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Grain bin accident nets \$16M

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LAW BULLETIN STAFF WRITER

A Carroll County jury awarded record verdicts totaling \$16 million to the families of two teens killed in a 2010 grain bin accident in northwestern Illinois.

The jury of nine men and three women returned the verdict Thursday following eight hours of deliberation and a trial that ran more than two weeks. The verdict was against Consolidated Grain and Barge Co., also known as CGB Enterprises Inc.

In July 2010, Wyatt Whitebread, 14, and Alejandro Pacas, 19, were helping push corn toward a conveyor in a grain elevator in Mount Carroll.

Whitebread started to sink into the corn. Pacas then jumped into what became a sinkhole in an attempt to save Whitebread. Both of them suffocated.

A third plaintiff, William Piper, then 20, also jumped in and tried to save Whitebread and Pacas. Piper was partially engulfed in grain up to his neck until he was rescued six hours later.

The jury awarded Piper \$830,109.

The three young workers were employed by Haasbach LLC.

The plaintiffs alleged in separate lawsuits that Consolidated Grain's negligence resulted in Whitebread and Pacas' deaths and Piper's injuries. The plaintiffs also maintained that Consolidated Grain had the overall responsibility for the grain elevator operations and safety procedures.

Lawyers for Consolidated Grain argued that it did not own or operate the Mount Carroll facility on the date of the incident. The company's lawyers also asserted that it was not legally responsible for the incident caused by Haasbach, the owner and operator of the facility as well as the victims' employer.

The lead plaintiff lawyer in the case offered a different take.

"My clients wanted to hold all the persons who could have prevented (the accident) responsible — not just Haasbach, but also Consolidated," said [Kevin P. Durkin](#), a partner at Clifford Law Offices who represented the Whitebread and Pacas families along with associate [Sean Patrick Driscoll](#).

"They felt all along that Consolidated had control and should not have allowed this to happen."

The jury awarded \$8 million each to the families of Whitebread and Pacas. The \$8 million in each verdict included \$6 million for loss of society to family members and \$1 million each for the pain and suffering and emotional distress experienced by Whitebread and Pacas.

[Loren S. Golden](#), owner of Golden Law Offices in Elgin, represented Piper.

The verdict is "a validation of what he did," Golden said. "He did the right thing when he tried to rescue those kids."

Consolidated Grain plans to appeal the verdict to the 2nd District Appellate Court, said Jonathan H. Sandoz, its general counsel.

[David E. Kawala](#) and [Catherine A. Basque Weiler](#), both partners at Swanson, Martin & Bell LLP, represented Consolidated Grain at trial.

Haasbach settled with the three plaintiffs for a total of about \$2 million before trial, Durkin said, which will reduce the verdict by that amount.

Haasbach paid about \$270,000 in federal fines for more than two dozen workplace safety violations and for violating child labor laws, Durkin said.

The \$8 million awarded to each of the families is a record for the wrongful death of an Illinois minor from outside Cook County, according to the Illinois Jury Verdict Reporter.

The \$8 million verdicts also are a record for any type of case in Carroll County. The previous reported record verdict was \$220,000, and the largest reported settlement was \$1.1 million.

This was Durkin's first trial in Carroll County. He asked jurors to award \$12 million to each of his clients' families.

"There is a mistaken perception in some of these smaller rural counties that juries award smaller amounts than in Chicago or other metropolitan areas," he said. "But this was a highly intelligent jury that carefully reviewed the evidence and saw what really occurred out there."

The three lawsuits were consolidated for trial before Chief 15th Judicial Circuit Judge [Val Gunnarsson](#).

The cases are *Carla A. Whitebread, etc. v. Haasbach LLC et al.*, No. 2010 L 12; *William Piper v. Haasbach LLC et al.*, No. 2011 L 9; *Annette L. Pacas, etc. v. Haasbach LLC et al.*, No. 2011 L 10.



Kevin P. Durkin



Sean Patrick Driscoll



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