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Eye-injury accord sets Will County record

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A Manteno man who was partially blinded by chemicals sprayed into his face after he removed a hose from a farming machine will receive more than \$5.2 million in the largest settlement ever recorded in Will County.

The settlement was reached Wednesday between Brett Veltman and five defendants following a three-week trial in Will County Circuit Court. Veltman, 25, suffered burns and irreparable damage to his eyes when he was sprayed in the face with anhydrous ammonia, an agricultural fertilizer.

"I think this is an all-time record settlement in Will County," said plaintiff attorney Michael P. Cogan of Cogan & McNabola P.C. in Chicago. Veltman's case was tried by Cogan's partner, Mark E. McNabola, and associate Alice E. Dolan.

The Illinois Jury Verdict Reporter confirmed that the settlement, which includes all of Veltman's future medical expenses on top of \$5.26 million, is the largest ever reported in Will County.

The case was also notable in that the plaintiff had proceeded at trial despite lacking a primary piece of evidence, according to Cogan. The plaintiff relied on a 1995 Illinois Supreme Court decision holding that a plaintiff in a product-liability case does not have to lose the case before bringing a spoliation of evidence action. *Boyd v. Travelers Insurance Co.*, 166 Ill.2d 188, 652 N.E.2d 267, 209 Ill.Dec. 727 (1995).

The missing evidence in the Veltman case was a coupling device on a farming implement called a "tool bar applicator" that Veltman had been dismantling. The plaintiff argued that the device, which controls the flow of pressurized ammonia from a tank mounted on the equipment, was defective because it failed to prevent the ammonia from spraying Veltman when he removed a hose from the machinery.

The accident occurred on June 13, 1990, at Will-DuPage Farm Service, a company that leases agricultural equipment in Symerton. Veltman, who had just graduated from high school, was working part time at the company. Monee farmer Marvin Siefker

returned a tool bar applicator to the leasing company without having completely drained, or "bled," the implement of ammonia, Cogan said. When Veltman went to remove a hose from the machine, pressurized liquid ammonia sprayed him in the face.

"Brett Veltman pulled the hose, heard a popping noise and was sprayed in the face," Cogan said. "He was running around with smoke coming from his eyes."

Veltman alleged that the coupling device connecting a hose to the ammonia tank malfunctioned, but the coupler involved in the accident was later discarded by a Will-DuPage Farm Service employee. At trial, the plaintiff argued that the destruction of evidence substantially impaired his ability to prove a claim against the designer and manufacturer of the device, Parker Hannifin Corp. of Ohio, Cogan said.

Veltman also sued his employer's workers' compensation insurance company, Employer's Mutual Casualty Co., for negligence. After the accident, the insurer hired claims adjusters from Crawford & Co. to investigate the accident. The plaintiff alleged

negligence against Crawford, arguing that the company's claims adjuster was inexperienced and unfamiliar with farming equipment, and that she was negligent in telling an employee at Will-DuPage Farm Service that he could discard the coupling device that was involved in the accident.

The plaintiff also sued Siefker for negligence, arguing that he failed to completely remove the ammonia from the tool bar applicator or from the hoses and the coupling device, Cogan said.

In the settlement reached Wednesday morning, Veltman will receive \$4 million from Crawford; \$825,000 from the insurance company; \$200,000 from Parker Hannifin; \$130,000 from Siefker; and \$100,000 from Will-DuPage Farm Service, according to Cogan. Additionally, the insurance company agreed to pay all of Veltman's future medical expenses, including cornea transplant operations.

The case was tried before Will County Associate Judge William G. McMenemy and settled just before closing statements were to begin. *Brett Veltman v. Farmer Siefker, etc., et al.*, No. 92 L 5801.