

Corboy Demetrio Personal Injury Attorneys Secure \$1.4 Million Settlement in Carbon Monoxide Death

January 2009

The family of a 62 year-old husband and father who died from carbon monoxide poisoning recently settled their wrongful death lawsuit against a plumbing contractor, homeowner and property management company for \$1.4 million. [Francis Patrick Murphy](#) and [Edward G. Willer](#), [personal injury attorneys](#) at the law firm of [Corboy & Demetrio](#) and among the most respected lawyers in Chicago, represented the family. Cook County Circuit Court Judge Deborah Dooling finalized the settlement after a week of hearing more than 80 pre-trial motions.

The settlement stemmed from the April 30, 2004 death of Jerry Huyler. Mr. Huyler had gone to the Winnetka home of his friend, John Volckens at 1370 Scott Street, along with another friend. Volckens lived in the home as a tenant but did not own it, as he had lost ownership due to nonpayment of taxes. After being in the house for about an hour, the three men were overcome by carbon monoxide. Mr. Huyler died while his two friends survived. There were no functional carbon monoxide detectors in the home. The Cook County Medical Examiner discovered Mr. Huyler died of carbon monoxide poisoning and a subsequent inspection of the home revealed that the carbon monoxide was a result of a partially clogged vent from the boiler. A plumbing contractor, defendant V.J. Killian, had replaced a hot water heater in the home a month before the occurrence.

"This was an unnecessary and preventable death, which robbed Jean Huyler of her husband of 36 years and three children of their father," said [personal injury attorney Murphy of Corboy Demetrio](#). "Had the sophisticated real estate speculator and his property management company lived up to the contract and supplied and installed a simple

Attorneys

- Francis Patrick Murphy
- Edward G. Willer

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carbon monoxide detector, Mr. Huyler would have survived."

In an attempt to escape liability, the homeowner and management company argued that they were not responsible for the installation or maintenance of the carbon monoxide detectors. After Volckens had lost the property, the home was deeded to real estate tycoon and defendant Warren Peters, who had one of his companies, Jennings Realty, act as property manager. Thus, Volckens lived in the home as a tenant under a repossession contract, drafted by Peters' attorney, which required application of the Chicago Building Code even though the property was in Winnetka. Chicago's code required the owner of the property, not the tenant, to supply and install a carbon monoxide detector.

The repossession agreement was specifically drafted by the Jennings Realty lawyer to include Chicago Building Code requirements of installing and maintaining a carbon monoxide detector. Judge Dooling found that the owner had a contractual obligation that could not be delegated to supply, install and maintain a carbon monoxide detector, regardless of the conduct of the occupants.

"When you sign a contract you give your word" said Corboy Demetrio attorney Willer. "And in this instance, the owner clearly broke his word."

About Corboy & Demetrio

Corboy & Demetrio is one of the nation's premier law firms. Its lawyers in Chicago represent individuals and their families in serious personal injury and wrongful death cases, and the firm is renowned for its achievements in the courtroom and for its contributions to the community. With lawyers based in Chicago, the rights and concerns of its clients are at the core of the Corboy Demetrio practice. That dedication, compassion and relentless drive has resulted in exceptional service and exceptional results for its clients. The firm has acquired more than \$3 billion in settlements and verdicts and has attained more than 500 settlements and verdicts in excess of \$1 million.

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