

## Corboy & Demetrio Attorneys Secure \$4.5 Million Settlement for Local 2 Construction Laborer Crushed to Death

May 2009

Dietzler Construction Corporation has agreed to pay \$4.5 million to the family of a construction laborer who was crushed to death by a combination backhoe/end loader truck. The laborer was represented by Chicago personal injury lawyers Robert J. Bingle and Edward G. Willer of the Corboy & Demetrio law firm.

### *Construction Injury*

On July 5, 2006, a twenty year-old Local 2 laborer, was digging a trench at 4001 North Mozart Avenue in Chicago, Illinois while working on a Nextel Corporation project and employed by Albin Carlson Company, a construction firm. As the laborer worked in the trench, Christopher Arena was operating a 2002 Caterpillar combination backhoe/end loader truck across the street on the eastside of Mozart Avenue.

Arena was ostensibly employed by Dietzler Construction Company but there was a significant claim that he was under the control and supervision of Albin and had been loaned to them for the project. There were no Dietzler supervisors on the job and the only manager present was employed by Albin.

Arena had just finished digging a trench and proceeded to move to the westside of the street to begin digging a trench at that location. As he was putting his outriggers down, the loader lurched backwards and continued back towards the eastside of the street. The laborer was in the trench when the loader hit him and physically lifted him out of it. He was crushed to death when the loader hit a wall. He was married and the father of a two-month old son.

### **Attorneys**

- Robert J. Bingle
- Edward G. Willer

### **Related Practices**

- Construction Negligence
- Personal Injury & Wrongful Death

The laborer's estate claimed that Dietzler was negligent in allowing Arena, an inadequately trained driver, to operate the truck and negligent in supervising Arena. It also contended that Arena failed to safely operate the truck. Dietzler claimed that Arena had been loaned to Albin and that the proximate cause of the laborer's death was his own negligence in failing to keep a proper lookout and in placing himself in a position of danger.

#### **Construction Accident Attorney Robert Bingle**

According to Attorney Bingle:

Allowing Christopher Arena to operate such a large piece of construction equipment without the proper training and without adequate supervision, cost a young man his life. This settlement will allow his widow to go forward. She is very relieved to have this case resolved.

#### **Construction Accident Attorney Edward Willer**

Attorney Willer stated:

Key to this settlement was our attack on the critical issues of "loaned servant" and comparative fault. Defendant Arena claimed he was under the exclusive control of Albin. Defendant Dietzler's claim that the laborer was somehow at fault was without merit.

#### ***Wrongful Death and Personal Injury Settlement***

The entire \$4.5 million for the wrongful death of the Local 2 laborer will be paid by Dietzler Construction Corporation. Zurich Insurance Company, the worker's compensation carrier on behalf of Albin Carlson Company, also agreed to waive its lien of \$135,024.47 and pay the estate an additional \$55,000.00.

#### **About Corboy & Demetrio**

Named as a **Top Law Firm by *Chicago Magazine*** in 2008, Corboy & Demetrio is one of the nation's premier law firms. The Chicago law firm represents individuals and their families in serious personal injury and wrongful death cases, including construction site injuries and death, and is renowned for its achievements in the courtroom. The rights and concerns of its clients are at the core of *Corboy & Demetrio's* practice. That dedication, compassion and relentless drive has resulted in exceptional service and exceptional results for its clients. The Chicago based 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.