

THE NATIONAL
LAW JOURNAL

THE TOP 100 VERDICTS OF 2020

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THE TOP 100 VERDICTS

OF 2020

The National Law Journal's VerdictSearch affiliate scoured the nation's court records in search of 2020's biggest verdicts, also consulting with practitioners and reviewing reports by other ALM Media publications. The amounts listed here represent jury awards—they do not account for judicial reductions, offsets or appeals.

TOP 100 VERDICTS OF 2020

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Top Verdict Categories

Dollar value of Top 100 verdicts by cause of action, in millions.

2019		2020			
1	Products Liability	\$11,633	1	Intellectual Property	\$14,858
2	Intellectual Property	\$2,417	2	Products Liability	\$3,117
3	Motor Vehicle	\$2,176	3	Worker/Workplace Negligence	\$706
4	Intentional Torts	\$1,567	4	Construction	\$285
5	Contracts	\$1,253	5	Motor Vehicle	\$261
6	Medical Malpractice	\$719	6	Medical Malpractice	\$199
7	Worker/Workplace Negligence	\$520	7	Intentional Torts	\$138
8	Premises Liability	\$317	8	Legal Profession	\$108
9	Professional Negligence	\$171	9	Fraud	\$94
10	Business Law	\$169	10	Dangerous Condition of Public Property	\$76

Source: VerdictSearch. Figures are rounded to the nearest \$1 million.

METHODOLOGY

VerdictSearch strives to report as many jury verdicts, decisions and settlements as possible. Although a great many cases are submitted by attorneys, we also rely on a diligent team of assignment editors who scour docket lists, cultivate relationships with law firms, and search the Internet and news sources, including ALM Media's large family of legal publications. Although our rankings have traditionally been 99 to 100 percent accurate, last year's unique circumstances opened the Top 100 to verdicts of barely more than \$3 million and thus greatly increased the challenge of locating every last qualifying case. We present the 2020 rankings based on our best efforts and sincerely apologize to anyone whose case may have been inadvertently omitted.

The Top 100 verdicts are ranked by gross award calculated by the jury. They do not reflect reductions for comparative negligence or assignment of fault to settling defendants or nonparties; additurs, remittiturs or reversals; or attorney fees and costs, unless awarded by the jury. In situations in which awards are automatically trebled or doubled by statute, the trebled amount determines rank. We do not consider cases in which the jury only determined per-plaintiff or per-year damages that a judge later used to calculate the gross award, cases in which the jury's instructions permitted it to determine damages against a party that it had already deemed not liable, or cases in which a jury awarded damages against one or more parties while one or more other parties awaited trial in the same matter. (The latter example applied to *Washington v. Top Auto Express Inc.*, a 2020 case in which a Gadsden County, Fla. jury awarded \$411,726,608 against one defendant while the case remains open against other defendants.) The editors retain sole discretion to make adjustments in rank when necessary to reflect statutes that provide for election of remedies or other types of overlapping awards.

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INTENTIONAL TORTS

MOTOR VEHICLE

leg-knee-ankle-chest - fracture, rib
other - abrasions; infection; neuropathy;
contracture; osteoarthritis; epidural injections
epidermis - degloving; cellulitis
neurological - radiculopathy; nerve damage/
neuropathy; nerve damage, peroneal nerve;
reflex sympathetic dystrophy; complex regional
pain syndrome
surgeries/treatment - debridement
mental/psychological - depression
gastrointestinal/digestive - liver; liver, laceration

Woman claimed she was run over by husband after argument

AMOUNT \$18,273,040

CASE Susan Lynn Cox v.
Jason's Grading, Inc. and
Jason Steven Cox, No.
62016CA000740CAAXMX
COURT Hendry County Circuit
Court, 20th, FL
JUDGE James D. Sloan
DATE 2/11/2020

PLAINTIFF
ATTORNEY(S) Benjamin A.A. Russell;
Associates and Bruce L.
Scheiner, Attorneys for the
Injured; Fort Myers FL for
Susan Lynn Cox
Dan R. Stengle; Associates
and Bruce L. Scheiner,
Attorneys for the Injured;
Fort Myers FL for Susan
Lynn Cox

DEFENSE
ATTORNEY(S) None reported for Jason's
Grading Inc., Jason
Steven Cox

FACTS & ALLEGATIONS On June 27, 2015, plaintiff Susan Cox, 39, a boutique owner, was run over by a pickup truck being driven by her husband, Jason Cox. The truck was owned by Jason Cox's company, Jason's Grading Inc. The incident took place outside a bar on

South Bridge Street in Labelle. Susan Cox claimed she suffered injuries to a leg and ankle plus injuries to her lower back, liver and ribs.

Susan Cox sued Jason Cox and Jason's Grading Inc. Susan Cox claimed that Jason Cox was negligent in the operation of his truck, and that Jason's Grading Inc. was vicariously liable for Jason Cox's actions.

The lawsuit was originally filed as a motor vehicle negligence case. Jason Cox's insurer subsequently argued that the defendant was excluded from coverage because he intentionally ran over his wife. The court agreed with this conclusion. At trial, Susan Cox's counsel thus made claims for assault and battery.

Based on testimony from Susan Cox and eyewitnesses, plaintiff's counsel claimed that Susan and Jason Cox got into an argument at the bar. Per plaintiff's counsel, Jason Cox then grabbed his wife's purse and brought it onto the truck. Susan Cox said that she then jumped onto the truck to retrieve her purse.

According to Susan Cox's counsel, Jason Cox accelerated his truck, causing his wife to fall off and get run over by the vehicle. Plaintiff's counsel said that Jason Cox then got out of the truck and dragged and punched his wife in the face.

The lawsuit claimed that Jason's Grading was vicariously liable solely for Jason Cox running over his wife. The claims involving the subsequent dragging and punching of Susan Cox were made against Jason Cox only.

The pro se defendants did not appear at trial.

INJURIES/DAMAGES Susan Cox was placed in an ambulance and transported to Lee Memorial Hospital. She was admitted for five days.

Cox was diagnosed with abrasions, a Grade-III liver laceration and four fractured ribs. She also suffered degloving of her right leg. The injury, a Morel-Lavallée lesion, involved separation of the skin and its underlying connective tissue. She further sustained soft tissue damage to that leg that caused contracture of the leg's ankle and entrapment of the right peroneal nerve. She additionally claimed lumbar radiculopathy and complex regional pain syndrome in her leg.

Cox was observed during her time in the hospital. After she was sent home, she developed a cellulitis infection in her right leg and had to be re-admitted to the hospital for five days in July 2015. During that time, she received intravenous antibiotics. She later followed up with an infectious disease specialist and underwent debridements of damaged tissue.

Cox had surgery in March 2016 to release her entrapped peroneal nerve. She also developed knee tightness and pain due to the soft tissue damage and osteoarthritis, and had multiple sodium hyaluronate injections to the right knee over the next few years.

To treat her back pain, Cox was administered multiple epidural injections of a steroid-based painkiller. She then had surgery in July 2018 to implant a spinal cord stimulator. She required a subsequent procedure later the same month to re-position the stimulator.

Cox additionally claimed that she developed depression following the incident. She treated the depression with medication prescribed by her primary care doctor.

Cox claimed she will need knee injections, pain medications and follow-up appointments in the future. She also said she will eventually require surgery to replace the battery in the spinal cord stimulator.

Cox said she had to close down her boutique as a result of the incident. She also claimed chronic pain that hinders her ability to walk, ride her bicycle and do activities with her children.

Cox sought recovery of past and future medical expenses, past and future lost earnings, and damages for past and future pain and suffering. She also sought punitive damages against Jason Cox.

RESULT The jury awarded Susan Cox \$18,273,040. After the application of \$171,224.20 in setoffs and the addition of \$27,277.61 in taxable costs, a final judgment was entered for \$18,129,093.40.

EDITOR'S NOTE This report is based on information that was provided by plaintiff's counsel. The pro se defendants were not asked to contribute.

MOTOR VEHICLE

mental/psychological - emotional distress

Plaintiffs: Driver at fault in fatal single-vehicle crash

AMOUNT \$6,800,000**ACTUAL AWARD** \$4,620,000

CASE Stephanie Leslie, as administrator of the Estate of Reginald Edward Albert Leslie, deceased v. Hawk Ford of Oak Lawn, Incipe LLC, Edwin Rodriguez and Stephen Rodriguez / Andrzej Przeslica, as administrator for the Estate of Piotr Przeslica, deceased v. Hawk Ford of Oak Lawn, Incipe LLC, Edwin Rodriguez and Stephen Rodriguez, No. 2017-L-005744; 2017-L-008646

COURT Cook County Circuit Court, IL**JUDGE** Israel Abaya Desierto
DATE 3/6/2020

PLAINTIFF ATTORNEY(S) Mathew T. Siporin; Pullano Law Offices; Chicago IL for Estate of Reginald Edward Albert Leslie, Conrad Szewczyk; Conrad Szewczyk & Associates; Chicago Il for , Estate of Piotr Przeslica Richard L. Pullano; Pullano Law Offices; Chicago IL for Estate of Reginald Edward Albert Leslie,

DEFENSE ATTORNEY(S) Jamie S. Lane; SmithAmundsen LLC; Chicago, IL for Edwin Rodriguez, Stephen Rodriguez Mathew K. Hargrave; Best, Vanderlaan & Harrington; Chicago, IL for Incipe LLC, Hawk Ford of Oak Lawn

Lori A. Vanderlaan; Best, Vanderlaan & Harrington; Chicago, IL for Incipe LLC, Hawk Ford of Oak Lawn
Stephen A. Berrios; SmithAmundsen LLC; Chicago, IL for Edwin Rodriguez, Stephen Rodriguez

FACTS & ALLEGATIONS On May 1, 2017, plaintiffs' decedents Reginald Edward Albert Leslie, 28, and Piotr Przeslica, 22, were passengers in a vehicle that was traveling on 107th Street, outside of Chicago when it left the road, struck a tree stump and rolled over multiple times. Leslie was pronounced dead at the scene, and Przeslica was pronounced dead at the hospital.

Their estates sued the driver, Stephen Rodriguez. The estates alleged that Rodriguez was negligent in the operation of a vehicle. Leslie and Przeslica's estates also sued Rodriguez's father, Edwin Rodriguez, alleging negligent entrustment. The estates also sued Edwin Rodriguez's employer, Hawk Ford Oak Lawn, and its owner, Incipe LLC, alleging negligent entrustment.

At the time of the accident, it was dark with rainy conditions. Stephen Rodriguez, whose blood-alcohol content exceeded the legal limit, was driving 95 miles per hour when he lost control of the vehicle, left the road and crashed into a tree stump.

The vehicle that Stephen Rodriguez had been driving was owned by Hawk Ford of Oak Lawn, where Edwin Rodriguez worked as a manager, and Edwin Rodriguez lent the vehicle to his son. Stephen Rodriguez had put in an application to buy the vehicle, and at the time of the accident he had been driving it for five hours. The court had found that Edwin Rodriguez was acting in the scope of his employment with the dealership in allowing his son to take the vehicle for a test drive and further found that the vehicle was on a test drive, prior to the accident.

The estates' counsel argued that Stephen Rodriguez had a substandard driving record that consisted of a prior DUI and speeding violations. Despite knowing his son's driving record, Edwin Rodriguez negligently entrusted Stephen Rodriguez with the vehicle. Since Edwin Rodriguez was an employee of Hawk Ford of Oak Lawn and was acting in the scope of

his employment in entrusting the vehicle to his son, the dealership should be vicariously liable, the estates' counsel asserted.

The estates' expert in human factors/psychology testified that Stephen Rodriguez had a risk-taking, narcissistic personality that jeopardized the lives of others. The expert based the opinion on his driving record, his failure to learn from his past traffic violations and his inability to hold down a job.

The estates' expert in accident reconstruction testified that Stephen Rodriguez was driving 95 miles per hour, well in excess of the posted speed limit, when he lost control of his vehicle, left the road and struck a tree stump, resulting in the vehicle to rollover.

While Stephen Rodriguez admitted negligence and causation, the defense maintained that Leslie and Przeslica were contributorily negligent. The defense's expert in human factors/psychology testified that Stephen Rodriguez did not exhibit any abnormal signs of risk-taking or narcissism and that his actions were not foreseeable. Since Leslie and Przeslica had been drinking with Stephen Rodriguez prior to the accident, they knew or should have known that he was impaired and therefore should not have gotten in the car with him.

The defense's expert in toxicology also faulted Reginald Leslie and Przeslica for getting into the vehicle with Stephen Rodriguez knowing that he had been drinking. The defense argued that a reasonable person would not have gotten into a vehicle with a driver who was inebriated, and Leslie and Przeslica were comparatively negligent for doing so.

Counsel for Hawk Ford of Oak Lawn and Incipe maintained that Edwin Rodriguez, and therefore the dealership, was not liable for negligently entrusting the vehicle to Stephen Rodriguez. Even though Edwin Rodriguez knew about his son's driving history, he did not have reason to believe that his son would take the vehicle to a bar to drink with his friends that evening.

INJURIES/DAMAGES Przeslica was survived by two parents and a sibling; Leslie was survived by parents and five siblings.

Family members of Przeslica testified about how he was a good person who was hardworking. He enjoyed going on European trips with his family and playing soccer. His estate sought damages under the Wrongful

Death Act. Counsel for Przeslica's estate asked the jury to determine \$17 million in damages.

Family members of Leslie discussed how he had served in the Navy, had an infectious laugh, was good with children and would always help his family. He was in the process of returning to his family's home country of Belize to open a Chicago-style hot dog stand. His estate sought damages under the Wrongful Death Act. Counsel for Leslie's estate asked the jury to determine \$26 million in damages.

RESULT In both cases, the jury found Stephen Rodriguez 65 percent liable and Przeslica and Leslie each found 35 percent liable. No liability was found against Edwin Rodriguez and Hawk Ford/Incipe LLC. Przeslica's estate was determined to receive \$2.8 million, which was accordingly reduced to \$1.82 million. Leslie's estate was determined to receive \$4 million, which was accordingly reduced to \$2.8 million.

EDITOR'S NOTE This report is based on information that was provided by plaintiffs' counsel and counsel of Hawk Ford of Oak Lawn and Incipe. The remaining defendants' counsel did not respond to the reporter's phone calls.

BICYCLE; INTERSECTION

MOTOR VEHICLE

hip - fracture, hip; leg - fracture, leg; fracture, fibula; back - fracture, back; fracture, vertebra; fracture, transverse process; head - headaches; concussion; neck - fracture, vertebra; fracture, transverse process; brain - brain damage; traumatic brain injury; chest - fracture, rib; other - laceration; ligament, tear; physical therapy; reconstructive surgery; shoulder - dislocation; rotator cuff, injury (tear); sensory/speech - speech/language, impairment of; mental/psychological - depression; cognition, impairment; memory, impairment; post-concussion syndrome; pulmonary/respiratory - pneumothorax; collapsed lung

Bicyclist suffered fractures, brain injury in collision with car

AMOUNT \$11,929,722

CASE Frederick Brown v. United Specialty Insurance Company, Pathology Group of Louisiana, APMC and Tiana Ell, No. 657,073 Section "24"
COURT 19th Judicial District Court, Louisiana, East Baton Rouge Parish, LA
JUDGE Donald R. Johnson
DATE 9/10/2020

PLAINTIFF ATTORNEY(S) Tony Clayton; Clayton | Frugè | Ward; Port Allen LA for Frederick Brown
Michael Frugè; Clayton | Frugè | Ward; Port Allen LA for Frederick Brown
Brent P. Frederick; Frederick & Beckers Attorneys at Law; Baton Rouge LA for Frederick Brown
Michael T. Beckers; Frederick & Beckers Attorneys at Law; Baton Rouge LA for Frederick Brown

DEFENSE ATTORNEY(S) Doris A. Royce; Thompson Coe, Cousins & Irons, LLP; New Orleans, LA for United Specialty Insurance Co., Pathology Group of Louisiana, APMC, Tiana Ell

FACTS & ALLEGATIONS On March 16, 2017, plaintiff Frederick Brown, 58, a laborer, was bicycling on Perkins Road, near its intersection at Delving Road, in Baton Rouge. When Brown reached the intersection, he began to execute a left turn onto Delving Road. His bicycle was struck, from behind, by a car that was being driven by Tiana Ell, who was traveling on the same side of Perkins Road. Brown was propelled onto the hood of the car before falling onto the roadway. He suffered injuries of his back, his head, a hip, a leg, a lung, four ribs and his shoulders.

Brown sued Ell; her employer, Pathology Group of Louisiana; and Pathology Group of Louisiana's primary insurer, United Specialty Insurance Co. The lawsuit alleged that Ell was negligent in the operation of her vehicle. The lawsuit further alleged that Pathology Group of Louisiana and United Specialty Insurance were liable because the accident occurred during Ell's performance of her job's duties.

United Specialty Insurance tendered its policy, which provided \$1 million of coverage. The matter proceeded to a trial against the remaining defendants.

Brown's accident-reconstruction expert opined that Ell caused the accident while trying to overtake Brown in the intersection.

The defense's accident-reconstruction expert opined that Ell had safely overtaken Brown, but that Brown turned left and initiated the collision.

INJURIES/DAMAGES Brown suffered a concussion, resultant damage of his brain, a deep laceration of his head, a fracture of his left hip, a fracture of his left leg's fibula, a fracture of a transverse process of a vertebra of his spine's thoracic region, a tear of his left shoulder's rotator cuff, a dislocation of the same shoulder, tears of ligaments of his right shoulder and fractures of four ribs. One fracture rib caused a pneumothorax, which involved a collapse of a lung.

Brown was retrieved by an ambulance, and he was transported to a hospital. He underwent about a week of treatment. His hospitalization was immediately followed by about four weeks of inpatient rehabilitative therapy. He later underwent about eight months of outpatient physical therapy. He also underwent surgical reconstruction of his left shoulder.

Brown developed post-concussion syndrome, with manifestations that included headaches. He also suffers residual depression. He undergoes cognitive therapy and psychological counseling.

At the time of the accident, Brown, who was mentally challenged, resided with his mother, who managed his affairs. Brown was able to maintain an active lifestyle that included bicycling about Baton Rouge, working as a full-time job laborer and mowing lawns. Plaintiff's counsel claimed that the accident caused permanent brain damage and that Brown is resultantly nonverbal and physically and emotionally dependent. Plaintiff's counsel claimed that Brown can no longer bicycle or work because Brown does not possess the cognitive ability to find his way home. Plaintiff's counsel also claimed that Brown's shoulders require surgery and that Brown requires further physical therapy.

Plaintiff's counsel sought recovery of \$247,671.11 for past medical expenses, about \$8.9 million for future medical expenses, damages for Brown's past and future loss of earnings, and damages for Brown's past and future pain, suffering,

disability, mental anguish and loss of enjoyment of life.

The defense's expert neuropsychologist opined that Brown achieved a good recovery from the injury of his brain. The expert contended that Brown's emotional and social issues predate the accident.

The defense's life-care-planning expert opined that Brown does not require further treatment, and the defense's vocational-rehabilitation expert opined that Brown can procure work.

RESULT The jury found that Ell was liable for the accident. It determined that Brown's damages totaled \$11,929,722.11.

EDITOR'S NOTE This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

REVERSING VEHICLE

MOTOR VEHICLE

arm - fracture, humerus; back - lower back; fracture, back; fracture, L1; fracture, back; fracture, T12; fusion, lumbar; fracture, vertebra; fracture, L1; fracture, vertebra; fracture, T12; knee - patella; fracture, knee; fracture, patella; neck; chest - fracture, rib; diaphragm, tear; other - plate; necrosis; bone graft; laceration; laparotomy; soft tissue; thoracotomy; chondroplasty; physical therapy; pins/rods/screws; spleen, laceration; fasciotomy/fasciotomy; reconstructive surgery; heterotropic ossification; wrist - fusion, wrist; abdomen; urological - kidney; neurological - brachial plexus; surgeries/treatment - skin graft; arthroscopy; debridement; internal fixation; decompression surgery; pulmonary/respiratory - contusion, pulmonary; gastrointestinal/digestive - liver; liver, laceration

Tow truck negligently backed up in front of motorcycle: lawsuit

AMOUNT \$4,677,880

ACTUAL AWARD \$2,000,000

CASE Jackson Hanlon v. Ronald Henderson, Jr. and AAA Allied Group, No. A1800487

COURT Hamilton County, Court of Common Pleas, OH

JUDGE Megan E. Shanahan

DATE 10/8/2020

PLAINTIFF

ATTORNEY(S) Daniel J. Temming; Robbins, Kelly, Patterson & Tucker; Cincinnati OH for Jackson Hanlon, Melissa Hanlon

DEFENSE

ATTORNEY(S) Timothy E. McKay; Travelers Staff Counsel; Cincinnati, OH for Ronald Henderson Jr., AAA Allied Group

FACTS & ALLEGATIONS On Sept 13, 2017, plaintiff Jackson Hanlon, 19, a college student and part-time furniture mover, was driving his motorcycle southbound on Plainfield Road in Sycamore Township. Ronald Henderson Jr. was operating a tow truck for AAA Allied Group. The truck was perpendicular in the roadway and taking up both northbound lanes and the outside southbound lane. Hanlon drove into the inner southbound lane in an attempt to go around the truck. Henderson then began to back the truck into a nearby driveway in order to pick up a disabled vehicle, and Hanlon drove into the back of the tow truck. Hanlon claimed injuries to his abdomen, chest, ribs, lungs, diaphragm, spleen, liver, kidney, arm, neck, knee and back.

Hanlon sued Henderson. Hanlon alleged that Henderson was negligent in the operation of his vehicle. Hanlon also sued AAA for vicarious liability.

Hanlon alleged that Henderson cut off his lane of travel and failed to check for traffic on the roadway before backing into the driveway.

The defense retained an accident reconstruction expert who opined that Hanlon should have seen the tow truck and stopped to let it enter the driveway. While Hanlon admitted he had enough time to stop prior to the collision, Hanlon's counsel contended that Hanlon was not obligated to do so since Henderson gave no warning that he was backing into the driveway.

The defense retained a toxicology expert who noted that Hanlon had an antidepressant in his system at the time of the crash. The expert claimed that Hanlon was thus driving his motorcycle while impaired. Hanlon's counsel offered a rebuttal expert who maintained that the amount of antidepressant in Hanlon's body was not enough to impair him.

INJURIES/DAMAGES Hanlon suffered a complex left chest injury that included a left

thoracoabdominal wound with evisceration. He additionally had a pulmonary contusion and laceration, a left diaphragm rupture and multiple left rib fractures with flail. Hanlon was also diagnosed with a grade V splenic laceration, a grade V left renal laceration, a grade II liver laceration and a gastric laceration along the entire greater curvature. He additionally suffered fractures of the humerus of his left, non-dominant arm, his right patella and the T12 and L1 vertebrae, plus a ligament injury at C6-7 and an injury to the left brachial plexus, which is a network of nerves emanating from the spine to the shoulder, arm, hand and fingers.

Hanlon was placed in an ambulance and transported to University Hospital Medical Center following the crash. He remained there until Oct. 6, 2017, at which time he was transferred to an inpatient rehabilitation facility. He stayed at the facility until Oct. 14.

Hanlon had a total of 14 surgeries, the last of which occurred in August 2020. Hanlon initially had an exploratory laparotomy/thoracotomy the day of the accident. Two days later, he underwent an irrigation washout of his chest, a reopening of the thoracotomy and a fasciotomy, which involved surgical division of connective tissue of his left arm. The following day, Hanlon underwent an open treatment of his humeral shaft fracture that included a plate and screws. He also had a decompression fasciotomy of the forearm and/or an excisional debridement of damaged tissue. That same day, Hanlon underwent fusion at T11-12, T12-L1 and L1-2, and additionally underwent a debridement of necrotic muscle in his left arm and irrigation of the fasciotomy wounds.

On Sept. 19, 2017, Hanlon had an open treatment of his patellar fracture along with internal fixation and/or a patellectomy and soft tissue repair. The procedure included additional irrigation and debridement of the left arm. The following day, Hanlon had surgery to reconstruct his chest wall and another procedure to close the deformity of that area. The latter procedure included a split-thickness skin graft and a repair of the pectoralis major. Eight days later, he underwent an esophagogastroduodenoscopy, which is an endoscopic exploration of the upper portion of a patient's gastrointestinal tract. The following week, he underwent another skin grafting and debridement procedure.

In January 2018, Hanlon underwent a nerve transfer surgery to repair his brachial

WRONGFUL DEATH

MOTOR VEHICLE

other - death

Father and son killed in rollover crash

AMOUNT \$9,000,000

CASE Estate of Pedro Pasillas-Sanchez, deceased, by Ma. Enriqueta Pasillas-Delgado, independent administrator; and Estate of Pedro Pasillas-Delgado, deceased, by Ma. Enriqueta Pasillas-Delgado, independent administrator v. Consolidated Materials, Inc. and Corey Lee, No. 2018 L 15

COURT Circuit Court of Boone County, IL

JUDGE Ronald A. Barch

DATE 11/13/2020

PLAINTIFF

ATTORNEY(S) Brian L. Salvi; Salvi, Schostok & Pritchard P.C.; Chicago IL for Estate of Pedro Pasillas-Delgado, Estate of Pedro Pasillas-Sanchez
Eirene N. Salvi; Salvi, Schostok & Pritchard P.C.; Chicago IL for Estate of Pedro Pasillas-Delgado, Estate of Pedro Pasillas-Sanchez
Patrick A. Salvi Sr.; Salvi, Schostok & Pritchard P.C.; Chicago IL for Estate of Pedro Pasillas-Delgado, Estate of Pedro Pasillas-Sanchez

DEFENSE

ATTORNEY(S) None reported for Corey Lee
Jonathan W. Goken; Lewis Brisbois Bisgaard & Smith LLP; Chicago, IL for Consolidated Materials Inc.
F. Michael Pasqualino; Lewis Brisbois Bisgaard & Smith LLP; Chicago, IL for Consolidated Materials Inc.

FACTS & ALLEGATIONS On March 26, 2018, plaintiffs' decedent Pedro Pasillas-Delgado,

22, was driving a pickup truck south on Stone Quarry Road, in Flora Township. His father, plaintiff Pedro Pasillas-Sanchez, 52, an owner of a trucking company, was a passenger in the truck. Upon entering the intersection with Bloods Point Road, the driver's side of their truck was struck by another pickup truck driven by Corey Lee. Lee, who had been driving west on Bloods Point Road, failed to stop for a stop sign before entering the intersection and struck Pasillas-Delgado's vehicle at a speed of 50 mph, which was the posted speed limit. Both trucks overturned as a result of the impact. Pasillas-Delgado and Pasillas-Sanchez were both pronounced dead at the scene. Lee was arrested and charged with reckless homicide and driving under the influence of marijuana.

Maria Enriqueta Pasillas, Pasillas-Sanchez's wife and Pasillas-Delgado's mother, and the administrator of their estates, sued Lee and his employer, Consolidated Materials, Inc. Pasillas alleged that Lee was negligent in the operation of a vehicle, and that Consolidated Materials was vicariously liable.

Lee was dismissed from the case prior to trial.

The defense stipulated to liability. The case proceeded to trial on damages.

INJURIES/DAMAGES Pasillas-Sanchez and Pasillas-Delgado were both pronounced dead at the scene of the accident. Pasillas-Sanchez is survived by a wife and four children, ages 11, 15, 18 and 26. Pasillas-Delgado was single and not married. He is survived by his mother and four siblings.

Pasillas' expert in psychiatry testified that the deaths of Pasillas-Sanchez and Pasillas-Delgado caused Pasillas to suffer from major depressive disorder, and that she requires future psychiatric treatment. Also, a psychology expert testified that Pasillas-Sanchez's four children suffer from anxiety disorders and complicated grief, and require future psychological care.

Pasillas sought to recover \$50 million, which included past and future loss of society and past and future grief, sorrow and mental suffering. Pasillas also sought to recover \$500,000 for future medical costs.

The defense suggested that any damages decided by the jury should be \$3.8 million.

RESULT The jury determined that damages totaled \$9 million.

EDITOR'S NOTE This report is based on information that was provided by plaintiffs' counsel and Consolidated Materials' counsel. Lee was not asked to contribute.

plexus. He required another brachial plexus procedure in August 2018. This surgery involved a left wrist fusion with a dorsal plate and bone draft. It also included a tendon transfer and the pinning of joints.

Hanlon then had a knee arthroscopy in January 2019. The procedure included an excision of heterotopic ossification (bony matter that forms in soft tissue). It also included a chondroplasty, which involved a repair of cartilage. His final surgery was the removal of a foreign body in his pectoralis major muscle in August 2020.

Hanlon underwent post-surgical physical therapy. He claimed he would need future treatment, though the exact extent of his future care is not certain.

Hanlon never returned to work and was unable to complete his college degree. He had enjoyed playing pickup soccer games, but said he is now unable to do this because of his injuries.

Hanlon sought recovery of past and future medical expenses and past and future lost earnings. He also sought damages for past physical pain and suffering, past mental anguish and distress, disability and inconvenience, impairment of the normal enjoyment of life, and future pain and suffering, disability and inconvenience. His mother, Melissa Hanlon, filed a derivative claim.

The defense did not greatly dispute damages.

The parties negotiated a high/low stipulation: Damages could not exceed \$2 million, but they had to equal or exceed \$350,000.

RESULT The jury found that both drivers were negligent and that the negligence of each of them caused injury to Hanlon. The jury assigned 51 percent liability to Henderson and 49 percent liability to Hanlon.

The jury determined that Jackson Hanlon was entitled to damages of \$4,602,880, and that Melissa Hanlon was entitled to damages of \$75,000 for a total of \$4,677,880. However, the award was reduced to \$2,385,718.80 to reflect the comparative negligence finding, which was further reduced to the stipulated sum of \$2 million.

EDITOR'S NOTE This report is based on information that was provided by plaintiffs' counsel. Additional information was gleaned from court documents. Defense counsel did not respond to the reporter's phone calls.

WRONGFUL DEATH

PREMISES LIABILITY

brain - coma; burns - third degree; fourth degree; other - death; unconsciousness; scar and/or disfigurement; surgeries/treatment - debridement

Lack of smoke detectors led to woman's death, per estate

AMOUNT \$9,689,948

CASE Joseph Ware, as independent administrator of the Estate of Evoughn Ware v. Home Opportunity, LLC, Johnny Ewing and Tracy Marchman, No. 2017-L-006009

COURT Cook County Circuit Court, IL

JUDGE Thomas V. Lyons II

DATE 1/22/2020

PLAINTIFF

ATTORNEY(S) Richard I. Levin; Levin, Riback & Adelman; Chicago IL for , Estate of Evoughn Ware
Steven R. Levin; Levin, Riback & Adelman; Chicago IL for , Estate of Evoughn Ware

DEFENSE

ATTORNEY(S) None reported for Johnny Ewing, Tracy Marchman Ernest P. Wagner; Maurice Wutscher LLP; Chicago, IL for Home Opportunity, LLC

FACTS & ALLEGATIONS On Oct. 2, 2016, plaintiffs' decedent Evoughn Ware, 56, suffered third- and fourth-degree burns in a house fire, in Chicago. On Nov. 18, 2016, she died from complications related to her injuries. Ware's estate claimed that the residence lacked smoke detectors, which would have prevented Ware's death.

Joseph Ware, on behalf of his mother's estate, sued Home Opportunity LLC, which owned the property. The estate alleged that Home Opportunity was negligent and violated the Illinois Smoke Detector Act. Landlords Johnny Ewing and Tracy Marchman were also sued.

The three-floor, 2,000-square-foot home, which had been converted into apartments, was located on Throop Street in the

Englewood neighborhood of Chicago. Ware, who lived on the first floor, had lived at the property for approximately nine months, and shared the home with about 10 other individuals.

On Oct. 2, 2016, Ware was sleeping when the fire erupted. She was unable to escape, whereas her fellow tenants were able to get out of the home. Ware was the only one who died as a result of the blaze. An investigation determined that the fire was caused by a mismatch between the wiring and the electrical breaker. Prior to the fire, tenants had been sharing a space heater, which overloaded the circuit breakers and triggered the fire.

The estate's counsel argued that Home Opportunity was negligent for outfitting the residence with a faulty electrical breaker. A fire marshal testified that, had the breaker been properly matched, it would have tripped and prevented the fire. The estate's counsel further alleged that the company also violated the Illinois Smoke Detector Act for its failure to install smoke detectors. Per counsel, since Home Opportunity was a title owner under a "rent to own" installment contract, it was responsible under the Illinois Smoke Detector Act to equip the residence with smoke detectors.

Ewing and Marchman failed to file an answer to the complaint. They were defaulted prior to trial.

Home Opportunity contended that it was not negligent and did not violate the Illinois Smoke Detector Act. Home Opportunity maintained that because the property was subject to an installment contract and not rented, it had no duty under the act to supply the home with smoke detectors. Moreover, the defense argued that there was no notice of a lack of smoke detectors.

INJURIES/DAMAGES Ware suffered third- and fourth-degree burns over 50 percent of her body. She was transported by ambulance to a hospital, where she was admitted. Ware was placed in a medically induced coma and emergency surgery was performed.

In the ensuing weeks, Ware underwent multiple debridements, irrigations and wound-care procedures. As a burn victim, Ware had to be hydrated as much as possible. However, a complication of the hydration was that her intestines became overloaded with fluid and had to be removed. She died from her injuries on Nov. 18, 2016. She is survived by three children.

Ware's son, who lived next door to his mother, testified about how the fire happened on the night of his birthday,

where hours earlier he had been celebrating with Ware. When the fire started, he said that he attempted to go inside the burning home to look for his mother, but he was unsuccessful. Ware's children testified about how Ware was a caring and loving mother.

Ware's estate sought to recover \$689,948.18 in past medical costs, plus damages for pain and suffering and loss of normal life. Ware's children sought damages for loss of society and for grief, sorrow and mental suffering.

The defense did not dispute Ware's injuries and claim for damages.

RESULT The jury found in favor of Ware's estate on its claim that the Illinois Smoke Detector Act was violated, but found in favor of Home Opportunity on the estate's negligence count. The jury determined that damages totaled \$9,689,948.18.

EDITOR'S NOTE This report is based on information that was provided by plaintiff's counsel. Home Opportunity's counsel did not respond to the reporter's phone calls, and Ewing and Marchman, who were not represented by counsel, were not asked to contribute.

WRONGFUL DEATH

PRODUCTS LIABILITY

Design Defect; Industrial Machinery

Suit: Failure of engine latch caused mechanic's death

AMOUNT \$13,000,000

CASE Vicky J. Church, Sarah Austin and Jacob W. Church v. Case New Holland Industrial of America, LLC, No. 18HE-CC00049

COURT Henry County Circuit Court, 27th, MO

JUDGE James K. Journey

DATE 11/13/2020

PLAINTIFF

ATTORNEY(S) J. Chandler Gregg; Strong-Garner-Bauer P.C.; Springfield MO for , Wayne Church, Nicholas W. Smart; Strong-Garner-Bauer P.C.; Springfield MO for , Wayne Church,

**PLAINTIFF
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AR called by: J. Chandler
Gregg, Nicholas W. Smart
Brooke A. Liggett CPA;
Accounting; Springfield, MO
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FACTS & ALLEGATIONS On March 2, 2016, plaintiff's decedent Wayne Church, 60, a retiree, was working at his personal automobile repair business, in Henry County. A customer brought in a skid steer vehicle for Church to repair. The vehicle had been manufactured by Case New Holland Industrial of America. As Church was working on the vehicle, he opened the machine's cab in order to access its engine. While he was working on the engine, the vehicle's 475-pound cab fell on Church and crushed him, resulting in his death.

Vicky Church, Church's wife, as well as Church's children, Sarah Austin and Jacob Church, sued CNH Industrial of America. The lawsuit alleged that CNH Industrial was liable for Church's death due to a design defect.

The plaintiffs' counsel contended that the vehicle Church had been working on had a broken latch in the machine's cab that was supposed to hold the cab open while a mechanic worked on it. Counsel alleged that CNH Industrial did not properly test the latch and did not respond to reports of failures of the latches, the design of which was not standard for similar machines.

The plaintiffs' engineering expert testified that the latch was not properly designed or tested, and that it had failed, causing the cab to fall onto Church.

The defense contended that there was no information that Church had fully

opened the cab of the vehicle and thus the latch could not have failed, as it would not have failed without the cab being fully opened.

The defense's engineering and mechanical experts testified that the cab falling onto Church was not causally related to the alleged failure of the latch.

INJURIES/DAMAGES Church called out for help after the cab fell on him. Emergency services were called and he was transported by ambulance to the hospital. EMTs noted that Church had a pulse en route, but died before the ambulance reached the hospital.

Church's family alleged that they had been greatly impacted by Church's death. They claimed that they were entitled to economic and noneconomic damages for the suffering and bereavement they had experienced.

The plaintiffs' accounting expert testified regarding the economic impact Church's death had on his family.

The defense contended that Church's death was an unfortunate accident and that the company was not liable for the damages claimed by his family.

RESULT: The jury found that CNH Industrial was liable for Church's death. It determined that the family's damages totaled \$13 million. This included \$10 million in aggravating circumstances damages and \$3 million in compensatory damages to Vicky Church, Sarah Austin and Jacob Church.

EDITOR'S NOTE This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.



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CP-7519 Rev. 8-21