

Jury awards 'record' \$3 million for ankle injury

By CAROL McHUGH
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A Cook County jury, after deliberating for just over two hours, returned a record verdict this week for an ankle injury, awarding \$3.24 million to a former construction project laborer.

The construction worker, Richard M. Piehl, had previously settled his Structural Work Act claims against three other defendants for \$1.48 million, which will be deducted from the jury award.

The award tops the previous high verdict in Illinois of \$2.9 million for an ankle injury, according to records compiled by the Cook County Jury Verdict Reporter.

The jury's award came after Cook County Circuit Judge Thomas E. Flanagan had entered a directed

verdict on the liability issue under the Structural Work Act.

The case arises from plaintiff's July 1, 1988, fall from a scaffold tower while working for Carrara Masonry to construct an office building on Wolf Road in Wheeling. Piehl, 29 at the time of the accident, fractured his distal tibia and fibula, resulting in surgery. His medical expert testified that the plaintiff may need further ankle surgery.

Piehl had originally sued the general contractor on the project, Gunderson Construction Co.; the scaffolding manufacturer, Morgan Tower Scaffold; and the owner of the building, Graphic Products Corp. A third-party complaint was filed against the plaintiff's employer, Carrara Masonry.

The one remaining defendant at

trial, Graphic Products Corp., was represented in the eight-day trial by Richard M. Jacobson, of Modesto, Reynolds & McDermott. "We think the judge was in error in directing the liability issue, and an appeal is planned," Jacobson said.

Piehl, represented by Mark Novak and James J. Morici Jr. of Anesi, Ozmon & Rodin Ltd., is now a nursing-home aide. The jury itemized the damages, awarding \$1.35 million for disability and disfigurement; \$125,000 for lost wages; \$700,000 for future lost wages; \$500,000 for past pain and suffering; \$500,000 for future pain and suffering; \$42,050 for past medical expenses; and \$25,000 for future medical expenses.

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Two of the defendants, Gundersen Construction, represented by Timothy D. McMahon of Wiedner & McAuliffe Ltd., and Carrara Masonry, represented by Paul L. Pawlowski of Hinshaw & Culbertson, settled just a few days before trial began, while the scaffolding manufacturer, represented by Thomas J. Pontikis of Williams & Montgomery, settled approximately two months before trial. *Piehl v. Graphic Products Corp.*, No. 88 L 17322.