

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

2016 FEB -5 PM 2:08
CIRCUIT COURT OF COOK
COUNTY, ILLINOIS
LAW DIVISION
511 ED-2
CERK

Antonio LeGrier, Individually and as the
Special Administrator of the Estate of
Quintonio Legrier, Deceased

Plaintiff,

vs.

The City Of Chicago, and Robert Rialmo
Defendants

2016 L 12

Consolidated Into

No. 2015 L 12964

Robert Rialmo,

Counter-Plaintiff

vs.

Antonio LeGrier, as the Special
Administrator of the Estate of Quintonio
LeGrier, Deceased,

Counter-Defendant

**COUNTERCLAIM OF ROBERT RIALMO AGAINST
ANTONIO LEGRIER AS THE SPECIAL ADMINISTRATOR
OF THE ESTATE OF QUINTONIO LEGRIER**

NOW COMES Counter-Plaintiff **Robert Rialmo**, by and through one of his attorneys, **Joel A. Brodsky**, as his counter-complaint against **Antonio LeGrier as Special Administrator of the Estate of Quintonio LeGrier**, states as follows:

FACTS

1. Counter-Plaintiff Robert Rialmo (hereinafter "Officer Rialmo"), is an individual who resides in the County of Cook in the State of Illinois, and who at all times relevant hereto was employed by the Chicago Police Department, a Department of the City of Chicago, as a police officer, with

all of the rights and duties of a sworn law enforcement officer.

2. Counter-Defendant Antonio LeGrier as Special Administrator of the Estate of Quintonio LeGrier, is the legal representative of the Estate of Quintonio LeGrier, who is deceased.

3. At all times relevant hereto Quintonio LeGrier (hereinafter "LeGrier") was a resident of the City of Chicago, and was an adult who was fully competent and responsible for his actions.

4. On December 26, 2015, at approximately 4:20 a.m., Officer Rialmo was on patrol in a marked Chicago Police prisoner transportation van, which is commonly known as a "Paddy Wagon", with one (1) other Chicago Police Officer, in the vicinity of 4710 W. Erie St., Chicago, Illinois. The said Chicago Police Officers and the vehicle had the designation of "1172R". Officer Rialmo was the passenger and the other officer was driving.

5. On December 26, 2015, at approximately 4:20 a.m., Officer Rialmo received a dispatch call for 1172R to respond to a call of a "domestic disturbance - son with baseball bat", at 4710 W. Erie St., Chicago, Illinois. Officer Rialmo and the other officer proceeded to 4710 W. Erie St., Chicago, Illinois, in response to the dispatch.

6. On December 26, 2015, at approximately 4:25 a.m., Officer Rialmo, along with the other officer, arrived at 4710 W. Erie St., Chicago, Illinois. With Officer Rialmo in front the officers approached the front of the two (2) story building at that location in response to the aforesaid dispatch call.

7. Upon arriving at the front door to the two (2) story building at 4710 W. Erie St., Chicago, Illinois, Officer Rialmo rang the doorbell and knocked on the front door to the premises.

8. After a few moments, in response to Officer Rialmo's knocks and door bell ringing a woman, then unknown to Officer Rialmo, but now known as Bettie Jones, stepped outside of her apartment and opened the front door to building at 4710 W. Erie St., Chicago, Illinois, which opened inwards. Upon opening the door, Bettie Jones stated to Officer Rialmo, who was standing just outside of the front door to the building, that "it's upstairs", while pointing upward at the same

time. Immediately after stating and doing this, Bettie Jones turned to re-enter her apartment though the front door to her apartment, which was approximately three (3) to four (4) feet to Officer Rialmo's front and left.

9. Immediately after Bettie Jones turned to re-enter her apartment, Officer Rialmo stepped into the front doorway of the building, but was not yet fully inside the front foyer which gives access to the front doors of both Bettie Jones's apartment, and the upstairs apartment at 4710 W. Erie St., Chicago, Illinois.

10. As Officer Rialmo stepped into the front doorway to the building at 4710 W. Erie St., Chicago, Illinois, he heard someone charging down the stairway from the upstairs apartment. Upon hearing this Officer Rialmo stopped in the said front doorway.

11. A moment after Officer Rialmo stopped in the front doorway to the building at 4710 W. Erie St., Chicago, Illinois, a young man, who was unknown to Officer Rialmo at the time, but who is now known as Quintonio LeGrier, came barging out of the front door to the second (2nd) floor apartment while holding a baseball bat in his right hand. LeGrier then grabbed the front door to the building with his left hand, and pulled the door out of the way, and then placed his left hand on the baseball bat which he was holding in his right hand, cocked the baseball bat back over his right shoulder, and took a full swing at Officer Rialmo's head, missing it by inches, but getting close enough for Officer Rialmo to feel the movement of air as the bat passed in front of his face.

12. At the point where LeGrier took the aforesaid first swing at Officer Rialmo they were only approximately four (4) feet apart.

13. At this point Officer Rialmo backed off to just before the top step of the front porch to the building at 4710 W. Erie St., Chicago, Illinois. While backing off, Officer Rialmo repeatedly shouted orders for LeGrier to drop the bat. At this point in time Officer Rialmo's handgun was in it's holster.

14. Instead of following the lawful orders of Officer Rialmo to drop the baseball bat, LeGrier

advanced on Officer Rialmo, taking two (2) to four (4) steps onto the front porch of the building at 4710 W. Erie St., Chicago, Illinois, while taking a second swing at Officer Rialmo's head, this swing also being a two (2) handed swing, but going from left to right.

15. The aforesaid second swing by LeGrier at Officer Rialmo's head also passed in front of Officer Rialmo's face, missing Officer Rialmo's head by a few inches.

16. After the second swing by LeGrier, Officer Rialmo continued to back off from LeGrier, while continuing to shout orders for LeGrier to drop the bat. Officer Rialmo backed off to the bottom step of the porch leading to the front door the building at 4710 W. Erie St., Chicago, Illinois. As he reached the bottom step to the porch Officer Rialmo's handgun was still in it's holster.

17. As Officer Rialmo reached the bottom step to the front porch of the building at 4710 W. Erie St., Chicago, Illinois, LeGrier, ignoring Officer Rialmo's lawful orders to drop the bat, advanced to just before the top step of the front porch to the building. As he was advancing LeGrier again cocked the baseball bat he was holding over his right shoulder with a two (2) handed grip.

18. When LeGrier reached the point just before the the top step of the front porch to the building at 4710 W. Erie St., Chicago, Illinois, he was approximately three (3) feet above Officer Rialmo and approximately three (3) to four (4) feet from where Officer Rialmo was standing on the bottom step of the front porch to the building.

19. At this point LeGrier had ignored Officer Rialmo's repeated orders to drop the bat, and LeGrier had advanced on Officer Rialmo from just inside the front door to the building all the way across the front porch to the building while taking two (2) two (2) handed swings of a baseball bat at Officer Rialmo's head. At no point during all of this had Officer Rialmo drawn his handgun from it's holster.

20. At this point, when LeGrier had reached the point just before the top step of the front porch to the building at 4710 W. Erie St., Chicago, Illinois, with the baseball bat cocked back over

his right shoulder with a two (2) handed grip, approximately three (3) feet above Officer Rialmo and approximately three (3) to four (4) feet from where Officer Rialmo was standing on the bottom step of the front porch to the building, Officer Rialmo feared that LeGrier would strike him in the head with the baseball bat so hard that it would kill him.

21. At this point Officer Rialmo reasonably believed that if he did not use deadly force against LeGrier, that LeGrier would kill him, Officer Rialmo drew his handgun from it's holster, and starting to fire from holster level, fired eight (8) rounds at LeGrier from his 9 mm Smith & Wesson handgun, which holds eighteen (18) rounds, in approximately two and a half (2-1/2) seconds.

22. At no time since Bettie Jones had turned to re-enter her apartment had Officer Rialmo seen Ms. Jones or heard her voice. As he began to fire his handgun, Officer Rialmo did not see, and could not have seen, Bettie Jones who was screened from his view mostly by LeGrier, and partially by the front wall of the building at 4710 W. Erie St., Chicago, Illinois.

23. As Officer Rialmo began to fire at LeGrier, on information and belief, the first round struck LeGrier in his left chest, the second round grazed the left side of LeGrier's chest going right to left, the third round hit LeGrier in the right buttocks, the fourth round hit LeGrier left arm in the rear and exited from the left arm in the front, the fifth round LeGrier in the left back traveling left to right, and the sixth round grazed the back of LeGrier's right shoulder from right to left. The two (2) other rounds missed LeGrier and hit the building behind him, not hitting anyone.

24. On information and belief the fourth round that Officer Rialmo fired, passed through LeGrier and stuck Bettie Jones, who unbeknownst to Officer Rialmo, was standing in the front doorway to the building at 4710 W. Erie St., Chicago, Illinois, behind LeGrier and partially exposed to any gunfire that might pass through LeGrier.

25. After LeGrier went down, Officer Rialmo stopped firing his handgun, and approached the front of the building at 4710 W. Erie St., Chicago, Illinois to make sure that any imminent danger to himself, the other officer present, and the public, from LeGrier had been stopped. At this

point he saw that Bettie Jones had been struck by a bullet.

26. The fact that LeGrier's actions had forced Officer Rialmo to end LeGrier's life, and to accidentally take the innocent life of Bettie Jones, has caused, and will continue to cause, Officer Rialmo to suffer extreme emotional trauma.

COUNT I - CIVIL CAUSE OF ACTION FOR ASSAULT

1-26. The Counter-Plaintiff re-alleges paragraphs one (1) through twenty-six (26) of this Counter-Claim as paragraphs one (1) through twenty-six (26) of Count I of this Counterclaim.

27. On December 26, 201, LeGrier, acting without legal authority, caused Officer Rialmo to have a reasonable apprehension of suffering an imminent battery from LeGrier, which would either cause Officer Rialmo's death or cause him severe and permanent bodily harm.

28. As a direct and proximate result of the aforesaid, the Counter-Plaintiff Officer Rialmo has, suffered, and continues to suffer, injuries of a personal and pecuniary nature, including but not limited to medical expenses, damage to person, pain and suffering, and physical and emotional trauma, all of which are permanent.

29. The actions of the LeGier were criminal, done in a willful, malicious and wanton manner, and showed a depraved and callous disregard for the rights and privileges of others, so as to make punitive damages appropriate and just.

WHEREFORE, Counter-Plaintiff Officer Robert Rialmo prays that this Court enter a judgment against the Counter-Defendant Antonio LeGrier as Special Administrator of the Estate of Quintonio LeGrier, and in favor of the Counter-Plaintiff Officer Robert Rialmo, in a sum in excess of \$50,000.00 for actual, special, consequential, and incidental damages, and an additional sum of in excess of \$10,000,000.00 for punitive and exemplary damages, plus Counter-Plaintiff's costs and attorneys fees, execution to issue instanter.

COUNT II- INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

1-26. The Counter-Plaintiff re-alleges paragraphs one (1) through twenty-six (26) of this Counter-Claim as paragraphs one (1) through twenty-six (26) of Count II of this Counterclaim.

27. On December 26, 2015, LeGrier knew his actions toward Officer Rialmo were extreme and outrageous, and that his conduct was atrocious, and utterly intolerable in a civilized community.

28. On December 26, 2015, LeGrier knew that there was a high probability that his conduct toward Officer Rialmo would cause severe emotional distress to Officer Rialmo by forcing Officer Rialmo to be put in a situation where he had no choice but to use deadly force and most likely take the life of a human being.

29. As a direct and proximate result of the aforesaid, the Counter-Plaintiff Officer Rialmo has, suffered, and continues to suffer, severe emotional distress, injuries of a personal and pecuniary nature, including but not limited to medical expenses, damage to person, pain and suffering, and physical and emotional trauma, all of which are permanent.

30. The actions of the LeGier were criminal, done in a willful, malicious and wanton manner, and showed a depraved and callous disregard for the rights and privileges of others, so as to make punitive damages appropriate and just.

WHEREFORE, Counter-Plaintiff Officer Robert Rialmo prays that this Court enter a judgment against the Counter-Defendant Antonio LeGrier as Special Administrator of the Estate of Quintonio LeGrier, and in favor of the Counter-Plaintiff Officer Robert Rialmo, in a sum in excess of \$50,000.00 for actual, special, consequential, and incidental damages, and an additional sum in excess of \$10,000,000.00 for punitive and exemplary damages, plus Counter-Plaintiff's costs and attorney's fees, execution to issue instant.

COUNT III- NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

1-26. The Counter-Plaintiff re-alleges paragraphs one (1) through twenty-six (26) of this Counter-Claim as paragraphs one (1) through twenty-six (26) of Count III of this Counterclaim.

27. On December 26, 2015, LeGrier had a duty not to try to kill Officer Rialmo with a baseball bat by striking Officer Rialmo in the head with the bat.

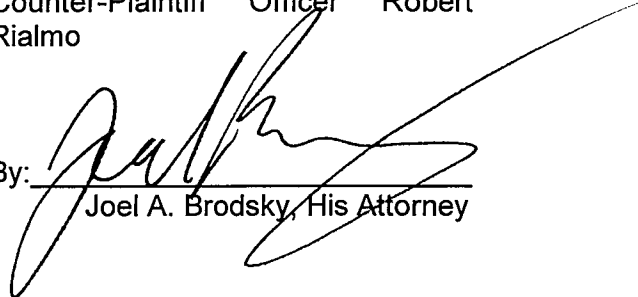
28. On December 26, 2015, LeGrier breached his aforesaid duty by trying to kill Officer Rialmo with a baseball bat by attempting to strike Officer Rialmo in the head with the bat.

29. As a direct and proximate result of the aforesaid, the Counter-Plaintiff Officer Rialmo has, suffered, and continues to suffer, severe emotional distress, injuries of a personal and pecuniary nature, including but not limited to medical expenses, damage to person, pain and suffering, and physical and emotional trauma, all of which are permanent.

30. The actions of the LeGier were criminal, done in a willful, malicious and wanton manner, and showed a depraved and callous disregard for the rights and privileges of others, so as to make punitive damages appropriate and just.

WHEREFORE, Counter-Plaintiff Officer Robert Rialmo prays that this Court enter an enter judgment in against the Counter-Defendant Antonio LeGrier as Special Administrator of the Estate of Quintonio LeGrier, and in favor of the Counter-Plaintiff Officer Robert Rialmo, in a sum in excess of \$50,000.00 for actual, special, consequential, and incidental damages, and an additional sum in excess of \$10,000,000.00 for punitive and exemplary damages, plus Counter-Plaintiff's costs and attorney's fees, execution to issue instanter.

Counter-Plaintiff Officer Robert
Rialmo

By: 
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