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(MMM 16/3) REAR END--BY PACE BUS AT RED LIGHT--DIRECTED NEGLIGENCE AGAINST DEFTS (1D)

William Whitney v Pace Suburban Bus Service, Cameron Roberts 15L-2954 Tried Oct. 10-16, 2017

Verdict: \$500,000 v both defts (\$75,000 past and future loss of normal life; \$75,000 past and future pain & suffering; \$210,000 past and future medical expenses; \$140,000 past and future loss of earnings/benefits).

Judge: [Thomas V. Lyons, II](#) (IL Cook-Law)

Pltf Atty(s): [Timothy W. Heath](#), [Sharon L. Heath](#) of [Heath & Heath](#) (Naperville, IL) [R. Mark Maritote](#) of [R. Mark Maritote P.C.](#) (Bloomington, IL) ASKED: \$7,552,804 - \$7,576,324

Deft Atty(s): [Charles P. Rantis](#), [Jeffery G. Chrones](#), [Timothy R. Couture](#) of [Johnson & Bell](#) (Chicago, IL) for both defts (Self-Insured) OFFER: \$800,000 - \$1,100,000

Pltf Medl: [Dr. Anthony DiGianfilippo](#) (Neurosurgeon), [Dr. John K. Hong](#) (Pain Management), [Dr. Sean Salehi](#) (Neurosurgeon)

Deft Expert(s): [Dr. George R. Cybulski](#) (Neurosurgeon); [Anne Mathias](#), P.E. (Biomechanical Engineer); [G. Stanley Sangdahl](#), P.E. (Accident Reconstruction) for both defts

Facts:

On August 8, 2014, pltf was driving a pickup truck with an attached trailer on Remington Blvd. in Bolingbrook when he stopped for a red light at Route 53. A Pace bus then rear-ended his trailer while he was still stopped at the light. Pltf M-57, who had previously undergone a cervical fusion at C6-7 in 2001, contended the impact caused (or aggravated) a herniated disc at C5-6, foraminal stenosis, radicular pain to his shoulders and arms, and aggravation of pre-existing cervical degenerative disc disease; he required a cervical fusion at C5-6 in March 2015, followed by physical therapy and epidural injections, and was off work for 15 months. Pltf maintained he still has ongoing pain with limited ability to lift and engage in physical activities, restricting him to sedentary work (\$159,376 past medical expenses, \$62,948 future medical expenses, \$99,400 past LT as an engine mechanic, \$254,800 future LT, \$140,000 workers' comp lien). Pltf argued deft bus driver was going too fast, failed to keep a proper lookout, failed to see stopped traffic ahead of him, and failed to avoid the collision. The court granted pltf's motion for summary judgment on the issue of negligence. The defense denied the collision was the proximate cause of pltf's injuries because the impact was low-speed at 4.9 mph, his C5-6 disc condition predated the accident, the 2015 fusion was related to the prior fusion, and his pain complaints were unrelated to the occurrence.