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Family of accident victim gets \$7 million

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The family of a 57-year-old man, who was fatally injured in an accident in Matteson in 2007 when a truck went through a red light, has received a settlement of more than \$7 million, according to attorneys in the case.

Attorney Jeffrey J. Asperger said Anthony Villa Jr. was a passenger in a car attempting to make a left turn from northbound Harlem Avenue onto westbound Lincoln Highway when a southbound propane truck hit Villa's vehicle on Dec. 18, 2007.

Villa died from his injuries on Dec. 20, 2007.

Asperger, of Asperger Associates LLC, said — and lead defense attorney Charles P. Rantis of Johnson & Bell Ltd. agreed — that the propane truck driven by Joel Boeka of McHenry, Ill. went through a red light.

Boeka was not injured, Rantis said.

Villa and his wife, Cheryl, had five children, two of whom were minors at the time of the accident.

Prior to the collision, Villa had undergone two liver transplants and a kidney transplant. His most recent liver transplant had been exactly one year prior to his death, Asperger said.

Asperger represented the Villa family along with Bary L. Gassman of Asperger's firm.

Villa's transplant surgeon had said that Villa at the time of the collision was nearing recovery and was capable of returning to work in 2008, and, in Asperger's words, "could have lived a full life."

Villa got the transplants because of the effects of hepatitis C, which he contracted from a tattoo he received in the Army, Asperger said.

Villa was a mechanic until his illnesses hampered him five years before the accident.

On the day of the crash, Villa was on his way to a mall with his family to go Christmas shopping, Asperger said. This was to be Villa's first Christmas home in five years, after spending the previous four in the hospital.

Boeka and his employer, Heritage Operating L.P., also known as Heritage Propane, were represented by Rantis and also Stanley V. Boychuck of Swanson, Martin & Bell LLP.

"We felt (the plaintiffs) were trying to overreach on certain issues, such as the lost earnings claim," Rantis said. "We thought that his life expectancy was not what the plaintiffs thought it was going to be. Nevertheless, it's a difficult argument to make to a jury."

And "the case was difficult," Rantis said, "because we knew we had a problem right away with respect to the liability. We looked at this, and we had it analyzed by a consultant, and he (Boeka) definitely went through the intersection on a red light."

In addition, "the biggest issue was the Villa family. All of them made very nice witnesses, ... some of the best witnesses I've ever deposed," Rantis said.

Associate Judge Ronald S. Davis of Cook County Circuit Court heard motions in the case. The order approving the settlement was entered by Circuit Court Judge William D. Maddux in June. Asperger said it was subject to approval by Medicare under the Medicare Secondary Payer Act. That approval was received in late July.

The case is *Cheryl Villa v. Heritage Operating et al.* No. 08 L 11922.