

# COPLAN+CRANE CHRONICLES

## RECORD \$15 MILLION VERDICT FOR FAMILY OF WOMAN KILLED IN TRUCK ACCIDENT

Earlier this year, Coplan+Crane was able to help a family who suffered a terrible loss by holding a negligent trucking company responsible for its actions.

On the afternoon of March 23, 2013, a car driven by Jeanette Pivot was stopped in traffic on Route 20 in Rockford because of an earlier accident. Less than 12 minutes later, her car was rear-ended by a freight truck driven at full speed by Rigoberto Vazquez. Jeanette was killed instantly.

Attorneys Ben Crane, Stephen Blecha and Blake Vance, with co-counsel Darin Doak, represented Jeanette's family in a wrongful death suit against Vazquez and Black Horse Carriers, the trucking company. The suit claimed Vazquez did not allow enough time or distance to safely stop, did not keep a proper lookout, drove too fast for conditions, operated his vehicle while fatigued and did not apply his brakes.

During the trial, jurors were shown video taken by dashboard cameras inside the cab of the truck. The defense claimed the footage showed Vazquez looking down to check gauges. But we successfully argued they showed Vazquez falling asleep moments before the crash.

"He was not fully awake and aware, and when you're driving, that's not acceptable," said Ben Crane. "And it's not acceptable to avoid taking responsibility and ownership for what happened."

The defense tried blaming the victim for the crash, suggesting one of her car's taillights was out. We disputed those allegations in court, and also presented evidence that Black Horse Carriers failed to provide proper supervision and training, as required by federal law.

"The trucking company was directly negligent because of their failure to properly implement formal industry practices in monitoring

and training drivers and improving upon any insufficiencies," says Ben.

Evidence was presented that drivers were not given the safety manual, and that it was not possible for Vazquez to have received the training Black Horse Carriers claimed he did. It was also shown that the manager of the trucking terminal was not qualified for his job, and was not even familiar with Federal Motor Carrier Safety regulations—safety rules that all operators of commercial motor vehicles must follow.

After deliberating for 4½ hours, the jury found in favor of Jeanette's family, and awarded them \$15 million. It's a record verdict in Winnebago County. Coplan+Crane's \$12 million settlement for a child injured at birth remains the largest medical malpractice settlement reported there.

Ben points out that the case could not have been won without the work of Greg Coplan.

"Greg gave his everything on this case. And he dominated it," Ben says. "This is Greg's verdict, and I am very proud of him."

The depositions Greg took played a key role, as they were used to impeach defense witnesses. Ben pointed out in court that the testimony of trucking company employees differed from what they said in those depositions.

"It's a lot harder to keep your stories straight when you don't tell the truth," Ben says. "They were willing to go to extreme lengths to not accept responsibility, and the jury didn't seem to appreciate that."

The case took a tremendous amount of work, but Ben, Stephen and Blake all say it was worth it to help Jeanette's family get justice.

"The family suffered a great loss," says Ben. "The jury saw that the driver and the trucking company were clearly negligent, and that this tragedy should never have happened." ■

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# \$900,000 VERDICT FOR WOMAN WHO LOST ALL OF HER TEETH

Dental professionals have a responsibility to act in the best interests of their patients. When they don't, those patients can suffer serious harm.

In 2007, our client, Jennifer, needed extensive dental work. She went to see Dr. John Marsala, then practicing at Hobson Dental in Woodridge.

Jennifer told him she wanted to keep all of her teeth. Dr. Marsala offered a crown-based solution to her dental problems. He said she would need 22 crowns and some bridge work. He offered to do all of the work for a total of \$26,000 if she prepaid. Jennifer agreed.

Work began on her teeth that year. But then Dr. Marsala disappeared. He had moved his practice without notifying her.

Jennifer discovered Dr. Marsala had moved to Chicago and was working at a clinic called Dentpol. Jennifer contacted him, and her dental work resumed for a time.

Then he disappeared again.

This time, Jennifer tracked him down to Wheatland Dental in Naperville. Marsala again resumed work on her teeth.

By this time, four years had passed, and Jennifer had some concerns about the quality of the work. Her bite felt off, the temporary bridge in her top front teeth was loose, and she had an infection in one tooth. In June 2011, she saw another dentist for a second opinion. The news was not good.

That dentist found the work Marsala had done to be substandard. There were gaps in the permanent crowns, allowing bacteria to get in and further decay the teeth. All of the work would need to be redone, and it was not clear if her teeth could be saved.

Ultimately, all of her teeth needed to be replaced with implants, at a cost of nearly \$200,000.

Ted Jennings and Erv Nevitt represented Jennifer at the trial against Marsala, alleging negligence, common law fraud and deceptive business practices.

Experts noted there was never any comprehensive plan to address Jennifer's situation, that dental work was not done properly, and that Marsala failed to consult a specialist to address her periodontal problems. One of the dentists who treated Jennifer after she left Marsala said his work was "poorly thought out and poorly executed."

Marsala's lawyer mounted an aggressive defense, claiming the dentist had made a "heroic effort" to save Jennifer's teeth, but that she had left treatment before the work could be completed. They pointed to a consent form Jennifer had signed, stating that she was aware there was a risk she may lose some teeth. Ted quickly and effectively refuted that argument in court.

"She didn't consent to have open margins on the crowns, she didn't

consent to have a temporary bridge in place for four years, and she didn't consent to have orthodontics that would damage her teeth," he says.

The jury agreed, and after several hours of deliberation, awarded Jennifer \$899,614 in damages. It's the largest dental injury verdict in Cook County.

Ted pointed out the case shows what can happen when dentists don't know their own limitations and don't think about what's best for their patients.

"Jennifer trusted that dentist to put her interests first," Ted says. "He clearly failed to do that." ■



# \$10,000 RAISED TO HELP CHILDREN WITH DEVELOPMENTAL DISABILITIES



Coplan+Crane was proud to sponsor “Spring For Oak-Leyden,” an event that raised \$10,000 for Oak-Leyden Developmental Services, which provides programs and services for children with developmental disabilities.

The fund-raiser was held on May 21 at FitzGerald’s SideBar in Berwyn, IL, featuring music by Chicago rockers These Peaches and folk artist Elston Gunn. It was attended by people of all ages, who enjoyed food provided by Felony Franks and cookies by Turano’s Mamma Susi Bakeshop. A kids’ activity tent provided entertainment for the younger members of the crowd.

Founded in 1956, Oak-Leyden Developmental Services provides comprehensive therapeutic, educational and family support services for infants and young children with developmental disabilities and delays.

Ben Crane is active in the organization and is a member of the board of directors.

“It’s something that my wife and I have been heavily involved in for many years,” says Ben. “Oak-Leyden serves a very vulnerable population.”

In the past year alone, Oak-Leyden was able to improve the lives of 350 children from birth to five years old. The services provided by the organization include evaluations and screenings, early intervention, physical therapy, speech therapy and occupational therapy to help children with coordination, organization and planning skills.

“Some children just need extra help so they can engage the world around them,” says Ben.

Thanks to support from Coplan+Crane and other sponsors, 91% of the funds raised will go directly toward providing children’s services. This was the 13th annual such fund-raiser, and Ben says next year’s event will be bigger.

“We really want to help grow the organization so they can help as many children as possible,” he says. ■

## FIRM HAPPENINGS

Coplan+Crane has been elected to join the American Association for Justice (AAJ) Leaders Forum. This is a group of firms across the country that play a vital role in helping the AAJ promote and corporate accountability, advocate for a balanced civil justice system, improve our communities and educate lawyers to provide excellent advocacy for clients.

As a Leaders Forum firm, we are dedicated to making sure that any person injured by the negligence of others can get justice in America’s courts.



**Erv Nevitt** has been elected to a two-year term on the American Association of Justice Board of Governors as a representative of the Minority Caucus.

The board of governors meets four times a year and is responsible for establishing and approving policies and adopting budgets to advance its mission of promoting a fair and effective justice system. Erv has been very active in the minority caucus, helping out with membership drives and fundraisers.



**Ben Crane** has been asked to serve on the Illinois Trial Lawyers Association (ITLA) Board of Managers. The ITLA works to protect the rights of individuals against powerful interests such as corporations and insurance companies. The organization offers education for trial lawyers and lobbies for fair legislation to ensure that citizens get equal footing in the courtroom. It has more than 2,000 members, including all attorneys at Coplan+Crane.



**Stephen M. Blecha** received the William J. Harte Amicus Volunteer Award from the Illinois Trial Lawyers Association (ITLA) at a reception in June. The award honors attorneys who have provided dedicated volunteer service in preparing legal briefs for the ITLA Amicus Curiae Committee. Stephen volunteered to write an amicus brief in *Barr v. Cunningham*, a case in front of the Illinois Supreme Court which raised the issue of whether a teacher’s supervision was “willful and wanton” under the Tort Immunity Act.



# GREG COPLAN: AN UPDATE

Many people have asked us about the health of founding partner Greg Coplan. For those who don't know, Greg suffered a hemorrhagic stroke

in January. He was left partially paralyzed and his speech was affected, but fortunately doctors were able to prevent further damage.

He is home and currently undergoing therapy at the Rehabilitation Institute of Chicago on an outpatient basis. And there has been an outpouring of concern and support from family and friends.

"Greg cares about people—a lot," says Ben Crane. "But the amount of care coming back his way is amazing. Not at all surprising, but amazingly overwhelming."

Greg is aware, alert and determined to work on his recovery, Ben says. He enjoys having visitors and is focusing on the positive. He is also looking to the future and is very proud of his son, who this fall will be attending Kalamazoo College and playing on the football team. Ben visits his friend and law partner regularly, and says Greg misses practicing law—something he loves to do

and has excelled at for more than 20 years.

"He gets a lot satisfaction from meeting clients and helping them," says Ben. "Having to sit on the sidelines right now is really frustrating for him."

But Ben gives him updates about the firm, and points out that Greg's work before falling ill played a significant role in the outcome of the cases discussed in this newsletter—a \$15 million verdict in a wrongful death suit and a \$900,000 verdict in a dental malpractice case.

"He's really excited and happy about how things have gone since he's been recovering," says Ben. "He's pleased to see that his hard work paid off for our clients."

Ben notes that there is no specific timetable or prognosis for Greg's recovery. But he says Greg's family and friends remain hopeful, and that any progress Greg makes would not surprise him.

"He's a force of nature," Ben says. "He is the most resilient and hard-working person I have ever met. I look forward to the day he joins us back at the office."

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