

## Amicus Curious

## Big doings bring week to close with big bang

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Friday started out as a routine day for the lawyers at Anesi, Ozmon, Rodin, Novak & Kohen Ltd., with one partner set to select a jury and another expecting to wait for a verdict in a separate trial.

But by early afternoon, Nov. 9 was one for the history book. Daniel V. O'Connor's case settled for \$5 million before jury selection began, and a jury awarded Mark Novak's client more than \$7.1 million — a record for a case of its type.

More than \$12 million in two personal-injury cases in one day isn't bad for any office, and it's particularly noteworthy in a firm with 29 lawyers. As it happened, both cases involved iron workers in their 30s who were injured on the job.

And, as it also happened, the lawyers representing the iron workers have offices right next to one another.

"We've decided this has been a pretty good day for our side of the office," Novak joked Friday afternoon.

O'Connor started the day in court preparing to select a jury the case of *Sharon Jones, individually and as special administrator of the estate of James Jones, deceased v. Northwestern Steel & Wire*, No. 01 L 9802, before Cook County Circuit Judge Edward R. Burr. The lawsuit involved a 38-year-old iron worker who came into contact with live power lines and was electrocuted while using a torch to tack down roof decking.

Jones was survived by a wife and two children, ages 11 and 13 at the time of his death on Sept. 18, 1996.

O'Connor said the defendant, represented by Howard K. Priess and Telly J. Liapis of Tressler, Soderstrom, Maloney & Priess, increased its settlement offer to \$5 million before the prospective jurors got to the courtroom Friday morning. He said that's the amount he'd wanted for his clients, and they accepted it at about 9:45 a.m.

"Here's a guy who really did nothing wrong, and [the family] deserved to have a verdict, and I think [the defendant] recognized that," he said.

O'Connor announced his result upon his return to the office, which of course was good news for the firm. Little did he know how short-lived his glory would be.

"I was the king of the hill for about two hours," he said. "I knew [Novak] would most likely have a verdict [Friday], but you never know what that's going to be.

"I don't mind sharing; that's a good thing to have to share."

The other case, tried by Novak and associate Mark Murnane, went to the jury Friday morning at the end of a two-week trial before

Cook County Circuit Judge James P. Flannery Jr. Novak said he knew about the settlement that O'Connor had reached that same morning, and he had a good feeling about his own case as he went to hear the verdict about 1:30 p.m.

"We had a very strong liability case," he said. "Our client suffered a serious injury, and our client was a really decent guy."

The case involved Harold J. Orange, a 31-year-old iron worker whose ankle was crushed on a job site on March 2, 1998, as he was helping to unload steel beams from a flatbed truck onto the ground. The site was a warehouse addition open to the elements, and Novak said the ground conditions were "horrible," making for an unstable surface on which to place the 2,000-pound beams.

One of the beams rolled onto Orange's ankle, and he remains unable to return to work as an iron worker. Novak said Orange now runs a hockey rink's pro shop, selling equipment and making \$15,000 to \$16,000 a year, compared to the \$90,000 that he said iron workers make each year. Novak said more than a third of the jury's award was for future lost earnings.

The jury found the project's general contractor, Triumph Development Corp., represented by Kurt C. Meihof of Warner & Meihof, 95 percent at fault and the subcontractor, Midwestern Steel Sales Inc., represented by Richard E. Nugent of Garretson & Santora, 5 percent responsible. Novak said he was very pleased that his client was not found to be at all responsible for his injury.

Meihof declined to comment on the verdict, saying there would be post-trial motions in the case.

When Meihof was informed of the details of Anesi, Ozmon's Friday, he said, "I'll say that was a particularly good day for them. I'm not too happy with that day."

The \$7,173,500 award is a record among cases of crushed ankles, according to John L. Kirkton, editor of the Cook County Jury Verdict Reporter. The previous record in cases going to verdict was about \$3.2 million.

The case is *Harold J. Orange v. Triumph Development Corp., et al.*, No. 98 L 2946.

Novak said the day was definitely noteworthy for the firm.

"I don't recall a day where we've had a settlement of that nature and a jury verdict in one eight-hour period," he said. "I've been here 25 years, and I don't recall a day when those two events have coincided."

Though the day was particularly good, both partners were still in the office Friday afternoon.

"Word got around about our day, and some of the people I work with have called and asked what we're still doing standing and sober," O'Connor said when reached at about 4:30 p.m.