

**IN THE CIRCUIT COURT  
TWENTIETH JUDICIAL CIRCUIT  
ST. CLAIR COUNTY, ILLINOIS**

**DEMOND HUNT, JR.,** )  
 )  
 **Plaintiff,** )  
 )  
 v. )  
 )  
 **EAST ST. LOUIS SCHOOL DISTRICT** )  
 **189, EAST SAINT LOUIS SENIOR** )  
 **HIGH SCHOOL, DARREN SUNKETT,** )  
 **SCHUTT HOLDINGS, INC., and CURT** )  
 **SMITH SPORTING GOODS, INC.,** )  
 )  
 **Defendants.** )

Case No. 17-L-586

FILED  
ST. CLAIR COUNTY  
OCT 10 2017  
*H. Maag, Clerk*  
CIRCUIT CLERK

**COMPLAINT**

Comes now Demond Hunt, Jr., by and through his attorneys, Thomas G. Maag and the Maag Law Firm, LLC, and for his cause of action against all Defendants names herein, states as follows:

**Allegations Relevant to All Counts**

1. At all times relevant, Plaintiff Demond Hunt, Jr, is a citizen and resident of Saint Clair County, Illinois, and was enrolled at East Saint Louis Senior High School, in East Saint Louis, IL, as a student.
2. That Demond Hunt, Jr., was a member of the East Saint Louis Senior High School football team during the fall football seasons in 2007 and 2008, however, this action is timely under applicable statutes of limitations, as it is refiled within one year on a prior

timely filed action being voluntarily dismissed without prejudice, and thus is timely filed and should be allowed to proceed.

3. That Defendant, East St. Louis School District 189, is a school district organized and existing in East St. Louis, Illinois (hereinafter referred to collectively as 189).
4. At all times relevant, Defendant David Sunkett was and is an employee of 189 and served as the head coach of the varsity football team.
5. That Ethel Shanklin, at all times relevant, was the principal of East Saint Louis Senior High School.
6. That on or about October 3, 2008, Plaintiff, while participating in a varsity football game, sustained serious and permanent head, brain and neurological injuries due to head trauma, in particular, Plaintiff suffered
  - a: a burst blood vessel, pocket or clot in his brain resulting in several strokes and rendered Plaintiff comatose for two weeks, and
  - b: continuing neurological damage.
7. Plaintiff's injuries were directly and proximately caused by the following:
  - a: Plaintiff was provided a defective football helmet in that it was designed to have air bellows provide protective cushion to the head and brain from injury, but that the Defendants, 189 and Sunkett, failed to assure the air bellows were properly inflated;

- b. The Defendants, 189 and Sunkett, failed to maintain the football helmet in a safe and proper condition in spite of specific written instructions provided to Defendants instructing them as to the method, manner and necessity of maintaining proper inflation of the air bellows and explicit warnings that failure to do so would result in serious and permanent brain injury to the player;
- c. Defendant, Sunkett, ordered Plaintiff to continue to play in spite of complaints by Plaintiff that he had a headache and demonstrated evidence of concussion;
- d. Defendant, 189, tolerated the coach's policy of instructing student-athletes to engage in dangerous and high risk behavior;
- e. Defendants', 189 and Sunkett, policies were to place winning over the health, safety and welfare of its student-athletes;
- f. Defendant, Sunkett, ordered student-athletes to engage in contact sports while not wearing protective equipment and Defendants were aware of his policies and reckless behavior and tolerated and supported it;
- g. Defendants, 189 and Sunkett, failed to attend to Plaintiff's repeated injuries, traumas and sequelae.

8. Defendants, 189 and Sunkett, were on notice that student-athletes were suffering serious injuries because of faulty equipment and did not take any reasonable steps to rectify the hazardous and dangerous situation;

9. Defendants, 189 and Sunkett, were on notice that Sunkett's instructions to the student-athletes were resulting in serious injuries to said student-athletes but took no steps to remedy or rectify the dangerous and reckless behavior and the School District Administrators willingly and purposefully tolerated the coach's continued engagement of reckless and dangerous actions to the detriment of the student athlete;

10. That in addition to the brain and neurologic injuries previously alleged, Plaintiff suffered a broken collar bone, orthopedic; nerve, vascular, brain and other serious trauma and injuries in July 2008 when Defendant Sunkett ordered him to tackle another student-athlete while neither were wearing protective equipment. 189 and Sunkett provided no treatment, instead placed him on a flight to a tournament. The other student-athlete participating in the drill suffered a broken neck.

**COUNT I - Willful and Wanton Misconduct - District 189**

11. That the Administrators of the School District were aware of repeated and serious injuries suffered by its student-athletes.

12. That the School District willfully and wantonly chose not to provide adequate supervision for its student-athletes and allowed Defendant Sunkett to continue to direct the student-athletes to engage in high-risk, unduly dangerous activity.

13. That the School District failed to guard against or warn against the dangerous condition of failing to properly maintain the equipment and that it had actual or constructive notice that the failure to properly maintain the equipment posed a risk of serious and permanent brain injury from repeated blows when wearing defectively maintained equipment.

14. Plaintiff, given his age and inexperience, did not have, nor could reasonably have, understood the risks posed to him, nor was otherwise on notice that multiple, mild head trauma could lead to the serious brain injury he suffered; nor did he willfully engage in conduct he knew would cause him serious and permanent brain damage.

15. As a direct and proximate result of Defendant School District's willful and wanton behavior, Demond Hunt, Jr. sustained injuries as more fully set out in Paragraph 6 and 10.

16. As a direct and proximate result of Defendant's willful and wanton misconduct as set out heretofore, Plaintiff incurred tremendous pain and suffering, suffered permanent and disabling shoulder, brain and neurological injuries, he was hospitalized and required extensive physical therapy and will require such in the future; he incurred medical expenses in excess of \$200,000.00 and will incur substantial medical expenses in the future; the Plaintiff's injuries will result in future losses of income and a diminution in his future employability and caused and will cause a loss of enjoyment of life, all to his damage in an amount in excess of \$50,000.00.

WHEREFORE, Plaintiff prays for a judgment in his favor and against Defendant, District 189, in an amount that will fully and fairly compensate him for the damages alleged herein and for any other and such further relief as this Court deems equitable.

**COUNT II - Willful and Wanton Misconduct - Sunkett**

11. In spite of the fact that Defendant Sunkett knew his student-athletes were sustaining serious injuries due to high-risk activity, he was instructing them to perform, he willfully and wantonly:

- a. Continued to instruct student-athletes to engage in such dangerous conduct;
- b. Failed to assure that the protective air bellows in the helmet of Plaintiff and other student-athletes were properly maintained;
- c. Taunted student-athletes, including Plaintiff, for not playing or for complaining of symptoms consistent with concussion, including yelling at a student with a head injury to "quit playing like a little bitch and get out there;"

- d. Ridiculed and sought to embarrass student athletes who suffered injuries thus creating an atmosphere where injuries were not reported or underreported creating a dangerous environment for the student-athletes;
- e. Would not inform the parents of student-athletes of injuries, including concussions, they suffered thereby minimizing the opportunity for parents to take appropriate steps to protect their children;
- f. Instructed athletes not to tell parents they suffered any injury;
- g. Failed to attend to injuries suffered by Plaintiff, including head, brain, shoulder, orthopedic, nerve, and vascular injuries.

12. That the Defendant, Sunkett, failed to guard against or warn against the dangerous condition of failing to properly maintain the equipment and that he had actual or constructive notice that the failure to properly maintain the equipment posed a serious and permanent brain injury from repeated blows when wearing defectively maintained equipment;

13. Plaintiff, given his age and inexperience, did not have, nor could reasonably have, understood the risks posed to him, nor was otherwise on notice that multiple, mild head trauma could lead to the serious brain injury he suffered; nor did he willfully engage in conduct he knew would cause him serious and permanent brain damage;

14. As a direct and proximate result of Defendant's willful and wanton misconduct as set out heretofore, Plaintiff incurred tremendous pain and suffering, suffered permanent and disabling shoulder, brain and neurological injuries, he was hospitalized and required extensive physical therapy and will require such in the future; he incurred medical expenses in excess of \$200,000.00 and will incur substantial medical

expenses in the future; the Plaintiff's injuries will result in future losses of income and a diminution in his future employability and caused and will cause a loss of enjoyment of life, all to his damage in an amount in excess of \$50,000.00.

WHEREFORE, Plaintiff prays for a judgment in his favor and against Defendant, Sunkett, in an amount that will fully and fairly compensate him for the damages alleged herein and for any other and such further relief as this Court deems equitable.

**COUNT III - SCHUTT HOLDINGS, INC. - Negligence**

11. Defendant, Schutt Holdings, Inc., is an Illinois Corporation that designed, manufactured, sold, reconditioned and/or maintained the football helmet issued to Plaintiff.

12. Plaintiff's injuries as a result of a defective helmet were proximately caused by the negligent act(s) or omission(s) on the part of Defendant in failing to properly design, manufacture, sell, recondition, maintain, and/or instruct school officials in the proper maintenance of the football helmet issued to Plaintiff.

WHEREFORE, Plaintiff prays for a judgment in his favor and against Defendant, Schutt Holdings, Inc., in an amount that will fully and fairly compensate him for the damages alleged herein and for any other and such further relief as this Court deems equitable.

**COUNT IV - SCHUTT HOLDINGS, INC. - Products Liability**

11. Defendant, Schutt Holdings, Inc., is an Illinois Corporation that it placed a defective helmet and instructions into the stream of commerce and/or designed, manufactured, sold, reconditioned and/or maintained the football helmet issued to Plaintiff.

12. The helmet was defective and unreasonably dangerous in terms of the design, manufacture, reconditioning, and inadequate instructions pertaining to the external shell and interior air bellows.

13. Plaintiff's injuries as a result of a defective helmet were proximately caused by the act(s) or omission(s) on the part of Defendant in failing to properly design, manufacture, sell, recondition, maintain, and/or instruct school officials in the proper maintenance of the football helmet issued to Plaintiff.

WHEREFORE, Plaintiff prays for a judgment in his favor and against Defendant, Schutt Holdings, Inc., in an amount that will fully and fairly compensate him for the damages alleged herein and for any other and such further relief as this Court deems equitable.

**COUNT V - CURT SMITH SPORTING GOODS, INC. - Negligence**

11. Curt Smith Sporting Goods, Inc. is an Illinois Corporation that designed, manufactured, sold, reconditioned and/or maintained the football helmet issued to Plaintiff.

12. Plaintiff's injuries as a result of a defective helmet were proximately caused by the negligent act(s) or omission(s) on the part of Defendant in failing to properly design, manufacture, sell, recondition, maintain, and/or instruct school officials in the proper maintenance of the football helmet issued to Plaintiff.

WHEREFORE, Plaintiff prays for a judgment in his favor and against Defendant, Curt Smith Sporting Goods, Inc., in an amount that will fully and fairly compensate him for the damages alleged herein and for any other and such further relief as this Court deems equitable.

**COUNT VI – CURT SMITH SPORTING GOODS, INC. – Products Liability**

11. Curt Smith Sporting Goods, Inc, an Illinois Corporation that placed a defective helmet and instructions into the stream of commerce and/or designed, manufactured, sold, reconditioned and/or maintained the football helmet issued to Plaintiff

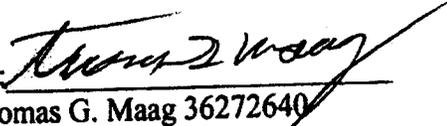
12 .The helmet was defective and unreasonably dangerous in terms of the design, manufacture, reconditioning and inadequate instructions pertaining to the external shell and interior air bladders.

13. Plaintiff's injuries as a result of a defective helmet were proximately caused by the act(s) or omission(s) on the part of Defendant in failing to properly design, manufacture, sell, recondition, maintain and/or instruct school officials in the proper maintenance of the football helmet issued to Plaintiff.

WHEREFORE, Plaintiff prays for a judgment in his favor and against Defendant Curt Smith Sporting Goods, Inc., in an amount in excess of \$50,000.00 and for any other further and different relief allowed by law, plus costs of suit.

Dated: October 10, 2017

Respectfully Submitted,  
DEMOND HUNT, JR,

By:   
Thomas G. Maag 36272640  
Maag Law Firm, LLC  
22 West Lorena Avenue  
Wood River, IL 62095

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**AFFIDAVIT OF CASE VALUE**

The undersigned hereby certifies that the foregoing case has a value reasonably in excess of \$50,000.00.

Dated: 10-10-2017

By *Tom J. Wood*

Subscribed and Sworn

Dated: 10-10-2017

*Laverne C Rippey*  
Notary

