

**IN THE CIRCUIT COURT OF THE TWELFTH
JUDICIAL CIRCUIT, WILL COUNTY, ILLINOIS**

QUSAI ALKAFaweEN

Plaintiff,

v.

VILLAGE OF NEW LENOX,

a municipal corporation,
and

JACOB KLEPK,

an individual and employee and/or agent
of the **VILLAGE OF NEW LENOX,**
and

DAVID DILETO,

an individual and employee and/or agent
of the **VILLAGE OF NEW LENOX**
and

**SILVER CROSS HOSPITAL AND
MEDICAL CENTERS,** a corporation

and

DANIEL NEJAK, MD, an
individual

Defendants

No.: 2021L 000795

Plaintiff demands trial by jury

COMPLAINT AT LAW

NOW COMES, Plaintiff, QUSAI ALKAFaweEN, by and through his attorneys, CLIFFORD LAW OFFICES, P.C. and THE LAW OFFICES OF MOHAMMAD OWAYNAT, and hereby complains against the following Defendants, VILLAGE OF NEW LENOX (“VILLAGE”), JACOB KLEPAK (“KLEPK”), DAVID DILETO (“DILETO”), SILVER CROSS HOSPITAL AND MEDICAL CENTERS (“SILVER CROSS”) and DANIEL NEJAK (“NEJAK”), as follows:

Initial case management set for
01/31/2022 at: 9:00 a.m.

COUNT I: WILLFUL AND WANTON: VILLAGE OF NEW LENOX

1. On December 5, 2020 and at all relevant times, Defendant, VILLAGE, was a village and a municipal corporation located in Will County, Illinois that owned, operated, maintained, managed, and controlled the New Lenox Police Department and those officers serving as New Lenox Police Department officers.

2. On December 5, 2020 and at all relevant times, Defendant, KLEPK, was a law enforcement officer and/or police officer with the New Lenox Police Department and an agent and/or employee of Defendant, VILLAGE.

3. On December 5, 2020 and at all relevant times, Defendant, DILETO, was a law enforcement officer and/or police officer with the New Lenox Police Department and an agent and/or employee of Defendant, VILLAGE.

4. On December 5, 2020 and at all relevant times, Defendants, KLEPK and DILETO, responded to Silver Cross Hospital in New Lenox, Illinois in response to a dispatch involving Plaintiff, ALKAFaweEN.

5. On December 5, 2020 and at all relevant times, Defendant, VILLAGE, through the New Lenox Police Department, maintained the “New Lenox P.D. Manual” that instructed, managed and/or controlled New Lenox Police Department officers, including but not limited to Defendants, KLEPK and DILETO, on the proper “*guidelines for interacting with those who may be experiencing a mental health or emotional crisis*” and those deemed a “*person in crisis*” or “*a person whose level of distress or mental health symptoms have exceeded the person’s internal ability to manage his behavior or emotions.*”

6. On December 5, 2020 and at all relevant times, the “New Lenox P.D. Policy Manual” provided authority to police officers, including but not limited to Defendants, KLEPK

and DILETO, pursuant to 405 ILCS 5/1-100 et. seq., to place a person *“into custody and transport him/her to an approved mental health facility when the officer has reasonable grounds to believe the person is in need of immediate hospitalization to protect him/herself or others from physical harm.”*

7. On December 5, 2020 and at all relevant times, Defendant, VILLAGE, by and through its agents and/or employees, KLEPK and DILETO, knew, as evidenced on police body camera, that Plaintiff, ALKAFaweEN, was a *“person in crisis”* as he exhibited mental health and/or emotional issues in the presence of Defendants, KLEPK and DILETO, which included but was not limited to an inability to provide his name, incoherence, peculiar behavior, disorientation, slow responses, delusions, perceptions unrelated to reality, manic behavior, extreme agitation, lack of control, paranoia, and other signs and symptoms that were evident of a mental health issue or person in crisis.

8. On December 5, 2020, as captured on police body camera, Defendant, VILLAGE, by and through its officers, KLEPK and DILETO, knew that Plaintiff, ALKAFaweEN, did not have a cellular phone, but officers had knowledge of his address after taking possession of his driver’s license, nonetheless, officers consciously and/or intentionally chose to not bring him home or to a mental health facility but instead abandoned him in an empty parking lot knowing he was a danger to himself at that time and knowing the area where he was abandoned placed him in imminent danger.

9. On December 5, 2020, as captured on police body camera, Defendant, VILLAGE, by and through its agent and/or employee, DILETO, told Plaintiff, ALKAFaweEN, that *“we either get you a ride or you have to start walking, okay, we don’t want to do that to you”* where

Defendants, DILETO and KLEPK, knew that permitting Plaintiff, ALKAFAWEEN, to walk alone in crisis placed him in obvious danger.

10. On December 5, 2020, as captured on police body camera, Defendant, VILLAGE, by and through its agents and/or employees, KLEPK and DILETO, consciously and/or intentionally disregarded his safety and violated policies in devising a plan to drive and leave Plaintiff, ALKAFAWEEN, at Rt. 6 and Wolf Rd. when Defendant, VILLAGE, by and through its agents and/or employees, KLEPK and DILETO, knew that Plaintiff, ALKAFAWEEN, was a person in crisis, unfit to protect himself, had reasonable grounds to believe that he was in need of immediate hospitalization to protect himself, and knew the area he was abandoned placed him in imminent danger.

11. On December 5, 2020, Defendant, DILETO, consciously and/or intentionally disregarded the safety of Plaintiff, ALKAFAWEEN, and violated policies in instructing Defendant, KLEPK, on body camera to “*drop him in this area*” and “*just let him out*” when Defendant, VILLAGE, by and through its agents and/or employees, KLEPK and DILETO, knew Plaintiff, ALKAFAWEEN, was a person in crisis, unfit to protect himself, had reasonable grounds to believe that he was in need of immediate hospitalization to protect himself, and knew the area he was abandoned placed him in imminent danger.

12. On December 5, 2020, as captured on police body camera, Defendant, DILETO, expressed that “*[he] can’t stand it. This is the second time Orland Park has done this to us and it’s starting to irate me*” in communicating that he was aggravated and/or displeased that the Orland Park Police Department was taking individuals to Silver Cross Hospital located in New Lenox, Illinois.

13. On December 5, 2020, Defendant, DILETO, as captured on body camera, stated to Silver Cross Hospital staff that the Orland Park Police Department has to realize that the New Lenox Police Department is not a “*taxi service*” and informed Silver Cross Hospital staff that Plaintiff, ALKAFAWEEN, was transported in the custody of the New Lenox Police Department to the border of Will County and Cook County to “*basically dump [Plaintiff] off because we are not taking him all the way to Chicago and we aren’t taking him all the way into Orland Park. Hopefully, [Alkafaween] doesn’t ping pong back to [Silver Cross Hospital].*” Further, Defendant, DILETO, knew that Plaintiff, ALKAFAWEEN, was at-risk of injuries and returning back to Silver Cross.

14. On December 5, 2020, Defendant, KLEPK, transported Plaintiff, ALKAFAWEEN, to a dark parking lot near traffic at or near Rt. 6 and Wolf Rd. around 11:26 p.m. and abandoned him there when Defendant, KLEPK, knew that Plaintiff, ALKAFAWEEN, was a person in crisis, unfit to protect himself, had reasonable grounds to believe that he was in need of immediate hospitalization to protect himself, and knew the area he was abandoned placed him in imminent danger.

15. On December 5, 2020, Defendant, KLEPK, while in the dark parking lot at or near Rt. 6 and World Rd. stated, “*This is as far as I can take you right now. This is Orland Park so if you start walking north there will be some businesses. Okay. Alright. Take care*” after Plaintiff, ALKAFAWEEN, informed him that he does not know where he is going and repeatedly asked for help.

16. On December 6, 2020, at or near 12:13 a.m., Plaintiff, ALKAFAWEEN, was struck by a vehicle near the area he was abandoned and transported to Silver Cross Hospital where he

was diagnosed with numerous traumatic injuries including a subdural hematoma, a subarachnoid hemorrhage, and numerous other internal injuries.

17. On December 5, 2020 and at all relevant times, Defendant, VILLAGE, by and through its agents and/or employees, KLEPK and DILETO, had duties to refrain from willful and wanton conduct that could cause injuries to others.

18. On December 5, 2020 and at all relevant times, Defendants, KLEPK and DILETO, as employees and/or agents of Defendant, VILLAGE, had duties to refrain from willful and wanton conduct that could cause injuries to others.

19. On December 5, 2020 and at all relevant times, Defendant, VILLAGE, by and through its agents and/or employees, KLEPK and DILETO, committed willful and wanton conduct in the following manners:

- (a) With an utter indifference and conscious disregard for the safety of Plaintiff, consciously and/or intentionally violated applicable policies and procedures of the New Lenox Police Department in handling a person in crisis or a person suffering from a mental and/or emotional condition when Defendant knew that Plaintiff was a danger to himself in abandoning him alone in a dark parking lot in an area unfamiliar to him and without use of a cellular phone after Plaintiff repeatedly sought and requested help from officers and knowing Plaintiff was unable to care for himself;
- (b) With an utter indifference and conscious disregard for the safety of Plaintiff, consciously and/or intentionally devised a plan in violation of New Lenox Police Department policies and procedures to abandon Plaintiff in a dark parking lot without assistance when Defendant knew that Plaintiff suffered from a mental and/or emotional condition, was without a cellular phone, in crisis, and a danger to himself after Plaintiff repeatedly sought and requested help from officers and knowing Plaintiff was unable to care for himself;
- (c) With an utter indifference and conscious disregard for the safety of Plaintiff, consciously and/or intentionally failed to call in a supervisor and social worker when Defendant knew that those individuals were required when handling a person such as Plaintiff who suffered from a mental and/or emotional condition and was a danger to himself after Plaintiff repeatedly

sought and requested help from officers and knowing Plaintiff was unable to care for himself;

- (d) With an utter indifference and conscious disregard for the safety of Plaintiff, consciously and/or intentionally failed to drive Plaintiff home to the address listed on his driver's license, in the possession of Defendant, when Defendant knew that bringing him home was a safer environment than abandoning him alone in crisis in a dark parking lot in an area unfamiliar to him and without use of a cellular phone after Plaintiff repeatedly sought and requested help from officers and knowing Plaintiff was unable to care for himself;
- (e) With an utter indifference and conscious disregard for the safety of Plaintiff, consciously and/or intentionally failed to take him into custody and transport him to an approved mental health facility when Defendant knew it had the authority and the legal right to do so instead of abandoning him alone in crisis in a dark parking lot in an area unfamiliar to him and without use of a cellular phone after Plaintiff repeatedly sought and requested help from officers and knowing Plaintiff was unable to care for himself;
- (f) With an utter indifference and conscious disregard for the safety of Plaintiff, consciously and/or intentionally instructed Plaintiff in crisis to walk down a road after abandoning him in a dark parking lot in an area unfamiliar to him and without use of a cellular phone after Plaintiff repeatedly sought and requested help from officers and knowing Plaintiff was unable to care for himself;
- (g) Was otherwise willful and wanton.

20. As a proximate result of one or more of the alleged willful and wanton actions or omissions of Defendant, VILLAGE, Plaintiff, ALKAFaweEN, suffered serious injuries of a personal, pecuniary, and non-pecuniary nature, including but not limited to, past and future medical bills, past and future pain and suffering, and loss of normal life.

WHEREFORE, Plaintiff, QUSAI ALKAFaweEN, asks for judgment against Defendant, VILLAGE OF NEW LENOX, in an amount in excess of FIFTY-THOUSAND DOLLARS (\$50,000.00).

COUNT II: WILLFUL AND WANTON: JACOB KLEPK

1. Plaintiff re-alleges Paragraphs 1-18 of Count I as Paragraph 1 of Count II.

2. On December 5, 2020 and at all relevant times, Defendant, KLEPK, as an agent and/or employee of Defendant, VILLAGE, committed willful and wanton conduct in the following manners:

- (a) With an utter indifference and conscious disregard for the safety of Plaintiff, consciously and/or intentionally violated applicable policies and procedures of the New Lenox Police Department in handling a person in crisis or a person suffering from a mental and/or emotional condition when Defendant knew that Plaintiff was a danger to himself in abandoning him alone in a dark parking lot in an area unfamiliar to him and without use of a cellular phone after Plaintiff repeatedly sought and requested help from officers and knowing Plaintiff was unable to care for himself;
- (b) With an utter indifference and conscious disregard for the safety of Plaintiff, consciously and/or intentionally devised a plan in violation of New Lenox Police Department policies and procedures to abandon Plaintiff in a dark parking lot without assistance when Defendant knew that Plaintiff suffered from a mental and/or emotional condition, was without a cellular phone, in crisis, and a danger to himself after Plaintiff repeatedly sought and requested help from officers and knowing Plaintiff was unable to care for himself;
- (c) With an utter indifference and conscious disregard for the safety of Plaintiff, consciously and/or intentionally failed to call in a supervisor and social worker when Defendant knew that those individuals were required when handling a person such as Plaintiff who suffered from a mental and/or emotional condition and was a danger to himself after Plaintiff repeatedly sought and requested help from officers and knowing Plaintiff was unable to care for himself;
- (d) With an utter indifference and conscious disregard for the safety of Plaintiff, consciously and/or intentionally failed to drive Plaintiff home to the address listed on his driver's license, in the possession of Defendant, when Defendant knew that bringing him home was a safer environment than abandoning him alone in crisis in a dark parking lot in an area unfamiliar to him and without use of a cellular phone after Plaintiff repeatedly sought and requested help from officers and knowing Plaintiff was unable to care for himself;

- (e) With an utter indifference and conscious disregard for the safety of Plaintiff, consciously and/or intentionally failed to take him into custody and transport him to an approved mental health facility when Defendant knew it had the authority and the legal right to do so instead of abandoning him alone in crisis in a dark parking lot in an area unfamiliar to him and without use of a cellular phone after Plaintiff repeatedly sought and requested help from officers and knowing Plaintiff was unable to care for himself;
- (f) With an utter indifference and conscious disregard for the safety of Plaintiff, consciously and/or intentionally instructed Plaintiff in crisis to walk down a road after abandoning him in a dark parking lot in an area unfamiliar to him and without use of a cellular phone after Plaintiff repeatedly sought and requested help from officers and knowing Plaintiff was unable to care for himself;
- (g) Was otherwise willful and wanton.

3. As a proximate result of one or more of the alleged willful and wanton actions or omissions of Defendant, KLEPK, Plaintiff, ALKAFaweEN, suffered serious injuries of a personal, pecuniary, and non-pecuniary nature, including but not limited to, past and future medical bills, past and future pain and suffering, and loss of normal life.

WHEREFORE, Plaintiff, QUSAI ALKAFaweEN, asks for judgment against Defendant, JACOB KLEPK, in a fair and just amount in excess of FIFTY-THOUSAND DOLLARS (\$50,000.00).

COUNT III: WILLFUL AND WANTON: DAVID DILETO

- 1. Plaintiff re-alleges Paragraphs 1-18 of Count I as Paragraph 1 of Count III.
- 2. On December 5, 2020 and at all relevant times, Defendant, DILETO, as an agent and/or employee of Defendant, VILLAGE, committed willful and wanton conduct in the following manners:

- (a) With an utter indifference and conscious disregard for the safety of Plaintiff, consciously and/or intentionally violated applicable policies and procedures of the New Lenox Police Department in handling a person in crisis or a person suffering from a mental and/or emotional condition when Defendant knew that Plaintiff was a danger to himself in abandoning him alone in a

dark parking lot in an area unfamiliar to him and without use of a cellular phone after Plaintiff repeatedly sought and requested help from officers and knowing Plaintiff was unable to care for himself;

- (b) With an utter indifference and conscious disregard for the safety of Plaintiff, consciously and/or intentionally devised a plan in violation of New Lenox Police Department policies and procedures to abandon Plaintiff in a dark parking lot without assistance when Defendant knew that Plaintiff suffered from a mental and/or emotional condition, was without a cellular phone, in crisis, and a danger to himself after Plaintiff repeatedly sought and requested help from officers and knowing Plaintiff was unable to care for himself;
- (c) With an utter indifference and conscious disregard for the safety of Plaintiff, consciously and/or intentionally failed to call in a supervisor and social worker when Defendant knew that those individuals were required when handling a person such as Plaintiff who suffered from a mental and/or emotional condition and was a danger to himself after Plaintiff repeatedly sought and requested help from officers and knowing Plaintiff was unable to care for himself;
- (d) With an utter indifference and conscious disregard for the safety of Plaintiff, consciously and/or intentionally failed to drive Plaintiff home to the address listed on his driver's license, in the possession of Defendant, when Defendant knew that bringing him home was a safer environment than abandoning him alone in crisis in a dark parking lot in an area unfamiliar to him and without use of a cellular phone after Plaintiff repeatedly sought and requested help from officers and knowing Plaintiff was unable to care for himself;
- (e) With an utter indifference and conscious disregard for the safety of Plaintiff, consciously and/or intentionally failed to take him into custody and transport him to an approved mental health facility when Defendant knew it had the authority and the legal right to do so instead of abandoning him alone in crisis in a dark parking lot in an area unfamiliar to him and without use of a cellular phone after Plaintiff repeatedly sought and requested help from officers and knowing Plaintiff was unable to care for himself;
- (f) With an utter indifference and conscious disregard for the safety of Plaintiff, consciously and/or intentionally instructed Plaintiff in crisis to walk down a road after abandoning him in a dark parking lot in an area unfamiliar to him and without use of a cellular phone after Plaintiff repeatedly sought and requested help from officers and knowing Plaintiff was unable to care for himself;
- (g) Was otherwise willful and wanton.

3. As a proximate result of one or more of the alleged willful and wanton actions or omissions of Defendant, DILETO, Plaintiff, ALKAFaweEN, suffered serious injuries of a personal, pecuniary, and non-pecuniary nature, including but not limited to, past and future medical bills, past and future pain and suffering, and loss of normal life.

WHEREFORE, Plaintiff, QUSAI ALKAFaweEN, asks for judgment against Defendant, DAVID DILETO, in a fair and just amount in excess of FIFTY-THOUSAND DOLLARS (\$50,000.00).

COUNT IV: MEDICAL NEGLIGENCE: SILVER CROSS HOSPITAL AND MEDICAL CENTERS

1. On December 5, 2020, and at all times mentioned herein, Defendant, SILVER CROSS, was a professional hospital corporation, licensed to employ doctors and nurses to practice medicine and nursing care, and held itself out to the general public as a professional medical service corporation, properly skilled in the care and treatment of persons in the condition of Plaintiff, ALKAFaweEN.

2. On December 5, 2020, Plaintiff, ALKAFaweEN, was a patient under the care of doctors and nurses of Defendant, SILVER CROSS.

3. On December 5, 2020, and at all relevant times, Defendant, NEJAK, was a duly authorized apparent agent and/or employee of Defendant, SILVER CROSS, and was at all times acting within the scope of his agency and/or employment as an emergency room doctor when attending to Plaintiff, ALKAFaweEN.

4. On December 5, 2020, Plaintiff, ALKAFaweEN, was wrongly discharged by Defendant, SILVER CROSS, when Defendant, SILVER CROSS, by and through its agent and/or employee, NEJAK, knew or should have known that it was unsafe for him to be discharged because

he was suffering from a mental and/or emotional health crisis where he was a danger to himself and others and unable to protect himself.

5. On December 5, 2020, and at all relevant times, it was the duty of Defendant, SILVER CROSS, to employ, retain, manage, supervise, monitor, educate, train and control medical doctors who would act like reasonably careful and reasonably well-qualified medical doctors in rendering care and determining when it was safe to discharge a patient such as Plaintiff, ALKAFaweEN.

6. On December 5, 2020, and at all relevant times, it became the duty of Defendant, NEJAK, an emergency room doctor, acting as an employee and/or agent of Defendant, SILVER CROSS, to act like a reasonably careful, reasonably well-qualified emergency room doctor in rendering care and treatment to Plaintiff, ALKAFaweEN, including and determining when it was safe for him to be discharged.

7. On December 5, 2020 and at all relevant times, Defendant, SILVER CROSS, by and through its agent and/or employee, NEJAK, was negligent in one or more of the following manners:

- (a) Improperly discharged Plaintiff when Defendant knew or should have known that he was suffering from a mental and/or emotional crisis where he was a danger to himself and needed to be admitted;
- (b) Failed to admit Plaintiff to Silver Cross Hospital when Defendant knew or should have known that he was suffering from a mental and/or emotional crisis where he was a danger to himself;
- (c) Failed to transfer Plaintiff to a mental healthy facility when Defendant knew or should have known that he was suffering from a mental and/or emotional crisis where he was a danger to himself;
- (d) Failed to order a psychiatric and/or psychological consultation with a specialist when Defendant knew or should have known that he was suffering from a mental and/or emotional crisis where he was a danger to himself and others;

(e) Was otherwise careless and negligent.

8. As a direct and proximate result of one or more of the following negligent acts or omissions of Defendant, SILVER CROSS, by and through its employee and/or agent, NEJAK, Plaintiff, ALKAFaweEN, sustained serious pecuniary and non-pecuniary damages in the past and to be expected in the future, including but not limited to pain and suffering and significant future care costs.

9. Attached to this Complaint at Law is an affidavit of one of Plaintiffs' attorneys and the written healthcare provider report required by 735 ILCS 5/2-622 of the Illinois Code of Civil Procedure.

WHEREFORE, Plaintiff, QUSAI ALKAFaweEN, asks for judgment against Defendant, SILVER CROSS HOSPITAL AND MEDICAL CENTERS, in a fair and just amount in excess of FIFTY-THOUSAND DOLLARS (\$50,000.00).

COUNT V: MEDICAL NEGLIGENCE: DANIEL NEJAK, MD

1. Plaintiff re-alleges Paragraph 1-6 of Count IV for Paragraph 1 of Count V.

2. On December 5, 2020 and at all relevant times, Defendant, NEJAK, as an agent and/or employee of Defendant, SILVER CROSS, was negligent in one or more of the following manners:

(a) Improperly discharged Plaintiff when Defendant knew or should have known that he was suffering from a mental and/or emotional crisis where he was a danger to himself and needed to be admitted;

(b) Failed to admit Plaintiff to Silver Cross Hospital when Defendant knew or should have known that he was suffering from a mental and/or emotional crisis where he was a danger to himself;

(c) Failed to transfer Plaintiff to a mental healthy facility when Defendant knew or should have known that he was suffering from a mental and/or emotional crisis where he was a danger to himself;

- (d) Failed to order a psychiatric and/or psychological consultation with a specialist when Defendant knew or should have known that he was suffering from a mental and/or emotional crisis where he was a danger to himself and others;
- (e) Was otherwise careless and negligent.

3. As a direct and proximate result of one or more of the following negligent acts or omissions of Defendant, NEJAK, as an employee and/or agent, SILVER CROSS, Plaintiff, ALKAFaweEN, sustained serious pecuniary and non-pecuniary damages in the past and to be expected in the future, including but not limited to pain and suffering and significant future care costs.

4. Attached to this Complaint at Law is an affidavit of one of Plaintiffs' attorneys and the written healthcare provider report required by 735 ILCS 5/2-622 of the Illinois Code of Civil Procedure.

WHEREFORE, Plaintiff, QUSAI ALKAFaweEN, asks for judgment against Defendant, DANIEL NEJAK, M.D., in a fair and just amount in excess of FIFTY-THOUSAND DOLLARS (\$50,000.00).

Respectfully submitted,

/s/ Jack J. Casciato
Jack Casciato, One of the attorneys for Plaintiffs

Jack J. Casciato
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**IN THE CIRCUIT COURT OF THE TWELFTH
JUDICIAL CIRCUIT, WILL COUNTY, ILLINOIS**

QUSAI ALKAFWEEN

Plaintiff,

v.

VILLAGE OF NEW LENOX,

a municipal corporation,

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JACOB KLEPK,

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of the **VILLAGE OF NEW LENOX,**

and

DAVID DILETO,

an individual and employee and/or agent

of the **VILLAGE OF NEW LENOX**

and

SILVER CROSS HOSPITAL AND

MEDICAL CENTERS, a corporation

and

DANIEL NEJAK, MD, an

individual

Defendants

No.:

Plaintiff demands trial by jury

AFFIDAVIT PURSUANT TO 735 ILCS §5/2-622

I, being first duly sworn under oath, state as follows:

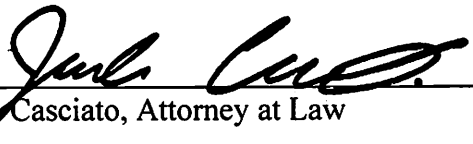
1. I have consulted and reviewed the facts of this case with a physician who I reasonably believe (a) is knowledgeable in the relevant issues involved in this particular action; (b) practices or has practiced within the last six (6) years or teaches or has taught within the last six (6) years in the same area of health care or medicine that is at issue in this particular action; and (c) is qualified by experience or demonstrated competence in the subject of this case.

2. Attached are the reviewing health professional's report, which after review of records and other relevant materials involved in this particular action, indicate that there is a reasonable and meritorious cause for the filing of such action against Defendants.

3. I have concluded on the basis of the reviewing health professional's review and consultation that there is a reasonable and meritorious cause for the filing of this action against Defendants.


4. Attached to this affidavit is a copy of the health professional's report referenced in this affidavit.

FURTHER AFFIANT SAYETH NOT.

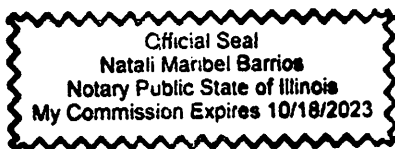


Jack J. Casciato, Attorney at Law

SUBSCRIBED AND SWORN TO
Before me this 6th day of October 2021.



Notary Public



October 4, 2021

Mr. Casciato:

I have reviewed medical records from Silver Cross Hospital in New Lenox, Illinois pertaining to Quasi Alkafaween. I have also reviewed police body camera footage that captures Mr. Alkafaween on the premises of Silver Cross Hospital shortly after discharge. I am a health care professional and an emergency room doctor. I am actively practicing. I am knowledgeable in the relevant issues involved in this particular action and practice and have practiced within the last 6 years in the same area of health care that is at issue in this particular action. Based upon my review of records and footage, I find that there is a reasonable and meritorious basis for filing a lawsuit against Defendant, Silver Cross Hospitals and Medical Center, and Defendant, Dr. Daniel Nejak, M.D.

On December 5, 2020, Mr. Alkafaween was transported to Silver Cross Hospital by the Orland Park P.D. after exhibiting psychiatric and erratic behavior. He was subsequently discharged that same date when his condition was far from stable. New Lenox Police Department body camera captures Mr. Alkafaween exhibiting disturbing behavior and clear signs of a person suffering from a mental health condition that was clearly disorientated, confused, and a safety risk to himself. His condition was known or should have been known to Defendants, Silver Cross Hospitals and Medical Centers and Dr. Daniel Nejak, M.D. The footage clearly shows that Mr. Alkafaween should have never been discharged.

On December 5, 2020, and thereafter, Defendant, Silver Cross Hospital and Medical Centers and Daniel Nejak, M.D., were professionally negligent in one of the following manners:

- (a) Improperly discharged Plaintiff when Defendant knew or should have known that he was suffering from a mental and/or emotional crisis where he was a danger to himself;
- (b) Failed to admit Plaintiff to Silver Cross Hospital when Defendant knew or should have known that he was suffering from a mental and/or emotional crisis where he was a danger to himself;
- (c) Failed to transfer Plaintiff to a mental healthy facility when Defendant knew or should have known that he was suffering from a mental and/or emotional crisis where he was a danger to himself;
- (d) Improperly discharged Plaintiff when Defendant knew or should have known that he was suffering from a mental and/or emotional crisis where he was a danger to himself;
- (e) Failed to order a psychiatric and/or psychological consultation with a specialist when Defendant knew or should have known that he was suffering from a mental and/or emotional crisis where he was a danger to himself and others;

(f) Was otherwise careless and negligent.

The aforesaid professionally negligent acts and/or omissions of Defendants, Silver Cross Hospital and Medical Centers and Daniel Nejak, M.D. were a proximate cause of injury to Qusai Alkafaween. Simply put, had he not been wrongfully and improperly discharged, he would have never been hit by a vehicle. It was foreseeable to Defendants that a person in his condition is at-risk of injuries due to their lack of control and safety awareness. Further, my opinions are subject to modification pending review of further materials in this case.