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## Demolition accident leads to \$5M accord

Former college athlete loses portions of his legs after 7-foot wall hit him

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*Law Bulletin staff writer*

A company has agreed to pay \$5 million to settle a lawsuit filed by a former college football player who lost portions of his legs in a construction accident in 2006.

Patrick Joseph Carney, then 27, suffered the injuries after a wall fell on top of him at the site of the Polk Street bridge demolition on the South Side, said his attorney, Mark E. McNabola. The all-steel railroad bridge was abandoned and no longer used at the time of accident.

Doctors amputated both of Carney's legs below the knee as a result of the injuries, said McNabola, a partner at McNabola Law Group.

"He's got a lot of medical bills," McNabola said. "It's very difficult for a man that can't get around. He can't even walk up to get a train to come downtown and it's difficult for him to find employment."

The lawsuit, filed in 2008, sought damages from the Union Pacific Railroad Co. and the contractor it hired to complete the demolition, Happ's Inc.

The settlement, reached on

Thursday, only concerned Happ's Inc.

Cook County Associate Judge Randye A. Kogan granted summary judgment in favor of Union Pacific last year. McNabola's appeal of that ruling is pending before the 1st District Appellate Court.

The lawsuit alleged that Happ's had no experience demolishing a steel bridge and acted negligently.

At the time of the accident, Carney, who had played football at Fordham University, was working at the Chicago Board of Trade.

He went to the demolition site to briefly assist with securing a beam, McNabola said. Carney was called to the site by his father, whose employees were working on the site and needed assistance, McNabola said.

"It took under a minute to do," McNabola said. "He was waiting for his dad to be done with his business to get a ride home."

As Carney waited, a seven-foot wall fell on top of his legs after a worker cut a beam, McNabola said.

"He was victimized by the negligence of the railroad and the contractor they hired," McNabola said. "They had never taken down bridges; they're scrappers. They pick up the scraps afterwards. But they were the cheapest bid."

Michelle L. Adams of Adams, Swatek LLC represented Happ's along with Kent A. Heitzinger,



Mark E. McNabola

owner of the Law Offices of Kent A. Heitzinger & Associates.

Heitzinger declined to comment for this report and Adams did not return a phone call seeking comment.

George H. Brant, of Fedota, Childers P.C., represented Union Pacific. He declined to comment since his client's portion of the lawsuit is pending on appeal.

McNabola said Carney cannot walk on his own and uses prosthetics. He said the \$5 million settlement will help cover Carney's future medical bills.

"He's a remarkable man that attempts to persevere with severe disabilities that affect almost everything he does," McNabola said.

"He's a reserved, stoic, courageous guy."