DEFENSE VERDICT -- NOT GUILTY -- HEEL BROKEN DURING DAN RYAN OVERPASS CONSTRUCTION

TRIAL ATTORNEYS: ***MICHAEL E. KUJAWA & THOMAS N. OSRAN***
JUDGE, JAMES & KUJAWA, LLC

INSURANCE COMPANY: ***INDIANA INSURANCE CO.***
SANDY BENNETT

(VV 7/8) <u>WORK INJURY--HEEL BROKEN DURING DAN RYAN OVERPASS CONSTRUCTION (6)</u>
Sylvester Bacon v Van's Industrial Services Inc. 99L-10467 Tried Oct. 14-17, 2003

VERDICT: Not Guilty
JUDGE: Robert E. Gordon (Law Division)
PLTF ATTYS: Mark R. McKenna of Christopher T. Hurley & Associates DEMAND: $500,000 ASKED: $2,284,191
DEFT ATTYS: Michael E. Kujawa and Thomas N. Osran of Judge, James & Kujawa (Park Ridge) INDIANA INSURANCE) OFFER: $50,000
PLTF MEDL: Daniel Luetkehans, D.P.M. (Podiatrist)
DEFT MEDL: Dr. David Kornreich, D.O.; Dr. Basel I. Al-Aswad (Orthopedist); Dr. Kathleen Hallerman (Emergency Medicine); Dr. Brian Toolan (Orthopedist)
PLTF EXPERT: Bonna Hastings, American Crane Training Co., 1430 McGregor Rd., Deland, FL (386-943-9726) (Cranes)

FACTS: Sept. 22, 1997, pltf M-53 was employed as a laborer for E.A. Cox Construction, which was the general contractor for constructing the 87th and 88th St. bridges over the Dan Ryan Expressway. Pltf was standing on top of a trailer, helping to secure concrete forms, when one of the forms allegedly started to move, forcing him to jump off the trailer. Pltf claimed that deft subcontractor had improperly loaded the trailer with a crane and placed smaller concrete forms below larger forms, causing the movement that caused pltf to jump. Pltf sustained a fractured right calcaneus with malunion, requiring three surgeries; he is currently unemployed ($88,191 medl., $396,000 past and future LT). Defense denied forms were stacked improperly and contended that pltf should not have been on top of forms, pltf was contributorily negligent, and pltf never indicated to any of his treating physicians in his medical history that the forms had shifted.