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Ironworker gets \$8.8M after hit by metal tubing

Contribution claims against doctor are part of second trial

BY JORDYN REILAND

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A man who sustained injuries when conduit piping fell on him while working on a construction site in 2009 has settled his case for \$8.8 million.

In January 2010, ironworker Richard Cholipski and his wife, Cynthia, sued Bovis Lend Lease Inc., Aldridge Electric Inc. and VitaTech Engineering LLC, alleging metal tubing sitting upright in a room where Cholipski was working was not secured to prevent it from falling.

On April 28, 2009, Cholipski was employed by M&I Steel on a construction project at the Chicago Mercantile Exchange. He was working on the 10th floor when the upright metal tubing fell on him, causing an ankle injury.

What was initially thought to be an ankle sprain ended up being complex regional pain syndrome,

which ended his career as an ironworker, according to his attorneys David Wise and Frank Morrissey of Burke Wise Morrissey & Kaveny.

Cholipski now requires medical care for the remainder of his life and a spinal cord stimulator to manage the pain.

The plaintiffs alleged negligence and loss of consortium counts against the defendants.

The case was settled after three mediations.

Previously set for trial in early 2014, the defendants named Cholipski's pain management physician, Dr. Kenneth Candido, as a third-party defendant on medical-malpractice claims.

The defendants' complaint filed in 2013 alleged Candido caused Cholipski to be "totally and permanently disabled as a result of his case and treatment."

Cholipski's attorneys objected to the consolidation of the medical-malpractice case into the construction negligence case because it would have delayed the trial.

Former Cook County associate judge Randy A. Kogan allowed the medical-malpractice case to be filed but severed it so the



Arnold G. Rubin

construction case could proceed to trial.

The construction defendants filed an interlocutory appeal over Kogan's severance order and in July 2014 the 1st District Appellate Court affirmed that ruling.

The appellate panel in *Cholipski v. Bovis Lend Lease Inc.*, 2014 IL App (1st) 132842, found the trial court did not err in staying the defendants' contribution claim against the plaintiff's treating physician and medical practice group.

The cases were set for trial on Nov. 7, but Cholipski's attorneys settled with the construction

defendants the evening before the trial.

The medical-malpractice case, *Cholipski v. Bovis Lend Lease*, 14 L 10675, did not settle and a trial is currently underway before Circuit Judge Clare E. McWilliams.

Cholipski was also represented by Arnold G. Rubin of Rubin Law Group Ltd.

Cholipski's attorneys could not be reached for further comment.

The defendants were represented by Mark E. Christensen, Jeffrey D. Naffziger and Brian H. Boyle Jr. of Christensen Ehret.

Christensen said his clients had to strike a balance between settling and pursuing contribution or "risking a verdict in Cook County."

He contends the case had limited damages until Cholipski went under the care of Candido nine months after the incident, leading to more serious injury.

Candido is represented by David C. Burtker and Sarah A. Rodak of Cunningham, Meyer & Vedrine P.C. They could not be reached for comment.

The settled case is *Richard Cholipski, et al., v. Bovis Lend Lease, Inc., et al.*, 10 L 1268.

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