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Car crash suit settles for \$1.9M

Question of agency in defendant's defense until agreement reached

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A woman who sustained a broken leg and broken wrists in a head-on collision with another vehicle outside far west suburban Yorkville, has settled her lawsuit for \$1.9 million.

A settlement was reached Nov. 22 following a mediation with retired Cook County circuit judge Larry G. Axelrood.

On Aug. 24, 2015, plaintiff Patricia Nicholson was driving north on Route 71 when her vehicle was hit by defendant Hong Lu. Lu was heading southbound and attempted to pass a semitrailer truck by driving into the oncoming lane of traffic.

Nicholson sustained a broken right leg, which required surgery, and broken wrists.

She was represented by Brian L. Salvi, Andrew J. Burkavage and Michael J. Schostok of Salvi, Schostok & Pritchard P.C.

At the time of the crash, Lu was a retail sales merchandiser for defendant Advantage Sales & Marketing LLC and was driving from her home to a Target store in Peru for work.

Lu individually admitted negligence but there was a dispute by her employer as to whether she was within the scope of her employment at the time of the crash, Salvi said.

Salvi argued she was acting in the scope of her employment because Lu frequently traveled to various businesses as part of her job responsibilities and did not have



Brian L. Salvi

a designated office she was assigned to.

Advantage did not believe she was in the scope of her employment.

On Nov. 20, Cook County

Associate Judge Moira S. Johnson denied Advantage's motion for summary judgment.

Salvi said he was glad the defense recognized the susceptibility they had regarding its agency issues and offered an appropriate amount of money based on Nicholson injuries.

"When it comes to recoverability my client could have had her day in court and gotten full damages ... But if the jury didn't agree on the agency issue she would've walked out with close to nothing," Salvi said.

Christopher T. Miller of Kelley Kronenberg P.A. represented Advantage Sales & Marketing.

John R. Felton of the Law Offices of Christina Tribbia in Warrenville represented Lu.

They could not be reached for comment.

The case is *Patricia A. Nicholson v. Hong Lu, et al.*, 18 L 12969.



Cook County Circuit Court

Patricia A. Nicholson v. Hong Lu, et al.

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