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\$115M deal in O'Hare injury case

Jury awarded \$148M in August; settlement sidesteps city appeal

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The city of Chicago, through its insurance carrier, has agreed to pay \$115 million to a woman paralyzed in 2015 by a fallen pedestrian shelter at O'Hare International Airport.

The agreement was finalized Monday after "extensive" mediation but it has yet to be formally approved by a judge. The settlement comes after defense attorneys challenged a \$148 million verdict reached by Cook County jurors in the same case in August.

Attorneys representing the city challenged the verdict through post-trial motions arguing, among other things, that the verdict was excessive.

Both parties entered mediation with former Cook County circuit judge Donald P. O'Connell.

The agreement is not subject to Chicago City Council approval as the amount falls within the city's \$500 million insurance policy with AIG Aviation for incidents arising

out of the airport, said plaintiff's attorney Patrick A. Salvi, of Salvi, Schostok & Pritchard P.C.

This settlement represents the largest personal-injury settlement for an individual plaintiff in state history, said John L. Kirkton of the Jury Verdict Reporter, a product of Law Bulletin Media.

The prior highest reported Illinois personal-injury settlement for an individual plaintiff was a \$47.5 million medical-malpractice settlement secured in 2017.

On Aug. 2, 2015, Tierney Darden, then a Mundelein resident, was standing with her mother and younger sister outside of the airport in a pedestrian shelter waiting out a rainstorm.

The suit, filed in Cook County Circuit Court later that month, alleged the shelter collapsed on Darden, leaving her paralyzed.

Darden, who was a dancer and a college student at the time of the incident, sustained dislocated vertebrae, which resulted in a severed spinal cord that left her paralyzed from the waist down.

Pain experts testified at trial that her spinal cord "stretched until it popped and ripped."

She sued the city and its Aviation Department for failing to secure the shelter and preventing it from being dislodged by 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.

The city admitted liability for the incident about five months prior to trial, which made the damages the jury's only issue to consider.

Salvi said while his firm felt the entire verdict was supported by the evidence presented at trial, there were issues to consider when determining whether to settle or to fight the city's appeal.

The city's defense attorneys pointed out in post-trial motions that jurors awarded \$32 million for future medical expenses when the plaintiff's life care plan only called for \$15 million, Salvi said.

"Although we argued that it was a minimal plan and she would likely require care over and above our plan, we still had to deal with the fact that the amount was significantly higher than even our own evidence," he said.

Salvi said even though they believed the verdict would have been upheld on appeal, when weighing the risks and benefits, they felt it was a fair compromise.

"The amount we agreed to, in our estimation, is an amount that



Patrick A. Salvi

will take care of Darden for the rest of her life," Salvi said.

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. They could not be reached for comment.

Darden was also represented by Jeffrey J. Kroll, Tara R. Devine, Patrick A. Salvi II and Eirene N. Salvi, all of Salvi, Schostok & Pritchard.

The case is *Tierney Darden v. City of Chicago, et al.*, 15 L 8311.
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