

COPLAN+CRANE CHRONICLES



We hope you enjoy this winter edition of our Newsletter. As we eagerly await the coming of spring and Daylight Savings Time on March 13, let's remember to check the batteries in our smoke detectors so that our homes and families are kept safe.

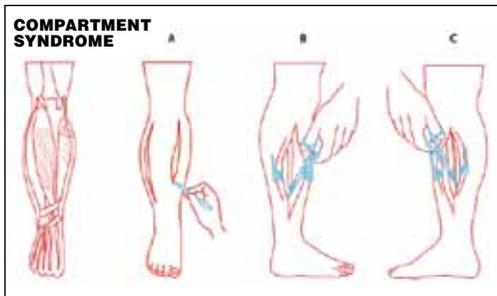
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\$6,000,000 SETTLEMENT FOR VICTIM OF BAD COMMUNICATION

A \$6 million settlement will help one client live a better life despite neglect after surgery caused substantial, disabling, and permanent damage to his leg. The case serves as a reminder of just how important communication among medical providers is: they must be willing to go up the chain of command to get help for a patient if an urgent need is being ignored, says Greg Coplan, the victim's lawyer.

Our client, Scott, underwent a complex operation on his heart at a Chicago hospital. Scott was on cardio-pulmonary bypass for more than 9 hours, so doctors could work on his heart while his blood was circulated artificially. During bypass, the patient has a tube—a cannula—inserted in an artery in his leg, which reduces blood flow to the leg below. After a cannula is removed, and the flow restored, the patient is at risk of a dangerous condition: compartment syndrome. If that occurs, the muscle fibers begin to swell, increasing the pressure within the muscle. If that swelling is not relieved, it damages the muscle fibers, and the nerves and blood vessels nearby. The only treatment for compartment syndrome—a medical emergency—is surgery called a fasciotomy, where muscle is cut lengthwise to relieve pressure, restoring circulation.



In the recovery room around 3 a.m., Scott and his nurses noticed the signs of compartment syndrome. While one nurse said she told the surgeon about her concerns every

time she spoke with him over the next three and a half hours, the doctor claimed he first heard of the problem when he checked on Scott around 6:30 a.m. It wasn't until almost 9 a.m., 6 hours after the first symptoms, that a vascular surgeon performed a fasciotomy on Scott's leg. That unnecessary delay could easily have been avoided if only the nurses had gone up the chain of command, and asked another doctor for help when the heart surgeon failed to act.

The delay in responding to Scott's compartment syndrome caused extreme damage. In the months after the fasciotomy, Scott needed many surgeries to cut away dead tissue, and extensive skin grafting. He also endured an "astounding" amount of therapy lasting months, both as an inpatient and outpatient, Greg says.

Unfortunately, he still has severe problems. He lost all motion in his ankle, so his foot is fixed in place. Scott can't run, and his ability to work or even just walk are affected. He's in severe pain every day, and has problems with infections and skin ulcers, leading to more surgery to remove parts of his toes. "For those reasons, and because of the risk to his health of having a dead limb, he's almost certain to have his lower leg amputated eventually," Greg says.

What is frustrating is that this massive damage could have been avoided if the nurse in charge had simply asked for help elsewhere when she realized the surgeon wasn't responding promptly, Greg points out. But because so many hours elapsed before Scott's fasciotomy, his injuries were irreversible, and his life has been forever changed. Through this settlement, however, Scott's future medical care is paid for, and the earnings he is likely to lose have been restored.

BOY BADLY BURNED IN FIRE RECEIVES STRUCTURED SETTLEMENT

At Coplan & Crane, we know all too well that terrible things can happen when important safety precautions are disregarded. We work hard to help victims of negligence to improve their quality of life after a serious accident or other disaster.

In one gratifying case, we helped win a substantial settlement for a young boy who was badly burned in a fire stemming from an incorrectly installed electrical outlet. A young mother pulled her 3-year-old son and 4-year-old daughter from a blaze on the third floor of an apartment building in Rockford, Illinois in January 2006. The girl received minor burns, but the boy was badly burned over 75 percent of his body.

The case was favorably resolved and the structured settlement is protected and invested. The boy will receive regular payments that will help him live a better life.

Like many municipalities, the city of Rockford has a rule specifying floor outlets need to be of the design that prevents substances including dirt, dust, lint, and moisture from getting inside the outlet and potentially causing a fire. The firm's attorneys and experts analyzed the wreckage and were able to determine that the outlet where the fire originated was not suited for a floor, nor was it properly grounded. The carpeting had been cleaned shortly before the fire and lingering moisture in the outlet likely contributed to the outlet shorting out.



Fig 1: Example of bad outlet



Fig 2: Fire scene

Lawsuits involving fires can get complicated, Ben notes. "You really have to probe and understand in great detail how the fire code, the electrical code, and the building code work together. We were able to get out there to the building early, complete our investigation, and come up with a good theory of liability."

Through early research and investigation we were able to frame our case so that the insurance company had no choice but to settle. Coplan & Crane was able to show that the landlord allowed illegal floor outlets to remain. The landlord also did not inspect the outlets to determine that they were in safe working order. This caused one outlet to short circuit and malfunction. The result was a fire that had devastating, permanent consequences for one family.

Our firm is pleased that we could assist in rectifying such a terrible incident. We hope cases like this will help draw attention to how important it is for landlords and others to heed fire safety guidelines.



HOW TO PROPERLY OPERATE A FIRE EXTINGUISHER



PULL

Pull the pin.
It is there to prevent accidental discharge.



AIM

Aim low at the base of the fire.
This is the where the fuel source is.



SQUEEZE

Squeeze the lever above the handle.
Release to stop the flow.
(Some extinguishers have a button instead of a lever)



SWEEP

Sweep from side to side.
Move toward the fire, aiming low at its base. Sweep until all flames are extinguished.
Watch for re-igniting.
Repeat as necessary.

...FIRM HAPPENINGS...

In October 2015, Greg Coplan served as a member of the teaching faculty at "The Trial Advocacy College: Depositions" in Providence, Rhode Island, sponsored by the American Association for Justice. Greg was one of eight veteran trial lawyers from across the United States who spoke on deposition strategies and best practices, demonstrated skills, and lead small group, interactive workshops for nearly 50 lawyers, hailing from New York to California. Greg's presentations included "Structuring the Deposition of a Difficult Witness" and "Developing Rules and Standards."

INJURED RAILROAD WORKER RECEIVES LARGE JURY VERDICT

When an on-the-job accident makes it difficult for a person to continue working, a law firm like Coplan & Crane can be of great help.

Our client, Jeffrey Adams, was employed as a night engine watchman. He worked in the Antioch, Illinois coach yard of Metra, the commuter railroad of the Chicago metropolitan area. Jeff was routinely assigned to work alone for the first six hours of his shift. One night in August 2006, he stepped into a hole in the ballast between track rails, seriously damaging his left knee.



Jeff suffered meniscus tears, cartilage damage, and peroneal nerve injury, and had to undergo arthroscopic repair surgery. He initially returned to his night watchman job, but his injuries made it very difficult and painful for him to perform his duties, said Coplan & Crane attorney Ben Crane, who represented Jeff in his lawsuit. He will likely need a total knee replacement eventually.

Evidence presented in the jury trial showed that on the night that Jeff was injured, Metra workers had performed maintenance on the track, creating the hole. The track department, however, failed to tell the Antioch Yard night workers about the changes

in their workplace conditions. Also, the maintenance employees did not properly fill in the ballast to the level of the railroad ties when they left for the day.

Although Jeff's on-site injury was quite serious, Metra offered no compensation, claiming it was not to blame. "That was a big deal," Ben said. "They were basically saying 'We don't think enough of your case to even offer you any money at all.'" The jury strongly disagreed with Metra's position, and Jeff was awarded more than \$450,000.

"Jeff was telling the truth, and the jury really liked him," Ben said. "I think that the verdict ended up being as high as it was because Metra was claiming that he was a liar, and that made the jury angry."

Such a good result made a huge difference in Jeff's life, Ben said. He was ultimately able to take an early retirement, splitting his time between Illinois and Tennessee. "He doesn't have to struggle now and he lives much more comfortably," Ben said.

That kind of positive outcome for a client is what we always fight hard to receive.

DANGEROUS DRUGS & DEFECTIVE PRODUCTS

GENETICALLY MODIFIED CORN DEVASTATES U.S. FARMERS EXPORTS TO CHINA

Since our last newsletter, we have filed nearly 80 new lawsuits against Syngenta and other companies responsible for a sharp downturn in the value of corn starting in 2013. These cases have been filed on behalf of farmers we represent in Illinois, Wisconsin, and throughout the Midwest, because of the effects of Syngenta's misrepresentations to farmers, exporters, and distributors about the willingness of China and other import markets to accept shipments of corn tainted by GMO seed—Syngenta's Agrisure® Viptera™ and Duracade™ brand seed corn.



WE ALSO CURRENTLY REPRESENT VICTIMS HARMED BY THESE MEDICAL DEVICES AND DRUGS:

- **Transvaginal Mesh**
Mesh fails in woman treated for urinary incontinence and organ prolapse
- **Zimmer knee replacements**
Device may fail or loosen
- **Invokana**
Diabetes medication—causes ketoacidosis
- **Actos**
Diabetes medication—causes bladder cancer
- **Zofran**
Anti-morning sickness and nausea drug—causes birth defects
- **Xarelto**
Blood thinner—causes stroke and fatal internal bleeding
- **Stryker Rejuvenate and ABG hip implants**
Causes hip pain and swelling, and toxic levels of metals in patients' blood



BEN CRANE: Compassion Combined with Competitiveness

As a personal injury plaintiff lawyer, Ben Crane helps people who have been through life-altering events get back on track. That role fits him well. Whether a client has been in a car crash, been hurt due to medical malpractice, or injured on a property by someone's carelessness, Ben is passionate about helping them remedy the wrongs that derailed their lives.

"Helping people comes naturally," Ben says. "That's my job. It's part of what we do every day here."

Ben's drive to get great results for his clients stems from a keen desire to enable families to improve their lives after a tragic event. Beyond that intrinsic drive to fight for compensation, though, Ben has another quality that motivates him: a fierce competitive streak.

"I'm motivated in different ways than some people are; I really love winning," he says. "And although that

might mean different things for different clients and cases, getting that verdict and winning for a particular person—it's just awesome."

Ben's competitive nature was honed on the football fields, baseball diamonds, and basketball courts in Streamwood, Elgin and DePere, Wisconsin in his childhood and adolescence. All those coaches made a huge impact on Ben's outlook and fostered his love of winning, as well as other key qualities and skills.

"I look back at my coaches, and I can name almost every one I ever had," he says. "A lot of the things I learned in youth, high school, and college athletics I use today, and they come into play in important things like leadership and self-confidence. But it was also drilled into my head from T-ball to college football the better prepared team wins."

This translates directly into trial work. "In some ways, we have to stay ahead because the other side has the advantage—they have the money, and in some instances, they have public opinion in their favor. So, in effect, we have to be more prepared than they are."

And that suits Ben just fine.

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