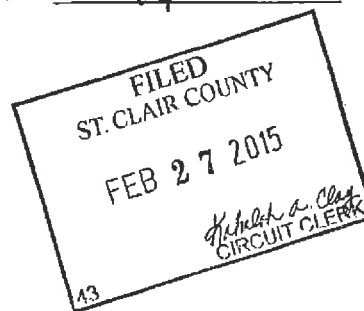


IN THE CIRCUIT COURT
TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS



DORAIN VANCE,)
)
 Plaintiff,)
)
 vs.)
)
 ACE AMERICAN INSURANCE COMPANY,)
)
 Defendant.)

15 - L - 116



COMPLAINT

COUNT I

NOW COMES the Plaintiff, DORAIN VANCE, by his attorney, Thomas G. Kemper, and for his cause of action against Defendant, ACE AMERICAN INSURANCE COMPANY, states as follows:

1. That at all times set forth herein, Defendant, ACE AMERICAN INSURANCE COMPANY, was organized and existing as an insurance company doing business in the state of Illinois.
2. That on March 1, 2013, Plaintiff was operating a 2011 Ford Econoline vehicle that was owned by Renzenberger, Inc.
3. That at said time said 2011 Ford Econoline was insured under a motor vehicle insurance policy issued by Defendant, ACE AMERICAN INSURANCE COMPANY.
4. That among the coverages provided under said insurance policy was underinsured motorist coverage.
5. That on March 1, 2013, while Plaintiff was operating said vehicle, said vehicle was

involved in a collision with a vehicle operated by Robin Scott on Illinois Highway 15 in St. Clair County, Illinois.

6. That before and at the time of the occurrence set forth herein, it was the duty of Robin Scott to exercise ordinary care for the safety of Plaintiff.

7. That in violation of the aforestated duty, Robin Scott was then and there guilty of one or more of the following negligent acts or omissions:

- a) operating her vehicle at a speed greater than reasonable under the conditions present;
- b) failing to keep her vehicle in a single lane of traffic;
- c) improper lane usage;
- d) failing to keep her vehicle under control;
- e) crossing the centerline dividing said highway into the oncoming lanes of traffic;
- f) failing to use ordinary care to avoid a collision;
- g) failing to use ordinary care for the safety of Plaintiff.

8. That as a direct and proximate result of one or more of the aforestated negligent acts or omissions, Robin Scott lost control of her vehicle which traveled into the oncoming lanes of traffic colliding with the vehicle in which Plaintiff was operating, causing Plaintiff, DORAINE VANCE, bodily injuries and the following damages:

- a) disability and disfigurement;
- b) pain and suffering, past and future;
- c) medical bills, past and future;
- d) loss of income, past and future;
- e) emotional distress, past and future;

f) loss of a normal life.

9. That at the time of said collision Robin Scott was insured under a policy of automobile liability insurance issued by Acceptance Insurance Company, Inc., that provided for bodily injury limits of \$20,000.00 per person/\$40,000 per accident.

10. That as a direct and proximate result of said motor vehicle injury, Plaintiff suffered severe and permanent bodily injuries causing him substantial damages far in excess of the policy limits contained in Robin Scott's automobile liability insurance policy.

11. That under the terms of said insurance policy issued by Defendant, Robin Scott is an underinsured motorist.

12. That Plaintiff is entitled to judgment against Defendant by the amount that his damages exceed the policy limits available to him under Robin Scott's Acceptance Insurance Company policy up to the amount of the underinsured motorist limits under Defendant's policy insuring said 2011 Ford Econoline vehicle.

WHEREFORE, Plaintiff prays that judgment be entered in his favor against Defendant, ACE AMERICAN INSURANCE COMPANY, in the amount his actual damages exceed the limits available to him under the Acceptance Insurance Company policy up to the applicable underinsured motorist limits of the ACE AMERICAN INSURANCE COMPANY policy, which damages exceed \$50,000.00 together with all costs incurred herein.

COUNT II

NOW COMES the Plaintiff, DORAINE VANCE, by his attorney, Thomas G. Kemper, and for his cause of action against Defendant, ACE AMERICAN INSURANCE COMPANY, states as follows:

1. That at all times set forth herein, Defendant, ACE AMERICAN INSURANCE COMPANY, was organized and existing as an insurance company doing business in the state of Illinois.

2. That on March 1, 2013, Plaintiff was operating a 2011 Ford Econoline vehicle that was owned by Renzenberger, Inc.

3. That at said time said 2011 Ford Econoline was insured under a motor vehicle insurance policy issued by Defendant, ACE AMERICAN INSURANCE COMPANY.

4. That among the coverages provided under said insurance policy was underinsured motorist coverage.

5. That on March 1, 2013, while Plaintiff was operating said vehicle, said vehicle was involved in a collision with a vehicle operated by Robin Scott on Illinois Highway 15 in St. Clair County, Illinois.

6. That before and at the time of the occurrence set forth herein, it was the duty of Robin Scott to exercise ordinary care for the safety of Plaintiff.

7. That in violation of the aforestated duty, Robin Scott was then and there guilty of one or more of the following negligent acts or omissions:

- a) operating her vehicle at a speed greater than reasonable under the conditions present;
- b) failing to keep her vehicle in a single lane of traffic;
- c) improper lane usage;
- d) failing to keep her vehicle under control;
- e) crossing the centerline dividing said highway into the oncoming lanes of traffic;
- f) failing to use ordinary care to avoid a collision;

g) failing to use ordinary care for the safety of Plaintiff.

8. That as a direct and proximate result of one or more of the aforestated negligent acts or omissions, Robin Scott lost control of her vehicle which traveled into the oncoming lanes of traffic colliding with the vehicle in which Plaintiff was operating, causing Plaintiff, DORAINE VANCE, bodily injuries and the following damages:

- a) disability and disfigurement;
- b) pain and suffering, past and future;
- c) medical bills, past and future;
- d) loss of income, past and future;
- e) emotional distress, past and future;
- f) loss of a normal life.

9. That at the time of said collision Robin Scott was insured under a policy of automobile liability insurance issued by Acceptance Insurance Company, Inc., that provided for bodily injury limits of \$20,000.00 per person/\$40,000 per accident.

10. That as a direct and proximate result of said motor vehicle injury, Plaintiff suffered severe and permanent bodily injuries causing him substantial damages far in excess of the policy limits contained in Robin Scott's automobile liability insurance policy.

11. That under the terms of said insurance policy issued by Defendant, Robin Scott is an underinsured motorist.

12. That under the terms of said policy, Plaintiff is entitled to make a claim against Defendant in the amount his damages exceed the policy limits available to him under Robin Scott's Acceptance Insurance Company policy up to the amount of the underinsured motorist limits under Defendant's policy insuring said 2011 Ford Econoline vehicle.

13. That Plaintiff believes that said policy of insurance may contain an arbitration provision requiring arbitration of Plaintiff's underinsured motorist claim described herein.

14. That Plaintiff demanded arbitration pursuant to the terms of all applicable policies insuring said 2011 Ford Econoline vehicle.

15. That Plaintiff is filing this suit to enforce his rights under the underinsured motorist provisions of all policies issued by Defendant insuring said 2011 Ford Econoline vehicle at the time of the accident.

WHEREFORE, Plaintiff prays as follows:

A. That Defendant be ordered to produce certified copies of all policies insuring the 2011 Ford Econoline vehicle in which Plaintiff was a passenger at the time of the accident on March 1, 2013;

B. That Defendant be ordered to proceed to arbitration of said underinsured motorist claim pursuant to the terms of said policies;

C. That any award entered in any arbitration proceeding required under said policies be entered into a judgment in favor of Plaintiff and against Defendant;

D. That Plaintiff be awarded his costs incurred herein;

E. For such other, further, or different relief as the Court deems equitable.

BUTLER & KEMPER



Thomas G. Kemper, #06228155
Attorney for Plaintiff
2421 Corporate Centre Dr., Ste. 101
Granite City, IL 62040
Phone: (618) 931-1681
Fax: (618) 931-5845
tom.kemper@butlerkemperlaw.com