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Reynolds v. Daniel Young and Rolling Frito-Lay Sales, L.P. 2010 L 013671, Cook County

The plaintiff and defendant were involved in a motor vehicle accident in Chicago on May 4, 2009. Defendant, Daniel Young, was a delivery driver for Rolling Frito-Lay Sales, L.P. at the time of the accident.

The plaintiff alleged he was driving his car in the right westbound lane on Chicago Avenue when Young pulled his Frito-Lay delivery truck out of the parking lane on the north side of the street and struck Reynolds. Reynolds M-45 claimed the collision aggravated pre-existing disc herniations, resulting in cervical fusion at C5-6, lumbar fusion at L5-S1, and future surgery at the next disc levels, leaving him unable to continue working as an over-the-road truck driver.

The plaintiff claimed special damages totaling \$1,770,235.00 to \$1,970,592.00, including \$507,371.00 in past medical bills, \$750,000.00 to \$950,000.00 for future surgeries and \$512,864.00 past and future lifetime lost wages. The plaintiff asked the jury to award the plaintiff damages of \$3,500,000.00.

Young testified he was stopped at the time of the accident and the plaintiff sideswiped the left front corner of his delivery truck at the time of the accident. The defense asserted the plaintiff was not injured in the very low-speed side swipe contact, denied his pre-existing condition became symptomatic after the occurrence, and denied his pre-existing condition made him more susceptible to injury.

The defendants' retained biochemical engineer testified that the forces experienced by the plaintiff during the accident were less than those experienced during the plaintiff's daily activities of living. The defendants' retained neurosurgeon testified the plaintiff's pre-existing cervical and lumbar herniations could not have been and were not aggravated by the subject accident. The defense also called the plaintiff's ex-supervisor who testified that the plaintiff continued his long-haul truck driving from the day after the accident for over 73,000 miles until he was fired on Jan. 31, 2010, one week before he first saw Dr. Malek who performed cervical fusion surgery a few weeks later. The defense also called the plaintiff's DOT examining physician who examined the plaintiff in September 2009 and found him fit to drive over-the-road. Reynolds was repeatedly impeached with numerous prior inconsistent and incorrect statements.

The jury deliberated less than an hour before returning with a not guilty verdict in favor of the defendants.