

Chicago Daily Law Bulletin®

Volume 164, No. 123

Serving Chicago's legal community for 163 years

\$3.25M deal for deadly tollway crash

Man hit by semi as he helped a stalled driver in downpour

BY JORDYN REILAND
Law Bulletin staff writer

The family of a Chicago teacher killed by a truck while assisting another motorist on the Tri-State Tollway has settled its lawsuit for \$3.25 million.

Jeffery R. Komada, 54, was driving southbound on Interstate 294 on the morning of April 30, 2016, in a heavy rain-storm.

Near Touhy Avenue in Des Plaines, Komada rear-ended a stalled minivan driven by Quentin Hill.

Helen Odessky then rear-ended Komada's Honda CR-V. Komada got out of his car to help Odessky and her daughter move from their stalled car into his own.

Minutes later, as Komada was standing outside his vehicle, truck driver Bruce Dove fatally struck him.

Cathy Komada, Jeffrey's wife, filed her lawsuit in May 2016 in Cook County against trailer

rental and leasing company Xtra Lease LLC and trucking company AJF Warehouse Distributors Inc.

Action Transportation Inc., Hickory Creek Nursery, Dove Logistics LLC and Dove in his personal capacity were later named as defendants, along with Hill and Odessky, the other drivers involved in the collision.

The suit alleged Dove did not keep a proper lookout and was driving too fast for the poor weather conditions.

Cook County Circuit Judge Bridget A. Mitchell approved the settlement Thursday after the parties reached an agreement last month.

Komada was represented by Kenneth A. Hoffman of Mitchell Hoffman & Wolf LLC.

"We're pleased with the result," Hoffman said. "We think that the result was fair and just wish the trucking industry would do a better job at protecting our motorists on the roadways to prevent these incidents in the future."

The funds will be distributed among Cathy Komada and her two adult daughters.

Attorneys for Xtra Lease and AJF Warehouse Distributors re-

moved the case in June 2016 to federal court under diversity jurisdiction.

AJF Warehouse was voluntarily dismissed from the case in July 2016 and Xtra Lease was dismissed one month later. The case was then remanded back to Cook County for further proceedings.

Hill was dismissed from the case in February 2017 after he agreed to pay \$25,000.

Under the agreement, Odessky will pay \$1.25 million; Dove, Dove Logistics and Action Transportation will together pay \$1 million; and Kingsbury Acres Greenhouse, where Dove was returning from a delivery at the time of the crash, will pay \$1 million. All other parties were dismissed from the case.

Dove, Dove Logistics and Action Transportation were represented by Andrew D. Ellbogen of Kopka Pinkus Dolin.

Ellbogen's clients contended Komada was contributorily negligent because he was looking inside his car while standing on a highway, "more or less oblivious to his surroundings."

"It was a chaotic and difficult situation," he said.

Hickory Creek Nursery was represented by Lyndon C.



Kenneth A. Hoffman

Molzahn and Michael M. Fenwick of Molzahn, Reed & Rouse LLC. Molzahn declined to comment.

Kingsbury Acres Greenhouse was represented by Bradley A. Berkan and Steven M. Canty of Orleans Canty Novy LLC in Waukegan.

Odessky was represented by David Koppelman of LaRose & Bosco Ltd. He could not be reached for comment.

Hill was represented by Scott D. McKenna and Kevin P. Kelley of Best, Vanderlaan & Harrington. They could not be reached for comment.

The case is *Cathy Komada v. Bruce Dove, et al.*, 16 L 5275.

jreiland@lawbulletinmedia.com