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## Fatal bus accident caught on camera nets family \$6.75M

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A charter bus company and bus manufacturer have agreed to pay a total of \$6.75 million to settle a lawsuit filed on behalf of a 26-year-old woman struck and killed by a charter bus.

Cook County Circuit Judge William D. Maddux entered an order Wednesday approving the settlement in the wrongful-death case involving Justyna M. Palka.

Palka, a graphic designer for Ogilvy & Mather, was heading home from work on May 3, 2011, when she was struck and killed as she walked across Columbus Drive at Illinois Street.

Two different video cameras recorded the accident, including a red-light camera.

Thomas A. Demetrio, a Corboy & Demetrio P.C. partner representing Palka's family, said shortly after the accident he asked to see a recording of the surveillance system at the now-shuttered P.J. Clarke's, which captured the accident.

"The whole thing was on tape, as clear as day," he said. "It's almost like case closed."

Eyewitnesses also substantiated the evidence depicted in the video from the two cameras, he said.

"I think the video played a critical role" in the settlement, Demetrio said. "When you actually see something and (the defendants) know the jury's going to see it, they're not going to fight liability."

The lawsuit named as defendants Pontarelli Group Charter Inc., David Soto and Navistar Inc.

Soto was driving the bus as an employee of Pontarelli Group when he struck Palka, the lawsuit alleges.

"There was no reason he should not have seen" Palka, Demetrio said.

At the time of the accident, Soto was under the influence of cocaine and had been charged with numerous driving infractions, the lawsuit says.

Soto is at Cook County Jail awaiting trial on one count of reckless homicide and two unrelated counts of predatory criminal sexual assault of a child, said William T. Gibbs, a Corboy & Demetrio associate who also represents Palka's family.

The family's pain will not go away, Gibbs said.

"But the settlement serves as an acknowledgement by the bus company that this driver should have never been behind the wheel on May 3, 2011," he said. "That acknowledgement lines up with the family's sense of justice."

The complaint included an allegation that Pontarelli negligently hired and retained Soto.

Another count alleged that Navistar was vicariously liable for the accident because it owned the bus Soto drove.

Palka was raised in Dortmund, Germany, and came to the U.S. to attend the School of the Art Institute of Chicago. She graduated from there and joined Ogilvy & Mather.

Family members and work colleagues considered Palka an up-and-comer in the design world.

She had worked at Ogilvy & Mather for about a year but firm officials "had already identified



Thomas A. Demetrio

her as someone who was going to be a superstar in that realm," Gibbs said.

The settlement money paid by insurers for Pontarelli and Navistar will be divided among Palka's mother, Malgorzata Palka, who lives in Chicago, and her father and two adult brothers who live in Germany. *Malgorzata Palka, et al. v. Pontarelli Group Charters Inc., et al.*, No. 11 L 5064 C.

The settlement was negotiated in a mediation handled by former Chief Cook County Circuit Judge Donald P. O'Connell.

Pontarelli was represented by Michael D. Huber and David J. Farina, both partners at Cray, Huber, Horstman, Heil & VanAusdal LLC. Huber could not be reached for comment.

Jeffrey H. Lipe and Thomas J. Pontikis — both partners at Lipe, Lyons, Murphy, Nahrstadt & Pontikis Ltd. — represented Navistar. Lipe could not be reached for comment.



William T. Gibbs

Michael J. Charysh, a partner at Charysh & Schroeder Ltd., represented Soto. He declined to comment.

Following their daughter's death, Palka's parents started a scholarship in her name at the School of the Art Institute of Chicago.

In addition to the \$6.75 million settlement, Pontarelli agreed to pay \$500 annually for the next 10 years to the scholarship fund Demetrio said.

Palka's parents "were really hit hard by this," he said. "But their dedication to helping other students like their daughter at the Art Institute of Chicago is very helpful in helping them deal with their grief."

Palka's mother and friends also keep her memory alive at the intersection where she was killed.

"If you go buy the site today, you will see fresh flowers put there every week," Demetrio said.