

Chicago Daily Law Bulletin®

Volume 162, No. 140

Serving Chicago's legal community for 161 years

\$6.6M award for injuries in hit-and-run

Will Co. judge enters default at prove-up hearing

BY LAURAANN WOOD
Law Bulletin staff writer

A Will County judge entered a \$6.6 million default judgment for a man who was struck and severely injured in a hit-and-run collision.

The award, which includes \$1 million in punitive damages, came Friday after a one-day prove-up proceeding before Will County Circuit Judge Barbara N. Petrunaro.

Plaintiff Sylvia Hurtado sued vehicle driver Donald Wood Jr. — who neither appeared nor had representation at the hearing — and his company, Don's Automotive Repair, in 2012 alleging Wood failed to exercise proper caution and stop his vehicle before striking her then-42-year-old brother Cesar Hurtado and fleeing the scene in August 2011.

Hurtado, who is mentally disabled, was walking southbound along the side of Thomas Dillon Drive in Channahon — a stretch without sidewalks — when Wood struck him from behind in a 1999 Toyota Solara.

Wood's driver's license had

been revoked in 1986 following a DUI conviction, and he did not have a valid license at the time of the collision, said Elizabeth R. Olszewski, an associate at Salvi, Schostok & Pritchard P.C. who represented Hurtado's sister in the lawsuit.

After the incident, he fled the scene and continued driving a short distance before parking at a nearby motel, said Olszewski said.

Hurtado suffered several injuries in the collision, including major artery and nerve damage to his right arm. He also suffered a broken cervical spine as well as tibia and fibula fractures.

He now lives with a gait abnormality, suffers from self-confidence issues because of surgery scars on his leg and has lost nearly all use of his right arm, Olszewski said.

"He cannot grasp things. He cannot lift his arm straight above his head. He can lift it up to the side, but it's not functional," she said. "If he tries to open up a bottle of water, he has to put the bottle between his knees in a sitting position and then open the bottle."

After police found Wood's vehicle with significant damage and blood stains, Olszewski said, they identified Wood as a person who potentially possessed the plate by contacting its listed owner — identified in court records as Island City Auto Brokers.



Elizabeth R. Olszewski

In a deposition video taken before his attorney withdrew from the case, Wood testified that he was using the plate — which he purchased from the dealership — so he could test-drive the car on his way home from the shop, Olszewski said.

Wood also contended in affirmative defenses filed in June 2013 that Hurtado was not following state statute that requires pedestrians to travel as far as practicable from roadways with no sidewalks, and that he unexpectedly turned and walked in front of his vehicle immediately before the collision.

Since neither Wood nor an attorney on his behalf appeared for trial before Petrunaro, who presides over the Joliet court's Civil Division, the one-day proceeding turned into a prove-up in which Olszewski said she called

various experts who testified to Hurtado's damages.

In finding against Wood and his shop, Petrunaro awarded the plaintiff \$751,121 for past medical expenses, \$400,000 for future medical expenses, \$1.25 million for past pain and suffering, \$750,000 for future pain and suffering, \$1.25 million for past loss of a normal life, \$750,000 for future loss of a normal life, \$500,000 for disfigurement and \$1 million in punitive damages.

Neither Wood nor the auto shop are insured, Olszewski said.

Earlier in the litigation process, Salvi, Schostok & Pritchard partner Tara R. Devine reached a \$700,000 settlement on behalf of Island City Auto Brokers and two other defendants — identified in court records as company President Mark Ramsey and Erik Wagoner, who allegedly provided Wood with the plate.

Olszewski said she and her clients are pleased with the ruling.

"The family truly wanted to be able to hold (Wood) responsible for what he'd done. It was our job to be able to do that for them," she said.

"I think there was sense of relief and closure to know they can complete their chapter and move on from this. This is something that has been weighing on them."

The case is *Sylvia C. Hurtado v. Donald A. Wood et al.*, 12 L 333.