

Chicago Daily Law Bulletin®

Volume 165, No. 8

Serving Chicago's legal community for 164 years

\$19.5M deal ends forklift injury claim

BY **JORDYN REILAND**
Law Bulletin staff writer

A Wisconsin man has settled his lawsuit against an event management company for \$19.5 million more than six years after he sustained a degloving injury from a forklift at a Chicago trade show.

A deal was reached Thursday after the Illinois Supreme Court denied a petition for leave to appeal filed by defense attorneys, according to one of the plaintiff's attorneys Patrick A. Salvi II of Salvi, Schostok & Pritchard P.C.

"At the end of the day the entire process played out and it worked in our favor, and we are very fortunate and thankful for that," he said.

On Sept. 18, 2012, Thomas Neuhengen, of Cudahy, Wis., was helping take down his employer's booth from the International Manufacturing Technology Show at McCormick Place when a 58,000-pound forklift ran over his left foot, according to court records.

At trial, plaintiff's attorneys

argued forklift driver Frederick Neirinckx did not use a spotter, or helper, nor did he keep a proper lookout when driving his forklift.

The Versa-Lift model forklift was "notorious" for having blind spots in the front and back, according to court documents.

They also contended Global Experience Specialists, who hired Neirinckx, did not have a training policy for its drivers.

Additionally, Global did not assign an additional person on the crew that day to assist in spotting, plaintiff's attorneys argued.

Cook County jurors awarded Neuhengen \$15.2 million in August 2015, \$3 million of which were punitive damages, in his case against Global and Neirinckx.

Global filed post-trial motions requesting a new trial, arguing Neuhengen did not prove their conduct was willful and wanton.

Circuit Judge Lorna E. Propes upheld the compensatory damages but agreed with defense attorney arguments as to punitive



Patrick A. Salvi II

damages and revoked the \$3 million award in January 2016 in post-trial proceedings.

The 1st District Appellate Court in June then reversed Propes' ruling and reinstated the \$3 million award, finding Neuhengen did, in fact, present enough evidence to show Global's decision to assign an insufficiently trained worker to use the forklift was egregious.

Following that decision, defense counsel filed a petition for leave to appeal with the Illinois Supreme Court which was denied.

The final sum included more

than \$4 million of post-trial interest, Salvi said. The settlement was required to determine the exact amount of interest.

"It was a hard-fought battle every step of the way. At multiple junctures there were efforts to try to resolve the case that failed," Salvi said in an interview.

Neuhengen was also represented at trial by Patrick A. Salvi and Aaron D. Boeder of Salvi, Schostok & Pritchard as well as Jeffrey J. Kroll. Robert G. Black of the Law Offices of Robert G. Black assisted in the appeal.

The defendants were represented by Dominick W. Saviano and Jack J. Murphy of Nielsen, Zehe & Antas P.C.; Adrian Mendoza and Edward R. Sherman of Lillig & Thorsness Ltd. in Oak Brook; and Melissa A. Murphy-Petros of Wilson Elser Moskowitz Edelman & Dicker LLP.

The defense attorneys could not be reached for comment.

The case is *Thomas Neuhengen v. Global Experience Specialists Inc., et. al*, 12 L 11854.

jreiland@lawbulletinmedia.com