



And The Defense Wins

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On November 29, 2010, DRI member, [John P. Lynch, Jr.](#), of **Cremer, Spina, Shaughnessy, Jansen & Siegert, LLC** in Chicago obtained a not guilty verdict for a general contractor from a jury in Cook County, Illinois. The plaintiff, a 40-year-old carpenter, fell while crossing an excavation on a plank, which broke underneath him. He alleged that the general contractor required the use of the plank and that unsafe, congested worksite access contributed to his fall. He claimed permanent, disabling injuries resulting in a lumbar laminectomy/discectomy and that he was a candidate for a lumbar fusion estimated to cost \$100,000. He never returned to carpentry after the incident. The plaintiff asked the jury for a verdict of over \$2,500,000 at the close of the case. Issues of jobsite control and damages were hotly disputed.

The jury found for the defendant general contractor, the only remaining defendant after others settled, after two hours of deliberation. *Daniel Durham v. Dubin & Associates, Inc.*, 2007 L 1639 (Cook County)

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