

# TORT BRIEFS

## JUDGE APPROVES \$3.2 MILLION MEDICAL MALPRACTICE SETTLEMENT

A Cook County judge approved a \$3,215,000 settlement in the case of a woman whose kidneys failed because of medical malpractice. Plaintiff argued doctors failed to properly monitor her kidney function after prescribing lithium, a drug potentially harmful to the kidneys. Her kidneys failed, and she is currently on dialysis awaiting a transplant. (*Chicago Daily Law Bulletin* – September 14, 2001)

## TORT IMMUNITY SHIELDS PARK DISTRICT FROM \$1.55 MILLION VERDICT

A 1<sup>st</sup> District Appellate Court vacated a \$1.55 million jury verdict against the Chicago Park District and then entered a judgment notwithstanding the verdict in the park district's favor. The verdict resulted from the drowning of a 13-year old at a district swimming pool. The court issued a published opinion based on a request by the park district citing "There are other [similar cases] pending in the Circuit Court... Without publishing this order as an opinion, those cases may unnecessarily go to the jury as well." The panel wrote "The defendant is immune from liability because it was uncontroverted that two lifeguards were present on the pool deck." (*Chicago Daily Law Bulletin* – September 14, 2001)

## GENETIC DISORDER NOT DIAGNOSED; \$8 MILLION SETTLEMENT

An \$8 million settlement was reached in a case of a man who lost 75 percent of his lung function before the genetic disorder causing his lungs to deteriorate was diagnosed. He was being treated for asthma. Treated early, Alpha-1 Antitrypsin Deficiency can be slowed and life expectancy extended. (*Chicago Daily Law Bulletin* – September 14, 2001)

## NEW YORK SETTLES HELL'S ANGELS SUIT OVER POLICE RAID

New York City has agreed to settle a lawsuit brought by 14 members of the local chapter of Hell's Angels after police stormed their clubhouse without a warrant. Under the settlement, the second with the local chapter in three years, the city is to pay \$194,570 plus attorney fees and expenses in exchange for dismissal of the suit. The police were accused of breaking down the door to the clubhouse and apartments within the clubhouse to search for persons who had beaten two people at a nearby bar. They arrested seven people, all of whom were later released without charges. (*Liability & Insurance Week* – September 17, 2001)

## EPILEPTIC WINS SETTLEMENT, CAN RIDE WITH DOG ON BUS

A Maryland epileptic who was refused service access to public buses when she attempted to board with her service dog has reached an undisclosed settlement in a disability lawsuit she filed against county officials. The woman, who carried a Maryland tag identifying her dog as being trained to sense coming seizures and protect her from injury, filed the \$10.5 million lawsuit claiming the county bus drivers violated the county's Human Relations Code, which prohibits discrimination in places of "public accommodations" on the basis of handicap. Drivers had ordered her off buses with the dog because she was not blind and had also refused to let her board buses even after showing them her state tag. (*Liability & Insurance Week* – September 17, 2001)

## OHIO JURY AWARDS \$19.7 MILLION TO NEIGHBORS OF BUCKEYE EGG FARM

An Ohio jury awarded over \$19.7 million, including \$15.7 million in punitive damages, to 21 neighbors of Buckeye Egg Farm. The plaintiffs sued Buckeye in 1999 after an ammonia and manure spill, claiming the company had ignored their claims that the spills caused odors, fly infestation and other environmental problems which lowered their quality of life and diminished their property values. (*Liability & Insurance Week* – September 17, 2001)

## \$15.4 MILLION AWARD IN ROLLOVER INJURY

A jury in Miami ordered Ford Motor Co. to pay \$15.4 million to a girl who was paralyzed and suffered brain damage after a rollover accident two years ago. The jury found Ford liable for improperly installing the air valve on the right-rear Goodyear tire of the family's rented Econoline E-350 van. The jury returned a verdict of \$30.7 million, but it was reduced by 50 percent because she was not wearing a seat belt. (*Chicago Tribune* – September 22, 2001)

## FLORIDA JURY FINDS OUTBACK STEAKHOUSE GUILTY OF DISCRIMINATION

A jury in a district court in Florida has found Outback Steakhouse discriminated against a former female employee, awarding her \$64,000 in back wages, \$50,000 in compensatory damages and \$2.1 million in punitive damages. The woman was hired in February 1995 as a site development assistant and had started over 100 new restaurant sites before November 1996 when Outback hired a man, with no background or experience, to perform the same duties at twice her salary. The woman complained, was transferred to a clerical position, and was later terminated. She filed a complaint with the EEOC. (*Liability & Insurance Week* – September 24, 2001)