

\$100 Million Settlement In Van Horror

Accident Near Milwaukee Killed 6 Children In Family

August 27, 1999 | By Julie Deardorff, Tribune Staff Writer.



The parents of the six children who died in a fiery, freak traffic accident on a Milwaukee expressway in 1994 will receive \$100 million in an out-of-court settlement reached Thursday, one of the highest wrongful-death awards in Illinois history.

Rev. Duane "Scott" Willis and his wife, Janet, were composed but still grieving five years after losing six of their nine children--five of them in an instant--as they spoke of forgiveness Thursday. But they also addressed accountability.

"We know life isn't fair from our standpoint, but God is good," said Willis, a minister at the Parkwood Baptist Church in Chicago's Mt. Greenwood neighborhood, at a news conference in his lawyer's Loop office. "And in our real home, we know we'll get another chance to see Benjamin, Joseph, Samuel, Hank"--his voice beginning to break-- "and Elizabeth and Peter."

Law experts agreed the settlement was unusually high because of the devastating set of circumstances and fear of presenting such a case to a sympathetic jury.

"When you get into numbers like \$100 million, they are reflecting a prediction about what juries would likely do in a case that has some emotional components to it," said Marshall Shapo, a law professor at Northwestern University. "There is a special horror to a whole clan being wiped out."

Related Articles

NU willing to pay \$16 million
July 12, 2005

Asbestos Firms To Pay \$200 Million
February 9, 1999

Jet Crash Settlement Overturned
October 10, 1986

Appellate court says Will must take NU settlement
December 15, 2007

\$4.5 Million Settlement In Boy's Death
August 18, 2000

The standard amount for a wrongful-death case is from \$3.5 to \$6 million, according to Bruce Ottley, associate dean of DePaul University's law school and expert on Illinois tort law. Ottley said the reason the settlement in the Willis case was "off the charts" was because of a recent trend.

"I think the fact that the defendants were willing to settle for such an astronomical amount showed they were worried about juries starting to award those huge amounts," said Ottley. "You never settle for more than the jury will award."

The accident occurred at about 10:30 a.m. on Nov. 8, 1994, as the Willis family climbed into their Plymouth Grand Voyager mini-van and headed to Wisconsin to celebrate family birthdays. The van, with Duane Willis at the wheel and his wife in the front passenger seat, was packed with their children, who were then ages 6 weeks to 12 years.

While traveling north on Interstate Highway 94 near Milwaukee, the van struck a piece of debris that had fallen off a truck driven by Ricardo Guzman, a Mexican native who lived in Humboldt Park. The debris, called a mudflap/taillight assembly, punctured the mini-van's gas tank, and the mini-van burst into flames.

The parents managed to open their doors and tumble out of the vehicle. The oldest child in the vehicle, 12-year-old Ben, also managed to extricate himself, but his clothes were burned off along with 90 percent of his skin. He died the next day.

"The ache will always be there," said Duane Willis, who added that he no longer drives with children in the car. "But we have the joy of the Lord. And 15 grandchildren. They are not replacement kids, but they are a great joy."

The settlement was reached two weeks before a trial was scheduled to begin in Cook County Circuit Court. In all, the Willises had sued seven firms involved with the operation or manufacture of Guzman's vehicle, among them Hammer Express Inc., DaimlerChrysler AG and Transamerica Leasing Inc.-TA Leasing Holding.

"Our sympathy with the family is exceeded only by our admiration of the strength and faith they demonstrated in the aftermath of this tragedy," said DaimlerChrysler lawyer Manny Sanchez.

The suit, which alleged that Guzman had fraudulently

received his trucker's license from a secretary of state's driver's facility, led to a dust-up during last year's gubernatorial campaign between Republican George Ryan and Democrat Glenn Poshard.

An anti-Ryan TV ad paid for by the Democratic Party suggested that Guzman was one of hundreds of non-English-speaking drivers who got "special" licenses by offering bribes to employees of the secretary of state's office, which then was run by Ryan.

At the time, Joseph Power Jr., the Willises' family lawyer and a Democratic campaign donor, also alleged that Ryan's office had failed to investigate fully allegations of misconduct involving license-selling. But because of state immunity, Ryan was not named in the lawsuit filed in 1995.

"The other parties owned up. Only one person has not owned up to his responsibility and that is George Ryan," Power said Thursday. "Had Mr. Guzman earned the license rather than buying it and competently passed the exam, we would not be here today."

Responding to Power, Ryan said, "This case has been investigated thoroughly, and, unfortunately, Mr. Power continues to make claims he knows are false."

In his statement, Ryan also offered his prayers and deepest sympathies to the Willises, offering his hope. "The Willis family has suffered more than enough, and my hope is this settlement will bring some closure to the tragedy."

In May, Ryan's successor as secretary of state, Jesse White, canceled Guzman's commercial driver's license after Guzman failed to comply with requests by White to retake the test. White cited concerns about Guzman's seven driving infractions since 1993. Under Illinois law, Guzman has the right to retake the written exam, but he would have to pay a \$40 penalty.

Despite his loss, Duane Willis said that the accident had raised awareness of truck safety and made the roadways safer. He also said the settlement had helped bring about a measure of closure for the remaining members of his family. At the moment, however, he said the family has made no plans for how to use the money.

"The settlement happened so fast that we hadn't thought about that," he said. "But we will honor the Lord in what we do."