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Jury Awards \$3.9 Million for DUI Crash That Crushed a Mom's Leg

The insurance company wouldn't pay claim despite its client being drunk, without a driver's license and in the U.S. illegally.



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A La Grange law office obtained a \$3.9 million verdict in a personal injury case involving a man who drank 15 beers in a parking lot and then drove into a minivan carrying a mom, her 6-year-old daughter and her child's friend — each of whom were severely injured in the 2011 crash in Oak Brook.

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After a six-day trial, the jury needed just five hours to rule against the driver.

The victims were represented by [Dixon Law Office](#) attorneys G. Grant Dixon III, and his associate, Catherine D. Cavenagh. The driver, Jose Rodriguez, is in prison. His insurance company, Unique Insurance, represented him in court.

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Unique Insurance gave Rodriguez an insurance policy even though he had no driver's license and was in the United States illegally. For five years after the devastating accident, the insurance company balked at settling the claim against its client, forcing Dixon to sue Rodriguez.

Dixon will likely now sue the insurance company.

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On Nov. 12, 2011, Rodriguez drank 15 beers while sitting in a Hinsdale parking lot. Not far away, Margaret Bennett, her 6-year-old daughter and her daughter's 6-year-old friend had gone to see "The Sound of Music" at Drury Lane Theater in Oak Brook and then went for ice cream in Elmhurst.

Around 8:30 p.m., the mom and the two girls were traveling south on York Road to take the friend home. Rodriguez was driving north on York Road when he crossed the center line and crashed head on into their car at Robin Hood Ranch, according to the DuPage County State's Attorney's Office.

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Both cars were severely damaged and everyone involved had to be extricated and taken to local hospitals, the state's attorney's office said.

Rodriguez's blood-alcohol level was estimated to be up to 0.197. He is currently serving a seven-year sentence for his crimes.

"We immediately sought to settle this claim with Mr. Rodriguez's insurance company. They failed to make any offer and forced the families to file a lawsuit just to get the claims resolved," Dixon said in a statement. "Insurance companies have a responsibility to negotiate in good faith. When they don't, they cause additional harm to victims. It's like running them over again."

Dixon said "bad faith" claims like this are rarely brought to court because of the time and effort involved.

"My clients want these tactics to stop," he said. "They want insurance companies to settle claims when they are asked and not to force years of litigation."

Dixon said he anticipates there will be more litigation by the families against Rodriguez's insurance company, Unique Insurance in Niles, Illinois.

Bennett's vehicle was destroyed in the crash. She suffered injuries including the crushing of her right leg and ankle, according to the law office. She has had six surgeries to date. The two girls both suffered injuries, and one suffered a skull fracture and bleeding in the brain.

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Jose Rodriguez was represented by Clifford Panek and Kathleen McHugh of [Parrillo, Weiss & O'Halloran](#) in Chicago. Parrillo, Weiss & O'Halloran argued that Rodriguez was drunk and he was responsible for the accident, but they claimed the victim's injuries were not as serious as the plaintiffs said.

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