

WEST'S JURY VERDICTS - ILLINOIS REPORTS

IDOT Recovers \$60.2K for Bridge, Guard Rail Damage

Circuit Court of Illinois, Cook County Judicial Circuit.

**State of Ill. v. Venturini**

**Type of Case:**

Vehicle Negligence • Sole Vehicle  
Vehicle Negligence • **Trailer**  
Vehicle Negligence • **Truck**  
Negligence-Other  
Vicarious Liability

**Specific Liability:** **Truck** driver negligently lost control, causing an improperly secured load to fall off the **truck's trailer** and damage a bridge and guard rails

**General Injury:** Monetary damages

**Jurisdiction:**

State: Illinois  
County: Cook

**Related Court Documents:**

Plaintiff's complaint: [2005 WL 6030856](#)  
Defendants' amended answer: [2005 WL 6030855](#)  
[Defendants' counterclaim: 2005 WL 6030854](#)  
Defendants' reply brief in support of their motion to enforce settlement: [2005 WL 6030853](#)  
Verdict form: [2007 WL 4789291](#)

**Case Name:** State of Illinois, Department of Transportation v. Keith Venturini and Concrete Concepts and Contracting Inc.

**Docket/File Number:** 05 L 9125

**Verdict:** Plaintiff, \$60,265.00

**Verdict Range:** \$50,000 - 99,999

**Verdict Date:** Dec. 18, 2007

**Judge:** [James M. Varga](#)

**Attorneys:**

Plaintiff: [Marcus J. Nunes](#), Chico & Nunes, Chicago, Ill.  
Defendants: [Daniel G. Suber](#) and Mark D. Lawrence, Daniel G. Suber & Associates, Chicago, Ill.

**Trial Type:** Jury

**Breakdown of Award:**

\$60,265.00 to plaintiff in damages

**Summary of Facts:**

A construction **tractor** back hoe came loose and fell off the **trailer** of a **truck** driven by Keith Venturini and owned by Concrete Concepts & Contracting in September 2000, allegedly damaging a bridge and guard rails at US 41 and Lake Cook Road in Northfield Township, Ill. The Illinois Department of Transportation claimed it paid \$181,535.86 to repair damage it said Venturini caused by his negligent driving.

IDOT sued Venturini and his employer, Concrete Concepts, in Cook County Circuit Court. The plaintiff alleged the defendants failed to exercise reasonable care to maintain the **truck** under proper control, failed to properly secure the load, failed to alter the course of the **truck** when danger of a collision was imminent and negligently hit the bridge and guard rails. IDOT asked the court to enter judgment against each defendant in an amount not less than \$181,535.86, plus costs.

The defendants denied negligence and denied the plaintiff's property was damaged to the extent claimed. They asserted spoliation of evidence as an affirmative defense, claiming the plaintiff "deliberately and intentionally

destroyed its construction file" which apparently contained photographs, statements, names of contractors, preliminary estimates and other information pertinent to the case. The defendants used their spoliation of evidence defense in a counterclaim against IDOT.

The parties reached a \$100,000 settlement Nov. 13, 2007; however, the agreement was not approved according to court filings. IDOT, arguing against the defendants' motion to enforce the settlement, said it had the right to renege on the agreement because the person in charge of claims at IDOT, James Sterr, did not have actual authority to settle the claim.

The defendants disagreed, arguing Sterr's title was Chief of the Bureau of Claims, and to arrive at any other conclusion would be unfair and unjust. Furthermore, apparent authority existed, the defendants argued, because a reasonably prudent person would have naturally assumed IDOT's law firm and its chief of the Bureau of Claims had the authority to settle the lawsuit.

The court disagreed with the defendants, denying their motion to enforce the settlement Dec. 6, 2007. Cook County Judge William D. Maddux signed the order.

Less than one week later, by agreement of the parties, Judge James M. Varga ordered the defendants' counterclaim for spoliation be withdrawn with prejudice. The case proceeded to jury trial.

Jurors returned a verdict Dec. 18, 2007, in favor of IDOT and assessed damages at \$60,265. Judge Varga approved the award.

Court: Circuit Court of Illinois, Cook County Judicial Circuit.

2007 WL 4924680 (Ill.Cir.)

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