

\$13 Million Verdict: Hartford Lawyer Secures Win for Forklift Accident Victim

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BY Emily Cousins | February 21, 2024



Frank J. McCoy, Jr. of McCoy & McCoy, Courtesy photo

Hartford attorney Frank McCoy Jr. of McCoy & McCoy secured a \$13 million verdict for his client after an accident that caused the plaintiff to be ejected from a forklift and suffer further injuries when the machine ran over her leg. The lawsuit against the Raymond Corp., filed in July 2019 in the U.S. District Court for the Southern District of Illinois, had a bumpy start, McCoy said. The federal court agreed with the defendant that part of the expert testimony of Dr. John Meyer was inadmissible.

Door Needed?

Meyer opined that the defen-

dant needed to add a door to the forklifts to prevent operators from falling.

But the defendant argued doors are not required because that could prevent someone from jumping out if the forklift falls over, court records showed.

The jury quickly returned a verdict in favor of the defendant, McCoy said. But after an appeal to the U.S. Court of Appeals for the Seventh Circuit, the plaintiff’s motion for a new trial was granted.

“Because Meyer is qualified, his methodology is sound, and his opinion is relevant, his door opinion should have been admitted,” the Seventh Circuit said.

With the plaintiff, Adelaida Anderson, now free to use the “door



theory,” she was able to overcome the defendant’s argument that doors on forklifts are a hazard, which has been largely successful in other similar cases over the past few decades, McCoy said.

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Litigation Strategy

In addition, McCoy said the plaintiffs have “gotten better at putting the case together and blunting [the defendant’s] fear tactics with evidence.”

Counsel for the defendant, Francis H. LoCoco, Chalon Nichole Clark and Margaret Kathryn Heitkamp of Husch Blackwell,

Brian W. Bell of Swanson, Martin & Bell, and G. Patrick Murphy of Murphy & Murphy, did not immediately respond to a request for comment.

In cases involving forklift accidents, McCoy said the defendants often claim that the plaintiff caused the injury, and that was no different in this case. However, Anderson had thousands of hours under her belt operating a forklift without issue, and the jury did not find comparative negligence, McCoy said.

In closing arguments, McCoy said his side asked the jury to award \$25 million. After around a day of deliberating, jurors returned a verdict of \$13,045,776 in favor of the plaintiff.