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Man gets \$10M after brain injury

Illinois Supreme Court denied water district's claim of immunity

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A Local 502 cement mason finisher who fell from a ladder and sustained a brain injury while working at a Metropolitan Water Reclamation District of Greater Chicago plant received a \$10 million settlement two years after the Illinois Supreme Court ordered his case to be heard.

Jeffrey Andrews, then 50, was employed by joint venture F.H. Paschen, S.N. Nielsen & Associates LLC, working on a project at the Calumet Water Reclamation Plant in Chicago when the incident occurred.

On April 21, 2011, Andrews and Luis Cuadrado were assigned to apply grout to a gate at the bottom of a 29-foot effluent chamber at the plant.

They had to use two ladders angled toward each other to reach the bottom of the chamber. There was no access platform for the workers to transition from one ladder to the other. This configuration had been used at least six times before the date of Andrews' injury, the plaintiff's attorneys asserted.

The workers first ascended a job-made wooden ladder to reach the top of the chamber, then pivoted around the wooden ladder and onto a fiberglass extension ladder set



Edward G. Willer

inside the chamber.

While moving from the wooden ladder to the fiberglass extension ladder, Andrews fell about 29 feet and landed on Cuadrado, who was already at the bottom of the chamber.

Andrews suffered orthopedic and head injuries that caused low to mild executive function loss. He was not able to return to work.

Andrews' wife, Becky, as plenary guardian, sued the MWRD in 2012. The trial court held the MWRD was entitled to immunity and entered summary judgment in its favor.

The plaintiff appealed to the 1st District Appellate Court, which held unanimously that no discretionary immunity was allowed to the MWRD.

The Illinois Supreme Court affirmed the appellate court's ruling in a 5-2 decision on Dec. 19, 2019.



Francis Patrick Murphy

The suit was then assigned to Circuit Court of Cook County Judge Brendan A. O'Brien.

In August 2021, O'Brien denied MWRD's motion for summary judgment based upon lack of duty under Section 414 of the Restatement (Second) of Torts.

Lead plaintiff's attorney Edward G. Willer of Corboy & Demetrio P.C. said these decisions were "critical in obtaining a favorable outcome."

"The District knew of the dangerous use of the ladder configuration without a safety horizontal platform, yet, decided to pursue a course of action placing these workers in harm's way," Willer said.

"The District's safety engineers were ill-equipped to identify this potential hazard, which led to this tragic event in the lives of Jeff and Becky Andrews."

The Andrews were also



Andrew P. Stevens

represented by Francis Patrick Murphy and Andrew P. Stevens of Corboy & Demetrio.

The settlement award totals \$10 million, including loss of earnings capacity and pension benefits, as well as medical expenses, among other things.

The case was mediated before former Circuit Court of Cook County Chief Judge Donald O'Connell of O'Connell Mediation Services.

The MWRD was represented by John W. Patton Jr., Mary McClellan and John King of Patton & Ryan LLC. They could not be reached for comment.

The MWRD was also represented by Mark E. Christensen, Jeffrey D. Naffziger and Branden A. Gregory of Christensen Hsu Sipes LLP. They declined to comment.

The case is *Becky Andrews v. Metropolitan Water Reclamation District of Greater Chicago*, 2020 L 1473.