

# Chicago Daily Law Bulletin®

VOLUME 168, NO. 88

LAW BULLETIN MEDIA

## Worker gets \$6.5M after losing lower leg

Line operator was trapped in machinery at Metals USA plant

**EMMA OXNEVAD**

[eoxnivad@lawbulletinmedia.com](mailto:eoxnivad@lawbulletinmedia.com)

A former Metals USA machine operator who had part of his leg amputated in a workplace accident received \$6.57 million in a settlement.

In October 2016, steel coil slitting line operator Elias Gamboa of Lyons was working at the Metals USA facility in Northbrook and began inspecting a moving steel strip as it entered a tension roll stand near the outlet end of the line.

Gamboa, then 36, became trapped between various coil processing machinery “in an area where there were extended pinch point areas,” according to the complaint.

In 2017, Gamboa and his wife, Jessica, sued RDI Group General Partnership and its affiliate Chicago Slitter Co., Inc. (CSC), which manufactured the coiling slitting machine and slit coil packaging line for the facility, in Cook County Circuit Court, along with other defendants



**Edward G. Willer**

later dropped.

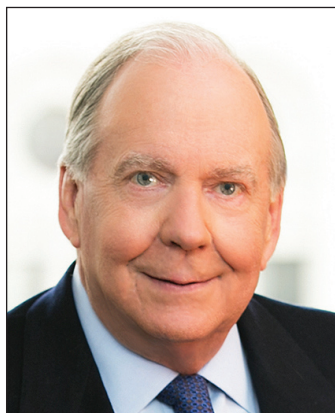
The lawsuit alleged negligence, strict product liability and loss of consortium.

Edward G. Willer of Corboy & Demetrio was the lead attorney for the Gamboas.

He said Gamboa required an amputation below his left knee and sustained a fracture to his right knee and permanent disfigurement of his right leg.

Willer said he primarily argued that RDI and CSC should have put a guard near the machine to prevent an accident.

He said RDI later filed a third-party action against Metals USA alleging that it failed to train Gamboa on how to safely operate the



**Thomas A. Demetrio**

tension roller machine to avoid pinch points and injury.

CSC and RDI paid its policy limit of \$6 million, Metals USA paid \$550,000, in addition to waiving its Worker’s Compensation Lien for over \$776,000.

Willer said Gamboa currently works for a security company and that the money will assist in paying for medical prosthetic devices helping to provide “some semblance of a normal life.”

Judge Joan E. Powell presided. The case was mediated by retired judge Larry G. Axelrood of ADR Systems. The settlement was entered June 7.

Thomas A. Demetrio and Francis Patrick Murphy of



**Francis Patrick Murphy**

Corboy & Demetrio also represented the Gamboas.

Daniel J. Donnelly and Michael J. Mullen of Kralovec & Marquard, Chartered represented RDI and CSC.

Conrad C. Nowak and Kellie L. Mazzarella of Hinshaw & Culbertson, LLP represented Metals USA in the third-party action. Tina R. Di Benedetto of Poulos & Di Benedetto Law, P.C. also represented Metals USA in filing an intervening petition to protect its Worker’s Compensation Lien. They could not be reached for comment.

The case is *Gamboa v. RDI Group General Partnership, a partnership v. Metals USA Specialty Metals Northcentral, Inc.*, No. 2017 L 7671.