

6. At that time, and prior to that date, Aurora Packing was aware that other employees within the meat packing facility had become infected with Covid-19 but took no measures to mitigate the spread of the virus within its facility despite the known health effects of the virus.

7. Shortly after Ricardo Ugalde contracted Covid-19, Esperanza Ugalde contracted the virus from her husband, and on May 2, 2020, she died from the virus.

8. At the time and place aforesaid, the defendant, by and through its employees and/or agents, owed a duty of ordinary care to guard against injuries which naturally flowed as a reasonably and foreseeable consequence of its own actions and inactions related to a Covid-19 outbreak in its own facility.

9. Despite the foregoing duties, the defendant, by and through its employees and/or agents, was negligent in the following manner:

- a. Failed to warn its employees when it knew or should have known of a Covid-19 outbreak in its meat packing facility;
- b. Failed to implement any plan, including, but not limited to, an Infectious Disease Preparedness and Response Plan, or any basic infection prevention measures consistent with the guidelines promulgated by the Center for Disease Control and Prevention (CDC) and the Illinois Department of Public Health to prevent the spread of infection;
- c. Actively created a risk of harm for its employees and those with whom its employees were in close contact, including Esperanza Ugalde, by choosing not to:
 - i. clean and disinfect the facility, including all frequently touched surfaces;
 - ii. provide Personal Protective Equipment (PPE) to its employees, such as masks;
 - iii. implement engineering controls designed to prevent the spread of virus, including but not limited to, proper ventilation, installation of high-efficiency air filters and/or physical barriers;
 - iv. take reasonable measures, including but not limited to, slow the processing line and provide extra space for employees to each lunch in order to accommodate social distancing;

- v. screen and monitor workers, which includes fever checks and symptom checks;
 - vi. provide handwashing breaks, sanitizer, and at the very least, hot water necessary for proper handwashing;
 - vii. implement and/or communicate any leave policy and/or discourage sick employees to stay home without fear of reprisals;
 - viii. conduct periodic inspections of the condition and cleanliness of the facility; and
- d. Was otherwise negligent in keeping its facility safe when it knew or should have known the virus' ease of transmission and the risk of harm to those who became infected, including the risk of death.

10. Esperanza Ugalde's death was a direct and proximate result of one or more of the foregoing negligent acts or omissions.

11. Erika Iniguez is the duly appointed Independent Administrator of the Estate of Esperanza Ugalde deceased, and as such brings this cause of action on behalf of the Estate of Esperanza Ugalde pursuant to 740 ILCS 180/1 et seq 1996, commonly known as the Wrongful Death Act of the State of Illinois.

12. Esperanza Ugalde left surviving the following: Ricardo Ugalde (husband), Erika Iniguez (daughter), Alfredo Ugalde (son), Alexander Ugalde (son) and Estrella Ramirez (daughter).

13. Due to the negligence of defendant and the resulting death of Esperanza Ugalde, Ricardo Ugalde, her husband, and Erika Iniguez, Alfredo Ugalde, Alexander Ugalde, and Estrella Ramirez, her children, have suffered the loss of society of Esperanza Ugalde, including her loss of care, affection, companionship and love.

WHEREFORE, Plaintiff, Erika Iniguez, as Independent Administrator of the Estate of Esperanza Ugalde, deceased, demands judgment against defendant, Aurora Packing Company, Inc., an Illinois corporation, for a sum in excess of the jurisdictional limit of the Sixteenth Judicial Circuit, Kane County.

COUNT II

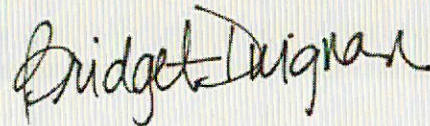
Plaintiff, Erika Iniguez, as Independent Administrator of the Estate of Esperanza Ugalde, deceased, through her attorneys, Latherow & Duignan, complaining of defendant, Aurora Packing Company, Inc., an Illinois corporation, states as follows:

1-9 Plaintiff re-alleges paragraphs 1 through 9 of Count I.

10. As a proximate result of one or more of the foregoing negligent acts, Esperanza Ugalde experienced conscious pain and suffering prior to her death on May 2, 2020.

11. Erika Iniguez is the duly appointed Independent Administrator of the Estate of Esperanza Ugalde, deceased, and as such brings this survival action, based on Esperanza Ugalde's conscious pain and suffering, on behalf of the Estate of Esperanza Ugalde pursuant to 755 ILCS 5/27-6 et seq 1996.

WHEREFORE, Plaintiff, Erika Iniguez, as Independent Administrator of the Estate of Esperanza Ugalde, deceased, demands judgment against defendant, Aurora Packing Company, Inc., an Illinois corporation, for a sum in excess of the jurisdictional limit of the Sixteenth Judicial Circuit, Kane County.



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