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LAW BULLETIN MEDIA

## \$10M for foot crushed by mixer truck

### Driver pulled forward while worker was still moving tools from his path

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A man who needed a foot amputated after it was crushed by a concrete mixer truck settled his lawsuit for \$10 million.

The parties reached the agreement on June 3, one day before a Daley Center trial was to begin.

On Oct. 11, 2016, Victor Calderon, then 26, was working at a residential property in Chicago as an independent laborer for Muscle Concrete to repair a concrete walkway running alongside the property. Calderon was laying out the tools and equipment needed for the project in the alley when an Ozinga Ready Mix Concrete truck arrived.

Onsite employees, including Calderon, expected the truck driver, Reginald Ollie, to back the truck in. But instead he came down the alley in such a way that Calderon had to move his tools so the truck could proceed forward, according to court records.

As Calderon and his co-worker moved the tools, the driver advanced and knocked Calderon to the ground on his front, crushing his left foot, according to one of his attorneys, Patrick A. Salvi II of Salvi Schostok & Pritchard PC.

The injury required an above-the-ankle amputation.



Patrick A. Salvi II

The lawsuit against Ollie and Ozinga contended the driver did not take “affirmative action” by honking his horn or verbally letting the others know he was going to move, and he didn’t spot all of the workers before proceeding.

Salvi said the defense argued Calderon’s boss, who was also onsite, waved the driver forward. They also contended Calderon was contributorily negligent because he placed himself in danger by being in front of the concrete truck.

Salvi said even if Ollie had been waved forward by Calderon’s boss, he was not relying on a “clear communication” because his boss was walking away at the time of the incident.

Salvi said the settlement could help Calderon obtain further education now that he is no longer capable of heavy manual labor.



A file photo of an Ozinga Ready Mix truck, similar to one involved in a worksite incident that left a 26-year-old worker requiring amputation of a crushed left foot. Last week, the worker settled his case against Ozinga for \$10 million. Pexels photo/Michael Mars



**Cook County Circuit Court**

***Victor Calderon v. Ozinga Ready Mix Concrete Inc., et al.***

**16 L 10247**

**Associate Judge Mary R. Minella**

Calderon received a prosthetic foot in 2017, and those need to be replaced about every three years, — a lifetime cost that could approach \$2 million, Salvi said.

Patrick A. Salvi, Brian L. Salvi and Carly E. Shannon, all of the Salvi firm, also represented Calderon.

Retired Cook County judge and ADR Systems mediator William E. Gomolinski and Associate Judge Mary R.

Minella helped in settling the case, according to a firm-issued news release.

The defendants were represented by Michael J. Urgo Jr. and James G. Stiefbold of Urgo & Nugent LLC, as well as Dan L. Boho of Hinshaw & Culbertson LLP.

They could not be reached for comment.

The case is *Victor Calderon v. Ozinga Ready Mix Concrete Inc., et al.*, 16 L 10247.