

# COPLAN+CRANE CHRONICLES



The winter season brings many fun outdoor activities – ice skating, skiing, snowboarding, sledding and snowmobiling to name a few. Take precautions to keep you and your families safe. Always use proper equipment. Wear a helmet! Prepare for the weather so that you do not become dehydrated, sunburn or windburn. Respect your limits and take breaks.

## TABLE OF CONTENTS

\$1,000,000 Settlement For Woman Injured By Train Doors	p1
Metal-On-Metal Hip Implants: What You Need To Know	p2
\$900,000 For Woman Injured In Workplace Accident	p3
Firm Happenings	p3
Attorney Spotlight Erv Nevitt: A Tireless Work Ethic	p4

## \$1,000,000 SETTLEMENT FOR WOMAN INJURED BY TRAIN DOORS

Mass transit providers have a responsibility to ensure that their transportation system is safe for passengers. Coplan+Crane was able to help a woman who was hurt when that responsibility was ignored.

Our client, Amelia Muller, arrived at an airport and needed to board the automated people mover to get to another location. The platform was crowded, so she waited as other people boarded. Moments later, as she began to step into the train car, the doors closed in on her.

There are two sets of doors passengers need to pass through to board the train: one set on the platform, the other on the train car itself. Unlike elevator doors, the doors on the train and platform issue sustained pressure in an attempt to close. Amelia Muller was stuck in the train doors.

As the doors continued to apply pressure, she was able to twist her body so that her right arm was inside the train. Struggling to break free, she managed to push herself further into the train, until only her left arm was stuck in the door. The doors continued to exert pressure. Finally, Amelia was able to pull her arm out and fell onto the floor of the train. She was then taken to a hospital.

Amelia suffered serious injuries to her left arm and required multiple surgeries and many rounds of physical therapy. Her injuries also left her with complex regional pain syndrome, a condition marked by chronic pain. This condition interfered with her ability to do her job and to live a normal life.

“These injuries never would have happened if the company that ran this system had followed their own safety protocols,” said Ben Crane, who represented Amelia.

In our investigation, we found that 34 passengers had been injured in similar events at this same airport transit system. The company was aware of the incidents, but never took any action to correct the problem.

The case also brought attention to the lack of system safety program planning, a process of regularly testing and maintaining all parts of a system to ensure people that use it will be safe.

We learned that the train doors and the platform doors were maintained by two different departments. The department responsible for the platform doors conducted numerous tests on the door pressure, and had adjusted the pressure as necessary. But the department responsible for maintaining the train doors admitted that they had never tested them. In fact, they claimed there had been no reason to do so—despite previous injuries caused by the doors.

An expert hired by the defense conducted a test on the train doors, and found the pressure to be almost a third higher than the safety levels recommended by the manufacturer. Because the door pressure had never been adjusted, it was likely that the pressure on the doors exceeded safe levels when Amelia was hurt.

This incident left Amelia Muller with significant medical bills, permanent injuries and chronic pain. We were able to negotiate a \$1,000,000 settlement for Amelia as compensation for her injuries.

We are also pleased to report that as a result of the legal action we took, the company that runs the mass transit system at the airport has enacted changes to make the system safer.

# METAL-ON-METAL HIP IMPLANTS: WHAT YOU NEED TO KNOW

Since 2014, our firm has settled over \$6 million in cases against manufacturers of metal-on-metal hip implants.

Millions of people in the United States have received hip implants, which offer the promise of reduced pain and increased mobility for those suffering from serious hip problems. Since the 1990s, hundreds of thousands of those hip implants have been constructed of metal parts. But while these metal-on-metal hip implants were designed to last up to 20 years, many people who have received them have experienced significant problems.

“There has been an alarming number of failures seen in metal-on-metal hip implant systems,” says Greg Coplan, who leads the team at Coplan+Crane working on these cases. “People who have received them should be aware of the problems they can cause and how those problems can affect their health.”

Metal-on-metal hip implant systems consist of several parts:

- A metal femoral stem is attached to the femur (thigh bone).
- The other end of the stem is attached to another ball-shaped metal part called a femoral head.
- The femoral head fits into a metal cup structure that is anchored to the pelvis.

When functioning normally, the ball (femoral head) pivots in the cup, and the person who received the implant has good mobility. But in a relatively short amount of time, these metal parts can wear down.

The hip joint carries the most weight of any joint in the body. As a result, there is tremendous friction on the metal ball and cup every day. Gradually, this causes extremely small metal particles to break off. And those small particles can cause big problems.

Metal-on-metal hip implants are made of an alloy made primarily of two metals, chromium and cobalt. Chromium and cobalt particles that break off enter surrounding tissue and bone. Meanwhile, more particles continue to break off from the ball and cup, and over time, these metal particles

build up in the tissue in and around the hip joint. These are the beginning stages of a type of tissue damage called necrosis.

As a result, people who have these implants may experience pain and swelling. The implant may loosen and there may be a loss of mobility. Left untreated, metallosis can have even more serious effects. Tissue around the hip can become permanently damaged. Bones can weaken. There

can also be damage to the kidneys, liver and heart. And metallosis may also increase the risk of certain types of cancer.

In many cases, patients may need revision surgery to replace the hip implant, sometimes after only a

few years. But revision surgery is invasive and it can take some time for people to recover, especially if they are elderly. And if there are complications, a patient may need more than one surgery.

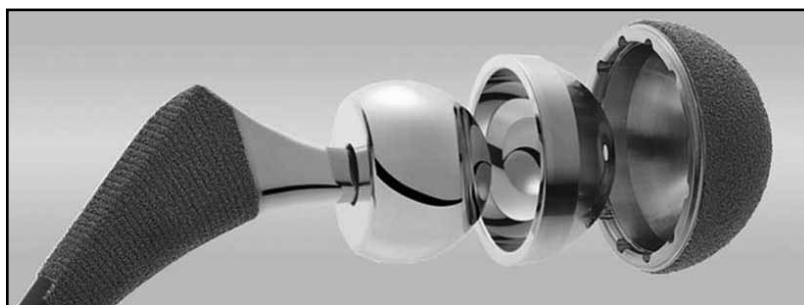
Sometimes, revision surgery may be necessary even if the person is not experiencing pain or loss of mobility, if a blood test reveals high levels of chromium or cobalt.

Some metal-on-metal hip implant systems have design flaws that accelerate their failure rate. For example, the DePuy Pinnacle and ASR systems used a cup that was too shallow. The result was a great amount of friction on a smaller surface area, which increased wear and tear, causing metal particles to break off of the implant and damage surrounding tissue.

Similar design flaws have been reported in systems made by other manufacturers, such as Stryker Corporation’s hip implants and the Stryker ABG and Rejuvenate systems.

Greg notes it’s important for people who have received metal-on-metal hip implant systems to be alert for problems and to get regular check-ups.

“We encourage people with these hip implants to report any problems to their doctor, and to ask about getting a chromium and cobalt blood test,” he says. “Don’t take chances—your health is too important.”



# \$900,000 FOR WOMAN INJURED IN WORKPLACE ACCIDENT

Millions of people get hurt at work each year. It can happen to anybody, at any job. If it ever happens to you, it's important to know and protect your rights.

Our client was a baggage handler at O'Hare Airport. One afternoon, while driving a baggage cart, she was hit from behind by a truck, a subcontractor at O'Hare Airport.

Our client experienced neck pain, lower back pain and numbness and tingling in both hands. She was taken to the hospital. She underwent months of physical therapy, EMG/NCV studies, MRIs, steroid injections and other procedures. Eventually, she needed lower back surgery and cervical spinal fusion. She was left with permanent injuries and lingering pain, and was unable to return to her job. In the meantime, her medical costs added up and she still had bills to pay.

Because she was injured at the workplace, workers' compensation covered a portion of her medical expense and lost wages. But there were other losses that weren't covered. "Workers' compensation didn't compensate her for the pain of her injury," says Ben Crane, who, along with Blake Vance,

represented the injured client. "It didn't compensate her for mental suffering, or the effect this injury had on her life, or the effect on future wages."



In this case, our client was injured by the actions of a third party. Because a third party was responsible, Coplan+Crane was able to help her take legal action to seek compensation for her other losses. The third party denied responsibility at first. But we continued to gather evidence of negligence and were able to negotiate a \$900,000 settlement on her behalf.

Because of her injuries, our client could not go back to being a baggage handler, a job she loved. She now has a different job in the airline industry, and also works for the Census Bureau. Thanks to workers' compensation benefits and the negotiated settlement, our client had a financial cushion while she recovered from her injuries and planned the next chapter of her life.

A workplace accident can cause serious injuries and change your life in an instant. It is important to remember that if you get hurt on the job, you have rights.

## FIRM HAPPENINGS

Coplan+Crane is pleased to announce that Greg Coplan and Ben Crane have been elected to membership in the American Board of Trial Advocates (ABOTA).

ABOTA is a national organization dedicated to the preservation of a fair and impartial judiciary and the right to trial by jury. ABOTA membership is available by invitation only to "those trial lawyers of high personal character and honorable reputation" who have served as lead counsel in the requisite number of jury trials that have gone to verdict.

The association was founded in 1957 by a group of young lawyers dedicated to the preservation of the civil jury trial. The organization notes it seeks attorneys "who display skill, civility and integrity, to help younger attorneys achieve a higher level of trial advocacy and to educate the public about the vital importance of the Seventh Amendment."



Founding partners Greg Coplan and Ben Crane are pleased to announce that **Ted C. Jennings** has been named a partner in the firm. Ted's vast experience in litigation and trying medical negligence and wrongful death cases are a great asset to the firm.



# ERV NEVITT: A TIRELESS WORK ETHIC

When Ervin Nevitt decided he wanted to go to law school while holding down a job, he realized it was going to take a lot of hard

work. But that didn't bother him.

Erv had studied at Western Illinois University with the goal of becoming a police officer. On school breaks, he earned money working for Sprint Nextel. He realized that police work wasn't for him, but was interested in the legal field. So he added more courses and graduated in 2008 with majors in both Law Enforcement and Sociology.

An internship with another law firm turned into a job as a paralegal. It was there he realized that he could make a difference in people's lives. He helped with one case in which the firm represented a mentally disabled woman who didn't have much support.

"I remember thinking, this is why we're here," says Erv, "to help people who can't help themselves."

He enrolled in law school at the Chicago-Kent Col-

lege of Law, working full-time during the day and taking classes at night. Halfway through his studies, he switched jobs, joining Coplan+Crane as a paralegal. His hard work paid off, and he earned his law degree in 2014.

He is currently an associate at our firm, and that hard work now benefits our clients. Erv spends a lot of his time on mass tort cases, particularly those involving faulty medical devices. His recent work on cases involving defective hip implants reminded him why he chose the law.

"Many people that get these faulty hip implants are elderly, and it's hard for them to bounce back," he says. "I know a lot of them are very thankful that we're fighting for them."

Erv finds time for fun, too. He golfs occasionally and loves to travel. But fun never interferes with work. On the night the Cubs won the World Series, like thousands of other fans, he stayed up late, taking it all in.

The next morning, he was in the office, working as hard as ever for clients who need his help.

## OFFICE INFORMATION

1111 Westgate Street | Oak Park, IL 60301

**Call us at (708) 358-8080  
or toll-free at (800) 394-6002**

**[www.coplancrane.com](http://www.coplancrane.com)**




**COPLAN+CRANE**

1111 WESTGATE STREET  
OAK PARK, ILLINOIS 60301

## EDITORIAL NOTES

Susan M. Gerovasil, CLM  
Executive Director  
708.358.8080 Voice  
708.358.8181 Fax

 Like us on Facebook

 Follow us on Twitter