



VERDICTSEARCH ILLINOIS

Vol. 1 Issue 1

January 2004

VERDICT of the MONTH

Construction

**Ironworker
severely injured by
falling steel beam**

\$20,937,743

Blaisdell v. Frederick Quinn Corp.

Cook County Cir. Ct., Ill.

Plaintiff's Attorneys Daniel O'Connor and Marc Taxman, Anesi, Ozmon, Rodin, Novak & Kohen, Chicago

Defense Attorney Edward J. Murphy, Williams Montgomery & John, Chicago

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PREMIERE
ISSUE!

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when you submit a case.

Asked & Answered

*At what point in your career
did you realize that you
made the right decision
to become an attorney?*

Answers on page 37

VERDICT *of the* MONTH

CONSTRUCTION

Accidents — Negligent Supervision — Workplace

Ironworker severely injured by falling steel beam

VERDICT (P) **\$20,937,743**

CASE Rick Blaisdell v. Frederick Quinn Corporation, Construction Systems Inc., Independent Construction Services, John Sakash Company, Young Heung, M&G Industries, No. 99 L 12226

COURT Cook County Circuit Court, IL
JUDGE Irwin J. Solganick
DATE 10/3/2003

PLAINTIFF
ATTORNEY(S) Daniel V. O'Connor, Anesi, Ozmon, Rodin, Novak & Kohen, Chicago, IL
Marc A. Taxman, Anesi, Ozmon, Rodin, Novak & Kohen, Chicago, IL

DEFENSE
ATTORNEY(S) William G. Beatty, Johnson & Bell, Chicago, IL (M&G Industries)

Michael Charysh, Charysh and Schroeder, Chicago, IL (Construction Systems Inc.)
Philip W. Domagalski, Kralovec & Marquard, Chicago, IL (John Sakash Company)
Edward J. Murphy, Williams Montgomery & John, Chicago, IL (Frederick Quinn Corporation)
Elisha S. Rosenblum, Wilson, Elser, Moskowitz, Edelman & Dicker, Chicago, IL (Young Heung)
William T. Weaver, Lord, Bissell & Brook, Chicago, IL (Independent Construction Services)

FACTS & ALLEGATIONS In October 1999, plaintiff Rick Blaisdell, 35, was employed as an ironworker at a construction site at Illinois Benedictine College in Lisle. His employer, Barco Industries, was the steel erector on the site, and was a subcontractor under general contractor Frederick Quinn Corp., Addison. Blaisdell was severely injured by a falling steel beam that was being lifted by a crane operated by a fellow Barco employee. The beam was being swung overhead and struck a steel column, breaking the choker that held it.

Blaisdell sued numerous defendants, including Frederick Quinn Corp.; Construction Systems Inc., Maple Plain, Minn., the steel fabricator subcontractor; Independent Construction Services, Chicago, an on-site consulting and inspection company; John Sakash Co., Elmhurst, the maker and distributor of the choker; M & G Industries, Bristol, R.I., the distributor of the cable for the choker; and Young Heung of South Korea, the manufacturer of the cable for the choker. The only defendant to reach trial was Frederick Quinn Corp.

Blaisdell claimed that as the project's general contractor, Frederick Quinn Corp. was ultimately responsible for safety and supervision at the site. He claimed that the company was negligent in allowing the beam to be lifted over the heads of workers, as well as for allowing the crane to be placed where it was, and for approving the sequence of placement which resulted in the presence of the column.

Frederick Quinn Corp. denied that it was negligent in its management of the site, and contended that Barco and its crane operator were the cause of the accident. It claimed that the placement of the crane and the sequence of steel placement were proper, and that Barco was directly responsible for the crane and steel erection-related matters at the site.

INJURIES/DAMAGES *amputation, above-the-elbow; brain damage; fracture, humerus; fracture, skull; internal bleeding; spleen*

Blaisdell's left (non-dominant) arm was severed at the upper third of the humerus. He also sustained an open skull fracture and frontal lobe brain injury, and an abdominal injury causing internal bleeding. He underwent concurrent procedures to reattach the arm, repair his skull fracture with the installation of metal mesh and screws, and remove his damaged spleen. He spent approximately two weeks recovering in the ICU, then

another two weeks in a rehabilitation facility. He has undergone periodic physical therapy since the injury, and has minimal use of the left arm.

Blaisdell required subsequent surgery to correct a bowel obstruction, and a re-fixation procedure to repair a non-union of bone in the left arm. He also underwent muscle transplant surgery that attached his latissimus dorsi (back) muscle to his left bicep to increase mobility of the arm. He is expected to undergo future surgery to fuse bones of the left hand and wrist with the intention of making the hand useful as an assist device.

The plaintiff's economic expert estimated Blaisdell's future lost earnings at \$2.5 million, with the assumption that his permanent limitations would make him unemployable. Blaisdell also sought damages for his past lost earnings and benefits, and past and future medical expenses, disability, and pain and suffering.

The defense contested Blaisdell's unemployability, contending that not all future employment fields were closed to him.

RESULT According to plaintiff's counsel, Blaisdell reached settlements prior to trial of \$1.5 million with Construction Systems Inc., \$80,000 with Independent Construction Services, and a combined settlement of \$500,000 with Sakash Co., M & G Industries and Young Heung.

The jury found Frederick Quinn Corp. liable and awarded Blaisdell \$20,937,743.

RICK BLAISDELL \$586,374 past medical cost
 \$239,385 future medical cost
 \$431,984 past lost earnings
 \$1,100,000 future lost earnings
 \$4,000,000 past pain and suffering
 \$3,000,000 future pain and suffering
 \$5,000,000 disfigurement
 \$2,580,000 past disability
 \$4,000,000 future disability
 \$20,937,743

DEMAND \$12,000,000
OFFER \$7,300,000

INSURER(S) CNA (\$1 million primary, \$10 million excess) for Fred Quinn Corp.
Royal Surplus Lines Insurance Co. Inc. (\$1 million primary)
Western National (\$1 million primary, \$5 million excess)
RLI Insurance (\$10 million excess)

TRIAL DETAILS Trial Length: 11 days
 Jury Deliberations: 4 hours
 Jury Poll: 12-0
 Jury Composition: 3 male (1 black, 2 white), 9 female (2 black, 2 Hispanic, 5 white)

**PLAINTIFF
 EXPERT(S)**

Larry Debrock, economics, Champaign, IL
 Dennis Puchalski, construction, Elmhurst, IL

**DEFENSE
 EXPERT(S)**

James Boyd, M.S., CRC, vocational rehabilitation, Chicago, IL
 Leonard Middleton, construction, Minneapolis, MN
 Michael I. Vender, M.D., hand surgery, Chicago, IL
 Satish Agarwal, Ph.D., metallurgy, Chicago, IL

-Joe Dessereau