

(MMM 19/3) CARRIER--BUS REAR-ENDED BY HIT-AND-RUN DRIVER--FUTURE KNEE REPLACEMENT (4)

Randy G. Pate, Sr. v Pace Suburban Bus, Jocelyn Etienne 17L-236 (refiled from 09L-9122, 14L-1941) Tried Jan. 26-Feb. 5, 2018

Verdict: Not Guilty

Judge: Robert E. Senechalle, Jr. (IL Cook-Law)

Pltf Atty(s): Vincent M. Auricchio, Bernard A. Speiser of Auricchio Law Offices (Chicago, IL) DEMAND: \$800,000 ASKED: \$1,400,000

Deft Atty(s): Charles P. Rantis, Timothy R. Couture, Jeffery G. Chrones of Johnson & Bell (Chicago, IL) for both defts (Self-Insured) OFFER: none

Pltf Expert(s): Dr. Samuel J. Chmell (Orthopedist); Dr. Dennis Gates (Orthopedist); David Gibson (Vocational Economics Analyst); Henry Vega of Semke Forensic, 11545 W. 183rd Place, #111, Orland Park, IL (815-409-9835) (Accident Reconstruction)

Deft Expert(s): Dr. Ellis Nam (Orthopedist); Gary R. Skoog, Ph.D. (Economist); Thomas A. Grzesik (Vocational Rehabilitation); Timothy M. Hicks, P.E. (Accident Reconstruction) for both defts

Facts:

Pltf was a passenger on a Pace bus in Flossmoor on August 19, 2008. The bus was traveling on Dixie Highway when it made a "courtesy" stop (non-designated bus stop) at a private driveway at a rider's request. After the passenger exited, the bus proceeded forward into the right traffic lane and was rear-ended by a vehicle, whose driver fled the scene. Pltf M-51 maintained the impact caused his body to be jostled against the interior of the bus, resulting in a torn lateral meniscus and torn posterior cruciate ligament in his left knee along with aggravation of pre-existing osteoarthritis in both knees. Pltf claimed he needs bilateral knee replacement surgeries, but lowered his claim at trial to only a left knee replacement (\$13,589 past medical expenses, \$70,000-\$80,000 future medical expenses, \$269,416 loss of earning capacity). Pltf contended the courtesy stop was improper and dangerous due to the topography at that location. The defense argued the bus driver executed an appropriate courtesy stop and properly re-entered the roadway, the driver that hit the bus was the sole proximate cause of the accident, Pace video inside the bus did not show any significant movement of pltf's body or impact to his knees, and he was not injured in the collision. The defense asserted pltf suffered from longstanding knee problems and had previously told a governmental agency that he was permanently disabled due to knee issues. The defense further showed surveillance videos to the jury which depicted pltf walking with a normal gait and without a cane, including footage from the date of his deposition wherein he used a knee immobilizer and cane at the deposition but later that day threw them into his car and walked without limitation.