, and thereby will sustain the loss of earnings, gains or profits; and the Plaintiff was or will be thereby compelled to pay out, expend and become liable for divers of sums of money in and about endeavoring to be cured of her injuries, as aforesaid.

WHEREFORE, the Plaintiff, MARYANNE KEANE, as Parent and Next Friend of EK, and minor, prays for judgment against the Defendant, R.M. BROWN, in the amount within the jurisdiction of the Law Division of the Circuit Court of Cook County.

**COUNT III**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS—TK BEHAVIORAL**

19. Plaintiff repeats and re-alleges the allegations contained in Paragraphs 1 through 10 of this Complaint as though fully set forth in Count III.

20. That the Defendant, TK BEHAVIORAL, by its agents and/or servants knew that there was an extremely high probability that the hostile relationship between the Plaintiff's minor daughter, EK, and JN, would escalate into physical altercation.

21. That because the Defendant, TK BEHAVIORAL, by its agents and/or servants consciously disregarded and/or acted with utter indifference to the hostile relationship between JN and the Plaintiff's minor daughter, EK, the Plaintiff was attacked and incurred physical and

emotional injuries.

22. That the Defendant's knew that the aforementioned conduct had a high probability of causing the Plaintiff's minor daughter, EK, severe emotional distress.

23. That the Defendant intentionally and wrongfully assigned fault to the Plaintiff's minor daughter, EK, for the aforesaid incident in order to justify the expulsion of EK from the Timber Knolls Treatment Center when they knew this would cause emotional and psychological damage to the Plaintiff.

24. That the Plaintiff's minor daughter, EK, did in fact suffer severe emotional distress as well as psychological harm as a result of the Defendant's conduct.

25. That the Defendant's conduct was extreme and outrageous and constituted conscious disregard and/or utter indifference for the Plaintiff's minor daughter's physical and emotional well-being.

26. That as a proximate result of the conduct of the defendant, TK BEHAVIORAL., by and through its agents and/or servants, the Plaintiff's minor daughter, EK, was caused to suffer physical harm which resulted in a traumatic response that manifested physically in depression, panic attacks, post traumatic distress disorder, and nightmares and was otherwise injured internally, eternally, both temporarily and permanently; from thence hitherto, during all of which time she suffered or will suffer great pain; and plaintiff was or will be thereby compelled to pay out, expend and become liable for divers large sums of money in and about endeavoring to be cured of her injuries, as aforesaid.

WHEREFORE, the Plaintiff, MARYANNE KEANE, as Parent and Next Friend of EK, a minor, prays for judgment against the Defendant, TK BEHAVIORAL, in the amount within the

jurisdiction of the Law Division of the Circuit Court of Cook County.

**COUNT IV**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS—R.M. BROWN**

27. Plaintiff repeats and re-alleges the allegations contained in Paragraphs 1 through 10 of this Complaint as though fully set forth in Count IV.

28. That the Defendant, R.M. BROWN, by its agents and/or servants knew that there was an extremely high probability that the hostile relationship between the Plaintiff's minor daughter, EK, and JN, would escalate into physical altercation.

29. That because the Defendant, R.M. BROWN, by its agents and/or servants consciously disregarded and/or acted with utter indifference to the hostile relationship between JN and the Plaintiff's minor daughter, EK, the Plaintiff was attacked and incurred physical and emotional injuries.

30. That the Defendant knew that the aforementioned conduct had a high probability of causing the Plaintiff's minor daughter, EK, severe emotional distress.

31. That the Defendant intentionally and wrongfully assigned fault to the Plaintiff's minor daughter, EK, for the aforesaid incident in order to justify the expulsion of EK from the Timber Knolls Treatment Center when they knew this would cause emotional and psychological damage to the Plaintiff.

32. That the Plaintiff's minor daughter, EK, did in fact suffer severe emotional distress as well as psychological harm as a result of the Defendant's conduct.

33. That the Defendant's conduct was extreme and outrageous and constituted conscious disregard and/or utter indifference for the Plaintiff's minor daughter's physical and emotional well-being.

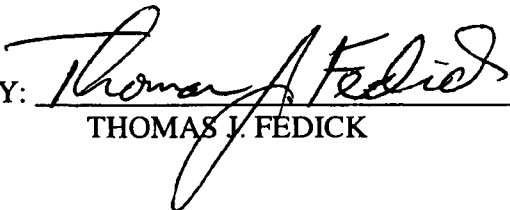


34. That as a proximate result of the conduct of the defendant, R.M. BROWN., by and through its agents and/or servants, the Plaintiff's minor daughter, EK, was caused to suffer physical harm which resulted in a traumatic response that manifested physically in depression, panic attacks, post traumatic distress disorder, and nightmares and was otherwise injured internally, eternally, both temporarily and permanently; from thence hitherto, during all of which time she suffered or will suffer great pain; and plaintiff was or will be thereby compelled to pay out, expend and become liable for divers large sums of money in and about endeavoring to be cured of her injuries, as aforesaid.

WHEREFORE, the Plaintiff, MARYANNE KEANE, as Parent and Next Friend of EK, a minor, prays for judgment against the Defendant, R.M. BROWN, in the amount within the jurisdiction of the Law Division of the Circuit Court of Cook County.

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