

Garage-door injury case settles for \$2.2M

BY JAMIE LOO

Law Bulletin staff writer

A delivery driver who suffered a spinal injury after a garage door closed on him has received a \$2.2 million settlement.

David Turkyilmaz, 41, was a delivery driver for Tax Airfreight and was making a routine delivery to Littelfuse Inc. in Des Plaines in May 2007. While he was exiting the manufacturing facility, an automatic overhead garage door started moving while he was under it and struck him in the head.

Turkyilmaz had no visible injuries at the time but later experienced severe pain in his neck, according to his attorney, Eugene K. Hollander of the Law Offices of Eugene K. Hollander.

The injury caused a disk herniation in Turkyilmaz's spine, which his doctors initially treated with physical therapy. Doctors later performed an MRI and saw a bulging disk. Turkyilmaz underwent an anterior cervical discectomy and spinal fusion.

The lawsuit alleged that several fail-safe devices on the door were not properly maintained. The door

has sensors to respond when something or someone is approaching or in its path, Hollander said.

"If it (garage door) comes in contact with something it should bounce back up," he said.

Hollander said the garage door was not designed for a commercial space like Littelfuse's.

A deposition from a United Parcel Service driver who was injured two years prior to Turkyilmaz's incident also showed that there were problems with the door, Hollander said. The lawsuit requested that Littelfuse; the door maintenance company, Reliable Door Systems Inc.; and the door manufacturer, Paul Reilly Inc., pay punitive damages to Turkyilmaz.

The defense argued that Turkyilmaz was trying to "beat the door" when he ran under it and that because he waited months before seeking treatment, the garage door was not the proximate cause of his injury.

In the combined \$2.2 million settlement, Littelfuse paid \$1,965 million; Reliable Door paid \$200,000 and Paul Reilly paid \$35,000. The settlement was approved in November by then-Cook County



Eugene K. Hollander

Circuit Judge William D. Maddux. Hollander released details about it last week.

Hollander said Turkyilmaz has difficulty turning his head and must lay down often to alleviate neck pain.

"He is not able to work and other than running errands to the grocery store he is confined to his house much of the time," said Hollander, who represented Turkyilmaz with his colleague, Paul W. Ryan.

Littelfuse's attorney, Jeremiah P.



Paul W. Ryan

Connolly of Bollinger, Connolly, Krause LLC declined to comment on the case.

Paul Reilly was represented by Kathryn M. Metz and Fred Allen Smith III of Sedgwick, Detert, Moran & Arnold LLP. Reliable Door was represented by Jon P. Malartsik of Paulsen, Malec & Malartsik Ltd. in Wheaton.

The case is *David Turkyilmaz v. Littelfuse Inc.*, (sic) et al., No. 09 L 1041.

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Bill proposal targets 'ultimate form of cyber-bullying'

BY ANDREW MALONEY

Law Bulletin staff writer

SPRINGFIELD — A proposal to criminalize so-called revenge porn would make Illinois the third state in the nation to take aim at spurned exes who post sexually explicit images of their former significant others online.

Sponsored by Sen. Michael Hastings, an Orland Hills Democrat, the bill would make posting pornographic material of a person without their knowledge or consent a Class 4 felony punishable by up to three years in prison and a \$25,000 fine.

The measure was filed last week as Senate Bill 2694. Hastings said it was one of the issues that came up as he was researching broader ways to deal with cyber-bullying.

"I consider this to be the ultimate form of cyber-bullying," Hastings

New Jersey outlawed revenge porn in 2004, making it punishable by up to \$30,000 in fines. California followed suit last year, criminalizing revenge porn with up to six months in county jail and/or a \$1,000 fine for violators.

As it's written now, Illinois' would be the most stringent revenge porn law of the three.

But there are still two significant legal issues Hastings said his bill will have to reconcile. How does someone prove consent was not given? And what do legislators make of a section in the federal Communications Decency Act that protects websites from liability if their content does not violate federal law?

Hastings said he expects plenty of discussion on those topics when and if the bill surfaces in committee hearings during the Illinois General Assembly's session.

discussion on the federal level about how we deal with technology," he said.

Following the indictment of a man who ran a website in California that featured such material, the bill would also prohibit someone from soliciting payments to remove explicit images of others that were posted without their consent.

Specifically under the measure, knowingly posting or reproducing on the Internet any image of "a person in a state of nudity, in a state of sexual excitement, or engaged in any act of sexual conduct or sexual penetration, without the knowledge and consent of that person" would be outlawed.

Matthew P. Jones, the top lobbyist for the state's attorneys appellate prosecutor, said proving that someone did not consent to have his or her pictures posted

going to be an easy case to prove," Jones said.

The appellate prosecutor is still considering the merits of the proposal, Jones said. Part of his office's hesitation to support the bill stems from the available civil remedies for alleged victims of revenge porn.

"They have to balance the positive deterrent benefits of criminalizing behavior versus the fact that you could actually get an injunction to get it removed from the site in a civil case, which you can't do in a criminal case," Jones said.

He added later: "If the harm is that it's out there on the Web, the sooner you can eliminate that harm, the better, I would think. And the criminal justice system doesn't move that quickly in that regard."

Rep. Ronald L. Sandack of Downers Grove, the top Republican