

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

DORIS BURFORD, as Special Administrator of)
the Estate of RAKEEM D. NANCE, Deceased)

Plaintiff,)

v.)

CITY OF CHICAGO, a municipal corporation)
and UNKNOWN CHICAGO POLICE)
OFFICERS, individuals,)

Defendants.)

No.

2009L009361
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COMPLAINT AT LAW

Now comes the Plaintiff, DORIS BURFORD, as Special Administrator of the Estate of RAKEEM D. NANCE, deceased, by and through her attorneys Cochran, Cherry, Givens, Smith & Montgomery, L.L.C., and complaining of the Defendants CITY OF CHICAGO, a municipal corporation and certain UNKNOWN CHICAGO POLICE OFFICERS, individuals, and each of them and in the alternative, states the following:

1. Plaintiff DORIS BURFORD is the mother and duly appointed Special Administrator of the estate of Rakeem D. Nance.
2. Defendant CITY OF CHICAGO is a municipal corporation organized, existing and doing business under the laws of the State of Illinois, and at all times relevant, including on and prior to July 2, 2009, employed a force of police officers who served with the Chicago Police Department and who were assigned to work within various geographical districts and areas in the City of Chicago, including the northwest side and or Lawndale area.
3. Defendant CITY OF CHICAGO hired and employed a number of police officers

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including certain unknown Defendant police officers who at all times relevant were citizens of the United States and residents of Cook County, Illinois; and were sworn police officer, and who were acting within the scope of their agency, service and/or employment with the CITY OF CHICAGO.

4. On and prior to July 2, 2009, Plaintiff's decedent, Rakeem D. Nance lived with his mother Doris Burford and some of his siblings in the area of 1900 South Troy. On or about the night of July 2, 2009, Rakeem D. Nance, after leaving his family's home, was present in the vicinity of 1900-2100 South Christiana Avenue, in Chicago, Illinois.

5. At all times relevant on July 2, 2009, certain UNKNOWN CHICAGO POLICE OFFICERS, were on patrol and or assignment in the Lawndale community in the City of Chicago, including in and around the area of 1900-2100 South Christiana Avenue.

6. On July 2, 2009, while on patrol and or assignment in the Lawndale area, the Defendants, UNKNOWN CHICAGO POLICE OFFICERS, both on foot and in their vehicle traveled towards the area of 1900-2100 South Christiana Avenue. While in the vicinity of 1900-2100 South Christiana, certain UNKNOWN POLICE OFFICERS chased and pursued Rakeem D. Nance under a set of elevated CTA train tracks and into an open lot and or alley.

7. As Rakeem was running through the alley and or lot under the elevated train tracks, certain UNKNOWN CHICAGO POLICE OFFICERS, pulled out their service weapon and pointed and aimed their guns at Rakeem.

8. On July 2, 2009, Defendants UNKNOWN CHICAGO POLICE OFFICERS or officer, while chasing Rakeem D. Nance, fired a series of shots at Rakeem, including firing shots which struck him in the back which resulted in Rakeem's death.

9. At the time that UNKNOWN CHICAGO POLICE OFFICERS were chasing Rakeem in and near the area of 1900-2100 South Christiana Avenue and at the time the Defendant officer(s) fired their guns striking Rakeem in the back, there were several citizens present who saw and observed the actions of the police and Rakeem.

10. Rakeem D. Nance was not armed with a gun or weapon of any type during the time in which the police were chasing him along South Christiana Avenue leading into the alley and or lot underneath the elevated CTA train tracks and during the shooting by Chicago Police.

11. At the time Plaintiff's decedent, Rakeem D. Nance, was shot and killed by Chicago police, he was not violating any laws nor did he pose a threat to any of the Defendants, including the UNKNOWN CHICAGO POLICE OFFICERS .

12. During the time leading up to the shooting and during the shooting, Rakeem D. Nance did not pose a threat to any of the Defendants, including the UNKNOWN CHICAGO POLICE OFFICERS, or a threat to himself or other citizens.

COUNT I - WRONGFUL DEATH AGAINST CITY OF CHICAGO

13. Plaintiff re-alleges, re-pleads and incorporates by reference paragraphs 1 through 12 of this Complaint as though fully set forth herein.

14. At all times relevant, it was the duty of the Defendant, CITY OF CHICAGO, by and through its duly authorized agents, servants, and/or employee police officers, to refrain from conduct exhibiting a reckless or conscious disregard for the safety of others, including Plaintiff's decedent, Rakeem D. Nance.

15. Notwithstanding said duty, Defendant, CITY OF CHICAGO, by and through its authorized agents, servants, and/or employee police officers committed one or more of the following

willful and wanton acts and/or omissions:

- a. Used deadly force against Rakeem D. Nance under circumstances in which Rakeem D. Nance presented no threat of death or serious bodily harm to the police officer or any other individual;
- b. Discharged a firearm at Rakeem D. Nance under circumstances in which Rakeem D. Nance presented no threat of death or serious bodily harm to police officers or other individuals;
- c. Discharged a firearm at Rakeem D. Nance when Rakeem D. Nance was unarmed;
- d. Discharged a firearm at Rakeem D. Nance when police officers knew or should have known that Rakeem D. Nance was not armed with a gun; and
- e. Recklessly or intentionally discharged a firearm at Rakeem D. Nance knowing that it would cause Rakeem D. Nance's death or serious bodily injury.

16. As a direct and proximate result of one or more of the following aforementioned acts and/or omissions by the Defendant, Rakeem D. Nance was shot and died.

17. Rakeem D. Nance is survived by his mother, Doris Burford, and his siblings, Tatiana, Antonio, Terrance, Tia, Deanna, Phillip, Cherise and Renata Burford.

18. As a direct and proximate result of the death of Rakeem D. Nance, his mother and siblings have suffered great losses of a personal and pecuniary nature, and have been deprived of the society, companionship, friendship, comfort, guidance, love and affection of their son and brother.

WHEREFORE, Plaintiff, Doris Burford, as Special Administrator of the Estate Rakeem D. Nance, deceased, prays for judgement against Defendant CITY OF CHICAGO, in an amount in excess of the jurisdictional limit of this Court.

COUNT II - SURVIVAL ACTION AGAINST CITY OF CHICAGO

19. Plaintiff re-alleges, re-pleads and incorporates by reference, paragraphs 1 through 12

and 14-16 of this Complaint as though fully set forth herein.

20. As a further direct and proximate result of one or more of the above-mentioned acts and/or omissions, decedent Rakeem D. Nance suffered serious injuries of a personal and pecuniary nature, including but not limited to great pain and suffering prior to his death, subjecting Defendant to liability pursuant to the Illinois Survival Act, 755 ILCS 5/27-6.

WHEREFORE, Plaintiff, Doris Burford, as Special Administrator of the Estate Rakeem D. Nance, deceased, prays for judgement against Defendant CITY OF CHICAGO, in an amount in excess of the jurisdictional limit of this Court

**COUNT III - WRONGFUL DEATH AGAINST
UNKNOWN CHICAGO POLICE OFFICERS**

21. Plaintiff re-alleges and incorporates by reference, paragraphs 1 through 12 of this Amended Complaint as though fully set forth herein.

22. At all times relevant, it was the duty of Defendants UNKNOWN CHICAGO POLICE OFFICERS to refrain from conduct exhibiting a reckless or conscious disregard for the safety of others, including Plaintiff's decedent.

23. Notwithstanding said duty, Defendants UNKNOWN CHICAGO POLICE OFFICERS committed one or more of the following willful and wanton acts and/or omissions:

- a. Used deadly force against Rakeem D. Nance under circumstances in which Rakeem D. Nance presented no threat of death or serious bodily harm to the police officer or any other individual;
- b. Discharged a firearm at Rakeem D. Nance under circumstances in which Rakeem D. Nance presented no threat of death or serious bodily harm to police officers or other individuals;
- c. Discharged a firearm at Rakeem D. Nance when Rakeem D. Nance was unarmed;

- d. Discharged a firearm at Rakeem D. Nance when police officers knew or should have known that Rakeem D. Nance was not armed with a gun; and
- e. Recklessly or intentionally discharged a firearm at Rakeem D. Nance knowing that it would cause Rakeem D. Nance's death or serious bodily injury

24. As a direct and proximate result of one or more of the aforementioned acts and/or omissions by the Defendant(s), Rakeem D. Nance was shot and died.

25. Rakeem D. Nance is survived by his mother, Doris Burford, and his siblings, Tatiana, Antonio, Terrance, Tia, Deanna, Phillip, Cherise and Renata Burford.

26. As a direct and proximate result of the death of Rakeem D. Nance, his mother and siblings have suffered great losses of a personal and pecuniary nature, and have been deprived of the society, companionship, friendship, comfort, guidance, love and affection of their son and brother, subjecting the Defendant to liability pursuant to the Illinois Wrongful Death Act 740 ILCS 180/1.

WHEREFORE, Plaintiff Doris Burford as Special Administrator of the Estate of Rakeem D. Nance, deceased, prays for judgement against Defendant(s) UNKNOWN CHICAGO POLICE OFFICERS in an amount in excess of the jurisdictional limit of this Court.

COUNT IV - SURVIVAL ACTION
UNKNOWN CHICAGO POLICE OFFICERS

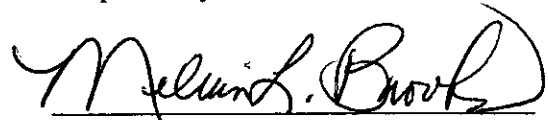
27. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 12 and 22-24 of this Complaint as though fully set forth herein.

28. As a further direct and proximate result of one or more of the above-mentioned acts and/or omissions, decedent Rakeem D. Nance suffered serious injuries of a personal and pecuniary nature, including but not limited to great pain and suffering prior to his death, subjecting

Defendant(s) to liability pursuant to the Illinois Survival Act, 755 ILCS 5/27-6.

WHEREFORE, Plaintiff, Doris Burford, as Special Administrator of the Estate of Rakeem D. Nance, deceased, prays for judgement against Defendant(s) UNKNOWN CHICAGO POLICE OFFICERS , in an amount in excess of the jurisdictional limit of this Court.

Respectfully submitted,

A handwritten signature in black ink that reads "Melvin L. Brooks". The signature is written in a cursive style with a large, stylized initial "M".

Attorneys for the Plaintiff

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