

\$75 Million for Injured and Killed Victims in Hancock Scaffolding Accident

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On the eve of trial, 10 victims of those injured and killed by the scaffolding that collapsed and fell from the John Hancock Building in Chicago nearly four years ago will receive \$75 million in a global settlement for their personal injury and wrongful death claims.

Corboy & Demetrio and Clifford Law Offices, two prominent law firms in Chicago, joined forces in the representation of seven victims of this horrific event including the families of the two young women who were killed in the front seat of their car as their mothers witnessed their gruesome deaths in the back seat. The settlement also includes two people who were injured and a person who was killed and who are being represented by three other Chicago law firms. At the request of the victims' families, the dollar amounts for each individual family will not be disclosed to respect their privacy.

The case was scheduled to go to trial today before Cook County Circuit Court Judge William Maddux, Presiding Judge of the Law Division, at the Daley Center in Chicago. The trial was expected to last several weeks.

Thomas A. Demetrio, partner at Corboy & Demetrio, and Robert A. Clifford, partner at Clifford Law Offices, who would have been lead trial lawyers had the case not settled, issued the following statement:

"We are satisfied by this settlement in that the families do not have to re-live the tragedy they witnessed. It has been a very difficult ordeal for so many people and it has impacted so many lives so unnecessarily. Had daily weather reports, fundamental safety practices and mere common sense been followed, this catastrophe could have been avoided. The real tragedy is that the responsible parties knew that the equipment was poorly engineered and, nevertheless, allowed it to hang from the 42nd floor after a wind advisory had been issued by the National Weather Service.

Attorneys

- Thomas A. Demetrio

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Throughout the window sealing project, these defendants chose to implement cost-cutting and time-saving measures. Their actions cost people their lives by allowing the 10,000 pounds of equipment to remain inadequately secured at a midpoint of the building. This careless conduct was compounded when tenants reported to the proper building officials the loose scaffolding banging in the near record winds. However, instead of immediately closing off the street below on a busy Saturday morning filled with shoppers, they chose to do nothing.”

By the defendants’ own admission through an audio taped meeting 17 days before the collapse, the scaffolding equipment was likened to the Pinto scandal of the 1970s that killed dozens of people because it was too expensive to re-tool the car. One defendant stated, “It’s like building a Pinto. You put the gas tank in first and you worry about it later,” referring to the fact that the defendants knew it was dangerous yet they did nothing.

Lawyers conducted more than 100 depositions of experts, management company, architects and structural engineers since the March 9, 2002 incident.

A large section of the scaffold crashed on the car of Linda Demo and Betty Semplinski who were trapped with the dead bodies of their daughters Melissa Cook and Jill Nelson while they awaited rescue. The mothers spent more than 30 minutes in the back of seat of the car while the Chicago Fire Department had to use the “jaws of life” to extricate them from the car. Betty Semplinski also suffered a severe fracture of her leg.

There was a terrible irony to this tragedy. Melissa Cook and Jill Nelson were cousins by birth, but sisters in life. They were born and raised as close as any two sisters could be and died together, as they had lived.

Melissa Cook was born on March 18, 1972 to Linda Demo and David Cook. Jill Nelson was born on March 28, 1974 to Betty and Jim Semplinski. Betty Semplinski and David Cook are brother and sister. The two girls grew up six blocks from one another, and both mothers, who were schoolteachers, served as surrogates to each girl. If Betty wasn’t home, Jill would always just naturally go over to Linda and Melissa’s home. If Linda was working, Melissa would call Betty and Jill for a ride home or dinner. The families’ lives were inextricably connected, especially between the two mothers and daughters.

David Cook and Linda Demo divorced in 1977. Linda married Paul Demo in 1980. David Cook remained a doting father throughout Melissa’s life, and Paul Demo was a loving and active stepfather.

Both girls attended Merrillville High School in Merrillville, Indiana. Melissa graduated in 1990, and Jill in 1992. Being two years older, Melissa always assumed the role of the older sister. She was an outstanding athlete and was all-conference in softball and basketball and captain of the volleyball team her senior year at Merrillville High School. Jill and Melissa shared together all the fun of high school and always looked out for each other. Melissa enrolled at the University of Notre Dame and played varsity softball. She graduated from Notre Dame in 1994 with an accounting degree. Jill attended Purdue University and graduated in 1996

with a degree from the Krannert School of Business in accounting. Throughout their college careers, they continued their vibrant friendship. Both girls would visit each other at their respective campuses and became friends with their classmates. All of their classmates just assumed that Jill and Melissa were sisters. Over breaks, both girls would visit and stay at each other's homes.

Once both girls had graduated from college, Melissa moved to Chicago and worked in an accounting firm and at the Teamsters Local 786 for the five years prior to her death as a comptroller for union benefits. Jill Nelson took a job with EDS (Electronic Data Systems) in Troy, Michigan and later moved to Kansas to work for the same company. The role of older sister was reversed in 2000 when Jill married Josh Nelson. Melissa Cook was her maid of honor at the wedding. Even though separated by distance and job demands, Melissa and Jill continued to live their lives as sisters. They would see each other several times a year, and in fact, on the weekend of their death, Jill had traveled to Chicago to celebrate Melissa's 30th birthday party at John Barleycorn in Lincoln Park on the night of their tragic deaths.

Melissa Cook was the only child of Linda Demo and David Cook. Jill Nelson was the only child of Betty and Jim Semplinski.

At the time of her death, Jill Nelson had been married to Josh Nelson of Kansas for 17 months.

Another car that was struck by steel debris was occupied by Michelle Whittaker and her mother, Peggy Whittaker who suffered catastrophic brain and spinal cord injuries that rendered her a quadriplegic. They also had to be extricated from the car. Peggy Whittaker subsequently died on July 18, 2005.

Corboy & Demetrio and Clifford Law Offices represented all of the above victims and their families.

The defendants, who will share in the payment of damages, include the Shorenstein companies, the owners and managers of the Hancock Building; Eckland Consultants, Inc., of Chicago, the owner's consultant on the project; AMS Architectural Technologies Inc. of Illinois, the general contractor responsible for the day-to-day operation; McGinnis Chen AIA, Inc. of San Francisco, architects of the window improvement project for the building; and Tylk Gustafson, the engineers for the project.