

Cook County Jury Awards \$24.55 Million to Woman Paralyzed in Car Accident 4.4.12

This case was reported informally by Patrick Dowd, Chicago, Illinois attorney, and the jury verdict was reported by Westlaw at 2012 WL 745108 (Ill.Cir.)

Recently, a Cook County jury awarded Nancy Hoffman \$24.55 million dollars following a collision with a tractor-trailer which rendered her a paraplegic. The case arose from a 2002 accident in which Hoffman and her daughter were injured when a truck struck Hoffman's car from behind, on Interstate 80 in Iowa. Plaintiffs sued the truck driver, Illinois State Motor Service, the trucking company that leased the vehicle, **3PL Corporation, the logistics company** that arranged the coil transportation, and Ryerson Tull Coil Processing, the company that supplied the coils. **Plaintiffs asserted liability based on a principal-agent relationship between the truck driver and the corporate defendants.**

The jury agreed with claimants, awarding Hoffman \$24.55 million dollars, which included \$10 million for loss of normal life, \$5 million for pain and suffering, \$4 million for past and future medical expenses, \$3.5 million for disfigurement, \$1.3 million for lost earnings and \$750,000 for shortened life expectancy. Mark Hoffman, husband, received \$2.3 million for his loss of consortium claim. The jury awarded Karen Hoffman, daughter and passenger, \$800,000 for pain and suffering.

3PL Corporation, the logistics company entered a high-low agreement prior to the jury returning a verdict, and will only pay one million. Before trial Hoffman's attorneys rejected a \$2.25 million settlement offer. In closing arguments, one of the defense attorneys proposed \$4 million. Defendants intend to appeal the jury verdict

Summary of Facts:

Iowa residents Nancy Hoffman and daughter Karen Hoffman, a minor at the time, drove east on I-80 in Cedar County, Iowa, June 21, 2002.

Dorlan Crane reportedly drove a tractor trailer owned by himself, his wife, Delores Crane a/k/a Deloris Crane, and Illinois State Motor Service Inc. east on I-80. He was allegedly under contract to haul steel for Ryerson Tull Inc., 3pL Corp. and Joseph T. Ryerson & Son Inc. d/b/a Ryerson Tull Coil Processing Division.

According to court documents, he had reportedly picked up his load at the Ryerson Tull Coil Processing Division in Chicago, made his delivery in Iowa and was returning to Illinois with an empty trailer.

Near milepost 267.7 on I-80, Crane's tractor-trailer allegedly rear-ended the Hoffmans' vehicle.

Nancy reportedly became suffered paraplegia with significant cognitive deficiencies as a result of the collision.

Nancy, her husband, Mark Hoffman, and Karen filed a fifth amended complaint against Dorlan, Illinois State Motor Service, Ryerson Tull, 3pL Corp., Joseph T. Ryerson & Son and Delores in Cook County Circuit Court, alleging direct negligence and negligence under the theory of *respondent superior*.

The Hoffmans claimed that:

1. The Cranes and Illinois State Motor Service failed to maintain control of the vehicle; failed to keep a proper and sufficient lookout; failed to equip the vehicle with adequate brakes; drove too fast; failed to give an audible warning with the horn; drove into the rear of Nancy's vehicle; failed to pay attention to stopped traffic and negligently hired Dorlan;

2. Ryerson Tull, 3pL and Joseph T. Ryerson & Son failed to systematically inspect and maintain or cause the systematic inspection and maintenance of the truck, including the trailer and chassis; failed to prevent the outbound departure of the truck, including the trailer and chassis, which was not in good working order; failed to discover or recognize the obvious unsafe condition of the truck; failed to have the mud flap and taillight assembly in a safe and proper operating condition and failed to ensure the driver and/or the operator of the vehicle was qualified and able to read and speak English sufficiently to converse, understand highway traffic signs and signals, respond to official inquiries and to make report and record entries;

3. Ryerson Tull, 3pL and Joseph T. Ryerson & Son loaded or otherwise arranged to have a container loaded onto a defective, unsafe and/or unreasonable dangerous chassis; supplied/provided and/or otherwise made available for use a defective, unsafe and/or unreasonably dangerous chassis; transported and traveled with an unauthorized passenger and/or allowed the commercial vehicle's driver to transport and travel with an unauthorized passenger; failed to properly screen Dorlan for employment as an operator/driver of a commercial vehicle; failed to

ensure and/or require Dorlan to ensure that the vehicle, including its taillight and mud flap assembly, was in safe and proper operating condition; negligently hired Dorlan and failed to properly train him or its employees and/or agents;

4. Ryerson Tull, 3pL and Joseph T. Ryerson & Son failed to systematically inspect and maintain or cause the systematic inspection and maintenance of the truck, including the trailer and chassis; failed to prevent the outbound departure of the truck, including the trailer and chassis, which was not in good working order; failed to discover or recognize the obvious unsafe condition of the truck; failed to have the mud flap and taillight assembly in a safe and proper operating condition and failed to ensure the driver and/or the operator of the vehicle was qualified and able to read and speak English sufficiently to converse, understand highway traffic signs and signals, respond to official inquiries and to make report and record entries.

5. Ryerson Tull, 3pL and Joseph T. Ryerson & Son loaded or otherwise arranged to have a container loaded onto a defective, unsafe and/or unreasonable dangerous chassis; supplied/provided and/or otherwise made available for use a defective, unsafe and/or unreasonably dangerous chassis; transported and traveled with an unauthorized passenger and/or allowed the commercial vehicle's driver to transport and travel with an unauthorized passenger; failed to properly screen Dorlan for employment as an operator/driver of a commercial vehicle; failed to ensure and/or require Dorlan to ensure that the vehicle, including its taillight and mud flap assembly, was in safe and proper operating condition; negligently hired Dorlan and failed to properly train him or its employees and/or agents.

6. Ryerson Tull, 3pL and Joseph T. Ryerson & Son, through Dorlan, were negligent in failing to maintain control of the vehicle; operating the vehicle without keeping a proper and sufficient lookout; failing to equip the vehicle with adequate brakes; driving too fast; failing to give audible warning with the horn; operating, managing, maintaining, controlling and driving the vehicle into a collision with the rear of Nancy's vehicle and operating, managing, maintaining and controlling the vehicle without paying attention to stopped traffic.

Nancy and Karen sought unspecified personal and pecuniary damages. Mark sought damages for loss of consortium.

Dolan, in a motion for summary judgment, claimed traffic stopped suddenly and without warning and he did not have time to react. He also asserted and the construction and construction signage in the area caused many accidents.

Ryerson Tull and Joseph T. Ryerson & Son denied the allegations and denied Crane and Illinois State Motor Service were their agents, servants or employees.

Defendant 3pL, according to court documents, denied the allegations. It also filed a counterclaim for set-off against the plaintiffs, requesting set-off for any settlement with its codefendants.

The case proceeded with a jury trial.

Cook County jurors found in favor of the Hoffmans and against Dorlan Crane, Illinois State Motor Service, 3pL Corp., and Joseph T. Ryerson & Son Feb. 10, 2012.

They awarded Nancy \$4,000,000 for past and future medical expenses; \$10,000,000 for past and future loss of a normal life; \$750,000 for shortened life expectancy; \$3,500,000 for disfigurement; \$5,000,000 for past and future pain and suffering and \$1,300,000 for past and future loss of earnings and benefits.

The jury awarded Mark \$819,203 for the loss of Nancy's services and \$1,500,000 for the loss of consortium. Karen was awarded \$2,767.90 for medical expenses, \$800,000 for pain and suffering and \$181.25 for lost earnings.

Judge Patrick ForanLustig entered judgment the same day and awarded costs to the plaintiffs.Court: Circuit Court of Illinois, Cook County Judicial Circuit.

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To the extent liability of any of the defendants was based on negligence, there had to be a fact finding by the jury that the alleged breach of duty, was the proximate cause of the injuries. To the extent that liability was based on vicarious liability, (ie driver or carrier was “ agent” of the shipper or broker, the jury had to find sufficient facts to establish “ control” by the defendants.

We do not really know at this time what theories of liability were imposed on the individual defendants, broker, 3 PL Corp., the shippers Ryerson, the carrier, Illinois State Motor Service or the driver Dorlan Crane and on what facts those theories were based. What we do know is that in our society, where there are catastrophic injuries, the parties with insurance are commonly held responsible.

Respectfully submitted;

Ronald H.Usem Esq. Transportation attorney

Huffman, Usem Crawford & Greenberg PA

5101 Olson Highway
Minneapolis, Mn55422
Ph 763-545-2720; fax 763-545-2350
Email : ron@usems.com