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## Jury awards \$241M in carbon dioxide death

Lawsuit alleged driver received no warning about dry ice dangers

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A Madison County jury Friday awarded \$241 million to the family of a man who died after being exposed to carbon dioxide.

Paula Johnson sued Prairie Farms Dairy, PFD Supply Corp. and others in Madison County Circuit Court.

Johnson filed the lawsuit in 2017 on behalf of her husband, Eric, who died in 2016 after being exposed to carbon dioxide while transporting dry ice for Prairie Farms.

Eric, 64, had a courier service that was hired to transport strawberries from Missouri to Arkansas. After leaving the Prairie Farms facility, he was found unconscious in his vehicle with the engine running in a parking garage, according to the lawsuit.

A responding police officer performed CPR until paramedics arrived, and Eric was taken to a local hospital, according to the lawsuit. He died three days later.

The third amended complaint alleged that the defendants failed to warn Eric of the risks of transporting dry ice in a small vehicle without adequate ventilation and failed to properly mark the packaged dry ice containers with instructions and warnings that it contained



**Attorneys from Salvi Schostok & Pritchard speak at a news conference Monday at the firm's office. Front row, from left: Patrick A. Salvi, Patrick A. Salvi II, Lance D. Northcutt; back row: Kristen M. Stoicescu and David J. Rashid.** Emma Oxnevad/Chicago Daily Law Bulletin

hazardous materials, among other claims.

Patrick A. Salvi II of Salvi Schostok & Pritchard PC, who represented Johnson, said at a news conference Monday that the defendants did not have a hazards communications program, which was required by the Occupational Safety and Health Administration.

"That's the level of misconduct we're talking about and the level of complete indifference that led to this jury's decision," he said.

Salvi said Johnson has assumed responsibility for her husband's courier business since his death and cares for

the couple's two disabled adult children.

"Having some resources to give her some respite at 73 years old, while she continues to take care of her 29-year-old daughter and 36-year old son, is the most important thing," he said.

Lance D. Northcutt of Salvi Schostok & Pritchard said the firm will also pursue legal action against Travelers, the defendants' insurers who he said did not negotiate and settle within its policy limit in good faith.

"Travelers decided they wanted to roll the dice and see what happened at trial," he said. "They got their

answer in the form of a nearly quarter-billion-dollar jury verdict."

Judge Dennis Ruth presided over the case.

Patrick A. Salvi, David J. Rashid and Kristen M. Stoicescu of Salvi, Schostok & Pritchard also represented Johnson.

The defendants were represented by Bharat Varadachari, Troy A. Bozarth, and Emilee M. Bramstedt of HeplerBroom LLC. They could not be reached for comment, nor could a Prairie Farms media contact.

The case is *Paula Johnson v. Prairie Farms Dairy Inc., et al.*, No. 17 L 1562.