BRYCE DOWNEY & LENKOV LLC

General Liability Update
March 2014

Case Results

Terry Madden recently won summary judgment on behalf of an insurer in a declaratory judgment action. The insurer provided Indiana workers' compensation coverage for an Indiana entity. That entity routinely worked in Illinois, and on one such occasion, an employee was injured. Terry's client filed a declaratory judgment action asserting that, under the Illinois Workers' Compensation Act, the entity was required to maintain separate Illinois workers' compensation coverage and the Residual Market Limit Other States Insurance Endorsement did not provide that coverage. The Cook County Chancery Court agreed and entered summary judgment in favor of the insurer.

The United States Court of Appeals for the Seventh Circuit recently affirmed summary judgment in favor of one of our clients in a suit brought by a former vice president of the client claiming that he had been fired because of his age and in violation of an employment contract. **Storrs Downey** and **Jeffrey Kehl** successfully argued on appeal that his termination was not due to his age and that he did not have an employment contract.

Indiana Supreme Court Holds College and National Fraternity Not Responsible for Hazing Injury

The Indiana Supreme Court recently issued an important ruling in a fraternity hazing case in *Yost v. Wabash College*, 3 N.E.3d 509 (Ind. Feb 13, 2014). The supreme court insulated both the college in question and the national fraternity from hazing liability. However, the local chapter was not so fortunate.

Plaintiff was a fraternity pledge and suffered injuries in an apparent hazing incident. The

fraternity house was owned by the college and leased to the local chapter.

Numerous theories were advanced by plaintiff against all 3 entities to recover for injuries sustained in a hazing injury. These included ownership liability against the college (which owned the fraternity house in question) and voluntary undertaking and vicarious master-servant liability claims against the national fraternity and the college.

Plaintiff had alleged that both the college and the national fraternity had assumed various duties toward him. The premises liability theory against the college was held invalid because all of the acts alleged were those of local chapter members. The college did not retain rights to control the premises, and thus would not be subjected to liability under these circumstances.

Both the college and the national fraternity were the subject of an "assumed duty" argument, with plaintiff claiming that various actions of each created a duty to him. The court held that the policies of both the college and national fraternity against hazing did not arise to the level required to create a legal duty. Neither oversaw the activities or events of the local chapter, and neither undertook a duty to protect the plaintiff from injury.

Plaintiff also asserted a vicarious liability theory against the national fraternity, to which the fraternity responded that that the local chapter was not the agent of the national fraternity. The court agreed with the national fraternity, finding that offering networking opportunities and encouraging good behavior by its members did not constitute the degree of management and control over the local chapter required to find an agency relationship.

The day was not totally lost for plaintiff. The court held that the pleadings stated a cause of action against the local fraternity as to both compensatory and punitive damages. The rules and traditions of the local chapter could have played a role in causing the injuries. The court further noted with disfavor various written traditions of the chapter such as "Anyone … becoming engaged is to be thrown into Sugar Creek." The Supreme Court found there to be triable issues raised by the pledge against the local chapter.

The potential liability of colleges, national fraternities and local chapters in hazing may yet find its way before the Indiana Supreme Court if it agrees to hear the appeal of *Smith v. Delta Tau Delta*, 54A01-1204-CT-169. In that case the Indiana court of appeals found the involvement of the national chapter to be significant and that the national organization could be held liable for the hazing activities. We will follow and report on that decision.

Practice Tip:

This decision was based primarily on premises liability and not on the act that hazing occurred. The ruling of the Indiana Supreme Court was made on summary judgment motions and is therefore fact specific to the case in part. However, the relationship of the college, national fraternity and local chapter to an injured plaintiff is fairly representative of fraternity interaction on many campuses. Under normal circumstances, neither the "host school" nor national fraternal group will be subject to hazing liability in Indiana unless there are directives and clear oversight retained and exercised. Everyone involved in representing and insuring fraternities should be aware of the concepts noted in this case, and to those factors noted by the court to be critical in avoiding liability for hazing incidents.

Indiana Court of Appeals Rejects Prior "Work vs. Non-Work" Limitation of Subrogation Waiver in Standard AIA Construction Contracts

The Indiana Court of Appeals recently disagreed with a prior panel's opinion regarding the waiver of subrogation clause found in American Institute of Architects ("AIA") construction contracts. In *Comm'rs of County of Jefferson v. Teton Corp.*, 3 N.E.3d 556 (Ind. Ct. App. Feb. 4, 2014), the County entered into an AIA contract with general contractor, Teton, for a courthouse renovation project. The contract required the County to purchase and maintain "all risk" property insurance of specified amounts and contained a waiver of subrogation clause wherein all rights against each party and their sub-contractors was waived for damages caused by any perils to the extent such damage was covered by property insurance applicable to the contractor's "Work" as defined by the contract and obtained either pursuant to the contract or otherwise.

The County failed to purchase builder's risk insurance for the project, relying instead on its existing property and casualty insurance on the courthouse. After a fire during the renovation caused over $6M in damage, the County collected on its existing policy and then sued the contractor alleging negligence, breach of implied warranties, and breach of contract.

The trial court entered summary judgment in favor of the contractor finding, among other things, that the language of the AIA contract and waiver clause served to limit the cost of each party in the event of a loss to the coverage amounts of the insurance policy maintained by the County under the contract and the coverage amounts of other policies as held by the various Defendants.

On appeal, the County relied heavily on *Midwestern Indemnity Company v. System Builders, Inc.*, 801 N.E.2d 661 (Ind. Ct. App. 2004). In *Midwestern Indemnity,* the court made a distinction between "Work" and "Non-Work" property, and held that the waiver of subrogation clause found in the contract at issue (which was substantially the same as the AIA contract between the County and contractor here) limited the scope of the waiver to both the location of and the value of the Work performed under the contract.

The *Jefferson County.* court rejected the "Work" v. "Non-Work" property distinction recognized by *Midwestern Indemnity* which would have imposed liability upon the contractor for damage beyond the value of the work performed under the contract, and affirmed the trial court's entry of summary judgment for the contractor holding that *Midwestern Indemnity's* limited interpretation of the AIA contract's subrogation clause failed to further both the underlying purpose of the waiver as well as longstanding public policy to encourage parties to anticipate risks, and to insure those anticipated risks so as to avoid future litigation and preserve economic activity.

Practice Tip:

Insurers need to be aware that Indiana has carved out its own, albeit small, body of law regarding waiver of subrogation clauses of standard AIA Contracts.

Illinois Court of Appeals Broadens Distraction Exception to Open and Obvious Doctrine

In Illinois, a landowner is not required to foresee and protect against injuries from potentially dangerous conditions that are open and obvious. In this regard, "obvious" denotes

"both the condition and the risk are apparent to and would be recognized by a reasonable [person], in the position of a visitor, exercising ordinary perception, intelligence, and judgment." *Deibert v. Bauer Brothers Construction Co.*, 141 Ill.2d 430, 435 (1990). Whether a condition is open and obvious is dependent on the objective knowledge of a reasonable person and not on the subjective knowledge of a plaintiff. Illinois has grafted an exception to the open and obvious doctrine where there is reason to expect that a plaintiff's attention may be distracted from the open and obvious condition to the extent that he or she will forget the existence of the hazard.

In *Bruns v. City of Centralia*, 2013 IL App (5th) 130094 (5th Dist. 2013), an elderly patient of an eye clinic tripped when she her foot caught in a crack in the sidewalk in front of the clinic. The Illinois Appellate court held that, even though the plaintiff knew of the alleged defect from her several prior encounters, it was reasonably foreseeable that she, as an elderly patron of an eye clinic, might have directed her attention on the pathway to the door or may have had certain procedures done on her eyes that could have kept her from looking down at the sidewalk in front of her. According to the court, "the focus [no pun intended, we're sure] is on the foreseeability of the injury…" This consideration is within the purview of the jury, not the court. As such, summary judgment in favor of the clinic was improperly granted.

Bruns does not expand what might be a distraction. Instead, it turns *potential* distractions into evidence sufficient to defeat summary judgment. The plaintiff had testified that she had seen the sidewalk defect several times and had considered it "an accident waiting to happen." Clearly, she knew of the condition and appreciated the hazard it posed. Nothing in the decision suggests that the plaintiff was actually distracted.

Practice Tip:

At the summary judgment stage, be mindful that the reasoning in *Bruns* can be used to apply the distraction exception to the open and obvious doctrine in a myriad of ways. The broad application of the exception in *Bruns* would validate a plaintiff arguing that it was reasonably foreseeable that a plaintiff would be distracted by something such a cellphone, even if they weren't holding one at the time.

Injured Employees of Sub-Contractor and Joint Venture Have Lone Remedy Under Indiana's WCA

Two recent Indiana Court of Appeals cases have distinguished the employer-employee relationship in multiple employer situations involving sub-contractors and joint ventures while affirming dismissals for lack of jurisdiction under the exclusivity provision of the Indiana Worker's Compensation Act.

In *Johnson v. Poindexter Transport, Inc. and Crane Service*, 994 N.E.2d 1206 (Ind. Ct. App. 2013), the Court of Appeals, in finding that the subcontractor's employee was a borrowed employee of the general contractor, held that the Act barred the general contractor's employee from bringing an action against the subcontractor as a third-party tortfeasor.

Plaintiff, Donovan Johnson, was a construction worker employed by general contractor, R.L. Turner ("Turner"). He was injured when a wooden form fell from a crane operated by David Creel, an employee of subcontractor, Poindexter Transport ("Poindexter"). Johnson filed an action against Poindexter alleging that

he was injured as result of Poindexter's negligent acts through its employee, Creel. Poindexter filed a motion to dismiss alleging that Creel was a co-employee of Johnson though Creel's relationship with R.L. Turner and as such Johnson's exclusive remedy was to pursue benefits under the Act.

The Court of Appeals applied the seven factor test set out by Indiana's Supreme Court in *Hale v. Kemp*, 579 N.E.2d 63 (Ind. 1991), to determine whether Creel was a borrowed employee of Turner from Poindexter, making Poindexter immune from Johnson's tort claims. The *Hale* factors include: (1) the right to discharge; (2) mode of payment; (3) supplying tools or equipment; (4) belief of the parties in the existence of an employer-employee relationship; (5) control of the means used in the results reached; and (7) establishment of the work boundaries. As determined by the evidence submitted, Turner had the right to discharge Creel from his duties at Turner and, although Poindexter supplied the crane that Creel operated, Turner supplied the riggings and straps used by Creel to move the wooden forms. Additionally, Creel testified that, as to control and boundaries, he worked at the sole discretion of Turner employees. With regard to the remaining factors, Turner did not pay Creel directly or indirectly, and Creel had only been working on this project at Turner for "several weeks." There was no direct evidence as to Turner's or Creel's belief that Creel was an employee of Turner.

In balancing the *Hale* factors, Appeals, gave the greatest weight to Turner's control over Creel's work at the site and concluded that he was a borrowed employee of Turner. Accordingly, Johnson was barred from bringing a tort claim against Poindexter because his exclusive remedy was to pursue benefits under the Act.

In *Musgrave v. Aluminum Co. of Am.,* 995 N.E.2d 621 (Ind. Ct. App. 2013), the Court of Appeals affirmed the trial court's dismissal of a toxic tort action against a company that was a member of a joint venture with the claimant's employer for lack of subject matter jurisdiction pursuant to the Act. Plaintiff Musgrave developed a rare form of cancer which he claimed was tied to his exposure to toxic chemicals. The same chemicals were found in industrial waste dumped in Squaw Creek by The Aluminum Company of America, Inc.'s ("Alcoa"). Musgrave was exposed to Alcoa's chemicals while employed by Peabody Coal Company ("Peabody") as a mine worker at the Squaw Creek Mine.

The *Musgrave* court held that as a member of a joint venture with Peabody, Alcoa was not subject to the seven factor employer-employee relationship test as set out by Indiana's Supreme Court in *Hale v. Kemp*, 579 N.E.2d 63 (Ind. 1991). Instead the court found that Musgrave was actually an employee of the joint venture. Holding that a joint venture is an association and therefore falls within the Act's definition of an "employer," the court found that, as a member of the joint venture that employed Musgrave, Alcoa was immune from his tort claims pursuant to the Act.

Practice Tip:

Musgrave makes it clear that the exclusive remedy Act does not apply just to traditional

employer-employee relationships. A strong legal connection between responsible entities can support the argument that the Act applies to more than just the employee's direct employer.

Two Illinois Appellate Courts Address Accumulations of Snow & Ice

It's still winter here in Illinois and that means ice. With ice come slip-and-fall accidents and lawsuits. In Illinois, a landowner is not liable for injuries sustained as a result of natural accumulations of ice or snow. A landowner is, however, liable for unnatural accumulations or for aggravating a natural condition such that it creates a dangerous condition. Every year, Illinois appellate courts review summary judgments entered solely on the issue of whether undisputed facts establish that the accumulation was natural or unnatural. This winter is no different. Two cases stand out as prime examples of the pitfalls that face parties at the summary judgment stage in natural accumulation cases.

In *DeGroot v, CGH Medical Center*, 2014 IL APP (3d) 1330012-U (3rd Dist., January 13, 2014), the Illinois Appellate Court affirmed summary judgment in favor of a snow removal company and the landowner. In *DeGroot*, a foot of snow fell in Sterling, Illinois. CGH Medical Center had contracted with the defendant, Sisson, a landscaping company, to remove the snow from its parking lot and to salt it as requested by CGH. Four days later, the plaintiff slipped on ice while attempting to get into her car. Plaintiff claimed that the ice was 3-4 inches thick. Several days later, her husband, a letter carrier, examined the scene and surmised based on his experience in dealing with snow and ice, that plowed snow had melted and refroze in the area in which Plaintiff slipped.

Sisson moved for summary judgment in part on the theory that there was no evidence that it was responsible for creating an unnatural accumulation of ice or snow. The trial court and the appellate court agreed.

Relying on *Barber v. G.J. Partners*, Inc., 2012 IL APP (4th) 110992 (4th Dist. 2012) [*Discussed in the February 2013 Bryce, Downey & Lenkov General Liability Newsletter*], the court made some key determinations that are important for defendants to remember in addressing ice cases. First, the court held that when a plow traverses an area, any snow or ice left behind is still a natural accumulation. Second, even ruts and uneven surfaces created by traffic after plowing has occurred are not considered unnatural and do not create liability. Third, the court determined that it would be pure speculation to conclude that salt had ever reached the area in which the plaintiff fell, causing the snow to melt and refreeze. But even if it had, under *Barber*, the change of the "wintery mix" from snow to ice because of salt did not transform the snow or ice into an unnatural accumulation.

Aggravation of a natural accumulation was, however, the primary focus in the Fourth District Appellate Court's decision in *Morales v. Tri Star Marketing, Inc.*, 2014 IL APP (4th) 130482-U (4th Dist. January 23, 2014). There, the same court that decided *Barber*, held that a fact question existed as to whether ice formed from water dripping from a canopy was an unnatural accumulation of ice precluded summary judgment.

Practice Tip:

While the general principle of law that a landowner is not liable for injuries caused by natural accumulations of ice or snow continues to be the law in Illinois, *DeGroot* and *Morales* demonstrate that the best approach for

establishing that an accumulation is natural or unnatural or whether a defendant has aggravated a natural condition is to compare and contrast the facts presented with the ever increasing body of cases discussing this doctrine.

Upcoming Seminars

- On **4/10/14**, Rich Lenkov will moderate the roundtable session entitled **"Restaurant Liability: from A-Z"** at the 2014 Claims & Litigation Management Annual Conference in Boca Raton. Speakers will include:
    - Rich Lenkov, Bryce Downey & Lenkov
    - Kurt Leisure, Vice President of Risk Services, The Cheesecake Factory
    - Stephanie Wood, Claims Manager, Wendy's
    - Brent Mortensen, Risk Manager, Buffets, Inc.
- On **4/10/14,** Storrs Downey will moderate the roundtable discussion, **"Non Workers' Compensation Issues That Every Workers' Compensation Practitioner Needs To Know."** Click Here for more info and to register
    - Storrs Downey, Bryce Downey & Lenkov
    - Ann Schnure, Vice President, Risk Management, Macy's
    - Bill McParland, Senior Director Risk Management, Kirkland's Home
- On **5/2/14**, Geoff Bryce will present **"Learn To Navigate Through Complex Change Order Procedures And Prevent Costly Mistakes"** for Lorman Education Service in Chicago. For more information and to register, Click Here
- On **5/9/14,** Rich Lenkov will present **"How To Avoid Letting Small Details Become Big Problems In Your Premises Liability Case"** at the Claims & Litigation Management 2014 Retail, Restaurant & Hospitality Committee Mini-Conference in Dallas. Stay tuned for more details. Speakers will include:
    - Rich Lenkov, Bryce Downey & Lenkov
    - Renee Ramirez, Senior Claim Specialist, J.C. Penney Company, Inc.
    - Jeffrey Strege, Sr. Director - Risk Management, CEC Entertainment, Inc.
- On **8/20/14**, Rich Lenkov will speak at the 69th Annual Workers' Compensation Educational Conference and 26th Annual Safety & Health Conference in Orlando. For more information and to register, Click Here

Recent Seminars

- On **12/4/13,** Rich Lenkov presented **"Workers' Compensation Update"** with Ed Hart at the Willis Insurance 2014 Forecast for the New Year
- On **2/11/14**, Justin Nestor presented **"Turning the Tables: Using an Employee's Actions as a Defense to Their Workers' Compensation Claim"** at the Beyond Safety 2014 Expo in Merrillville, IN.
- On **2/13/14,** Bryce Downey & Lenkov hosted the CLM Greater Chicago Chapter's educational & networking event, **"Top 10 Things You Need To Know About CMS."**

The event was followed by a whiskey & food pairing. Click Here to view photos from the event

- On **2/21/14**, Jeff Kehl presented a webinar,**"NTSB Accident Investigations"**

FREE Webinars

Bryce Downey & Lenkov hosts monthly webinars on pressing issues and hot topics. Here's what some of our attendees have to say about past webinars:

"Great webinar yesterday! Great case study examples and explanation of how they relate to our companies…"

"Thanks for making these so fun."

"…I actually just discussed your webinar in a meeting that our HR department had last week. We have several situations that your webinar really shined some light on so I wanted to also thank you for the opportunity to listen to the presentation. It was really helpful!"

Upcoming

- **3/25/14 - Rich Lenkov** and **Maital Savin** will present **"Employment Issues In Workers' Compensation."** Click Here for more information and to register

- **4/24/14 – Rich Lenkov** and **Michael Milstein** will present **"Permanent Partial Disability."** Click Here for more information and to register

- **5/7/14 – Storrs Downey** and **Maital Savin** will present **"Drugs, Sex & Guns In The Workplace."** Click Here for more information and to register

- **5/20/14 – Rich Lenkov** and **Jeanmarie Calcagno** will present **"Workers' Compensation Negotiation Strategies."** Click Here for more information and to register

If you would like a copy of any of our prior webinars, please email Jason Klika at jklika@bdlfirm.com. Some recent webinars include:

- **Illinois vs. Indiana: 5 Key Issues & How Each State Deals With Them**
- **AMA Guidelines: A Legal And Medical Perspective**
- **Defending Wage Differentials And Permanent Total Disability Awards**
- **Defending Workers' Compensation Psychiatric Claims**
- **Ask An Attorney Anything: Your Most Pressing Workers' Compensation Questions ANSWERED**
- **Understanding NTSB Accident Investigations**

Bryce Downey & Lenkov is Growing!


We are pleased to announce the addition of Mollie O'Brien, Suzanne Kleinedler and Daniel Cooper. Mollie represents clients in all aspects of general liability, insurance coverage and business litigation. Suzanne concentrates in Indiana workers' compensation and is based out of our Crown Point office.

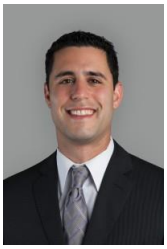
Daniel's practice is in the field of insurance defense, including auto and premises liability, construction and worker's compensation.

Recent Awards & Accolades

The following attorneys were named 2014 Leading Lawyers:

Geoff Bryce
Storrs Downey
Terrence Kiwala
Rich Lenkov
Terrence Madden

This distinction has been earned by **fewer than 5% of all lawyers** licensed to practice law in Illinois.



Michael Milstein has been selected to the 2014 Illinois Rising Stars list. This is an exclusive list, recognizing no more than 2.5 percent of the lawyers in the state.

Giving Back

Rich Lenkov and Juan Anderson Help Legal Prep Academy Students at NIU College of Law

On 11/13/13 Rich Lenkov and Juan Anderson organized an event at Northern Illinois University College of Law. The law school hosted 35 Legal Prep Academy students and staff to a mock trial and seminar on how to prepare for law school. The event was followed by a visit to Huskies Stadium to witness NIU beat up on MAC rival Ball State en route to a 48-27 final.

This is the second event hosted by NIU College of Law for Legal Prep Academy, on whose advisory board Rich serves. Legal Prep Academy is Chicago's first and only legal-themed charter high school. Its student population is over 95% diverse and 90% low-income.

Bryce Downey & Lenkov Hits Sundance

Bryce Downey & Lenkov is a proud sponsor of "Monday on Main Street," the premier annual Sundance Film Festival industry reception. Click Here to view more photos of the event.

Our firm is active in the entertainment industry. Among our recent projects are "The Rascals: Once Upon a Dream" and "Rock of Ages."

Team BDL Takes the Polar Plunge!

Lake Michigan may have been over 85% covered in ice, but that didn't stop Team BDL from taking a quick dip! On 3/2/14, 7 brave souls, took the frigid Polar Plunge. Wearing polar bear hats and gripping their trusty plungers, the "Polar Plungers" (pun intended) braved wind chills of minus 12 and water a bone-chilling 32 degrees. The BDL Polar Plungers raised over $3,000 for Chicago Special Olympics and were even featured on GapersBlock.com. Be sure to follow us on Facebook to see more of Team BDL.

Team BDL - Ready to Hustle

On 4/13/14, Team BDL will climb 94 floors to help raise awareness and funds for lung disease research, education and advocacy. Last year 19 members of our team participated in the Respiratory Health Association's Hustle up the Hancock. This year Team BDL is 24 strong!

Did you know? Bryce Downey & Lenkov regularly issues several practice area newsletters. If you would like a copy of any of the below articles from other BDL newsletters, please email our Marketing Coordinator, Jason, at jklika@bdlfirm.com.

IL Workers' Compensation

- **Guns at Work: What Employers Need to Know**
- **Is a Petitioner Entitled to TTD When on FMLA?**

Labor & Employment Law

- **US Supreme Court Defines "Supervisor" for the Purposes of Employment Discrimination and Harassment Litigation**
- **Timing of Terminating Injured Worker Important in Retaliatory Discharge Cases**

Corporate & Construction

- **Trade Secrets: If it's not a "Trade Secret", How Do I protect it?**
- **Federal, State and Local Incentives Available for Businesses**

Contributors to the March 2014 General Liability Update

Bryce Downey and Lenkov attorneys who contributed to this update were Storrs Downey, Jeffrey Kehl, Frank Rowland, and Suzanne Kleinedler.

Free Seminars!

Our attorneys regularly provide free seminars on a wide range of general liability topics. We speak to a few people or dozens, to companies of all sizes and large national organizations. Among the national conferences at which we've presented:

- Claims and Litigation Management Alliance Annual Conference
- National Workers' Compensation and Disability Conference® & Expo
- SEAK Annual National Workers' Compensation and Occupational Medicine Conference
- REBEX
- RIMS Annual Conference

Some of the topics we presented are:

- *Curbing Litigation Expenses*
- *Expert Retention and Usage*
- *Possible Termination of Injured Worker: Employer's Rights and Obligations*
- *The Mediation Process*
- *Top Twenty Myths & Realities on Illinois/Indiana Premises Liability Laws*
- *Comparison of Illinois and Indiana Products and Liability Laws*
- *Illinois Premises Liability*

If you would like us to come in for a free seminar, please email Storrs Downey at sdowney@bdlfirm.com. We can teach you a lot in as little as 60 minutes.

Bryce Downey & Lenkov is a firm of experienced business counselors and accomplished trial lawyers who deliver service, success and satisfaction. We exceed clients' expectations while providing the highest caliber of service in a wide range of practice areas. With offices in Chicago, Crown Point, IN, Memphis and Atlanta and attorneys licensed in multiple states, Bryce Downey & Lenkov is able to serve its clients' needs with a regional concentration while maintaining a national practice. Our practice areas include:

Business Litigation
Business Transactions & Counseling
Corporate/LLC/Partnership
Organization and Governance
Construction
Employment and Labor Counseling & Litigation
Entertainment Law
Insurance Coverage
Insurance Litigation
Intellectual Property
Medical Malpractice
Professional Liability
Real Estate
Transportation
Workers' Compensation

The attorneys at Bryce Downey & Lenkov are committed to keeping you updated regarding the latest developments in workers' compensation law in Illinois and Indiana. If you would like more information on any of the topics discussed above, or have any questions regarding these issues, please contact Storrs Downey or Jeffrey Kehl at 312.377.1501 or any member of the general litigation team.

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