

CARRIER--SENIOR INJURED WHILE EXITING CHURCH SHUTTLE--KNEE REPLACEMENT
(FFF 41/3) *Johnnie Stuckey v Full Gospel Christian Assemblies International, d/b/a Full Gospel Christian Assembly*
10L-14470 Tried Jun. 3-5, 2014 (4)

Verdict: Not Guilty

Judge: Patrick F. Lustig (IL Cook-Law)

Pltf Atty: Karen C. Lee of *Seidman, Margulis* Demand: \$200,000 Asked: \$493,922

Deft Atty: Matthew A. Cohen of *GuideOne Insurance Legal Dept.* (Des Moines, IA) (Guide One Insurance)
Offer: \$50,000

Pltf Medl: Dr. Luis Redondo (Orthopedist)

Pltf claimed she was injured in a fall from deft church's shuttle van on the evening of Dec. 31, 2009. Pltf F-72 contended she and her daughter came to attend deft's church service in Hazel Crest, parked their vehicle in an overflow parking lot, and rode in a 15-passenger shuttle van to the main building, where deft failed to provide a stepstool or otherwise assist her with exiting the van. Deft had provided a stepstool when she entered the van, which was a significant height above the ground. Pltf assumed the stepstool was there when she attempted to disembark, so she stepped out of the van looking straight ahead, at which time she twisted her knee and fell to the ground, allegedly causing a torn medial meniscus, aggravation of pre-existing arthritis/chondromalacia, arthroscopic surgery, and a total knee replacement (\$148,922 medl. stipulated). Pltf argued deft was negligent in failing to provide proper steps, stairs or assistance to exit the shuttle van. Pltf's daughter testified that she exited the van first, noticed there was no stepstool in place, and was attempting to assist her mother when she twisted her knee, but never fell to the ground. The defense produced witnesses who testified that the incident actually occurred on the morning of Jan. 3, 2010 - not New Year's Eve, the driver placed a stepstool in front of the van door, he extended his hand to pltf and supported her elbow as she exited, and her knee simply buckled. An incident report created by deft on Jan. 3 indicated that pltf was in a hurry and slipped out of the van. Pltf first sought medical treatment on Jan. 4, 2010. The defense denied negligence, denied proximate cause of pltf's injuries, and asserted pltf caused the accident due to her own negligence, inattentiveness, and failure to exit the vehicle with proper caution. The defense further maintained that pltf's knee conditions were pre-existing and the knee replacement would likely have been inevitable regardless of the occurrence.

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