

# Chicago Daily Law Bulletin®

Volume 154, No. 157

Monday, August 11, 2008

## Accord reached in accident blamed for mental problems

By Pat Milhizer  
Law Bulletin staff writer

**A pedestrian who was struck by a delivery van and alleged that the accident aggravated psychological problems has settled her lawsuit against the company for \$3.75 million.**

The woman was 16 years old in 2004 when she ran across East Hyde Park Boulevard in the middle of the 1500 block, outside of any crosswalk. She was trying to catch a Chicago Transit Authority bus and was hit by a copy shop's minivan owned by FedEx Kinko's.

The accident left her in a coma with a skull fracture and brain injuries. After three months of rehabilitation, she recovered physically and cognitively, her attorney said.

Before the accident, C.S. suffered from severe emotional, behavioral and psychological problems. She previously had been raped and attempted suicide by cutting her wrists.

The lawsuit alleged that the trauma of the accident worsened her problems.

After the accident, C.S. began having hallucinations and delusions. Her suicide attempts became more severe: She tried to

hang herself, and she swallowed pills and batteries.

But for the accident, her lawsuit contended, C.S. would have been able to function in society and hold a job.

**"But after the accident, she's unemployable," said her attorney Samuel Briones of Briones, Harvey & Trevino in Homewood.**

**The case was settled last week, two weeks into a jury trial before Cook County Circuit Judge Daniel M. Locallo. It settled just before Briones was scheduled to call the plaintiff's last witness.**

One issue during trial was the fact that the accident happened near a school, and the street is regulated by a 20-mph speed limit. But because there was no school zone sign for westbound traffic, Locallo ruled that the 20-mph speed limit did not apply to the driver of the minivan, which was traveling faster than 20 mph.

**"It was a very difficult plaintiff's case in terms of the liability and proving the damages because of all her pre-existing problems," Briones said. "We're grateful that the case settled. We think that the defense attorneys**

**were professional and did a great job on behalf of their client."**

**In addition to Briones, C.S. was represented by Marcos P. Trevino, also of the Briones firm, and Peter V. Bustamante of Chicago.**

FedEx Kinko's was represented by Michael J. Mullen and Daniel J. Donnelly of Kralovec & Marquard Chtd. in Chicago.

Mullen argued at trial that the woman's post-accident symptoms were a natural progression of her pre-existing condition. He said his experts would have testified that the woman's psychosis was not related to the brain injury she sustained in the accident.

Three days before the trial began, the plaintiff requested \$25.4 million. The defense responded with a \$3 million offer.

The woman's medical and care expenses exceeded \$1 million, and Mullen said the present cash value of her life-care plan is \$14.3 million. Briones said the present cash value of the life-care plan ranges from \$11 million to \$14 million.

The case is *Northern Trust Co., et al., et c. v. FedEx Kinko Office and Print Services Inc., et c., et al.* No. 04 L 5960.