

\$38.6 M

SETTLEMENT

BREAKING NEWS



Joseph J. Miroballi, Esq.



Martin J. Lucas, Esq.



Adam S. Budz, Esq.



Larry J. Coven, Esq.

MDR LAW LLC

SECURES \$38,600,000.00 SETTLEMENT FOR DOUBLE AMPUTEE IN LAWSUIT ALLEGING CONSTRUCTION NEGLIGENCE AND PRODUCT LIABILITY

Miroballi, Durkin & Rudin, LLC's founding partner, Joseph J. Miroballi, and partner, Martin J. Lucas, led their trial team to a settlement of \$38,600,000.00 in the Cook County Circuit Court for a young man who lost both of his legs below the knee as well as

significant other injuries when a piece of equipment backed over him, as he and a co-worker attempted to clean up materials and debris on a construction site in Chicago.

The case was settled as the trial lawyers Mr. Miroballi, Mr. Lucas and their associate, Mr. Adam S. Budz, were about to begin jury selection after lengthy negotiations with mediator Judge Lynn M. Egan (Ret.) MDR partner Scott Rudin also represented the Plaintiff.

Mr. Miroballi's trial team, with the assistance of the plaintiff's worker's compensation attorney, Mr. Larry Coven, Esq., obtained a complete waiver of an approximately \$2.5 million worker's compensation lien, for a total settlement value of \$38,600,000.00.

In the worker's compensation claim, Mr. Coven was able to obtain state of the art medical treatment and benefits, including the best available rehabilitation from the Shirley Ryan Ability Lab and leg prosthesis from Mayo Clinic.

In 2013, while working construction in Chicago, Nick Elliott a 21 year-old laborer and his co-worker were picking up heavy 8x4 pieces of thick plywood and carrying them by hand to a trailer approximately thirty feet away. As the plaintiff and his co-worker were in the process of picking up the last piece of plywood, the equipment backed into the plaintiff, pinning him under the machine until a co-worker was able to raise the machine and release him.

Plaintiff alleged negligence against the job site defendants and strict product liability against the equipment manufacturer. This included claims that the defendants failed to properly supervise the job site and use safety precautions when using the equipment with workers in the area, and that the equipment was defectively designed. The Plaintiff further alleged that a site specific safety plan was necessary due to the incessant noise generated by aircraft and construction equipment drowning out the sounds of back-up alarms which therefore required the use of a spotter to direct the operator. Plaintiff further alleged that the equipment should have been designed with a rearview camera and/or an object detection system.

Plaintiff suffered bilateral crushing and degloving injuries to his legs as well as a crushed bladder, pelvis, and injuries to his reproductive organs. Plaintiff underwent a right below-the-knee amputation immediately following the incident at Lutheran General Hospital where he received further medical care and treatment over the course of several months under the care of trauma, orthopedic, and urologic surgeons before receiving additional medical care and treatment at Northwestern Memorial Hospital and the Rehabilitation Institute of Chicago.

As a result of the complicated and serious nature of the plaintiff's injuries, the plaintiff received additional treatment at the Mayo Clinic in Rochester,

Minnesota, where he underwent multiple procedures over the course of seven months including several debridement's and skin grafting procedures, as well as numerous operations to address his crushed bladder. The plaintiff's team of Mayo Clinic physicians and surgeons ultimately surgically created a new bladder for the plaintiff, and performed a left leg below-the-knee amputation due to significant pain and dysfunction. The plaintiff further received months of training at the Mayo Clinic on how to adjust his life to the use of bilateral prosthesis.

Through the arduous work of physicians and surgeons from numerous facilities including Lutheran General Hospital, Northwestern Memorial Hospital, the Illinois Bone & Joint Institute, the Rehabilitation Institute of Chicago, and the Mayo Clinic – coupled with the plaintiff's own perseverance, grit, and courage – the soon-to-be 27 year-old plaintiff recently obtained his bachelor's degree and has already used it to engineer modalities and adaptations for people requiring the use of wheelchairs while also competing as a para-athlete and sled hockey player on a national level with aspirations of playing internationally.

“As the plaintiff and his co-worker were in the process of picking up the last piece of plywood, the equipment backed into the plaintiff, pinning him under the machine until a co-worker was able to raise the machine and release him.”