

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JAMAAL WATTS,)	
)	
Plaintiff,)	
)	
Vs.)	No.
)	
ESTES EXPRESS LINES, INC., a)	
Foreign corporation,)	
)	
Defendant.)	

PLAINTIFF’S COMPLAINT AT LAW

NOW COMES the plaintiff, JAMAAL WATTS (hereafter “WATTS”), by his attorneys, BENJAMIN & SHAPIRO, LTD., and for Count II of his Complaint at Law against the defendant, ESTES EXPRESS LINES, INC. (hereafter “ESTES”), and he alleges as follows:

1. On or about April 30, 2020, ESTES was a trucking company that had its headquarters in Richmond, Virginia and that also had a local warehouse in Joliet, Illinois.
2. On or about April 30, 2020, ESTES employed WATTS as a dockworker in its Joliet, Illinois warehouse.
3. Owing to the current coronavirus pandemic, WATTS learned that at least two of his co-workers had contracted coronavirus and were not able to work because of the infection.

4. Upon being advised of the fact that his coworkers had come down with the virus, WATTS requested from his employer at ESTES permission to not come to work while his co-workers remained contagious.

5. WATTS' supervisor at ESTES denied that request and ordered the plaintiff to return to work the next day.

6. WATTS did in fact return to ESTES on April 29, 2020 but had requested to work only an 8-hour shift to minimize risk from the first shift employees because of his exposure the day before to the infected employees.

7. Another employee caught the virus and thereafter left the premises and then upon his return to work, he had to leave again when his condition relapsed.

7. WATTS returned to work on April 30 but was told to leave the premises.

8. It was the duty of the defendant, at all times relevant hereto, to refrain from intentional wrongful conduct that placed WATTS in a position of imminent danger from contracting coronavirus in order to avoid placing WATTS in danger of being exposed to the area in which previously infected co-workers had worked.

9. Said duty notwithstanding, the defendant acted and/or failed to act in one or more of the following ways that amounted intentional, willful and wanton conduct toward the plaintiff:

- a. it exhibited reckless disregard for WATTS' safety when it forced his to return to work, all the time knowing that by doing so, it was exposing WATTS to danger by placing him in an area that had been occupied by co-workers who had contracted coronavirus;
- b. it exhibited reckless disregard for WATTS' safety when it terminated the plaintiff's employment by firing him for refusing to return to work

to avoid exposing himself to the area that had been occupied by co-workers who had contracted coronavirus;

- c. it exhibited reckless disregard for WATTS' safety by not properly cleaning the area in which WATTS' co-workers had worked all the time knowing that by not doing so, it intentionally exposed the plaintiff to coronavirus.

10. As a direct and proximate result of one or more of the foregoing acts and/or omissions, ESTES terminated WATTS' employment from its facility in Joliet, Illinois.

11. As a direct and proximate result of one or more of the foregoing acts and/or omissions, the plaintiff lost his income from being terminated from his position at ESTES, and further his self-esteem was permanently damaged.

WHEREFORE, the plaintiff, JAMAAL WATTS, prays judgment against the defendant ESTES EXPRESS LINES, INC. in an amount in excess of SEVENTY FIVE THOUSAND AND NO/100 (\$75,000.00) plus the costs that he incurred in bringing this action.

JAMAAL WATTS

By: /s/ Scott Skaletsky
Scott Skaletsky

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ILND 44 (Rev. 09/20)

CIVIL COVER SHEET

The ILND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (See instructions on next page of this form.)

<p>I. (a) PLAINTIFFS Jamaal Watts,</p> <p>(b) County of Residence of First Listed Plaintiff <i>(Except in U.S. plaintiff cases)</i></p> <p>(c) Attorneys <i>(firm name, address, and telephone number)</i> Scott Skaletsky, Esq., Benjamin & Shapiro, Ltd., 180 N. LaSalle Street, Suite 2600, Chicago, Illinois 60601 / 312-641-5944</p>	<p>DEFENDANTS Estes Express Lines, Inc.</p> <p>County of Residence of First Listed Defendant <i>(In U.S. plaintiff cases only)</i></p> <p>Note: In land condemnation cases, use the location of the tract of land involved.</p> <p>Attorneys <i>(If Known)</i></p>
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II. BASIS OF JURISDICTION *(Check one box, only.)*

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government not a party.)</i>
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity <i>(Indicate citizenship of parties in Item III.)</i>

III. CITIZENSHIP OF PRINCIPAL PARTIES *(For Diversity Cases Only.)*
(Check one box, only for plaintiff and one box for defendant.)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT *(Check one box, only.)*

CONTRACT	TORTS	PRISONER PETITIONS	LABOR	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<p>PERSONAL INJURY</p> <input type="checkbox"/> 530 General <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <p>Habeas Corpus:</p> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729 (a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act (TCPA) <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Arts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<p>REAL PROPERTY</p> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<p>CIVIL RIGHTS</p> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/ Disabilities-Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<p>BANKRUPTCY</p> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p>IMMIGRATION</p> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	<p>FORFEITURE/PENALTY</p> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<p>SOCIAL SECURITY</p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <p>FEDERAL TAXES</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN *(Check one box, only.)*

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify)	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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VI. CAUSE OF ACTION *(Enter U.S. Civil Statute under which you are filing and write a brief statement of cause.)*
 42 U.S.C 2000e

VII. PREVIOUS BANKRUPTCY MATTERS *(For nature of suit 422 and 423, enter the case number and judge for any associated bankruptcy matter previously adjudicated by a judge of this Court. Use a separate attachment if necessary.)*

VIII. REQUESTED IN COMPLAINT: Check if this is a class action under Rule 23, F.R.C.V.P. Demand \$ _____ CHECK Yes only if demanded in complaint: Jury Demand: Yes No

IX. RELATED CASE(S) IF ANY *(See instructions):* Judge _____ Case Number _____

X. Is this a previously dismissed or remanded case? Yes No If yes, Case # _____ Name of Judge _____
 Date: 11/30/20 Signature of Attorney of Record _____