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\$12M for man injured while working on CTA job site

Fall from 20 feet wasn't fully protected and caused paralysis from waist down

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A man who sustained back injuries when he fell from a construction site has settled his lawsuit for \$12 million.

The settlement was disbursed Dec. 18 after an agreement was reached following virtual mediation with ADR Systems mediator and retired Kane County judge F. Keith Brown.

In May 2013, plaintiff Carlitos Lopez fell 20 feet from a railroad construction project at Lake and Wells and sustained a vertebrae fracture and a spinal cord injury. Additionally he suffered leg and ankle fractures.

As a result, he was paralyzed from the waist down and requires a wheelchair. He continues to have chronic pain throughout his body.

Lopez's attorneys, Ronald Kalish and Bruce Goodman of Steinberg Goodman & Kalish, argued that OSHA regulations had been violated on the construction site because workers who were more than six feet off the ground did not have fall protection 100% of the time.

Kalish said while workers had a harness with a retractable cable that clamped onto the train tracks, the system was limited because every time a worker reached a joint



Ronald Kalish

in the tracks they had to unlock the "rail skate" and were not protected from a fall during that time.

Lopez slipped while working at night in damp, cold conditions and fell during the time it took him to "jump the rail skate."

"There was no reason they shouldn't have had a second cable and skate on the harnesses which could have prevented this," Kalish said. "The owner and general contractor were responsible for the decision, and the company has since changed its policies."

Lopez and his wife, Diana, filed a lawsuit against the CTA (owner), the project's general contractor, Ragnar Benson LLC, and the project managers Parsons Brinckerhoff Inc. and PB Americas Inc.

Kalish said Brown was "absolutely instrumental" in helping settle the case.

Conrad C. Nowak of Hinshaw &



Bruce Goodman

Culbertson LLP, who represented the general contractor, called the case "significant" and one that required "a lot of thought," praising Brown for his assistance.

"These were complicated negotiations because of all the layers of insurance and liability," said Mark S. Vilimek of Sanchez Daniels & Hoffman, who represented the CTA.

Kalish said since his client has been unable to work since the incident the settlement will help him provide for his wife and son, as well as allow him to modify his home to be wheelchair accessible and continue physical therapy.

David J. Olmstead of the Law Offices of Meachum Boyle Trafman Marek & Parker represented the project managers. He did not return a request for comment.

This case is *Carlitos Lopez, et al., v. Chicago Transit Authority, et al.*, 14 L 2861.