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As we approach the Holiday Season, Patton & Ryan is winding up one of its longest and busiest trial periods in the firm's history. Our firm has been able to successfully manage and resolve numerous case types, while at the same time fighting to verdicts at trial. No task is too great or daunting for Patton & Ryan to accept the call.

Looking forward to the new year and bolstered by our years of hard-earned experience, our firm looks to take on new challenges. Let our experience and our tenacity in the courtroom achieve the results you need. Please feel free to reach out to me in the coming year.

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Defense Verdict In Ironworker Construction Case

Patton & Ryan Senior Partner John W. Patton, Jr., Managing Partner David F. Ryan, and associate Natalie J. Eschbach secured this 100% defense verdict after a month-long trial in Cook County, Chicago, Illinois involving a catastrophic injury. On May 30, 2012, the Plaintiff, a 47-year-old journeyman union ironworker employed by a subcontractor, was working on a construction project, on a bridge deck on a ramp on Interstate 90 in Chicago. Plaintiff and a co-worker were transporting multiple 30-foot-long pieces of rebar from under a Bidwell bridge-paving machine, to another area of the construction site. As Plaintiff and his co-worker attempted to move the rebar, Plaintiff began to walk backwards, looking at his co-worker and not his path of travel, in order to allow his co-worker to walk out from under the paving machine. As he turned to walk forward, Plaintiff tripped and slipped on a spacer, placed by an ironworker, and fell. Plaintiff alleged that due to the incident he tore three ligaments in his left knee, which required surgery, and also resulted in a complex regional pain syndrome ("CRPS") diagnosis. Plaintiff's past medical expenses were over \$350,000. Plaintiff claimed that his knee injuries and CRPS rendered him disabled from employment as a union ironworker. Plaintiff also claimed he suffered from adjustment disorder caused by his inability to work, which resulted in emotional distress.

Plaintiff claimed that the defendant general contractor for the project was negligent for positioning its Bidwell machine over a subcontractor's staging area, which caused him to alter his means and methods of carrying the rebar. The general contractor brought a third-party claim against Plaintiff's employer for failing to properly train its employees and for failing to provide its employees with a safe workplace. At trial, Patton & Ryan argued that the location of the Bidwell over the rebar material is customary and a trade practice on multi-pour projects of this type. Additionally, the Bidwell machine did not affect the ability of the ironworkers to perform their jobs safely.

Plaintiff asked the jury for an award of \$16.5 million. Patton & Ryan inherited the case on the eve of trial with numerous treating physician and expert evidence depositions set to take place in the days leading up to trial. This defense verdict is the result of an aggressive and focused trial team of Patton & Ryan attorneys. Should you want John and our team to help you on a large exposure matter, anywhere in the nation, or just want more information, please do not hesitate to email or call.

Construction

Settlement In Difficult Bus Accident Case

Patton & Ryan Partner Paul D. Motz and associate Whitney L. Burkett secured a settlement after two years of protracted litigation and successfully reducing Plaintiff's original demand by half. On October 24, 2014 Plaintiff, a 48-year-old woman was riding her bicycle during a triathlon training ride in a crosswalk in Naperville when she was struck and pulled underneath a bus. She broke her ankle and elbow, requiring multiple surgeries and significant physical and mental therapy. Plaintiff, a decorated triathlete, claimed permanent physical and emotional injuries as a result of the incident. This settlement is the result of diligent and aggressive preparation of the case for trial to convince a difficult Plaintiff that a verdict on her behalf was not a sure thing.

Personal Injury

Defense Win In Squabble Over Personal Jurisdiction

Patton & Ryan associates Cara Rafanelli and Hayley Ryan, under the supervision of Partner Paul D. Motz, won a significant victory in an eight-month long fight over the personal jurisdiction of the Circuit Court of Cook County in a catastrophic product liability case. On July 15, 2014, a Putzmeister Mack chassis truck-mounted telescopic belt conveyor for concrete called a Telebelt TB105 was stuck in a pile of spoils on Matthew Schoenbeck's farm in Beecher, Will County, Illinois. Matthew was acting as his own general contractor in the construction of his home. A pintle hook was attached by some unknown entity to the TB105 via a bracket and bolts. Matthew hooked a tow belt onto the pintle hook and then attached the tow belt to the back of his farm tractor. He then attempted to dislodge the TB105 from the spoils pile utilizing his farm tractor. The entire apparatus detached from the TB105, flew through the back window of the farm tractor and into the side of Matthew's head causing severe injury which ultimately resulted in his death two years later. No representative from Putzmeister was present at Matthew's farm in Beecher, Illinois at the time of Matthew's accident nor did Putzmeister add the tow apparatus to the TB105. Plaintiff's estate sued our client, Putzmeister America, Inc., in the Circuit Court of Cook county which has a history of large verdicts in such cases notwithstanding the facts of the case. Putzmeister, a manufacturing company specializing in concrete and material placing equipment for the construction industry, is a Delaware corporation with its principal place of business in Wisconsin. Patton & Ryan filed a motion to dismiss the suit for lack of personal jurisdiction.

On June 19, 2017, a nearly unanimously Supreme Court of the United States issued its ruling in *Bristol-Myers Squibb v. Superior Court of California*, 582 U.S. ____, 137 S. Ct. 1773, (2017) solidifying the trend in case law concerning personal jurisdiction and establishing the law of the land in specific personal jurisdiction. Associate Rafanelli researched the case on the day it was issued and presented this newly minted holding to the court in oral argument on August 7, 2017. Ms. Rafanelli successfully won the motion to dismiss before the Honorable Patricia O'Brien Sheahan with the additional victory in having the ruling made final and appealable. Associate Hayley Ryan assisted Ms. Rafanelli in the preparation of the briefs.

Patton & Ryan replaced previous counsel in the case who refused to consider the potential of a motion to dismiss based on lack of personal jurisdiction due to its unlikely success in Cook County. However, Patton & Ryan focuses its impressive advocacy skills in motion practice as well as at trial. Defying the odds, our firm was successful in winning the case at the pre-trial motion level. Please consider our impressive trial attorneys for all your defense needs as we are more than willing to think outside the box and tackle difficult issues with expertise and daring.

Product Liability

QUICK BITES

Slip And Fall

An independent contractor slipped and fell while engaged in the installation of new fixtures at a building owned by the Defendant. Patton & Ryan was assigned to this case after years of stagnating litigation overseen by another firm. Through intense investigation of social media and video, there was evidence that the Plaintiff was exaggerating his injuries. We aggressively pressured the Plaintiff's attorney through the remainder of discovery to move the case along and convince him of his poor position. As trial approached, the Plaintiff repeatedly approached us in an attempt to settle and compromise. However, we displayed an iron will to take this case to a verdict. The Plaintiff, seeing our resolve and realizing the serious weakness of his case, dismissed Patton & Ryan's client without any settlement whatsoever.

Personal Injury

Patton & Ryan was asked to defend a large logistics company and its driver after they were named as Third-Party Defendants in the federal personal injury case arising from a pile-up style accident that occurred on an interstate tollway located in Indiana. The rush hour accident occurred during the winter months on an icy roadway and arguably involved dozens of vehicles. The Defendants/Third-Party Plaintiffs were a logistics company and its driver who were named as the primary cause of the collision in the police report. In a naked attempt to spread their liability to other parties, they brought Third-Party Contribution Actions against the drivers of each of the five additional vehicles that were identified in the police report. However, Patton & Ryan invoked the law of Indiana, which does not allow for contribution claims of the type which were filed by the Defendant/Third-Party Plaintiff. The Federal Judge was inclined to hear arguments as to whether Illinois Law, which would have kept Patton & Ryan's client in the case, or Indiana Law should apply. However, based on the strength of Patton & Ryan's brief alone, the Defendant/Third-Party Plaintiffs all but abandoned their claim. Thus, Patton & Ryan obtained swift and final dismissal of all claims asserted against its client with extremely minimal expense to the carrier.

Transportation

Patton & Ryan was asked to represent the insurer of a student transportation company that was sued after a driver struck one of its client's school busses and one of the student-passengers claimed injuries. Given the peculiarities of the Personal Injury Protection scheme in Michigan, which allows a claimant to claim life-long medical expenses, the claim exposed Patton & Ryan's client to potentially unlimited exposure. Utilizing a depth of knowledge in the area of insurance law, Patton & Ryan convinced all involved that their client's insurance policy did not provide coverage for the alleged accident. Patton & Ryan, with their deep knowledge of Michigan's Personal Injury Protection Insurance Statute, was able to threaten the Plaintiff with a motion for disposition citing extremely effective case law and factual information. Rather than face being defeated on a motion, the claimant chose to dismiss Patton & Ryan's client. The Claimant was so thoroughly convinced of Patton & Ryan's argument that they apologized to Patton & Ryan and their client for involving them in the suit.

Patton & Ryan Parachutes in Saving Millions in Lawsuit by Grounded Pilot

On the eve of trial, Patton & Ryan was brought in as lead trial counsel to defend a major national utility contractor in a suit filed by an injured Delta pilot claiming over \$10 million in lost wages and medical expenses. Patton & Ryan parachuted in at the request of the utility contractor's excess insurer to mitigate the damage in a claim that was spiraling out of control.

The injured pilot was a passenger in a shuttle bus transporting Delta flight crew from the Minneapolis-St. Paul International Airport to downtown Minneapolis. During the trip, the shuttle bus hit a pothole in an intersection causing the pilot's head to forcefully impact the ceiling. The pilot claimed a cervical injury requiring laminectomy surgery that caused chronic headaches and prevented him from ever flying again. Discovery established that the pot hole resulted from an improperly patched utility cut made by Patton & Ryan's client as part of a large gas line replacement project in downtown Minneapolis. Multiple engineering experts opined that the pot hole was caused by insufficient backfill and compaction of the substrate supporting the patched utility cut.

Multiple reports were made to the police and other city official by motorists complaining of a large pot hole in the intersection. A witness from the city's street maintenance department testified to checking on the intersection in response to these reports and discovering a large pot hole caused by the utility cut. Additionally, video footage obtained from a neighboring construction project captured Patton & Ryan's client performing excavation work at the intersection and the subsequent progression of the pot hole.

With these unfavorable liability facts already established, Patton & Ryan set out to mitigate damages by retaining a biomechanical expert to recreate the incident to establish that it could only have occurred if the pilot was not wearing his seatbelt and that the forces involved were insufficient to cause his injuries. Patton & Ryan also established facts during the few remaining witness depositions that increased exposure for the co-defendant shuttle bus operator. This included establishing that other shuttle bus operators had encountered the pot hole in prior trips and failed to report the issue to the company's dispatcher as was required by internal safety policies.

Patton & Ryan's reputation as an aggressive defense firm and presence in the final stages of discovery overwhelmed an undermanned plaintiff's firm who began to desperately push for a mediated resolution. Sensing weakness, Patton & Ryan refused to engage in formal mediation and disclosed harmful video surveillance of the pilot proving he was exaggerating his claimed injuries. Patton & Ryan was then able to secure a settlement for its client after being involved in the litigation for only a few months that was one-tenth of the pilot's claimed economic damages. This favorable settlement included only \$50,000 contributed by the excess insurer that retained Patton & Ryan to defend the claim.

Construction





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- Bad Faith Litigation
- Labor & Employment Law
- Mass Torts
- Medical Malpractice and Medical
- Device Defense Litigation
- Municipal Entity Defense
- Product Liability
- Professional Liability
- Transportation & Trucking Litigation

Other News Spotlight

Nuisance Claim Settles Successfully

Patton & Ryan successfully secured a settlement in a pre-suit matter involving a five-year-old child being forced off a bus and sent home without a guardian present.

Plaintiffs alleged severe emotional distress due to the negligence of the driver. They demanded \$155,000 for both the child and mother. Patton & Ryan engaged in extensive research into the Plaintiffs' background and conducted interviews with numerous individuals involved. This aggressive approach led to offering a nuisance counter-offer of \$1,500. This represents a mere fraction, 1%, of Plaintiff's original demand.

As a result of Patton & Ryan's thorough investigation, diligent representation, and vigorous defense tactics, the case against the bus company and school district was settled pre-suit without the need of expensive litigation costs.

Personal Injury

Double Below Knee Amputation Case Settles

Patton & Ryan successfully secured an extremely favorable settlement in a construction accident involving a plate of steel that fell on an iron-worker's feet, resulting in a double amputation below the knee.

Through aggressive discovery and motion practice, Patton & Ryan was able to discredit Plaintiff's theories of liability and establish Plaintiff's contributory negligence. Patton & Ryan's reputation for fearlessly taking cases to verdict, made Plaintiff seek a swift resolution to the case.

Plaintiff demanded millions of dollars. Despite a waiver of the worker's compensation limits to contribution liability, Patton & Ryan was able to successfully negotiate a favorable settlement far under the Plaintiff's demand. The settlement was achieved prior to the disclosure of expert witnesses, which resulted in the saving of significant litigation costs.

Construction