

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

MICHAEL LACSON, as Special Administrator)	
of the Estate of MARIN LACSON, Deceased,)	
)	
Plaintiff,)	No.:
)	
v.)	
)	
UNION PACIFIC RAILROAD COMPANY, a Delaware)	
corporation,)	<i>Plaintiff demands trial by jury</i>
NORTHEAST ILLINOIS REGIONAL COMMUTER)	
RAILROAD CORPORATION d/b/a METRA,)	
an Illinois corporation,)	
THE REGIONAL TRANSPORTATION AUTHORITY)	
AND ITS COMMUTER RAIL DIVISION)	
d/b/a METRA, an Illinois corporation, and)	
VILLAGE OF BARRINGTON, ILLINOIS, a municipal)	
corporation,)	
)	
Defendants.)	

COMPLAINT AT LAW

Plaintiff, MICHAEL LACSON, as Special Administrator of the Estate of MARIN LACSON, Deceased, by and through his attorneys, CLIFFORD LAW OFFICES, P.C., complaining of Defendants, UNION PACIFIC RAILROAD COMPANY, NORTHEAST ILLINOIS REGIONAL COMMUTER RAILROAD CORPORATION d/b/a METRA, THE REGIONAL TRANSPORTATION AUTHORITY AND ITS COMMUTER RAIL DIVISION d/b/a METRA (collectively referred herein as “METRA”), and VILLAGE OF BARRINGTON, ILLINOIS, states as follows:

INTRODUCTION

1. This lawsuit arises from a commuter train collision that occurred on the Union Pacific Railroad Northwest line in the Village of Barrington, Illinois on January 25, 2024 at approximately 7:44 a.m., which caused death to Marin Lacson, a 17-year-old high school student.

2. This is an action for damages under Illinois law brought to redress Plaintiff's claims against Defendants.

PARTIES

3. Plaintiff, Michael Lacson, was a citizen of Illinois. He is the duly appointed Special Administrator of the Estate of Marin Lacson. Plaintiff's decedent, Marin Lacson, was an Illinois resident on the date of her death.

4. Defendant, Union Pacific Railroad Company ("Union Pacific"), was and is a company duly incorporated in the State of Delaware with its principal place of business in Omaha, Nebraska.

5. Defendant, Northeast Illinois Regional Commuter Railroad Corporation d/b/a Metra ("Metra"), was and is now duly incorporated in the State of Illinois with its headquarters at 547 W. Jackson Boulevard, Chicago, Illinois.

6. Defendant, The Regional Transportation Authority and Its Commuter Rail Division Northeast Illinois Regional Commuter Railroad Corporation d/b/a Metra ("Metra"), was and is now duly incorporated in the State of Illinois with its headquarters at 547 W. Jackson Boulevard, Chicago, Illinois.

7. Defendant, Village of Barrington, Illinois ("Village of Barrington"), was and is now a municipal corporation duly incorporated in the State of Illinois with its headquarters at 200 S. Hough Street, Barrington, Illinois.

JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction over the claims set forth in this complaint under the laws of the State of Illinois.

9. This Court has personal jurisdiction because Defendants had minimum contacts with the State of Illinois in performing acts which gave rise and are related to this matter, and Defendants Metra and the Village of Barrington are citizens of the State of Illinois.

10. Venue is proper because Metra is located in Cook County, Illinois, and some of the events giving rise to the claim occurred in the County of Cook, State of Illinois.

BACKGROUND

UNION PACIFIC RAILROAD COMPANY AND METRA

11. Union Pacific is an interstate freight railroad which operated in twenty-three (23) states in the United States, including Illinois.

12. Metra is one of the largest commuter rail systems in North America, serving Cook, DuPage, Will, Lake, Kane, and McHenry counties in northeastern Illinois. The agency provides service to and from downtown Chicago with 242 stations over eleven routes totaling nearly 500 route miles and approximately 1,200 miles of track. Metra operates nearly 700 weekday trains, providing nearly 290,000 passenger trips each weekday.

13. Metra provides commuter service to and from downtown Chicago on eleven (11) lines. Metra exclusively owns and operates four commuter service lines: Rock Island, Metra Electric, Milwaukee District North, and Milwaukee District West. Metra operates three commuter service lines on tracks owned or partly owned by freight railroads: Heritage Corridor, North Central Service, and SouthWest Service. The remaining four commuter services are operated by freight railroads and Metra through Purchase Service Agreements.

14. Specifically, Metra and Union Pacific share the operations for commuter service on three rail lines known as Union Pacific North, Union Pacific Northwest, and Union Pacific West through a Purchase Service Agreement dating back to January 28, 2010.

15. On and before January 25, 2024, Metra and Union Pacific owned, operated, maintained, managed, and/or controlled the Union Pacific Northwest, which is a railroad line running generally northwest from Chicago, Illinois to Harvard, Illinois and McHenry County, Illinois.

16. On and before January 25, 2024, Union Pacific owned and maintained the track, bridges, and signal systems for both freight and commuter services on the Union Pacific Northwest.

17. On and before January 25, 2024, Metra was responsible for all improvements, including safety features on the railroads for equipment and the public on the Union Pacific Northwest.

18. Between 1979 through 2020, Metra invested over \$1.2 billion in asset funding for bridges, grade separations, retaining walls, rights of way, rights of way expansions, signals and communications, facilities, power stations, and parking for the Union Pacific railroad operations.

19. On and before January 25, 2024, Metra and Union Pacific jointly owned, operated, maintained, managed, and/or controlled the railroad equipment, including trains on the Union Pacific Northwest, and also employed the train personnel who operated the trains and otherwise worked on the Union Pacific Northwest.

HOUGH STREET RAILROAD CROSSING

20. The Hough Street Railroad Crossing (“Hough Street Crossing”) is a public at-grade level railroad crossing on the Union Pacific Northwest, U.S. DOT Number 176953C, which intersects Illinois State Route 59 at an angle between thirty degrees and fifty-nine degrees located in Barrington, Illinois.

21. There are two train tracks on the Union Pacific Northwest line at the Hough Street Crossing, which averages thirty-two (32) daytime trains and twenty (20) nighttime trains moving through this crossing on a daily basis.

22. The Hough Street Crossing is in a Quiet Zone which means that train operators generally silence their train horns when approaching this crossing, though these train operators may use discretion to sound their horns if necessary.

23. On and before January 25, 2024, and at all relevant times herein, Metra and Union Pacific were responsible for designing, installing, operating, and maintaining the crossing gates and other pedestrian safety features throughout the Union Pacific Northwest, including the Hough Street Crossing.

24. On and before January 25, 2024, and at all relevant times herein, Metra and Union Pacific designed, installed, operated, and maintained crossing gates for vehicles at the Hough Street Crossing shown below in Figure A.



Figure A: Photograph showing the Hough Street Railroad facing northeast.

25. Prior to January 25, 2024, Metra and Union Pacific designed, installed, operated,

and maintained those vehicular gates without any pedestrian gates at Hough Street Railroad Crossing shown below in Figure B.



Figure B: Photograph showing the Hough Street Crossing facing south.

26. Prior to January 25, 2024, Metra and Union Pacific knew or should have known about the safety risks for pedestrians near railroad tracks, including the Hough Street Crossing.

PEDESTRIAN SAFETY AT RAILROAD CROSSINGS

27. According to 2023 Federal Railroad Administration Statistics, 1,775 pedestrian rail casualties (fatalities and injuries) occurred on or near railroad tracks in the United States.

28. Prior to January 25, 2024, there were at least two train collisions involving pedestrians, including one fatality, at the Hough Street Crossing where pedestrian gates were absent.

29. Automatic pedestrian gates are used to physically prevent pedestrians from crossing the tracks when activated by an approaching train.

30. The Federal Transit Administration sponsored the Transit Cooperative Research Program (“TCRP”) Report 17, which recommended automatic pedestrian gates should be used in areas where an engineering study classifies the risk of pedestrian collision as medium to high.

31. TCRP Report 17 recommended that appropriate actions must be taken in system planning, design, and traffic engineering to minimize confusion and facilitate pedestrians’ decision-making process across highway grade railroad crossings using clear, consistent, and implementable designs and control devices.

32. Pedestrian safety treatments at railroad crossings have been implemented to address increased risks of harm to pedestrians associated with inattention, confusion, and vision obstruction.

33. Such pedestrian safety treatments used at grade level railroad crossings include automatic pedestrian gates that are activated by approaching trains as shown below in Figure C.



Figure C: Pedestrian Gates.

34. Additional pedestrian safety treatments include Z-crossings (zig-zag crossings) to facilitate pedestrian line of sight to oncoming train traffic as shown below in Figure D.



Figure D: Z-crossing shown above.

35. Other pedestrian treatments include signs which warn pedestrians of additional trains simultaneously approaching a railroad crossing as shown below in Figure E.



Figure E: Warning Sign for Another Train Coming

36. Prior to January 25, 2024, Defendants Metra and Union Pacific designed, installed, operated, and maintained vehicular crossing gates without pedestrian gates at the Hough Street Crossing despite never conducting any engineering study to determine pedestrian risk of collision.

37. Prior to January 25, 2024, Defendants Metra and Union Pacific knew or should have known that the pedestrian risk of collision at the Hough Street Railroad Crossing required pedestrian gates and other pedestrian safety treatments.

2013 TRAIN COLLISION AT HOUGH STREET CROSSING

38. On March 15, 2013, Gayle Szymanski's minor son ("Dominic"), approximately age 11, approached the Hough Street Crossing using the sidewalk. The Hough Street Crossing was not protected by automatic pedestrian gates or other pedestrian safety treatments.

39. While Dominic was at the Hough Street Crossing, Metra train number 641 operated non-stop express and headed outbound through the Hough Street Crossing on the Union Pacific Northwest.

40. At the same time that this outbound train passed through the Hough Street Crossing, an inbound Metra train number 656 approached the Hough Street Crossing.

41. As the last train car of the above outbound train cleared the Hough Street Crossing, Dominic started to cross the Hough Street Crossing unaware that an inbound train was approaching this crossing as his view of the inbound track was obstructed by the outbound train.

42. As he attempted to cross the Hough Street Crossing, Dominic was struck by said inbound train and suffered a catastrophic injury to his leg.

43. Approximately three years later on February 8, 2016, Dominic's mother, Gayle Szymanski, contacted Jason Lohmeyer, Village Trustee, where she urged the Village of Barrington to improve the train warning features with pedestrian gates at the Hough Street Crossing.

44. On March 16, 2016, Barrington Village Trustee Lohmeyer responded to Ms. Szymanski by email where he informed her that Greg Summers, who worked as Barrington's Director of Engineering and Building and Director of Development Services, previously requested pedestrian gates at a different Canadian Northern (CN) railroad crossing at Lake Zurich Road in Barrington, Illinois where the Village of Barrington "attempted to get pedestrian gates added to the rail crossing at Lake Zurich Road next to Citizen Park when the new sidewalk crossing was constructed but CN was not willing to change them unless the Village funded 100%." Village Trustee Lohmeyer apparently concluded from this information that Metra and Union Pacific would only install pedestrian gates at the Hough Street Crossing if the Village of Barrington fully funded these safety features.

45. Village Trustee Lohmeyer further informed Ms. Szymanski that CN had previously conducted a study which determined that "there was no enhanced safety found with pedestrian based crossing gates vs. those without" at the respective CN railroad crossing; however, no study had ever been performed to determine whether pedestrian safety would be enhanced with pedestrian gates at the Hough Street Crossing on the Union Pacific Northwest.

46. Despite actual knowledge of the increased risk of harm of train collisions with pedestrians at the Hough Street Crossing following Dominic's train collision in 2013, Metra, Union Pacific, and the Village of Barrington never performed an engineering study to determine the risk of pedestrian collisions at the Hough Street Crossing.

47. As a result of Dominic's train collision, Metra, Union Pacific, and the Village of Barrington knew or should have known that an engineering study regarding pedestrian safety as well as the use of pedestrian gates and other safety measures would improve safety for pedestrians at the Hough Street Crossing.

48. Despite actual knowledge of the increased risk of harm to pedestrians following Dominic’s train collision at the Hough Street Crossing, Metra, Union Pacific, and the Village of Barrington continued to operate and maintain the Hough Street Crossing without pedestrian gates and other adequate warning systems to alert pedestrians of simultaneously approaching trains.

BARRINGTON PEDESTRIAN GATES

49. On and before January 25, 2024, Metra, Union Pacific, and the Village of Barrington designed, installed, owned, and maintained vehicular gates and pedestrian gates in various areas on the Union Pacific Northwest.

50. On and before January 25, 2024, Metra, Union Pacific, and the Village of Barrington designed, installed, owned, and maintained vehicular gates and pedestrian gates located immediately southeast of the Hough Street Crossing at Main Street and Cook Street (“Main Street Crossing”) in Barrington, Illinois, U.S. DOT Crossing Inventory Number 176951N, as shown below in Figure F.



Figure F

51. On and before January 25, 2024, Metra, Union Pacific, and the Village of Barrington designed, installed, owned, and maintained vehicular gates and pedestrian gates located

at Hart Road and W. Northwest Highway (“Hart Road Crossing”) in Barrington, Illinois, U.S. DOT Crossing Inventory Number 176954J, as shown below in Figure G.



Figure G

52. On and before January 25, 2024, the Village of Barrington installed, owned, and maintained vehicular gates and pedestrian gates located at Hough Street and James Street (“James Street Crossing”) in Barrington, Illinois, U.S. DOT Crossing Inventory Number 260515D, as shown below in Figure H.

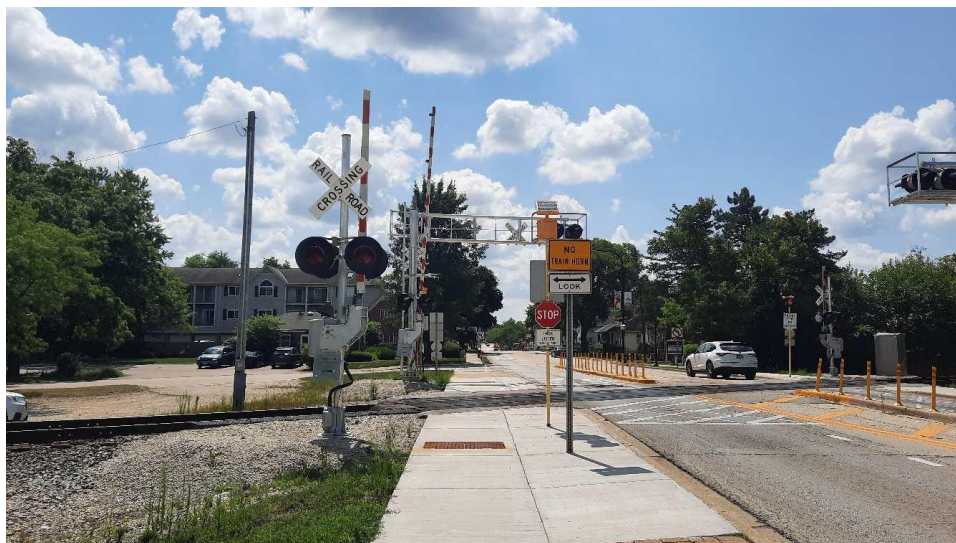


Figure H

53. The aforementioned pedestrian gates have proven to be effective safeguards: there have never been any train collisions involving pedestrians at the Main Street Crossing, the Hart Road Crossing, and the James Street Crossing.

54. Despite their knowledge that pedestrian gates ensured pedestrian safety against train collisions at nearby railroad crossings in the area, Metra, Union Pacific, and the Village of Barrington failed to provide pedestrian gates and pedestrian treatments at the Hough Street Crossing.

MARIN LACSON'S DEATH ON JANUARY 25, 2024

55. On January 25, 2024, the National Weather Service issued a dense fog advisory for the second consecutive day in parts of Illinois, including the Village of Barrington, warning of visibility of one-quarter of a mile.

56. On January 25, 2024, Marin Lacson, a senior at Barrington High School, departed her home traveling southbound on Hough Street where she shortly thereafter arrived at the Hough Street Crossing in Barrington, Illinois.

57. On January 25, 2024 at approximately 7:44 a.m., Marin Lacson approached the Hough Street Crossing on the sidewalk west of Hough Street where the Hough Street Crossing was unprotected by pedestrian gates and lacked other pedestrian treatments to notify her of inbound and outbound trains simultaneously approaching the area.

58. At approximately 7:44 a.m., Metra Train Number 611 departed outbound from the Barrington depot on the Union Pacific Northwest line.

59. As Metra Train Number 611 departed the Barrington depot, inbound Metra Train Number 634 approached the Barrington depot on the Union Pacific Northwest line.

60. As the last train car of outbound Metra Train Number 611 cleared the Hough Street Crossing, Marin Lacson attempted to cross the Hough Street Crossing unaware that an inbound train was approaching. Marin Lacson's ability to perceive this inbound train was undoubtedly impacted by the angle of the tracks, the dense fog, and the Quiet Zone – all factors which greatly impaired any visible and audible cues of the approaching inbound train.

61. On January 25, 2024, Metra, Union Pacific, and the Village Of Barrington operated and maintained vehicular crossing gates without using pedestrian gates and other pedestrian safety treatments to warn Marin Lacson of simultaneously approaching trains.

62. On January 25, 2024, at approximately 7:44 a.m., Marin Lacson was struck and killed by an inbound train at the Hough Street Railroad Crossing.

COUNT I
WRONGFUL DEATH – NEGLIGENCE
UNION PACIFIC RAILROAD COMPANY

Plaintiff, MICHAEL LACSON, as Special Administrator of the Estate of MARIN LACSON, Deceased, by and through his attorneys, CLIFFORD LAW OFFICES, P.C., complaining of the Defendant, UNION PACIFIC RAILROAD COMPANY (“UNION PACIFIC”), states as follows:

63. Plaintiff, Michael Lacson, as Special Administrator of the Estate of Marin Lacson, Deceased, reasserts and realleges the allegations contained in paragraphs 1 through 62 as fully set forth herein in paragraph 63 of Count I.

64. On and before January 25, 2024, Defendant, Union Pacific, undertook a duty to warn pedestrians of approaching trains when it designed, installed, operated, and maintained automatic crossing gates at the Hough Street Crossing.

65. On and before January 25, 2024, and at all times relevant herein, Defendant, Union Pacific, never conducted an engineering study to determine the risk of pedestrian collisions at the Hough Street Crossing despite this crossing being in a Quiet Zone.

66. On and before January 25, 2024, and at all times relevant herein, Defendant, Union Pacific, owned, operated, managed, maintained, and/or controlled the Hough Street Crossing without pedestrian gates.

67. On and before January 25, 2024, and at all times relevant herein, Defendant, Union Pacific, owned, operated, managed, maintained, and/or controlled the Hough Street Crossing without safety warnings to alert pedestrians about inbound and outbound trains simultaneously approaching the Hough Street Crossing.

68. On January 25, 2024, and at all relevant times herein, the train operator was a duly authorized actual or apparent agent and/or employee of Defendant Union Pacific and was acting within the scope of his employment.

69. On January 25, 2024, and at all relevant times herein, Defendant, Union Pacific was and is responsible under *respondeat superior* for the conduct of its actual or apparent agents and/or employees.

70. On January 25, 2024, at approximately 7:44 a.m., Plaintiff's decedent, Marin Lacson, approached the Hough Street Crossing.

71. On January 25, 2024, at approximately 7:44 a.m., after an outbound train passed through the Hough Street Crossing, Defendant, Union Pacific, by and through its agent and/or employee, caused an inbound train to strike Plaintiff's decedent, Marin Lacson.

72. On January 25, 2024, Defendant, Union Pacific, had a duty to own, operate, manage, maintain, and control the Hough Street Crossing with due care to prevent risk of train collisions with pedestrians, including Plaintiff's decedent, Marin Lacson.

73. On January 25, 2024, Defendant, Union Pacific, by and through its agent and/or employee, had a duty to own, operate, manage, maintain, and control the inbound train with due care to avoid striking pedestrians, including Plaintiff's decedent, Marin Lacson.

74. On January 25, 2024, Defendant, Union Pacific, by and through its agent and/or employee, breached said duty and was negligent in one or more of the following ways:

- a. Failed to exercise reasonable care in the ownership, operation, management, maintenance, and control of a train;
- b. Failed to conduct an engineering study to determine the risk of pedestrian collisions at the Hough Street Crossing which increased the risk of harm to Marin Lacson;
- c. Failed to provide adequate pedestrian safety for Marin Lacson at the Hough Street Crossing, including pedestrian gates and other pedestrian safety treatments;
- d. Failed to maintain adequate pedestrian safety for Marin Lacson at the Hough Street Crossing, including pedestrian gates and other pedestrian safety treatments;
- e. Failed to warn Marin Lacson about multiple trains simultaneously approaching the Hough Street Crossing;
- f. Operated the inbound train too fast for conditions when approaching the Hough Street Crossing where Marin Lacson was located;
- g. Failed to reduce the speed of the inbound train to prevent harm to Marin Lacson at the Hough Street Crossing;
- h. Failed to properly sequence the inbound train when approaching the Hough Street Crossing to permit the outbound train to fully depart from the Barrington depot and fully clear the Hough Street Crossing to permit safe passage to Marin Lacson;
- i. Failed to sound the inbound train horn to warn Marin Lacson at the Hough

- Street Crossing despite the reduced visibility due to dense fog conditions;
- j. Violated its own safety rules regarding simultaneous train passing at grade crossings;
- k. Violated its own safety rules regarding the operation of trains in dense fog conditions; and
- l. Was otherwise careless and negligent.

75. As a direct and proximate result of one or more of the aforementioned acts and/or omissions, Defendant, Union Pacific, by and through its agent and/or employee, caused a train collision with Plaintiff's decedent, Marin Lacson.

76. As a direct and proximate result of one or more of the aforementioned acts and/or omissions of Defendant, Union Pacific, Plaintiff's decedent, Marin Lacson, sustained injuries resulting in her death on January 25, 2024.

77. Plaintiff, Michael Lacson, as Special Administrator of the Estate of Marin Lacson, Deceased, bring this action pursuant to the Wrongful Death Act in the State of Illinois, 740 ILCS 180/1, *et seq.*

78. Plaintiff's decedent, Marin Lacson, left surviving next-of-kin, Michael Lacson (father), Bridget Lacson (mother), and Nicholas Lacson (brother), Michael Lacson (father), Bridget Lacson (mother), and Nicholas Lacson (brother), each of whom sustained pecuniary and non-pecuniary losses as a result of the death of Marin Lacson, including but not limited to loss of companionship, love, society, guidance, and affection as well as grief, sorrow, and mental suffering.

WHEREFORE, Plaintiff, MICHAEL LACSON, as Special Administrator of the Estate of MARIN LACSON, Deceased, demand judgment against the Defendant, UNION PACIFIC RAILROAD COMPANY, in an amount in excess of FIFTY THOUSAND DOLLARS

(\$50,000.00).

COUNT II
WRONGFUL DEATH – WILLFUL AND WANTON CONDUCT
UNION PACIFIC RAILROAD COMPANY

Plaintiff, MICHAEL LACSON, as Special Administrator of the Estate of MARIN LACSON, Deceased, by and through his attorneys, CLIFFORD LAW OFFICES, P.C., complaining of the Defendant, UNION PACIFIC RAILROAD COMPANY (“UNION PACIFIC”), states as follows:

79. Plaintiff, Michael Lacson, as Special Administrator of the Estate of Marin Lacson, Deceased, reasserts and realleges the allegations contained in paragraphs 1 through 78 as fully set forth herein in paragraph 79 of Count II.

80. On and before January 25, 2024, Defendant, Union Pacific, undertook a duty to warn pedestrians of approaching trains when it designed, installed, operated, and maintained automatic crossing gates at the Hough Street Crossing.

81. On January 25, 2024, and at all times relevant herein, Defendant, Union Pacific, never conducted an engineering study to determine the risk of pedestrian collisions at the Hough Street Crossing despite this crossing being in a Quiet Zone.

82. On January 25, 2024, and at all times relevant herein, Defendant, Union Pacific, owned, operated, managed, maintained, and/or controlled the Hough Street Crossing without pedestrian gates.

83. On January 25, 2024, and at all times relevant herein, Defendant, Union Pacific, owned, operated, managed, maintained, and/or controlled the Hough Street Crossing without safety warnings to alert pedestrians about inbound and outbound trains simultaneously approaching the Hough Street Crossing.

84. On January 25, 2024, and at all relevant times herein, the inbound train operator was a duly authorized actual or apparent agent and/or employee of Defendant, Union Pacific, and was acting within the scope of his employment.

85. On January 25, 2024, and at all relevant times herein, Defendant, Union Pacific, was and is responsible under *respondeat superior* for the conduct of its actual or apparent agents and/or employees.

86. On January 25, 2024, at approximately 7:44 a.m., Plaintiff's decedent, Marin Lacson, approached the Hough Street Crossing.

87. On January 25, 2024, at approximately 7:44 a.m., after an outbound train passed through the Hough Street Crossing, Defendant, Union Pacific, by and through its agent and/or employee, caused an inbound train to strike Plaintiff's decedent, Marin Lacson.

88. On January 25, 2024, Defendant, Union Pacific, had a duty to own, operate, manage, maintain, and control the Hough Street Crossing with due care to prevent risk of train collisions with pedestrians, including Plaintiff's decedent, Marin Lacson.

89. On January 25, 2024, Defendant Union Pacific, by and through its agent and/or employee, had a duty to own, operate, manage, maintain, and control the inbound train with due care to avoid striking pedestrians, including Plaintiff's decedent, Marin Lacson.

90. On January 25, 2024, Defendant, Union Pacific, by and through its agent and/or employee, breached said duty and was willful and wanton in one or more of the following ways:

- a. Failed to exercise reasonable care in the ownership, operation, management, maintenance, and control of a train with utter indifference to or in conscious disregard for the safety of others;
- b. Failed to conduct an engineering study to determine the risk of pedestrian collisions at the Hough Street Crossing which increased the risk of harm to Marin Lacson with utter indifference to or in conscious disregard for the safety of others;

- c. Failed to provide adequate pedestrian safety for Marin Lacson at the Hough Street Crossing, including pedestrian gates and other pedestrian safety treatments with utter indifference to or in conscious disregard for the safety of others;
- d. Failed to maintain adequate pedestrian safety for Marin Lacson at the Hough Street Crossing, including pedestrian gates and other pedestrian safety treatments with utter indifference to or in conscious disregard for the safety of others;
- e. Failed to warn Marin Lacson about multiple trains simultaneously approaching the Hough Street Crossing with utter indifference to or in conscious disregard for the safety of others;
- f. Operated the inbound train too fast for conditions when approaching the Hough Street Crossing where Marin Lacson was located with utter indifference to or in conscious disregard for the safety of others;
- g. Failed to reduce the speed of the inbound train to prevent harm to Marin Lacson at the Hough Street Crossing with utter indifference to or in conscious disregard for the safety of others;
- h. Failed to properly sequence the inbound train when approaching the Hough Street Crossing to permit the outbound train to fully depart from the Barrington depot and fully clear the Hough Street Crossing to permit safe passage to Marin Lacson with utter indifference to or in conscious disregard for the safety of others;
- i. Failed to sound the inbound train horn to warn Marin Lacson at the Hough Street Crossing despite the reduced visibility due to dense fog conditions with utter indifference to or in conscious disregard for the safety of others;
- j. Violated its own safety rules regarding simultaneous train passing at grade crossings with utter indifference to or in conscious disregard for the safety of others;
- k. Violated its own safety rules regarding the operation of trains in dense fog conditions with utter indifference to or in conscious disregard for the safety of others; and
- l. Was otherwise willful and wanton.

91. As a direct and proximate result of one or more of the aforementioned acts and/or omissions, Defendant, Union Pacific, by and through its agent and/or employee, caused a train collision with Plaintiff's decedent, Marin Lacson.

92. As a direct and proximate result of one or more of the aforementioned acts and/or omissions of Defendant, Union Pacific, Plaintiff's decedent, Marin Lacson, sustained injuries resulting in her death on January 25, 2024.

93. Plaintiff, Michael Lacson, as Special Administrator of the Estate of Marin Lacson, Deceased, bring this action pursuant to the Wrongful Death Act in the State of Illinois, 740 ILCS 180/1, *et seq.*

94. Plaintiff's decedent, Marin Lacson, left surviving next-of-kin, Michael Lacson (father), Bridget Lacson (mother), and Nicholas Lacson (brother), each of whom sustained pecuniary and non-pecuniary losses as a result of the death of Marin Lacson, including but not limited to loss of companionship, love, society, guidance, and affection as well as grief, sorrow, and mental suffering.

WHEREFORE, Plaintiff, MICHAEL LACSON, as Special Administrator of the Estate of MARIN LACSON, Deceased, demand judgment against the Defendant, UNION PACIFIC RAILROAD COMPANY, in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

COUNT III
WRONGFUL DEATH – NEGLIGENCE
NORTHEAST ILLINOIS REGIONAL COMMUTER RAILROAD CORPORATION
d/b/a METRA AND THE REGIONAL TRANSPORTATION AUTHORITY AND ITS
COMMUTER RAIL DIVISION NORTHEAST ILLINOIS REGIONAL COMMUTER
RAILROAD CORPORATION d/b/a METRA

Plaintiff, MICHAEL LACSON, as Special Administrator of the Estate of MARIN LACSON, Deceased, by and through his attorneys, CLIFFORD LAW OFFICES, P.C.,

complaining of the Defendant, NORTHEAST ILLINOIS REGIONAL COMMUTER RAILROAD CORPORATION d/b/a METRA AND THE REGIONAL TRANSPORTATION AUTHORITY AND ITS COMMUTER RAIL DIVISION NORTHEAST ILLINOIS REGIONAL COMMUTER RAILROAD CORPORATION d/b/a METRA (collectively “METRA”), states as follows:

95. Plaintiff, Michael Lacson, as Special Administrator of the Estate of Marin Lacson, Deceased, reasserts and realleges the allegations contained in paragraphs 1 through 94 as fully set forth herein in paragraph 95 of Count III.

96. On and before January 25, 2024, Defendant, Metra, undertook a duty to warn pedestrians of approaching trains when it designed, installed, operated, and maintained automatic crossing gates at the Hough Street Crossing.

97. On January 25, 2024, and at all times relevant herein, Defendant, Metra, never conducted an engineering study to determine the risk of pedestrian collisions at the Hough Street Crossing despite this crossing being in a Quiet Zone.

98. On January 25, 2024, and at all times relevant herein, Defendant, Metra, owned, operated, managed, maintained, and/or controlled the Hough Street Crossing without pedestrian gates.

99. On January 25, 2024, and at all times relevant herein, Defendant, Metra, owned, operated, managed, maintained, and/or controlled the Hough Street Crossing without safety warnings to alert pedestrians about inbound and outbound trains simultaneously approaching the Hough Street Crossing.

100. On January 25, 2024, and at all relevant times herein, the train operator was a duly authorized actual or apparent agent and/or employee of Defendant, Metra, and was acting within the scope of his employment.

101. On January 25, 2024, and at all relevant times herein, Defendant, Metra, was and is responsible under *respondeat superior* for the conduct of its actual or apparent agents and/or employees.

102. On January 25, 2024, at approximately 7:44 a.m., Plaintiff's decedent, Marin Lacson, approached the Hough Street Crossing.

103. On January 25, 2024, at approximately 7:44 a.m., after an outbound train passed through the Hough Street Crossing, Defendant, Metra, by and through its agent and/or employee, caused an inbound train to strike Plaintiff's decedent, Marin Lacson.

104. On January 25, 2024, Defendant, Metra, had a duty to own, operate, manage, maintain, and control the Hough Street Crossing with due care to prevent risk of train collisions with pedestrians, including Plaintiff's decedent, Marin Lacson.

105. On January 25, 2024, Defendant, Metra, by and through its agent and/or employee, had a duty to own, operate, manage, maintain, and control the inbound train with due care to avoid striking pedestrians, including Plaintiff's decedent, Marin Lacson.

106. On January 25, 2024, Defendant, Metra, by and through its agent and/or employee, breached said duty and was negligent in one or more of the following ways:

- a. Failed to exercise reasonable care in the ownership, operation, management, maintenance, and control of a train;
- b. Failed to conduct an engineering study to determine the risk of pedestrian collisions at the Hough Street Crossing which increased the risk of harm to Marin Lacson;
- c. Failed to provide adequate pedestrian safety for Marin Lacson at the Hough

Street Crossing, including pedestrian gates and other pedestrian safety treatments;

- d. Failed to maintain adequate pedestrian safety for Marin Lacson at the Hough Street Crossing, including pedestrian gates and other pedestrian safety treatments;
- e. Failed to warn Marin Lacson about multiple trains simultaneously approaching the Hough Street Crossing;
- f. Operated the inbound train too fast for conditions when approaching the Hough Street Crossing where Marin Lacson was located;
- g. Failed to reduce the speed of the inbound train to prevent harm to Marin Lacson at the Hough Street Crossing;
- h. Failed to properly sequence the inbound train when approaching the Hough Street Crossing to permit the outbound train to fully depart from the Barrington depot and fully clear the Hough Street Crossing to permit safe passage to Marin Lacson;
- i. Failed to sound the inbound train horn to warn Marin Lacson at the Hough Street Crossing despite the reduced visibility due to dense fog conditions;
- j. Violated its own safety rules regarding simultaneous train passing at grade crossings;
- k. Violated its own safety rules regarding the operation of trains in dense fog conditions; and
- l. Was otherwise careless and negligent.

107. As a direct and proximate result of one or more of the aforementioned acts and/or omissions, Defendant, Metra, by and through its agent and/or employee, caused a train collision with Plaintiff's decedent, Marin Lacson.

108. As a direct and proximate result of one or more of the aforementioned acts and/or omissions of Defendant, Metra, Plaintiff's decedent, Marin Lacson, sustained injuries resulting in her death on January 25, 2024.

109. Plaintiff, Michael Lacson, as Special Administrator of the Estate of Marin Lacson, Deceased, bring this action pursuant to the Wrongful Death Act in the State of Illinois, 740 ILCS 180/1, *et seq.*

110. Plaintiff's decedent, Marin Lacson, left surviving next-of-kin, Michael Lacson (father), Bridget Lacson (mother), and Nicholas Lacson (brother), each of whom sustained pecuniary and non-pecuniary losses as a result of the death of Marin Lacson, including but not limited to loss of companionship, love, society, guidance, and affection as well as grief, sorrow, and mental suffering.

WHEREFORE, Plaintiff, MICHAEL LACSON, as Special Administrator of the Estate of MARIN LACSON, Deceased, demand judgment against the Defendant, NORTHEAST ILLINOIS REGIONAL COMMUTER RAILROAD CORPORATION d/b/a METRA AND THE REGIONAL TRANSPORTATION AUTHORITY AND ITS COMMUTER RAIL DIVISION NORTHEAST ILLINOIS REGIONAL COMMUTER RAILROAD CORPORATION d/b/a METRA ("METRA"), in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

COUNT IV
WRONGFUL DEATH – WILLFUL AND WANTON CONDUCT
NORTHEAST ILLINOIS REGIONAL COMMUTER RAILROAD CORPORATION
d/b/a METRA AND THE REGIONAL TRANSPORTATION AUTHORITY AND ITS
COMMUTER RAIL DIVISION NORTHEAST ILLINOIS REGIONAL COMMUTER
RAILROAD CORPORATION d/b/a METRA

Plaintiff, MICHAEL LACSON, as Special Administrator of the Estate of MARIN LACSON, Deceased, by and through his attorneys, CLIFFORD LAW OFFICES, P.C., complaining of the Defendant, NORTHEAST ILLINOIS REGIONAL COMMUTER RAILROAD CORPORATION d/b/a METRA AND THE REGIONAL TRANSPORTATION AUTHORITY AND ITS COMMUTER RAIL DIVISION NORTHEAST ILLINOIS REGIONAL COMMUTER RAILROAD CORPORATION d/b/a METRA (collectively "METRA"), states as

follows:

111. Plaintiff, Michael Lacson, as Special Administrator of the Estate of Marin Lacson, Deceased, reasserts and realleges the allegations contained in paragraphs 1 through 110 as fully set forth herein in paragraph 111 of Count IV.

112. On and before January 25, 2024, Defendant, Metra, undertook a duty to warn pedestrians of approaching trains when it designed, installed, operated, and maintained automatic crossing gates at the Hough Street Crossing.

113. On January 25, 2024, and at all times relevant herein, Defendant, Metra, never conducted an engineering study to determine the risk of pedestrian collisions at the Hough Street Crossing despite this crossing being in a Quiet Zone.

114. On January 25, 2024, and at all times relevant herein, Defendant, Metra, owned, operated, managed, maintained, and/or controlled the Hough Street Crossing without pedestrian gates.

115. On January 25, 2024, and at all times relevant herein, Defendant, Metra, owned, operated, managed, maintained, and/or controlled the Hough Street Crossing without safety warnings to alert pedestrians about inbound and outbound trains simultaneously approaching the Hough Street Crossing.

116. On January 25, 2024, and at all relevant times herein, the train operator was a duly authorized actual or apparent agent and/or employee of Defendant, Metra and was acting within the scope of his employment.

117. On January 25, 2024, and at all relevant times herein, Defendant, Metra was and is responsible under *respondeat superior* for the conduct of its actual or apparent agents and/or employees.

118. On January 25, 2024, at approximately 7:44 a.m., Plaintiff's decedent, Marin Lacson, approached the Hough Street Crossing.

119. On January 25, 2024, at approximately 7:44 a.m., after an outbound train passed through the Hough Street Crossing, Defendant, Metra, by and through its agent and/or employee, caused an inbound train to strike Plaintiff's decedent, Marin Lacson.

120. On January 25, 2024, Defendant, Metra, had a duty to own, operate, manage, maintain, and control the Hough Street Crossing with due care to prevent risk of train collisions with pedestrians, including Plaintiff's decedent, Marin Lacson.

121. On January 25, 2024, Defendant, Metra, by and through its agent and/or employee, had a duty to own, operate, manage, maintain, and control the inbound train with due care to avoid striking pedestrians, including Plaintiff's decedent, Marin Lacson.

122. On January 25, 2024, Defendant, Metra, by and through its agent and/or employee, breached said duty and was willful and wanton in one or more of the following ways:

- a. Failed to exercise reasonable care in the ownership, operation, management, maintenance, and control of a train with utter indifference to or in conscious disregard for the safety of others;
- b. Failed to conduct an engineering study to determine the risk of pedestrian collisions at the Hough Street Crossing which increased the risk of harm to Marin Lacson with utter indifference to or in conscious disregard for the safety of others;
- c. Failed to provide adequate pedestrian safety for Marin Lacson at the Hough Street Crossing, including pedestrian gates and other pedestrian safety treatments with utter indifference to or in conscious disregard for the safety of others;
- d. Failed to maintain adequate pedestrian safety for Marin Lacson at the Hough Street Crossing, including pedestrian gates and other pedestrian safety treatments with utter indifference to or in conscious disregard for the safety of others;
- e. Failed to warn Marin Lacson about multiple trains simultaneously

approaching the Hough Street Crossing with utter indifference to or in conscious disregard for the safety of others;

- f. Operated the inbound train too fast for conditions when approaching the Hough Street Crossing where Marin Lacson was located with utter indifference to or in conscious disregard for the safety of others;
- g. Failed to reduce the speed of the inbound train to prevent harm to Marin Lacson at the Hough Street Crossing with utter indifference to or in conscious disregard for the safety of others;
- h. Failed to properly sequence the inbound train when approaching the Hough Street Crossing to permit the outbound train to fully depart from the Barrington depot and fully clear the Hough Street Crossing to permit safe passage to Marin Lacson with utter indifference to or in conscious disregard for the safety of others;
- i. Failed to sound the inbound train horn to warn Marin Lacson at the Hough Street Crossing despite the reduced visibility due to dense fog conditions with utter indifference to or in conscious disregard for the safety of others;
- j. Violated its own safety rules regarding simultaneous train passing at grade crossings with utter indifference to or in conscious disregard for the safety of others;
- k. Violated its own safety rules regarding the operation of trains in dense fog conditions with utter indifference to or in conscious disregard for the safety of others; and
- l. Was otherwise willful and wanton.

123. As a direct and proximate result of one or more of the aforementioned acts and/or omissions, Defendant, Metra, by and through its agent and/or employee, caused a train collision with Plaintiff's decedent, Marin Lacson.

124. As a direct and proximate result of one or more of the aforementioned acts and/or omissions of Defendant Metra, Plaintiff's decedent, Marin Lacson, sustained injuries resulting in her death on January 25, 2024.

125. Plaintiff, Michael Lacson, as Special Administrator of the Estate of Marin Lacson, Deceased, bring this action pursuant to the Wrongful Death Act in the State of Illinois, 740 ILCS 180/1, *et seq.*

126. Plaintiff's decedent, Marin Lacson, left surviving next-of-kin, Michael Lacson (father), Bridget Lacson (mother), and Nicholas Lacson (brother), each of whom sustained pecuniary and non-pecuniary losses as a result of the death of Marin Lacson, including but not limited to loss of companionship, love, society, guidance, and affection as well as grief, sorrow, and mental suffering.

WHEREFORE, Plaintiff, MICHAEL LACSON, as Special Administrator of the Estate of MARIN LACSON, Deceased, demand judgment against the Defendant, NORTHEAST ILLINOIS REGIONAL COMMUTER RAILROAD CORPORATION d/b/a METRA AND THE REGIONAL TRANSPORTATION AUTHORITY AND ITS COMMUTER RAIL DIVISION NORTHEAST ILLINOIS REGIONAL COMMUTER RAILROAD CORPORATION d/b/a METRA ("METRA"), in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

COUNT V
WRONGFUL DEATH – NEGLIGENCE
VILLAGE OF BARRINGTON, ILLINOIS

Plaintiff, MICHAEL LACSON, as Special Administrator of the Estate of MARIN LACSON, Deceased, by and through his attorneys, CLIFFORD LAW OFFICES, P.C., complaining of the Defendant, VILLAGE OF BARRINGTON, ILLINOIS ("VILLAGE OF BARRINGTON"), states as follows:

127. Plaintiff, Michael Lacson, as Special Administrator of the Estate of Marin Lacson, Deceased, reasserts and realleges the allegations contained in paragraphs 1 through 126 as fully set forth herein in paragraph 127 of Count V.

128. On and before January 25, 2024, Defendant, Village of Barrington, undertook a duty to warn pedestrians of approaching trains when it designed, installed, operated, and maintained automatic crossing gates at the Hough Street Crossing.

129. On January 25, 2024, and at all times relevant herein, Defendant, Village of Barrington, never conducted an engineering study to determine the risk of pedestrian collisions at the Hough Street Crossing despite this crossing being in a Quiet Zone.

130. On January 25, 2024, and at all times relevant herein, Defendant, Village of Barrington, owned, operated, managed, maintained, and/or controlled the Hough Street Crossing without pedestrian gates.

131. On January 25, 2024, and at all times relevant herein, Defendant, Village of Barrington, owned, operated, managed, maintained, and/or controlled the Hough Street Crossing without safety warnings to alert pedestrians about inbound and outbound trains simultaneously approaching the Hough Street Crossing.

132. On January 25, 2024, at approximately 7:44 a.m., Plaintiff's decedent, Marin Lacson, approached the Hough Street Crossing.

133. On January 25, 2024, at approximately 7:44 a.m., after an outbound train passed through the Hough Street Crossing, an inbound train struck Plaintiff's decedent, Marin Lacson.

134. On January 25, 2024, Defendant, Village of Barrington, had a duty to own, operate, manage, maintain, and control the pedestrian safety measures at the Hough Street Crossing with due care to prevent pedestrian collisions, including Plaintiff's decedent, Marin Lacson.

135. On January 25, 2024, Defendant, Village of Barrington, breached said duty and was negligent in one or more of the following ways:

- a. Unreasonably owned, operated, managed, maintained, and controlled the crossing gates at the Hough Street Crossing with no pedestrian gates for

pedestrians using the sidewalk and without conducting an engineering study to determine the risk of pedestrian collisions at the Hough Street Crossing;

- b. Unreasonably owned, operated, managed, maintained, and controlled the pedestrian safety treatments at the Hough Street Crossing without signage to warn pedestrians about multiple trains simultaneously approaching the Hough Street Crossing;
- c. Failed to supervise the crossing gates and pedestrian safety treatments at the Hought Street Crossing; and
- d. Was otherwise careless and negligent.

136. As a direct and proximate result of one or more of the aforementioned acts and/or omissions, Defendant, Village of Barrington, caused a train collision with Plaintiff's decedent, Marin Lacson.

137. As a direct and proximate result of one or more of the aforementioned acts and/or omissions of Defendant, Village of Barrington, Plaintiff's decedent, Marin Lacson, sustained injuries resulting in her death on January 25, 2024.

138. Plaintiff, Michael Lacson, as Special Administrator of the Estate of Marin Lacson, Deceased, bring this action pursuant to the Wrongful Death Act in the State of Illinois, 740 ILCS 180/1, *et seq.*

139. Plaintiff's decedent, Marin Lacson, left surviving next-of-kin, Michael Lacson (father), Bridget Lacson (mother), and Nicholas Lacson (brother), each of whom sustained pecuniary and non-pecuniary losses as a result of the death of Marin Lacson, including but not limited to loss of companionship, love, society, guidance, and affection as well as grief, sorrow, and mental suffering.

WHEREFORE, Plaintiff, MICHAEL LACSON, as Special Administrator of the Estate of MARIN LACSON, Deceased, demand judgment against the Defendant, VILLAGE OF BARRINGTON, ILLINOIS, in an amount in excess of FIFTY THOUSAND DOLLARS

(\$50,000.00).

COUNT VI
WRONGFUL DEATH – WILLFUL AND WANTON CONDUCT
VILLAGE OF BARRINGTON, ILLINOIS

Plaintiff, MICHAEL LACSON, as Special Administrator of the Estate of MARIN LACSON, Deceased, by and through his attorneys, CLIFFORD LAW OFFICES, P.C., complaining of the Defendant, VILLAGE OF BARRINGTON, ILLINOIS, states as follows:

140. Plaintiff, MICHAEL LACSON, as Special Administrator of the Estate of Marin Lacson, Deceased, reasserts and realleges the allegations contained in paragraphs 1 through 139 as fully set forth herein in paragraph 140 of Count VI.

141. On and before January 25, 2024, Defendant, Village of Barrington, undertook a duty to warn pedestrians of approaching trains when it designed, installed, operated, and maintained automatic crossing gates at the Hough Street Crossing.

142. On January 25, 2024, and at all times relevant herein, Defendant, Village of Barrington, never conducted an engineering study to determine the risk of pedestrian collisions at the Hough Street Crossing despite this crossing being in a Quiet Zone.

143. On January 25, 2024, and at all times relevant herein, Defendant, Village of Barrington, owned, operated, managed, maintained, and/or controlled the Hough Street Crossing without pedestrian gates.

144. On January 25, 2024, and at all times relevant herein, Defendant, Village of Barrington, owned, operated, managed, maintained, and/or controlled the Hough Street Crossing without safety warnings to alert pedestrians about inbound and outbound trains simultaneously approaching the Hough Street Crossing.

145. On January 25, 2024, at approximately 7:44 a.m., Plaintiff's decedent, Marin Lacson, approached the Hough Street Crossing.

146. On January 25, 2024, at approximately 7:44 a.m., after an outbound train passed through the Hough Street Crossing, an inbound train struck Plaintiff's decedent, Marin Lacson.

147. On January 25, 2024, Defendant, Village of Barrington, had a duty to own, operate, manage, maintain, and control the pedestrian safety measures at the Hough Street Crossing with due care to prevent pedestrian collisions, including Plaintiff's decedent, Marin Lacson.

148. On January 25, 2024, Defendant, Village of Barrington, breached said duty and was willful and wanton in one or more of the following ways:

- a. Unreasonably owned, operated, managed, maintained, and controlled the crossing gates at the Hough Street Crossing with no pedestrian gates for pedestrians using the sidewalk and without conducting an engineering study to determine the risk of pedestrian collisions at the Hough Street Crossing with utter indifference to or in conscious disregard for the safety of others;
- b. Unreasonably owned, operated, managed, maintained, and controlled the pedestrian safety treatments at the Hough Street Crossing without signage to warn pedestrians about multiple trains simultaneously approaching the Hough Street Crossing with utter indifference to or in conscious disregard for the safety of others;
- c. Failed to supervise the crossing gates and pedestrian safety treatments at the Hough Street Crossing with utter indifference to or in conscious disregard for the safety of others; and
- d. Was otherwise willful and wanton.

149. As a direct and proximate result of one or more of the aforementioned acts and/or omissions, Defendant, Village of Barrington, caused a train collision with Plaintiff's decedent, Marin Lacson.

150. As a direct and proximate result of one or more of the aforementioned acts and/or omissions of Defendant, Village of Barrington, Plaintiff's decedent, Marin Lacson, sustained injuries resulting in her death on January 25, 2024.

151. Plaintiff, Michael Lacson, as Special Administrator of the Estate of Marin Lacson, Deceased, bring this action pursuant to the Wrongful Death Act in the State of Illinois, 740 ILCS 180/1, *et seq.*

152. Plaintiff's decedent, Marin Lacson, left surviving next-of-kin, Michael Lacson (father), Bridget Lacson (mother), and Nicholas Lacson (brother), each of whom sustained pecuniary and non-pecuniary losses as a result of the death of Marin Lacson, including but not limited to loss of companionship, love, society, guidance, and affection as well as grief, sorrow, and mental suffering.

WHEREFORE, Plaintiff, MICHAEL LACSON, as Special Administrator of the Estate of MARIN LACSON, Deceased, demand judgment against the Defendant, VILLAGE OF BARRINGTON, ILLINOIS, in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

Respectfully submitted,

/s/ James C. Pullos
James C. Pullos

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