

Open and obvious dangers and state law

FEDERAL COURTS  
PAGE 4

CASE SUMMARIES	6
COURT CALL	7
NEW SUITS	18
CLASSIFIEDS	20
PUBLIC NOTICES	21

# \$85M award for double leg amputee

## Crane case bests 32-year-old record verdict in Illinois

BY JORDYN REILAND

Law Bulletin staff writer

A Cook County jury has awarded \$85 million to a man who had both of his legs amputated after a crane incident in Rockford.

That sets a record in Illinois for lawsuits involving double leg amputations, according to Jury Verdict Reporter data.

Robert Montagano and his wife, Mary, sued Metal-Matic Inc., Leading Edge Group Inc. and Leading Edge Hydraulics Inc. in 2014, alleging several bundles of carbon steel tubing were not loaded properly onto Montagano's trailer bed.

Once the tubing was unloaded, a full bundle fell on him, fracturing his tibia and fibula.

The verdict was reached Thursday after a three-week trial before Cook County Circuit Judge Marguerite A. Quinn. It comprises \$10 million for disfigurement, \$22 million for loss of normal life, \$23 million for pain and suffering, \$15 million for emotional distress, \$12,703,690 in necessary medical care and \$773,774 in lost earnings and benefits. Jurors also awarded \$12 million in damages to Mary Montagano.

That totals \$95,477,464. The amount was reduced by 10 percent for fault attributed to Montagano,

leaving an \$85,929,717.60 award.

According to John L. Kirkton of the Jury Verdict Reporter, the prior high verdict for double leg amputation was a \$39.2 million award in 1985 that included \$26 million in punitive damages. JVR is a product of Law Bulletin Media.

In the fifth amended complaint filed Nov. 2, Robert Montagano, 53, claimed Bedford Park-based Metal-Matic failed to stack and load the carbon steel bundles in a way that would prevent them from rolling and failed to warn employees to place heavy bundles on the bottom so the stack will not be top heavy.

He also claimed a crane operator from Leading Edge Group Inc., located in Rockford, operated the crane while the truck driver was outside of the line of sight, according to his attorney, Joseph A. Power Jr. of Power Rogers & Smith LLP.

The personal-injury suit alleged strict liability and negligence counts against the defendants.

Montagano, while working as a truck driver on July 1, 2014, went to Metal-Matic with three pieces of 3x4 wood dunnage on his trailer bed. The crane operator placed five full bundles and one partial bundle of carbon steel tubing on the wood.

When Montagano arrived at Leading Edge Hydraulics, the crane operator wanted him to help with the unloading process. The operator started to remove the bundles, but when he got to the third one it caused the fourth one to fall on Montagano, crushing his legs.

His tibia and fibula were fractured, and his right popliteal artery

CRANE, Page 6

## Defense counsel vows to appeal, says rulings did not follow case law

CRANE, FROM PAGE 1

was lacerated. He first lost his right leg above the knee due to blood loss and the crushing injuries. Later a fungal infection developed which required a bilateral, above-the-knee amputation of both legs.

Power said the defense argued it was either Montagano's fault or the crane operator's fault.

Montagano was also represented by James I. Power of Power Rogers & Smith.

Metal-Matic was represented by John W. Patton Jr., Paul D. Motz and Benjamin J. Levinsky of Patton & Ryan LLC.

Patton said while all parties in-

involved were found to be at fault, "it was unfortunate that the jury couldn't set aside their sympathy and render a fair verdict."

He said his client will appeal, adding he believes "the rulings in the case didn't remotely comply with the Supreme Court rules and the case law."

Leading Edge Group Inc. and Leading Edge Hydraulics Inc. were represented by Scott D. Stephenson and Cole G. Dunnick of Litchfield Cavo LLP. Stephenson declined to comment on the case.

The case is *Robert Montagano, et al., v. Leading Edge Group Inc., et al.*, 14 L. 8096.

jreiland@lawbulletinmedia.com



Joseph A. Power Jr.



James I. Power