

MARY LOUISE KANDYBA

EXEMPLAR TRIAL EXPERIENCE

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Circuit Court of Cook County, Illinois
Complex Tort & General Casualty/2019

FELA and common law negligence case filed by employee of railroad contractor who sustained injuries when he was run over by a chassis in a rail yard. Case impacted excess layer, and excess carrier entered into high-low agreement prior to verdict. Verdict of \$13.9 million reduced by 37% for plaintiff's negligence, for a net of \$8.3 million, which was the amount of the settlement.

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Circuit Court of Cook County, Illinois
Complex Tort & General Casualty/2018

FELA matter involving admitted liability in train crash case where a moving train struck the locomotive in which the plaintiff engineer was sitting; plaintiff suffered a torn rotator cuff that was surgically repaired and alleged an aggravation of pre-existing back and neck injuries with herniated disc at L1-L2 cauda equina level; no return to work; plaintiff asked jury for \$3.6 million. Verdict of \$2.3 million; case settled for \$2.15 million post-verdict.

CIOSEK v. INDIANA HARBOR BELT RAILROAD

Circuit Court of Cook County, Illinois
Complex Tort & General Casualty/2016

FELA case involving a torn rotator cuff as a result of a train derailment in railroad yard along with an ergonomic claim for an alleged cumulative trauma injury to the neck; plaintiff was unable to return to work. Cumulative trauma claim dismissed at trial and case tried on derailment claim only with liability admitted; plaintiff never returned to work following the derailment. Plaintiff asked for \$1.6 million and the verdict was for \$310,000.

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Circuit Court of Cook County, Illinois
Complex Tort & General Casualty/2015

FELA, liability and damages case for plaintiff who was knocked off a railcar and sustained back and neck injuries. Verdict of \$1 million reduced by 15% for plaintiff's negligence. Verdict then settled for \$825,000.

**DONALD EVANS v.
BELT RAILWAY COMPANY OF CHICAGO**

Circuit Court of Cook County, Illinois
Complex Tort & General Casualty/2011

FELA case where a train conductor claimed violation of the federal regulations and the Locomotive Inspection Act. Verdict of \$799,493 subject to a \$200,000–\$600,000 high/low agreement.

**JOSEPH WALTERS v. BELT RAILWAY
COMPANY OF CHICAGO, ET AL**

Circuit Court of Cook County, Illinois
Complex Tort & General Casualty/2010

FELA case where a handhold broke off a railcar, causing the railroad freight conductor to fall and suffer disabling injuries. Verdict of \$1.59 million subject to \$587,500 setoff for settlements by co-defendants.

**JOSEPH DAVIS v. BELT RAILWAY
COMPANY OF CHICAGO, ET AL**

Circuit Court of Cook County, Illinois
Complex Tort & General Casualty/2010

FELA case where a broken locomotive handhold caused a railroad switchman to fall. He required an anterior cervical discectomy and fusion as a result. Verdict of \$546,375.

**JAMES PAGE v. CSX INTERMODAL
TERMINALS INC., ET AL.**

Circuit Court of Cook County, Illinois
Complex Tort & General Casualty/2007

Work injury matter involving a truck driver spotter who was struck by a train at a rail yard. Verdict of not guilty.

**ROBERT HOFER v. INDIANA HARBOR
BELT RAILROAD CO. v. ADELE PETERSEN**

Circuit Court of Cook County, Illinois
Complex Tort & General Casualty/2007

FELA case involving a conductor who claimed he suffered post-traumatic stress disorder after a car bypassed the lowered gates at a railroad crossing and collided with the train. Railroad was 5% at fault; 95% of liability assessed against driver. Railroad paid verdict to conductor and was reimbursed by driver's insurance carrier.

ANTONE JARRETT v. MCDOWELL TRUCKING INC., RONALD BULANDA

United States District Court,
Northern District of Illinois

Complex Tort & General Casualty/2006

Civil rights case alleging retaliation in violation of the Fair Labor Standards Act where the plaintiff contended his termination of employment was in retaliation for an overtime pay complaint. Court granted a directed verdict in favor of the defendants on the issues of punitive damages prior to closing argument. Jury deliberated less than an hour, and entered a verdict in favor of the trucking company.

LEVILYN CRISS v. INDIANA HARBOR BELT RAILROAD CO.

Circuit Court of Cook County, Illinois

Complex Tort & General Casualty/2003

FELA case involving a track foreman who was knocked down by a backing ballast tamper. Verdict of \$39,150 after 50% off \$78,300.

SALUD R. RIVERA v. CHICAGO SHORT LINE RAILWAY CO..

Circuit Court of Cook County, Illinois

Complex Tort & General Casualty/2000

FELA case involving a track laborer who tore his meniscus using a lever tool that looked like (and was also called) a hockey stick. Verdict of not guilty.

CHARLES WHITE v. INDIANA HARBOR BELT RAILROAD, CERESTAR U.S.A.

United States District Court,
Northern District of Illinois

Complex Tort & General Casualty/1998

FELA/work injury case where a frozen railroad switch was blamed for causing the plaintiff's back injury. Verdict of not guilty for Indiana Harbor on the FELA claim and \$131,500 after 50% off \$263,000 against Cerestar.