

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>BEATRICE ROBERSON, as Independent)</b>	)	
<b>Administrator of the Estate of</b>	)	
<b>JEMEL ROBERSON</b>	)	<b>Case No. 18 CV 7476</b>
	)	
<b>Plaintiff,</b>	)	<b>Judge Lefkow</b>
	)	
<b>v.</b>	)	<b>Magistrate Judge Cole</b>
	)	
<b>OFFICER IAN COVEY, Individually</b>	)	<b>JURY DEMAND</b>
<b>and THE VILLAGE OF MIDLOTHIAN,</b>	)	
	)	
<b>Defendants,</b>	)	

**SECOND AMENDED COMPLAINT**

NOW COMES the Plaintiff, BEATRICE ROBERSON, as Independent Administrator of the Estate of JEMEL ROBERSON, by and through its attorney, Gregory E. Kulis & Associates, Ltd., and complaining against the Defendants, OFFICER IAN COVEY and the VILLAGE OF MIDLOTHIAN, as follows:

**COUNT I: §1983 EXCESSIVE FORCE / OFFICER IAN COVEY**

1. This action is brought pursuant the laws of the United States Constitution, specifically, 42 U.S.C. §1983 and §1988, and the laws of the State of Illinois, to redress deprivations of the civil rights of the Plaintiff, Decedent, JEMEL ROBERSON, and his Estate, and accomplished by acts and/or omissions of the Defendant, OFFICER IAN COVEY, individually, committed under color of law.

2. Jurisdiction is based on Title 28 U.S.C. §1331 and §1343 and the Court’s supplemental jurisdiction of the State of Illinois.

3. The Plaintiff, Decedent, JEMEL ROBERSON, was at all relevant times a resident of Chicago, Illinois.

4. BEATRICE ROBERSON is the mother of the Decedent, JEMEL ROBERSON.

5. OFFICER IAN COVEY was at all relevant times, a duly appointed Midlothian Police Officer acting within the scope of his employment and under color of law.

6. In the early morning of November 11, 2018, the decedent was working security at Manny's Blue Room in the 2900 Block of South Claire Boulevard in Robbins, Illinois.

7. An incident occurred where some patrons shot the bartender and others were shot.

8. Numerous police departments were called on the scene including Robbins, Midlothian, Cook County Sherriff.

9. JEMEL ROBERSON apprehended one of the perpetrators outside the bar.

10. On information and belief Defendant, OFFICER IAN COVEY arrived on the scene.

11. On information and belief Defendant, OFFICER IAN COVEY shot the Decedent, JEMEL ROBERSON outside the bar.

12. The shooting of the Decedent, JEMEL ROBERSON was unprovoked.

13. The shooting of the Decedent, JEMEL ROBERSON was unjustified.

14. The shooting of the Decedent, JEMEL ROBERSON was excessive and unreasonable.

15. As a result of the actions of the Defendant, OFFICER IAN COVEY the Decedent was injured.

16. As a result of the actions of the Defendant, OFFICER IAN COVEY the Decedent JEMEL ROBERSON was killed.

17. As a result of the actions of of the Defendant OFFICER IAN COVEY, the Plaintiff contends the Decedent incurred loss of enjoyment of life, pain and suffering.

18. The Decedent, JEMEL ROBERSON died.

19. The actions of the Defendant, OFFICER IAN COVEY, were intentional, willful and wanton.

20. Said actions of the Defendant, OFFICER IAN COVEY, were in violation of the Plaintiff's Fourth and Fourteenth Amendment rights as protected by 42 U.S.C. §1983.

Wherefore the Plaintiff, Decedent, JEMEL ROBERSON, by and through the Special Administrator of his Estate, BEATRICE ROBERSON, prays for judgment against the Defendant, OFFICER IAN COVEY, for compensatory damages in excess of one million (\$1,000,000.00) dollars, punitive damages, attorney's fees, and costs.

**COUNT II – BATTERY / ILLINOIS STATE LAW**

1-17. The Plaintiff, BEATRICE ROBERSON, as Independent Administrator of the Estate of JEMEL ROBERSON, hereby realleges and incorporates the allegations of paragraphs 3-19 of Count I as its respective allegations of paragraphs 1-17 of Count II as though fully set forth herein.

18. The actions of the Defendant, OFFICER IAN COVEY, constitute battery under Illinois state law.

19. As a result of the actions of the Defendant, OFFICER IAN COVEY, the decedent, JEMEL ROBERSON, experienced pain, suffering, loss of life, and monetary loss.

WHEREFORE the Plaintiffs, BEATRICE ROBERSON, as Independent Administrator of the Estate of JEMEL ROBERSON, deceased, pray for judgment against the Defendant,

OFFICER IAN COVEY, for fair and reasonable compensatory damages and punitive damages, plus costs.

**COUNT III – WRONGFUL DEATH - ILCS 740 ILCS 180/1 et. seq**

1-17. The Plaintiff, BEATRICE ROBERSON, as Independent Administrator of the Estate of JEMEL ROBERSON, hereby realleges and incorporates the allegations of paragraphs 1-17 of Count II as its respective allegations of paragraphs 1-17 of Count III as though fully set forth herein.

18. The actions of the Defendant, OFFICER IAN COVEY, caused the wrongful death of the decedent, JEMEL ROBERSON, in violation of ILCS 740 ILCS 180/1 et. seq.

19. As a result of the actions of the Defendant, OFFICER IAN COVEY, the decedent, JEMEL ROBERSON, suffered loss of life, loss of enjoyment of life, pain, suffering and monetary loss.

WHEREFORE the Plaintiffs, BEATRICE ROBERSON, as Independent Administrator of the Estate of JEMEL ROBERSON, deceased, pray for judgment against the Defendant, OFFICER IAN COVEY, for fair and reasonable compensatory damages and punitive damages, plus costs.

**COUNT IV – SURVIVAL ACTION**

1-17. The Plaintiff, BEATRICE ROBERSON, as Independent Administrator of the Estate of JEMEL ROBERSON, hereby realleges and incorporates the allegations of paragraphs 1-17 of Count III as its respective allegations of paragraphs 1-17 of Count IV as though fully set forth herein.

18. After the decedent was shot, he survived for a period of time before he died.

19. As a direct and proximate cause of the conduct of the Defendant, OFFICER IAN COVEY, the decedent, JEMEL ROBERSON, suffered pain and suffering, mental trauma, fear, anxiety, monetary loss and eventually death.

20. This cause of action arises under the Survival Act, codified at 755 ILCS 5/27-6, and is brought by, BEATRICE ROBERSON, as Independent Administrator of the Estate of JEMEL ROBERSON, deceased, within two (2) years from the date of death of the decedent to recover damages suffered by the decedent prior to his death.

WHEREFORE the Plaintiffs, BEATRICE ROBERSON, as Independent Administrator of the Estate of JEMEL ROBERSON, deceased, pray for judgment against the Defendant, OFFICER IAN COVEY, for fair and reasonable compensatory damages and punitive damages, plus costs.

#### **COUNT V - FAMILY EXPENSE ACT**

1-17. The Plaintiff, BEATRICE ROBERSON, as Independent Administrator of the Estate of JEMEL ROBERSON, hereby realleges and incorporates the allegations of paragraphs 1-17 of Count IV as its respective allegations of paragraphs 1-17 of Count V as though fully set forth herein.

18. At all relevant times, the Plaintiff, BEATRICE ROBERSON, was the mother of JEMEL ROBERSON, deceased.

19. As a direct and proximate result of Defendant OFFICER IAN COVEY's actions, which caused the death of JEMEL ROBERSON, the Plaintiff, BEATRICE ROBERSON, has incurred funeral and burial expenses.

WHEREFORE the Plaintiffs, BEATRICE ROBERSON, as Independent Administrator of the Estate of JEMEL ROBERSON, deceased, pray for judgment against the Defendant,

OFFICER IAN COVEY, for fair and reasonable compensatory damages and punitive damages, plus costs.

**COUNT VI: INDEMNIFICATION AGAINST THE VILLAGE OF MIDLOTHIAN**

1-17. The Plaintiff, BEATRICE ROBERSON, as Independent Administrator of the Estate of JEMEL ROBERSON, hereby realleges and incorporates the allegations of paragraphs 1-17 of Count V as its respective allegations of paragraphs 1-17 of Count VI as though fully set forth herein.

18. Illinois law provides that public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment activities.

19. At all times, the Defendant, OFFICER IAN COVEY was a police officer employed with the VILLAGE OF MIDLOTHIAN acting within the scope of his/her employment in committing the misconduct described herein.

WHEREFORE, should the Defendant Officer Ian Covey be found liable for the acts alleged above, Defendant VILLAGE OF MIDLOTHIAN would be liable to pay the Plaintiff's Estate any judgment obtained against said Defendant Officer.

**JURY DEMAND**

The Plaintiff, BEATRICE ROBERSON, as Independent Administrator of the Estate of JEMEL ROBERSON, hereby requests trial by jury.

Respectfully submitted,

By: /s/ Gregory E. Kulis  
Gregory E. Kulis & Associates, Ltd.

Gregory E. Kulis & Associates, Ltd.  
30 North LaSalle Street, Suite 2140  
Chicago, Illinois 60602  
312-580-1830  
Atty. No. 6180966