

COPLAN+CRANE CHRONICLES

IS YOUR HOME READY FOR WINTER

As much as we don't like to think about it, fall will be over soon!

Here are a few things you can do to get your house ready for wintry weather.

WEATHERPROOF YOUR HOUSE

Seal any cracks or spaces that could let heat out + cold air in.

CLEAN OUT GUTTERS

Take out all leaves + other debris that could cause problems.



CHECK YOUR HEATING SYSTEM

Consider hiring a professional to inspect + make any needed repairs.

FIX ANY DRIVEWAY CRACKS

A crack may seem small, but water that gets in will freeze, expand + make the crack bigger.

\$4.8 MILLION VERDICT FOR WOMAN WHO LOST SON IN CHICAGO SHOOTING

When a loved one dies because of someone else's reckless behavior, families want to hold the negligent parties accountable. The attorneys at Coplan + Crane were able to help one mother get justice after her son was fatally shot by a security guard.

In the early hours of June 18, 2016, a man was attending a party at a housing complex in Chicago when four security guards with the Kates Detective & Security Services Agency pulled up. The agency had been hired to provide security at the complex.

Shots were fired soon after they arrived. Two of the guards were wounded. The man was shot in the back and killed. He was just 24 years old.

Our client, the man's mother, was devastated. The guards insisted that her son shot at them first and they had only fired in self-defense. Our client didn't believe them. She wanted answers about what really happened. She wanted the security guard that shot her son and the company that hired him to be held responsible. She turned to Coplan + Crane for help.

We read through statements the guards gave to Kates and to the police. After we talked to witnesses and examined forensic evidence, our attorneys realized something.

"Nothing matched in any way," says **Ben Crane**, who tried the case with **Erv Nevitt**. The guards had described the shooter in their statements, but their descriptions did not resemble the man they shot. Witnesses said the man who was shot had a gun, but he had never fired it and that two other men were responsible for the shooting.

"It came down to us having to prove that he didn't shoot this gun," says Ben.

At trial, we were able to establish that a gun found in the car that took our client's son to the hospital had been separated from its magazine and had no fingerprints. Authorities had determined a bullet taken from one of the wounded guard's vest came from the same kind of gun. No shell casings from the gun were found at the scene.

Our client's son had been killed within seconds of being shot, so we argued it was impossible for him to have fired the gun, separate the magazine, wipe the gun clean and pick up the shell casings.

As the trial proceeded, Ben and Erv were also able to establish that the guard and the company had acted negligently.

"There were licensing issues, and it was questionable whether the guard that fired the gun should even have had a job," says Erv. "They also failed to de-escalate the situation. They should not have engaged with the group. That was a deviation from their own internal policies."

Lawyers for Kates had previously offered \$250,000 to settle the case, but we felt that was not nearly enough to compensate our client for what happened.

After the week-and-a-half trial ended, the jury agreed and returned a verdict of \$4.8 million.

"The jury understood that there was no reason for what happened that night," says Ben. "The negligent actions of the security guards led to this tragic loss of life." ■

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\$295,000 SETTLEMENT FOR CYCLIST HURT IN BIKE TRAIL COLLISION

When bicyclists are injured due to negligence, they deserve financial compensation – even if the negligent party was another bicyclist.

On June 9, 2017, Cynthia Gaffney was riding her bicycle on the Chicago Lakefront Trail. She signaled that she was about to take a left turn. A bicyclist that had been traveling behind her went to pass her on the left as she was making the turn, causing a collision.

Cynthia suffered a fractured femur in the crash and needed surgery. Doctors installed a plate in her leg to help the bone heal, but within months, the plate had failed and Cynthia required additional surgery. This time, doctors installed a rod to help stabilize the femur.

A self-employed real estate broker, Cynthia had to miss time from work during the healing process. In addition to lost income, she also had to pay other real estate brokers to show houses while she still had limited mobility.

Her medical expenses and lost income began to add up, but



the other cyclist denied responsibility and insisted Cynthia was to blame for what happened. Cynthia contacted Coplan + Crane. **Erv Nevitt** handled the case.

As the case moved forward, we took a deposition from the other cyclist. Erv noticed several contradictions between the cyclist's statement in the deposition and the statement he had given to police.

“His statements didn't match up,” says Erv. “We took the position that Cynthia had in fact signaled but the other cyclist failed to heed that signal and failed to operate with caution. But his accounts of the collision were inconsistent.”

We issued a settlement demand, and a settlement agreement was reached for \$295,000 – very close to the \$300,000 policy limit.

While she has not been back on a bicycle since the accident, Erv says Cynthia is doing much better and continues to improve. ■

FIRM HAPPENINGS



Blake Vance

In September, **Blake Vance** attended the Lanier Trial Academy, an intensive two-day seminar for plaintiff attorneys held in The Woodlands, just outside of Houston.

Blake says the seminar was extremely informative and provided attorneys with practical information that can immediately be used on behalf of clients.

The seminar covered a wide range of topics including the psychology of jury thinking, jury demographics, jury selection, direction examination, cross examination, and closing arguments.

“It wasn't just about the nuts and bolts of strategy and technique,” Blake says. “It also included explanations about why

attorneys present evidence and testimony in certain ways and the effect that has on jurors.”

Blake says there was a focus on helping jurors understand complex cases and making complicated issues easier for jurors to process, based on how the human brain responds when presented with large amounts of technical information.

“In general, the goal is to talk to jurors as if you were having a conversation with them at the kitchen table,” he says.

LANIER
TRIAL ACADEMY

The academy was held at The Woodlands Marriott Waterway Hotel & Convention Center. ■

FORD F-250 ROOF DESIGN PUT DRIVERS AND PASSENGERS IN DANGER

When manufacturers are negligent and allow defective products to be sold, people can get seriously hurt or killed. Coplan + Crane currently has such a case involving a design flaw in Ford F-250 trucks.

The flaw lies in the structure of the truck's roof. In hundreds of rollover accidents involving Ford F-250s, the truck roofs have failed, causing the roof to crush inward and injuring the drivers and passengers inside, often fatally.

Many fatal injuries involved positional asphyxia. The roof collapse forced people inside the trucks into a position where they couldn't breathe.

Despite repeated cases of this roof failure going back 20 years, Ford took no action.

"From 1999 to 2016, Ford manufactured pick-up trucks like the F-250, which weighed more than 8,000 pounds, with roofs meant for a 2,000-3,000-pound passenger vehicle," says **Blake Vance**, who is handling the case.

Blake says studies have shown that the much lighter Ford F-150 has greater roof strength than the F-250 made during those years, despite that fact that the F-250 has been marketed

as a "Super Duty" truck.

Our case involves the death of a young man who was killed when the Ford F-250 he was driving rolled over, and the roof was crushed in.

Blake says there have been hundreds of similar cases seeking to hold Ford responsible for the injuries and fatalities their negligence has caused.

"Ford knew that its F-250 roofs would not withstand a roll-over and yet they sold vehicles with those roofs for 18 years," he notes. ■



FIRM HAPPENINGS



The House Always Wins

Coplan + Crane co-sponsored "**The House Always Wins – A Casino Night For Charity,**" an event to raise funds for the Illinois Medical District Guest House on its 20th anniversary. The event was held October 18 at The Dalcy in Chicago, with Mrs. America 2019 – Illinois' own Nicole Cook – serving as the evening's Master of Ceremonies.

The Guest House provides the comforts of home through temporary lodging for patients and their guests who are required to travel to Chicago for medical treatment. ■

Several staff members of Coplan + Crane took part in **Parkinson's Moving Day** to raise funds for Parkinson's Foundation Chicago on October 6. The Parkinson's Foundation gives people the resources and help they need to live well with Parkinson's Disease. The event was held at Soldier Field in Chicago.

We had a great time and raised \$1,510 for a wonderful cause! ■



...SPOTLIGHT...



KATHLEEN SULLIVAN MONTERASTELLI,

is president of **Sullivan Reporting Company**, the company that provides transcripts of depositions for Coplan + Crane as they prepare cases for trial.

The company was founded by her grandfather, Patrick J. Sullivan, Jr., in 1937. Her father, Patrick J. Sullivan, III, became president in 1998 and managed the company with Kathleen and her sister Jean until he passed away in 2006. Kathleen and Jean now share management responsibilities.

Coplan + Crane has been working with Sullivan Reporting Company since our firm was founded. “It’s been a very positive relationship for us,” she says.

Court reporters must have a certified shorthand reporter license issued from the Illinois Department of Professional

Regulation and/or be certified through the National Court Reporters Association.

“The testing and certification process is quite difficult, which has led to a pretty severe shortage of court reporters,” says Kathleen. She notes the average age of a certified shorthand reporter is 56.

Kathleen says attempts to replace court reporters with voice recognition technology has had disastrous results.

“Voice recognition doesn’t work when you have 3 or 4 people arguing over each other,” she notes.

By contrast, certified shorthand reporters must be able to transcribe 225 words per minute with at least 95 percent accuracy.

Jean says that experienced court reporters are even more efficient, and transcripts are edited and proofread for hours to ensure the highest accuracy possible.

Kathleen lives in the Chicago area with her family. ■

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