

Chicago Daily Law Bulletin®

Volume 161, No. 37

ConAgra gets big win in \$180M verdict battle

Supreme Court won't touch ruling releasing company from liability

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ConAgra Foods Inc. has scored a decisive victory in its battle against a \$180 million verdict a federal jury returned following an accident that left three workers severely injured.

The U.S. Supreme Court on Monday declined to review a ruling that released Omaha, Neb.-based ConAgra from liability for any part of the verdict.

The ruling had been challenged by the injured workers and an independent contractor, West Side Salvage Inc. in Atkins, Iowa, hired to salvage grain from a clogged ConAgra elevator at a facility in Chester, Ill.

The three workers — John W. Jentz, Robert Schmidt and Justin Becker — filed suit in federal court in East St. Louis after they were severely burned in an April 2010 fire and

explosion.

Jentz and Schmidt sued both ConAgra and West Side. Becker sued only ConAgra because he worked for West Side and was barred by workers' compensation law from suing his employer.

Following a monthlong trial before U.S. District Judge Michael J. Reagan of the Southern District of Illinois, the jury awarded actual and punitive damages to the workers.

The jury assessed the damages at about 60 percent against ConAgra and 40 percent against West Side.

But the 7th U.S. Circuit Court of Appeals later ruled that West Side had indemnified ConAgra from damages in the contract the two companies entered. *John Jentz, et al. v. ConAgra Foods Inc., et al.*, Nos. 13-1505, 13-1542, 13-1543 and 13-1544.

The appeals court ruling left it to Reagan to decide whether West Side was liable for the entire amount of damages or only that portion reflecting the percentage of fault assessed to it by the jury.

That question became moot when Jentz and Schmidt reached a confidential settlement with West Side.



John W. Patton Jr.

The three workers and West Side all sought writs of certiorari from the Supreme Court. The court denied their petitions without comment.

ConAgra's lead trial attorney, John W. Patton Jr. of Patton & Ryan LLC, said he is pleased with the denial of certiorari.

"It's been a very long journey, but fortunately, it had a very successful ending," he said.

An attorney for Jentz and Schmidt, Robert A. Clifford of Clifford Law Offices, said he is disappointed the high court won't be taking up the case.

"The 7th Circuit got it wrong, in my view," he said.

Clifford also said there apparently are no grounds for asking the Supreme Court to reconsider its decision.

"It's all over but the crying," he said.

Although Jentz and Schmidt reached a settlement with West Side, Clifford said, Becker may come away empty-handed.

Becker was represented before the 7th Circuit by attorneys including Marc A. Taxman of Anesi, Ozmon, Rodin, Novak & Kohen Ltd.

Andrew H. Schapiro of Quinn, Emanuel, Urquhart & Sullivan LLP argued the case before the 7th Circuit on behalf of all three workers.

Christopher Landau of Kirkland & Ellis LLP in Washington, D.C., argued the case on behalf of ConAgra.

ConAgra also was represented before the appeals court by Paul V. Esposito of Clausen, Miller PC.

John G. Schultz of Franke, Schultz & Mullen P.C. in Kansas City, Mo., argued the case before the 7th Circuit on behalf of West Side.

None of the attorneys could be reached for comment.