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**(TT 14/1)      PREMISES LIABILITY--TENANT ASSAULTED BY INTRUDER WITH MASTER KEY (7)**

Carolyn Bojalad v Parliament Enterprises Ltd., Seymour Perskey **97L-10913** Tried Nov. 13-Dec. 18, 2001

VERDICT:                    \$1,500,000 v both defts  
JUDGE:                     Patricia Banks (IL Cook-Law)  
PLTF ATTYS:               Lisa A. Jensen (Bartlett) and Frank DiFranco of DiFranco & Associates (Park Ridge) for Bojalad DEMAND: CB \$600,000 ASKED: CB \$4,000,000  
DEFT ATTYS:               Steven M. Pontikes, Christopher A. Garcia and Mary Beth O'Brien of Pontikes & Garcia for both defts (York Insurance; Great American Insurance) OFFER: \$210,000 total  
PLTF MEDL:                Shawn Post, D.D.S. and Tom Holmes, L.C.S.W. for Bojalad  
PLTF EXPERTS:             Gerald Brandt (Security) for Bojalad  
DEFT EXPERTS:             Roger Schmedlen (Security) for Parliament Enterprises Ltd.

FACTS:                     July 22, 1997, an intruder entered pltf's apartment at 510-534 W. Addison in Chicago, allegedly with a master key. Pltf F-28 struggled with the intruder in her bedroom as he fondled her and tried to take off her clothing; he pulled her hair and punched her. Pltf's roommate heard pltf scream and ran into the room, and the assailant then ran out of the apartment. Pltf, who works in public relations, suffered TMJ dysfunction, post-traumatic stress disorder, and major depression disorder (no specials submitted). Pltf alleged that the intruder worked for landlord defts and that there were seven prior incidents of someone using a master key to access apartments without defts changing the locks or collecting the master keys. Pltf sought punitive damages, noting that deft M-75 Perskey's net worth is over \$60 million, but trial judge dismissed the punitive damages count. Defense contended that the pltf's roommate had left the back door unlocked or open. Defense also disputed pltf's psychological injuries, pointing to the fact that she later obtained a new roommate through a roommate service. Defense post-trial motions are pending.

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Selected Case: 1

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