

Cook County &amp; Illinois

**JURY VERDICT REPORTER****Publication: Cook County Jury Verdict Reporter Published: 6/5/2009****(AAA 34/2) PRODUCT LIABILITY--FIRST WIN FOR FIREFIGHTERS AGAINST SIREN MANUFACTURER (11)***Thomas E. Baley, Earl E. Bybee, Edward J. Doherty, Donald J. Freza, Thomas J. Hosty, Robert J. O'Toole, Richard I. Reimer, Mauricio Rodriguez, James P. Voris v Federal Signal Corp. 99L-4752 Tried Feb. 5-20, 2009*

Verdict: \$445,000: \$60,000 to Thomas Baley; \$100,000 to Earl Bybee; \$10,000 to Edward Doherty; \$75,000 to Donald Freza; \$75,000 to Thomas Hosty; \$50,000 to Robert O'Toole; \$15,000 to Richard Reimer; \$10,000 to Mauricio Rodriguez; \$50,000 to James Voris; (plus costs).

Judge: William J. Haddad (IL Cook-Law)

Pltf Atty(s): Jordan L. Margolis, Todd D. Carcelli and Raymond C. Lang of Margolis Firm and Joseph Cappelli of Joseph Cappelli & Associates (Conshohocken, PA) for all pltf's

Deft Atty(s): Jeffrey A. Hall, Sean W. Gallagher, Carrie A. Jablonski and Jeffrey A. Mandell of Bartlit, Beck, Herman, Palenchar & Scott (SELF-INSURED) OFFER: none

Pltf Medl: Dr. Daniel Kurtzman (Otolaryngologist/ENT) for all pltf's

Deft Medl: Dr. Robert A. Dobie (Otolaryngologist/ENT)

Pltf Expert(s): Donald Henderson, Ph.D. (Sensory Psychologist), Robert Beiter, Ph.D. (Audiologist) and Earl Geddes, Ph.D., 43516 Scenic Lane, Northville, MI (248-305-9328) (Acoustics) for all pltf's

Deft Expert(s): Joseph Bader of Federal Signal Corp. in-house, Oak Brook, IL (Electrical Engineer)

The pltf's are nine current or former Chicago firefighters who alleged they suffered permanent and irreversible hearing loss due to defects in the design of sirens which were manufactured by deft Federal Signal and used on fire apparatus and emergency vehicles the pltf's rode on during their years of service. The pltf's asserted the multi-directional nature of the sound from the cab-mounted sirens contributed to their injury and that safer designs were available. All nine suffered significant high frequency noise-induced hearing loss; damages sought ranged from \$10,000 to \$150,000 per firefighter. The defense contended firefighters do not suffer from hearing loss at a rate greater than the general population, denied the sirens caused hearing loss, and argued other factors including age could account for the losses the pltf's claimed to have experienced. The Margolis firm represents more than 2,400 firefighters from fire departments across the country whose cases are consolidated in Chicago before Judge Haddad for purposes of this mass tort litigation. This is the first case of its type that Federal Signal has lost (see JVR's ZZ 50/7 for the report of the first of these cases to be tried in Cook County); in the first trial, pltf's counsel argued failure to warn or inadequate warnings, while this trial was argued on the design issue. Def't's post-trial motions are pending, and an appeal is expected.