

Parties in motorcycle crash settle for \$8M

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Chicago Daily Law Bulletin

November 24, 2015

A husband and wife who suffered injuries in a split-second accident have settled their negligence suit for \$8 million.

The agreement came Wednesday after almost three weeks of motions and a trial in Ronald and Margaret Furst's negligence case.

The couple sued two motorists in [Cook County Circuit Court](#) alleging their dangerous vehicle operation caused an accident with the couple on their motorcycle in May 2010.

The accident happened on a two-lane stretch of Route 176 in Marengo as Lucas Tichawa was stopped in the westbound lane waiting to turn left onto Prospect Street.

As Tichawa waited to turn, Eric Lang — an employee of Safelite Group Inc. — was traveling westbound at about 45 mph behind Tichawa and crashed his company's Chevrolet van into the back of Tichawa's Audi sedan without braking.

"It's a flat and straight road and a clear day," said [Todd A. Smith](#), a partner at [Power, Rogers & Smith P.C.](#) who represented the Fursts. "To this day, we don't know why he didn't see him."

With his wheels already turned left, the impact sent Tichawa's vehicle across the center line into eastbound traffic, causing the Fursts' Harley-Davidson to collide into the passenger side of Tichawa's car.

During testimony, Smith said, Lang called it a "split-second" and "blink-of-an-eye" collision.

"He called it himself during testimony 'bam-bam,'" Smith said. "That was significant because there's always a concern about motorcycles and people thinking that if you're operating a motorcycle you might be doing something different other than being careful about the way you're riding. It was important to demonstrate that the Fursts did nothing wrong."

The impact ejected the Fursts from their motorcycle, Smith said. An off-duty paramedic who was stopped on Prospect Street told her husband to call paramedics and helicopters while she tended to them.

Ronald Furst took the immediate brunt of the injuries with a compound fracture in his upper left arm and a broken and dislocated left hip, Smith said.

While using crutches through that summer, Smith said, Ronald Furst noticed pain in his shoulders. In March 2012, Smith said, Furst underwent an arthroscopy that revealed a torn rotator cuff and torn cartilage in his right shoulder.

Margaret Furst suffered multiple vertebra fractures in her mid- to lower-thoracic spine. Smith said physicians fused five vertebrae extending into her lower back.

"The thoracic, relatively speaking, is the better place to have suffered significant bone damage but because it went into the lumbar area, that gives her a risk of possible future surgery in that lumbar area if she develops more significant pain there," Smith said.

The Fursts sued Lang, Safelite and Tichawa in June 2010 in Cook County Circuit Court. They alleged Lang and his employer were negligent for driving at a greater speed than what traffic conditions called for and failing to slow down to prevent a collision.

The suit also alleged Tichawa was negligent for having his wheels turned while stopped at the intersection when best practices inform drivers to keep them straight until entering the turn.

Lang admitted he was negligent but denied any recklessness, and Tichawa denied the negligence allegation against him.

The parties mediated the case several months ago before retired Cook County chief circuit judge [Donald P. O'Connell](#) and again about a week before trial before retired judge [William J. Haddad](#) of [ADR Systems of America LLC](#).

[Shimon B. Kahan](#), a partner at [Haynes, Studnicka, Kahan, O'Neill & Poulakidas LLC](#) who represented Lang and Safelite, said the parties couldn't reach an agreement because the sides disputed whether some of the Fursts' injuries were related to the accident.

"We were unable to bridge the gap in advance of trial," Kahan said.

The plaintiffs were close to resting their case before Circuit Judge [James M. McGing](#) when they accepted a \$7.9 million offer from Safelite's insurance carriers.

That left the case to proceed against Tichawa, who was prepared to fight the allegation against him.

While Illinois' Rules of the Road instruct drivers to keep wheels straight in preparation for a turn, they also state such a provision is not intended to be used as law in a courtroom, said [Joseph J. Wilson](#) of [Maisel & Associates](#), who represented Tichawa.

"Despite the allegation that my client was negligent for keeping his wheels straight, I believe that Section 801 (of the Motor Vehicle Code) does not place that requirement on it," Wilson said. "In addition, no Illinois case law has addressed the issue of whether a driver has a duty to keep their wheels straight."

Wilson said he felt he had a strong liability defense throughout the case, but Tichawa settled for \$100,000 as an economic decision to protect him against a verdict that could potentially exceed his \$500,000 insurance policy limits.

"It was a strong liability case, but at the end of the day you just don't know what can happen sometimes," Wilson said.

Having polled the jury afterward, Wilson said, several jurors indicated the case was worth \$6 million while one predicted a verdict near \$10 million.

"I believe the settlement was pretty much within the ballpark of where the verdict would have ended up," Wilson said.

Kahan mirrored that sentiment.

"The jurors understood our position as to why some of the medical was unrelated, so it was good based on the feedback that we got," he said. "Nevertheless, it was still a fair settlement, which is in everybody's interest."

Smith said his clients are also satisfied with the parties' agreement.

"They're quite pleased that they're able to put this part of their situation behind them," he said. "It took five and a half years to get to this point, so it's been a long haul for them. I think they're just really relieved ... that they can now return to their lives."

[Brian LaCien](#), an associate at [Power, Rogers & Smith](#), also represented the Fursts.

[Alton C. Haynes](#), a partner at [Haynes Studnicka Kahan O'Neill & Poulakidas](#), also represented Lang and Safelite.

The case is Ronald Furst et al. v. Safelite Group Inc. et al., 10 L 7384.

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