

# Chicago Daily Law Bulletin®

Volume 163, No. 165

Serving Chicago's legal community for 162 years



Tierney Darden, second from the left, joined her family and trial team this morning at the Alise Hotel on Washington Street to discuss the \$148 million verdict jurors awarded her Wednesday after a 10-day trial at the Daley Center. Photo by Lauraann Wood

## \$148M verdict for airport shelter collapse

BY LAURAANN WOOD

Law Bulletin staff reporter

A Cook County jury on Wednesday awarded \$148,190,997 to a woman paralyzed by a fallen pedestrian shelter at O'Hare International Airport. The verdict was released before Circuit Judge Clare Elizabeth McWilliams around 5 p.m.

This is the largest Cook County personal-injury verdict ever reported, and it's the largest verdict ever reported against the city of Chicago, according to John L. Kirkton of the Jury Verdict Reporter, a product of Law Bulletin Media.

On Aug. 2, 2015, Tierney Darden,

### Dance student left paralyzed in 2015 receives largest personal-injury verdict in Cook history

then a 24-year-old Mundelein resident, was injured while waiting out a storm in the pedestrian shelter outside the Terminal 2 arrivals gate. The suit, filed in Cook County Circuit Court later that month, alleged the shelter collapsed on her, leaving her paralyzed.

Darden, who was enrolled as a dance student at Truman State University in Missouri at the time, sued the city and its Aviation Department for failing to secure the shelter and preventing it

from being dislodged by the strong winds.

The shelters are typically secured to the concrete with seven metal anchors, Darden's lawsuit alleged. But the shelter that fell on her contained rigged parts and was missing most of its anchors.

"No one owned up to that," Salvi, Schostok & Pritchard P.C. chairman and managing equity partner Patrick A. Salvi said during a news conference this

morning. "Everyone that was shown the pictures agreed, 'This is a bad condition, shouldn't be this way, we should be checking, we should be monitoring — not my job.'"

Salvi said Darden's trial team deposed nearly every person who could be responsible for checking and maintaining the nearly 30-year-old shelters, but he was "flabbergasted" that no one claimed such responsibility. He said Salvi partner Jeffrey Kroll, who also represented Darden, had to take "I don't know how many dozens of depositions until finally the city lawyers realized, 'We have no defense.'"

The city admitted liability

about five months before trial, which made damages the jury's only issue to consider.

Darden's spinal cord was pulled and ripped apart in the incident, Salvi said.

"It's actually worse than a clean cut of a spinal cord, as the doctors described it," he said during the conference. "That is really the primary reason that she has unfortunately fallen into a minority of paraplegics that have severe neuropathic pain."

Darden told the jury during trial that she knew she was paralyzed because "there was a crack and a white light and everything went numb."

During the conference, she said she was upset with the city throughout her case because what happened to her was preventable.

"I was more upset than anything and kind of heartbroken because my legs were taken away and those were the two things that I needed to do the one thing that I love, which was dance," she said.

Darden's last demand before trial was \$95 million, Salvi said, and the city's last settlement offer was \$30 million. Darden asked the jury for \$174 million.

After nearly five hours of deliberation, the jury awarded her \$5 million for past lost of a normal life, \$56 million for future loss of a normal life, \$10 million for past pain and suffering, \$30 million for future pain and suffering, \$6 million for emotional distress, \$2.5 million for disfigurement, \$3 million for increased risk of harm, \$500,000 for a shortened life ex-

pectancy, \$985,411 for past medical expenses, \$32 million for future medical expenses and \$2,205,586 for future lost earnings.

The verdict falls within the city's \$500 million insurance policy with AIG Aviation for incidents arising out of the airport.

While the amount is significant, Salvi said, anyone who sat through Darden's trial would understand "it is fair and reasonable."

"Tierney suffered what the doctor's described ... as the worst spinal cord injury someone could suffer — not just in terms of paralyzing her, but also unfortunately ... it will result in her having to deal with very, very severe neuropathic pain for the rest of her life. And she's only 26. So, yeah, the verdict

is substantial, but it should be."

Darden was also represented by Salvi partners Tara R. Devine, Patrick A. Salvi II and associate Eirene-Gin Nakamura Salvi.

The city was represented by Steve Williams of Williams & Gundlach LLC as well as Dentons US LLP partner Leah R. Bruno, managing associate Kristine M. Schanbacher and partner Mark Dombroff, who was admitted on pro hac vice status from the firm's McLean, Va., office.

A spokesman from the city's Law Department said, "We are disappointed in the jury's verdict and are evaluating our legal options."

The case is *Tierney Darden v. City of Chicago, et al.*, 15 L 831.

*Law Bulletin* editor Marc Karlinsky contributed to this report.