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\$800K settlement for bone-breaking sidewalk slip and fall

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A woman who broke her left leg after slipping on a sidewalk has settled her lawsuit for \$800,000.

The parties reached the deal July 12, three days before a DuPage County trial was set to begin before Circuit Judge Kenneth L. Popejoy.

On Jan. 26, 2015, Elburn primary care physician Nicole Moses, then 39, was leaving her office building and fell on an ice-covered sidewalk nearby.

She sustained fractures to her left tibia and fibula, which required six surgeries, said Andrew J. Burkavage of Salvi, Schostok & Pritchard P.C., one of her attorneys.

Moses did not return to work for more than a year after the incident, he said.

Moses and her husband, Thomas, filed a lawsuit against her employer at the time, CDH-Delnor Health System, and Sebert Landscaping Co., alleging negligence and loss of consortium counts.

CDH-Delnor was voluntarily dismissed from the case last month.

Sebert Landscaping was contracted by the property owner to provide snow and ice removal services during the winter, Burkavage said.

The lawsuit alleged Sebert Landscaping was required, under contract, to pretreat all sidewalks before and at the beginning of a storm.

Snow began to fall in the early morning hours that day, and while a Sebert employee deiced the parking lots around 6 a.m., no one addressed the sidewalks, the suit alleged.

Moses' attorneys contended landscaping employees did not deice the sidewalks until after she fell.

The defense argued its client's actions before Moses fell were sufficient under the company's contract, according to a news release.

Now 43 and living in Boise, Idaho, Moses continues to have pain and she has been unable to return to running and CrossFit, which she did often prior to the incident, Burkavage said.

"We are very pleased with



Andrew J. Burkavage

the settlement and were happy to be able to get this settlement for her in light of the fact that she continues to have issues and likely will for the rest of her life," he said.

Moses was also represented by Patrick A. Salvi II and Heidi L. Wickstrom of Salvi Schostok & Pritchard.

Sebert Landscaping was represented by Bill Porter and Rita L. Gitchell of Chilton Yambert & Porter LLP in Geneva.

They could not be reached for comment.

The 18th Judicial Circuit Court case is *Nicole Moses, et al., v. CDH-Delnor Health System, et al.*, 15 L 812.