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Will County record \$4M settlement for highway accident

Woman killed after semitrailer driver rear-ends her car into another truck

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A wrongful-death suit has settled for more than \$4 million in Will County Circuit Court — a record amount in the Joliet court for a female decedent age 60 or older.

The agreement was finalized last Thursday in plaintiff Jacque Kaminski's suit on behalf of his mother's estate, which alleged two truckers failed to exercise proper road safety in causing a chain-reaction crash on Interstate 80 that killed 60-year-old Mary Maher in May 2011.

John L. Kirkton with the Jury Verdict Reporter, a division of Law Bulletin Publishing Company, confirmed the record settlement.

The prior record was a \$2 million settlement in a medical-malpractice case reported in June 2011.

Maher was traveling westbound on I-80 near New Lenox with one semitrailer ahead of her and one behind her when traffic came to a stop.

She braked her vehicle behind a truck driven by Dwight Fabian Green of Geneseo-based Neumann Farm Trucking Inc. However, the driver of the truck behind her — James Lee Seigla Jr. of Michigan-based Living Hope Transport Inc. — was bent forward to pick up a spilled coffee cup and didn't immediately notice that traffic had

come to a stop.

Seigla noticed the congestion after he refocused on the road.

"While distance is closing, he can't stop in time and ultimately rear-ends her into the back of the trailer operated by Mr. Green and kills her," said Craig J. Squillace, an associate at Clifford Law Office who represented Maher's daughter.

Maher was declared dead at the scene of the accident.

Kaminski filed a lawsuit against Seigla, Green and their respective trucking companies in 2012. She alleged Seigla, Living Hope and Bell Warehousing breached their duty to safely operate their truck

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when Seigla followed Maher's vehicle too closely, failed to reduce his speed in hazardous conditions and failed to equip the vehicle with adequate brakes.

The suit also alleged Green and Neumann Farm failed to equip their truck with adequate brake lights, and Bell Warehousing & Manufacturing Services Inc. —



Craig J. Squillace

which owned Seigla's trailer and assigned his route the day of the accident — created dangerous driving conditions when it gave Seigla a route that would take more than 11 consecutive driving hours to complete.

Defendants Seigla and Living Hope denied Kaminski's allegations and instead contended Maher failed to notice her surroundings while driving, appropriately and safely control her vehicle and keep an appropriate distance from Green's truck to avoid a collision.

Partner Michael D. Huber and associate Scott D. Pfeiffer of Cray, Huber, Horstman, Heil & VanAusdal LLC, who represented Seigla

Partner Joel D. Groenewold of Kopka, Pinkus, Dolin Attorneys at Law represented Bell Warehousing, which denied the allegations of overscheduling Seigla. Groenewold could not be reached for comment.

The parties mediated the case before retired Cook County chief judge Donald P. O'Connell relatively early in the litigation process, Squillace said, but the parties couldn't reach an agreement and proceeded through litigation.

Settlement discussions picked back up in September, Squillace said, after the parties took time to further examine the case.

"One of the biggest things is we got into the meat of the case getting into the actual substance of the matter, and the testimony of some of the parties and some of the people who worked at Bell Warehousing," he said. "At the point when we started to do mediation, it was pre-discovery discussions, and we had not gotten into really any of the parties' depositions."

The parties reached the point in litigation where they would receive a tentative trial date and disclose experts when they settled for \$4,038,941 on Oct. 1. Seigla and Living Hope agreed to pay \$968,941, Green and Neumann Farms agreed to pay \$70,000 and Bell Warehousing agreed to pay \$3 million.

The money will go to Kaminski and Maher's son, John.

Will County Circuit Judge Michael J. Powers approved the settlement in the court's Law Division on Oct. 16, and Circuit Judge John J. Fleming of the court's Probate Division approved it Thursday.

Squillace said his clients are "certainly happy" the case's litigation is over.

"They were a very close family," he said. "At the end of the day, although happy and satisfied, they miss their mom greatly."

The case is *Jacque Kaminski v. James Lee Seigla Jr. et al.*, 12 L 216.

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