

February 7, 2014

[Print friendly page](#)

Grain bin accident nets \$16M

By **JOHN FLYNN ROONEY**
LAW BULLETIN STAFF WRITER

A Carroll County jury awarded record verdicts totaling \$16 million to the families of two teens killed in a 2010 grain bin accident in northwestern Illinois.

The jury of nine men and three women returned the verdict Thursday following eight hours of deliberation and a trial that ran more than two weeks. The verdict was against Consolidated Grain and Barge Co., also known as CGB Enterprises Inc.

In July 2010, Wyatt Whitebread, 14, and Alejandro Pacas, 19, were helping push corn toward a conveyor in a grain elevator in Mount Carroll.

Whitebread started to sink into the corn. Pacas then jumped into what became a sinkhole in an attempt to save Whitebread. Both of them suffocated.

A third plaintiff, William Piper, then 20, also jumped in and tried to save Whitebread and Pacas. Piper was partially engulfed in grain up to his neck until he was rescued six hours later.

The jury awarded Piper \$830,109.

The three young workers were employed by Haasbach LLC.

The plaintiffs alleged in separate lawsuits that Consolidated Grain's negligence resulted in Whitebread and Pacas' deaths and Piper's injuries. The plaintiffs also maintained that Consolidated Grain had the overall responsibility for the grain elevator operations and safety procedures.

Lawyers for Consolidated Grain argued that it did not own or operate the Mount Carroll facility



Kevin P. Durkin



Sean Patrick Driscoll



Loren S. Golden

NEW



THE NATIONAL ACADEMY OF
DISTINGUISHED NEUTRALS

Wednesday
17

Illinois's premier Mediators & Arbitrators are now publishing available dates online to help litigators expedite scheduling!

Illinois Chapter: www.IllinoisMediators.org

Marketing with **Public Records** just got easier..

Subscribe to Law Bulletin's Public Records marketing lists via daily emails

Foreclosures, Liens, Suits, Judgments, Garnishments and virtually every other type of public record available

Public Records Division

Contact Mike Szeliga:

Tel: 312.644.4638

LawBulletinPublicRecords@lawbulletin.com

Law Bulletin
Publishing Company



LawBulletin.com

**Latest listings from
Jobs.LawBulletin.com**

Attorneys - Attorney Position Available

Paralegals - Patent Trademark Paralegal

Legal Secretaries - Corporate Legal Secretary

Attorneys - Seeking Established Attorney

Attorneys - Seeking Associate Attorney

Serving the city's law profession since 1854

[Home](#)

[Courts](#)



[Events](#)

[Public Notices](#)



"My clients wanted to hold all the persons who could have prevented (the accident) responsible — not just Haasbach, but also Consolidated," said [Kevin P. Durkin](#), a partner at Clifford Law Offices who represented the Whitebread and Pacas families along with associate [Sean Patrick Driscoll](#).

"They felt all along that Consolidated had control and should not have allowed this to happen."

The jury awarded \$8 million each to the families of Whitebread and Pacas. The \$8 million in each verdict included \$6 million for loss of society to family members and \$1 million each for the pain and suffering and emotional distress experienced by Whitebread and Pacas.

[Loren S. Golden](#), owner of Golden Law Offices in Elgin, represented Piper.

The verdict is "a validation of what he did," Golden said. "He did the right thing when he tried to rescue those kids."

Consolidated Grain plans to appeal the verdict to the 2nd District Appellate Court, said Jonathan H. Sandoz, its general counsel.

[David E. Kawala](#) and [Catherine A. Basque Weiler](#), both partners at Swanson, Martin & Bell LLP, represented Consolidated Grain at trial.

Haasbach settled with the three plaintiffs for a total of about \$2 million before trial, Durkin said, which will reduce the verdict by that amount.

Haasbach paid about \$270,000 in federal fines for more than two dozen workplace safety violations and for violating child labor laws, Durkin said.

The \$8 million awarded to each of the families is a record for the wrongful death of an Illinois minor from outside Cook County, according to the Illinois Jury Verdict Reporter.

The \$8 million verdicts also are a record for any type of case in Carroll County. The previous reported record verdict was \$220,000, and the largest reported settlement was \$1.1 million.

This was Durkin's first trial in Carroll County. He asked jurors to award \$12 million to each of his clients' families.

"There is a mistaken perception in some of these smaller rural counties that juries award smaller amounts than in Chicago or other metropolitan areas," he said. "But this was a highly intelligent jury that carefully reviewed the evidence and saw what really occurred out there."

The three lawsuits were consolidated for trial before Chief 15th Judicial Circuit Judge [Val Gunnarsson](#).

The cases are *Carla A. Whitebread, etc. v. Haasbach LLC et al.*, No. 2010 L 12; *William Piper v. Haasbach LLC et al.*, No. 2011 L 9; *Annette L. Pacas, etc. v. Haasbach LLC et al.*, No. 2011 L 10.

Send to friend

*Serving the city's law profession since 1854*[Home](#)[Courts](#) ▼[Events](#)[Public Notices](#)[Advanced Search](#)[Classifieds](#)[Law Bulletin Publishing Co](#)[AccessPlus](#)[Contact Us](#)[JuraLaw](#)[Email Opt Out](#)[Jobs](#)[Sullivan's Law Directory](#)[CourtBriefs](#)[Logon Help](#)[Newsstands](#)[Jury Verdict](#)[Password Help](#)[RSS](#)[New Suits](#)[Order a Document](#)[Subscribe](#)[Subscriber Terms](#)[Law Bulletin Seminars](#)[Privacy Policy](#)[Site Map](#)

©2014 by Law Bulletin Publishing Company. Content on this site is protected by the copyright laws of the United States. The copyright laws prohibit any copying, redistributing, or retransmitting of any copyright-protected material. The content is NOT WARRANTED as to quality, accuracy or completeness, but is believed to be accurate at the time of compilation. Websites for other organizations are referenced at this site; however, the Law Bulletin does not endorse or imply endorsement as to the content of these websites. By using this site you agree to the [Terms, Conditions and Disclaimer](#). Law Bulletin Publishing Company values its customers and has a [Privacy Policy](#) for users of this website.