

THE STROM REPORT

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Strom & Associates

The Chicago law firm of *Strom and Associates* represents injury victims at work or outside of work. For over 30 years, *Strom and Associates* has been there for injury victims.

Workers' Compensation

Workers' Compensation is insurance, paid for by employers, which can provide cash benefits and/or medical care for workers who are injured or become ill as a result of performing their jobs.

Personal Injury

Persons who are injured have a right to bring a claim against individuals, corporations, municipalities and other legal entities that may be at fault for causing their injury.

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Highlighted Cases ... Workers' Compensation

Strom "SCORES" for the Injured Worker

By Neal Strom

GUST MARKADONTOS v. EAGLE FREIGHT SERVICE, April 2006

Mr. Markadontos, a 44-year-old truck driver, sustained severe injuries to his lower back while driving his truck as an "alleged" independent contractor for Eagle Freight Services.

We received the case from a referring attorney; that is, an attorney, who for one reason or another, referred the case to Strom and Associates, Ltd. because of our 30 years of experience and because we have demonstrated time and time again that we successfully prosecute cases and achieve the best results for our clients.

Eagle produced a written agreement with Mr. Markadontos claiming he was an independent contractor. **What this case teaches us is that just because the written agreement states a person is an independent contractor, does not necessarily make it so.**

JOSEPH STALZER (DECEASED) v. PERFECTION PAINTING, May 2006

This case is the perfect example of bad luck for Joseph Stalzer, who died as a result of a "staph" infection.

Strom recovered a hefty six-figure settlement due

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Strom & Associates Fights for the Rights of Injury Victims



Meet Kevin Yen, Our Personal Injury Litigation Attorney

Kevin T. Yen concentrates his practice in plaintiff's personal injury litigation. He graduated from the Loyola University of Chicago School of Law in June, 2000 and has been licensed to practice law since November, 2000. He has been a member of the firm since August, 2002 and currently manages the firm's personal injury litigation department.

Mr. Yen is a member of the Association of Trial Lawyers of America. He is a graduate of the National Institute for Trial Advocacy.

Prior to joining Strom & Associates, Mr. Yen worked at a prominent law firm representing Commonwealth Edison defending them in catastrophic injury cases. Mr. Yen learned from his experiences and crossed over to the side that wears the "white hats" because he wanted to help families whose loved ones have been devastated by the wrongful acts of others.

Since becoming a plaintiff's attorney, he has finalized numerous lawsuits and claims by way of settlement and has tried a number of cases to jury verdict. His clients have included persons injured

in construction accidents, motor vehicle collisions, criminal assault and sexual abuse, and as a result of medical negligence. These clients have suffered an array of injuries including spinal cord injuries, head trauma, emotional distress, and death.

Mr. Yen continues to help his clients by giving them the utmost attention and astute counsel. He believes in working with his client, and only by doing so can you put forth the strongest case possible. Mr. Yen thoroughly educates his clients on the legal issues involved in the lawsuit so that they are never kept in the dark. He also values the knowledge, opinions and experiences his clients bring to the table. He is both a teacher and a student. Above all, Mr. Yen strives to involve his client in every facet of his client's lawsuit, from investigation to the settlement or trial.

Outside of the office, Mr. Yen donates his time educating immigrants, who speak English as a second language, on the basics of divorce law, personal injury and workers' compensation law, landlord-tenant laws and other areas. The purposes of these seminars are to advise the individuals on their rights and to dispel common misunderstandings.



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Highlighted Cases ... Workers' Compensation

Strom "SCORES" for the Injured Worker

to the death of Mr. Stalzer. Mrs. Stalzer called and advised us that her husband was injured at work by scrapping his left upper arm.

Some weeks later, Mr. Stalzer developed flu-like symptoms that unbelievably led to his death due to a rare strain of "staph" infection.

Strom hired a world-renown pathologist to perform testing that confirmed that the "point of entry" into the body of the deceased could have been the minor dime-sized scrape from the work-related accident.

"This case was like a jig-saw puzzle that came together due to hiring the best experts and refusing to quit," said Strom.

At least the family of the deceased has peace of mind as to his cause of death and received compensation for their loss.

Strom added, "We perform our work for all the right reasons; to get to the truth and to help families gain closure."

RAYMOND HARTMAN v. HEITMAN, July 2006

Strom represented Raymond Hartman, a building engineer at a downtown office building.

Mr. Hartman injured his lower back. He had to have surgery that "fused" his lumbar discs to alleviate the pain.

As a result of his injury, Mr. Hartman could not return to his regular job as a Union building engineer because of his situation. After working with a vocational counselor, Mr. Strom, Mr. Hartman, and the counselor found Mr. Hartman a job paying a lesser wage.

In Mr. Hartman's case that was equal to \$550.47 weekly he was entitled to receive tax free for life.

"The law provides that if an injured person can not return to the same work he was doing prior to his accidental injury at work due to a restriction, he or she may receive 2/3 of the difference between what he could have been making and what he actually is making."

The case was later settled for a significant six figure lump sum.

RAFAEL ESPARZA v. VIKING MATERIAL

Strom and Associates, Ltd. represented Rafael Ezparza as a result of a catastrophic injury to his left arm. Mr. Esparza's case was highlighted in "Extra," Chicago's bilingual newspaper.

Strom fought for Mr. Ezparza and prevailed in securing him a permanent total disability award on the basis that his disability to his left arm was only part of the story.

There are physical injuries, which one can easily see, yet most people do not see the emotional scars one endures from a disastrous physical injury. Strom states everyone could see Mr. Esparza's disfigured arm, yet the emotional issues in his case were ignored. He lost his family and became depressed. The case later settled for over \$500,000.00 with provisions that Mr. Esparza would receive a lump sum and monthly payments for life.

DANIEL ROSENCRANTS v. CITY OF CHICAGO

Daniel Rosencrants, a 45-year-old Streets and Sanitation worker with a previous work-related right knee injury, hurt his right knee again on October 24th, 2001.

Although Mr. Rosencrants settled his previous right knee case versus the city, he filed his 10/24/01 case with Strom and Associates.

Mr. Rosencrants had surgery to his right knee again after 10/24/01 but he did not return to his prior level of function and could not return to his regular job with the city. He was placed on light-duty while his doctors further investigated his right knee pain.

Mr. Rosencrants was informed by his orthopedic surgeon that he needed a knee replacement. **The questionable issue was whether Mr. Rosencrants could secure workers' compensation coverage for his knee replacement surgery.**

The City hired a physician who stated there was no correlation between his injury and the need for knee replacement surgery. He was effectively cross-examined by Strom who did get the city's doctor to admit under oath that the work injury was "a" factor in the need for the knee replacement surgery.

Through Strom's efforts, he was able to provide Mr. Rosencrants with workers' compensation coverage for the knee replacement surgery, rehabilitation, open medical care, and weekly temporary total disability benefits.

FELIPE DOMINGUEZ v. JAMES McHUGH CONSTRUCTION

Mr. Dominguez, a 48-year-old union laborer was injured on February 2003 at a jobsite at Northwestern Memorial Hospital.

He was treated at Northwestern's Occupational Health Clinic and was diagnosed with a shoulder and neck strain. When his pain continued, he was referred to a neurosurgeon who recommended surgery. McHugh and their Workers' Compensation Insurance Company refused to authorize the surgery and hired a doctor to testify that Mr. Dominguez was fine.

We went to trial before an Arbitrator at the Illinois Workers' Compensation Commission and took the testimony of Mr. Dominguez's doctor and the McHugh doctor. The arbitrator ruled in Mr. Dominguez's favor and ordered all past-due compensation to be paid to Mr. Dominguez. He ordered that Mr. Dominguez have surgery and be awarded **penalties** because the Arbitrator found that McHugh and their Workers' Compensation Insurance Company withheld weekly compensation benefits to Mr. Dominguez without cause.

Mr. Dominguez eventually had his surgery and continues to receive temporary total disability weekly and his medical expenses continue to be paid as a result of his injury.

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STEVE BENYON v. PERILLO BMW

Mr. Benyon had a promising career as a “Master Auto Mechanic” with Perillo BMW in Chicago. At age 30, he was making a six-figure income.

Mr. Benyon sustained injuries to both hands while working for Perillo. The severity of his injuries prohibited him from returning to work as a Master Auto Technician. As a result of this catastrophic injury, Mr. Benyon was left with severe and permanent injuries to both hands. He also suffered from chronic pain.

Strom and Associates, Ltd. tried his case before the Illinois Workers’ Compensation Commission, and Mr. Benyon was

awarded a wage diminution for life. **Wage diminution pays Mr. Benyon a fixed amount of money weekly and preserves his right to medical care for life as well.**

After the trial, Mr. Benyon’s condition continued to deteriorate, and Strom and Associates, Ltd. filed a Petition claiming Benyon’s case deserved another look. We now are claiming he is permanently and totally disabled for life. If we prevail, Mr. Benyon will receive approximately a \$300.00 raise in his weekly benefits from \$486.00 to \$786.00 and medical care for life.

This case is currently set for appeal.

Highlighted Cases Personal Injury

Strom & Associates “DELIVERS” for Injured Victims

By Kevin T. Yen

KATHLEEN KING v. STATE FARM AUTO INSURANCE COMPANY

Ms. King was a 44-year-old female business professional. She was a passenger of a vehicle being driven by her husband. While they were driving, another vehicle collided with their vehicle causing Ms. King to suffer injuries to her spine and her knee.

Unfortunately, the driver of the other vehicle did not carry automobile insurance. Ms. King’s vehicle was insured by State Farm Automobile Insurance Company. The State Farm policy included uninsured motorist coverage, which provides compensation for injuries sustained by drivers and passengers of a vehicle insured by State Farm where the other vehicle that caused the accident did not have automobile insurance.

Our firm filed an uninsured motorist claim against State Farm Automobile Insurance to compensate Ms. King for her injuries, including her time lost from work and the costs of her surgeries. The matter proceeded to a binding arbitration and after the close of evidence, a decision was returned by Judge Orbach in favor of Ms. King.

Point of Interest . . . *The significance of this case is that in situations in which someone is injured in a motor vehicle accident by a driver who does not carry automobile insurance, he may still recover for his injuries, including time lost from work and medical costs, from their own automobile insurance company. It is generally understood that such recovery does not translate to an increase in premiums for insurance coverage.*

TRACY GALIFOS v. WALMART STORES, INC.

This matter involved a lawsuit instituted by our firm on behalf of Ms. Galifos in the Federal District Court of Illinois. The lawsuit arose due to injuries that Ms. Galifos suffered while an employee of Hallmark and on the premises owned by Walmart, Inc. Ms. Galifos suffered serious injuries to her neck which required surgery and extensive rehabilitation while working in the Walmart stockroom.

Our firm represented Ms. Galifos on two separate matters arising from this one single occurrence. Firstly, a workers’ compensation claim was filed on behalf of Ms. Galifos against Hallmark for injuries she sustained while in the course of her employment with Hallmark. Secondly, a lawsuit was instituted against Walmart

for their negligent care of the stockroom and failing to keep the walking area free of any debris and tripping hazards.

Ms. Galifos recovered a settlement from the workers’ compensation action based on her wages earned from Hallmark for these injuries. She also recovered damages on the federal lawsuit against Walmart.

Point of Interest . . . *In situations such as this, where an individual is injured while on the job but due to the negligence or carelessness of a third party, i.e. someone who is not the employer or co-worker, there are potentially two claims for injuries and compensation arising from the same injury and same occurrence; namely a workers’ compensation claim and a personal injury lawsuit.*

ANGELA JOHNSON v. UNION PACIFIC RAILROAD

Angela Johnson, a 34-year-old female student, sustained injuries to her shoulder while a passenger on the Metra North Line to Kenosha, Wisconsin. Ms. Johnson was a Metra passenger with her friends and sister traveling to Kenosha, Wisconsin. Upon arrival at the Kenosha train station, she was directed to leave the train by the Metra conductor.

At that point a verbal confrontation arose between Ms. Johnson and the conductor regarding the appropriate doors to exit the train. According to Ms. Johnson, the conductor placed his hands upon Ms. Johnson’s shoulder and shoved her into an exit door and she struck her shoulder. This law firm represented Ms. Johnson and filed a personal injury claim against Union Pacific Railroad for the wrongful acts of its conductor. The parties reached an out-of-court settlement after negotiations.

Point of Interest . . . *In some situations where a person is injured by the criminal or intentional acts of another, he or she may be entitled to monetary compensation for the injuries resulting from those acts. There may be criminal prosecution against the offending party. However, this does not preclude a civil claim for damages.*



JOHN A. PATTERSON, JR., DECEASED, BY HIS MOTHER AND NEXT FRIEND SANDRA PATTERSON, ON BEHALF OF MINOR, JAMIE PATTERSON v. JENNIFER REDERER

On March 30, 2002, John A. Patterson Jr., was killed in a motor vehicle accident allegedly caused by the defendant, Jennifer Rederer. Mr. Patterson's only surviving heir was Jamie Patterson, his 14-year-old daughter. Our firm filed a wrongful death lawsuit against Ms. Rederer for her carelessness in causing the motor vehicle collision and John Patterson's resulting death.

When our firm was first retained by the family for John A. Patterson, it appeared that there was only \$100,000 in insurance coverage to compensate Jamie Patterson for the loss of her father. Through our efforts and investigation, we discovered an umbrella policy held by the defendant for \$1,000,000 in addition to the \$100,000.

As the trial date approached, the parties entered into a settlement agreement by which we were able to recover the \$1,000,000 policy for the benefit of Jamie Patterson and other relatives of the plaintiff.

***Point of Interest...** In all cases, it is vital that the attorneys for an injured person conduct a thorough investigation and inquiry to discover any and all insurance policies by which the person can recover. Rarely, will insurance companies volunteer any information as to the existence of any umbrella policies which may carry a larger amount of coverage. Therefore, it is the job of the attorneys to find any and all monies to recover from the defendant.*

ROSANNE COSTA v. GREAT ESCAPE RESTAURANT

Rosanne Costa was injured when entering the Great Escape Restaurant from a back entrance to pick up a food order. After the Mrs. Costa exited the restaurant, she did not notice a step-down from the landing to a back patio. She suffered a knee injury as a result.

During the discovery process, we uncovered that the wooden patio was installed one year prior to the Mrs. Costa's accident and was built over an existing staircase. The landing was actually the first step of the staircase. We also uncovered that the owner of the restaurant chose to allow the single step to remain after the construction of the patio. Our firm retained an expert architect who would testify that single step elevation drops are unreasonably dangerous and usually go unnoticed. Based on that evidence, the lawsuit settled in favor of the Mrs. Costa.

***Point of Interest...** In some cases, it is necessary to have an expert to prove negligence against the defendant. Our firm has worked extensively with experts from many fields.*

BERNARDO ROBLES v. KAJIMA CONSTRUCTION

Our office was retained by Mr. Robles, a 70-year-old male, who was employed as a security guard at a construction site. On November 8, 1998, during his routine check of the premises to ensure the doors were locked, he was caused to fall into an excavation site tearing his rotator cuff. Multiple defendants were named in the lawsuit, including the owner of the property, the general contractor, and various subcontractors.

We created a theory of liability against each defendant. Ultimately, the case settled just prior to trial.

***Point of Interest...** It is common in construction cases that there will be multiple defendants in the lawsuit. A construction site is a busy and crowded setting. The injury suffered by the plaintiff could be the result of negligence on the part of more than one defendant.*

JOE JOHN v. FRED CARNES AND ABC BOTTLING CORPORATION

Joe John was injured while standing on the curb waiting to cross the intersection when he was struck by a 7-Up truck. He sustained numerous and serious head injuries. Despite his inability to recall the events on the day of the accident, our firm was able to establish negligence on the part of the truck driver based on the truck driver's testimony and testimony of eye witnesses present at the intersection on the day of the accident. The case was settled out of court in favor of Mr. John.

***Point of Interest...** In this lawsuit, the plaintiff could not offer any knowledge as to what happened at the time of and immediately after his accident. This is a frequent occurrence. One example is a driver who is blind-sided. In these situations, action must be taken quickly to find witnesses and take their statements, and speak to the authorities.*

The Strom & Associates Website goes HI-TECH... www.stromandassociates.com

See video tape clips of Strom discussing recent case law

Check out *Strom & Associates* website at stromandassociates.com. It's easy to navigate, features downloadable forms, and is available in multiple languages.

Strom & Associates incorporated the multi-language capability as the firm is dedicated to helping every individual realize the workers' compensation rights granted to them.

The newly designed site features a Resource Center that provides valuable

information designed to help clients throughout the cycle of their workers' compensation claims.

Here, individuals will find links to downloadable new client forms, a list of physicians that often work with workers' compensation claims, helpful advice about when to begin a claim and the most recent news about *Strom & Associates*. This section is updated on a regular basis.

The site allows users to learn more about the firm and its associates and helps to educate people on the rights they're entitled to under Workers' Compensation and personal injury claims.

Our brochures are available in Spanish and Polish, as is the website.