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\$2.5M verdict for head injury from falling door part

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A Cook County jury awarded more than \$2.5 million to a man after part of a door to his apartment fell on top of his head, causing lasting pain.

The verdict came Tuesday for Sean Casey, 31, who was struck by a hydraulic door closer mounted to the top of the doorway as he was returning from an early-morning dog walk in January 2009.

Casey sued property manager TLC Management Co. for failure to maintain the building — despite having an on-site manager whose daily tasks included ensuring its maintenance and safety.

As Casey was entering the building through a door designated for dog walkers and bike riders, he noticed the door closer — a 12-pound box — detached from the aluminum door frame and swung down toward him.

Casey ducked to avoid the box, but it struck him on the upper left side of his head, said [David A. Axelrod](#), a partner at David A. Axelrod & Associates P.C. who represented him.

Casey's vision briefly turned white, Axelrod said, and he had to lean against the wall to regain his composure. He noticed he was bleeding from the back of his head, Axelrod said, but he continued with his day and headed to work despite his pain.

Once he arrived to work at the Chicago Mercantile Exchange, Casey attempted to perform his duties replacing ceiling lights in an elevator lobby. About 30 minutes later, Casey had to sit down to avoid passing out from the pain.

He went to the Evanston Hospital emergency room, where CT scan results came back normal, Axelrod said. But physicians diagnosed Casey with a concussion and told him to visit his doctor if he was still experiencing pain and similar symptoms after a week.

Casey continued to experience headaches through the following work week but continued to work, Axelrod said, and he visited his primary care doctor the next month complaining of headaches.

Eventually, Axelrod said, a neurologist diagnosed Casey with chronic post-traumatic headaches.

Casey has attempted several treatment options, such as botox treatments, steroid injections and

prism glasses, but none have worked to alleviate the pain.

A medical expert who testified during the trial indicated a brain injury could still exist — even if CT results appear normal.

The treating neurologist also testified Casey's condition will likely require medical attention and cause pain for the rest of his life.

Casey filed his premises liability suit against TLC in Cook County Circuit Court in January 2011. He alleged the company breached its duty to provide reasonable care to keep the property's common areas safe when it failed to properly install and maintain the door closer.

TLC denied the allegations and instead contended Casey breached his own duty of care to protect himself when he was inattentive while entering the door and failed to avoid an open and obvious potential danger.

[John P. Lynch Jr.](#), a partner at Cremer, Spina, Shaughnessy, Jansen & Siegert LLC, represented TLC.

The parties engaged in settlement negotiations before heading to trial.

Circuit Judge [James M. McGing](#) presided over the trial, which spanned from Jan. 22 to Tuesday.

The jury awarded Casey \$300,000 for past pain and suffering, \$300,000 for future pain and suffering, \$100,000 for past loss of normal life, \$100,000 for future loss of normal life, \$100,000 for past emotional distress, \$100,000 for future emotional distress, \$161,338 for past medical expenses, \$500,000 for future medical expenses, \$164,000 for past lost income and \$750,000 for future lost income.

"There were areas of contention with respect to both liability and damages," Lynch said. "It was a hard-fought case and a difficult decision for the jury — they deliberated for two days."

Axelrod said Casey was "very emotional" about the verdict, as he began crying once the jury began to read it aloud.

"He is very appreciative of what the jury did and felt a great deal of relief," he said.

[Jason M. Kleinman](#), a partner at Axelrod's firm, also represented Casey.

The case is *Sean Casey v. TLC Management Co.*, 11 L 204.

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