



COOK COUNTY
JURY VERDICT REPORTER

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PRODUCT LIABILITY--STEPLADDER FALL--JURY FINDS LADDER WAS NOT DEFECTIVE*(ZZ 7/1) Norma Jean Mucci, James Mucci v Louisville Ladder Inc. 03L-11159 Tried Oct. 4-17, 2007 (11)*

Verdict: Not Guilty
 Judge: Maureen Durkin Roy (IL Cook-Law)
 Pltf Attys: Craig R. Oliver of *Palmer, Oliver* (Springfield, MO) and Matthew I. Baker of *Sandman, Levy* for both pltf's Demand: \$950,000 Asked: \$901,767
 Deft Attys: Charles P. Rantis and Timothy R. Couture of *Johnson & Bell* (Self-Insured) Offer: none
 Pltf Medl: Dr. William Earman (Orthopedist) and Dr. Henry Fuentes (Orthopedist) for Norma
 Pltf Expert: L. D. Ryan (Mechanical Engineer) for Norma
 Deft Expert: Michael P. Van Bree, Engineering Systems Inc., 3851 Exchange Ave., Aurora, IL (630-851-4655) (Mechanical Engineer)

Oct. 19, 2001, pltf F-48 fell from a four-foot aluminum stepladder in Mattoon and sustained multiple injuries: fractured right tibial plateau requiring two surgeries, torn right ACL with two surgeries, subluxation of right knee, fractured right distal radius with two surgeries, fractured left thumb, and alleged post-traumatic arthritis (\$49,352 medl., \$5,000 LT 6 months as house cleaner). Her husband claimed loss of consortium and services. The stepladder was a Davidson A-frame Type III Duty Model D-2313-04 manufactured by deft Louisville Ladder. Pltf's contended the stepladder was improperly designed, allowing it to excessively rack (unstable offset support on three legs instead of all four) and tip over, and causing the left front rail to bend under the user's weight. The defense asserted the ladder was properly designed, it met all industry and ANSI product design standards, and the ladder did not rack at the time of the accident, but instead pltf fell because of her conduct while on the ladder which violated the product's warnings and instructions. Defense further argued that the damage found on the left front rail of the ladder post-occurrence was not caused by its bending during use, but was actually a result of pltf landing on the ladder when she fell, which was consistent with the ladder damage pattern. Deft's expert sits on the ANSI committee that establishes and governs the ANSI standards which apply to the subject ladder.

PREMISES LIAB.--NIGHTCLUB PATRON HIT BY BROKEN BOTTLE THROWN BY BOUNCER*(ZZ 7/2) Freddie Stinson v 816 West Lake Street Inc., d/b/a Chromium Club 04L-10416 Tried Sep. 25-Oct. 1, 2007 (8)*

Verdict: \$881,238
 Judge: Henry R. Simmons, Jr. (IL Cook-Law)
 Pltf Atty: John M. Power of *Cogan & McNabola* Demand: \$500,000 Asked: \$1,600,000
 Deft Atty: Timothy M. Palumbo of *Kopka, Pinkus* (Founders Insurance) Offer: \$300,000
 Pltf Medl: Dr. Angelo P. Tanna (Ophthalmologist) and Dr. Surendra Basti (Ophthalmologist)
 Pltf Expert: Vaughn Palelei, 3161 Sagnashkee Lane, Naperville, IL (312-498-1785) (Security)

Oct. 27, 2003, pltf and a group of his friends were leaving the Chromium Club at 817 W. Lake St. in Chicago when someone outside threw a bottle into the club and hit the bar's bouncer in the head. The bouncer then took the bottle and threw it back towards the direction from where it came, but it struck a pillar at the door and shattered, causing shards of glass to fly into pltf's eye. Pltf M-23 sustained a lacerated cornea which required corneal transplant and lens implantation surgery; his corrected vision is currently 20/50, with no future surgeries planned (\$73,508 medl. bills). Defense admitted the bouncer was hit in the head with a bottle, but denied the bouncer threw back the bottle. Defense further claimed the incident occurred 1.5 to 2 hours later and happened at a different location.