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## — In the News —

### In Circuit Court

A \$4.5 million settlement has been reached on behalf of the family of a laborer who was crushed to death by a construction truck, the family's attorney said.

Vicente Arturo Silva, 21, was at a construction site in the 4000 block of North Mozart Avenue in Chicago, where he had finished digging a trench and was preparing to dig another, said **Edward G. Willer** of Corboy & Demetrio P.C., who along with **Robert J. Bingle** represented the laborer's estate.

The operator of a truck with a combination backhoe and end-loader drove backwards, hitting the laborer and lifting him out of the trench. He was crushed to death when the loader hit a wall.

The laborer's family claimed that the driver, Christopher Arena, was employed by Dietzler Construction Co. and that the company was negligent in allowing an "inadequately trained driver" to operate the truck.

The family also claimed that the construction company failed to supervise the driver, and that the driver failed to safely operate the truck.

Defense attorneys representing Dietzler claimed that the driver was loaned to another construction firm, Albin Carlson Co., which also employed Silva, and that the driver was under the exclusive control and supervision of that construction firm, Willer said.

The defense also contended that the proximate cause of Silva's death was his negligence in failing to keep a proper lookout and in placing himself in a position of danger.

Zurich Insurance Co., the workers' compensation carrier on behalf of Albin Carlson, agreed to waive its lien of about \$135,000 and pay the estate an additional \$55,000, Willer said.

Silva was survived by his wife and two-month-old son.

Defense attorneys **John S. Huntley** and **Elaine C. Davenport** of Sanchez, Daniels & Hoffman Ltd., represented Dietzler Construction and the driver.

Michael J. Hennig of Cassidy Schade LLP represented Albin Carlson.

The case was mediated by Michael J. Hogan, a former Cook County circuit judge.

Cook County Circuit Judge Thomas P. Quinn entered an order dismissing the lawsuit on May 13.

*Christina Gonzalez, etc. v. Dietzler Construction Co., et al.*, No. 06 L 007821.