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Jury finds for maker of crane

Defense attorneys show operation at fault, not equipment

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A Cook County jury rendered a defense verdict in favor of a crane manufacturer after a civil engineer sustained several injuries in 2014 when a one-ton jib extension fell from a crane and struck him.

The verdict was reached Wednesday after about a monthlong trial before Circuit Judge Thomas V. Lyons II.

On Dec. 1, 2014, Rudolf Das, then an employee with K&S Engineers, was working on the Fox River Bridge Project along the Jane Addams Memorial Tollway in Elgin when an accessory jib — a structure that extends the reach of the crane's telescoping arm — fell from a Terex RT555 hydraulic crane and struck him.

Das fractured his right tibia and ankle, his left femur, patella and tibia, his left clavicle and scapula in addition to all the ribs on his left rib cage.

Additionally, Das' left eye socket and cheekbone were fractured, and he was diagnosed with a traumatic brain injury as a result of the impact, according to court records.

Das filed a lawsuit in 2014 against several parties, including crane manufacturer Terex USA LLC, alleging the company knew the system to hold the jib in place had failed repeatedly and had resulted in prior fatalities, but they did not issue safety alerts until after Das' injury.



Anthony J. Monaco

All other named defendants settled prior to trial, according to court records.

Anthony J. Monaco, Michael A. McCaskey and Patrick P. Clyder of Swanson Martin & Bell LLP, who represented Terex, contended the crane was "safe and reliable" and it was not the cause of the incident.

Instead, the defense argued at trial the construction crew was "misoperating" a vibratory hammer — used to drive piles into or out of the ground — which caused the crane to shake until the jib extension fell off.

"They beat this crane until failure," McCaskey said.

One of Das' attorneys, James J. Morici Jr. of Morici Figlioli & Associates, told the jury about at least eight "substantially similar occurrences" world-wide of the jib breaking and failing.

He asked the jury to award his client between \$40 million and \$200 million in punitive damages, according to court transcripts.

McCaskey said the other incidents were not related and were instead the result of a



Patrick P. Clyder

lack of maintenance and inspection of the equipment by its owners and operators.

"Terex is committed to safety — whether you work for us, supply us, use our equipment or receive our services," the company wrote in a statement provided by its attorneys.

"Terex is proud and honored that the citizens of Cook County, after having heard the facts and evidence, found that the accusations of product defect and reckless conduct were untrue," the statement says.

Monaco said in a written statement, "I'm just thrilled that despite the odds and incredible sympathy involved



Michael A. McCaskey

in this case, our client Terex was willing to see this case through to verdict."

In addition to Morici, Das was also represented by Lisa M. Longo and Charles A. Wallace of Morici, Figlioli & Associates.

Morici said he expects to file post-trial motions.

"The most important thing for me was that Terex would change this design and protect people," he said. "I think a verdict would've given them a great incentive to do so and hopefully they will do so on their own volition."

The case is *Rudolf Das, et al., v. Terex Corp., et al.*, 14 L 13186.



Cook County Circuit Court

Rudolf Das, et al., v. Terex Corp., et al.

14 L 13186

Circuit Judge Thomas V. Lyons II