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Jury awards \$2.4M to man injured by drunken city truck driver

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Stephen Dewart will soon be a 29-year-old millionaire, thanks to the jury in his personal injury case. But he would give all \$2.4 million of it back just to turn back the clock and be whole again.

On May 21, 2011, it was a picture-perfect Saturday afternoon when a drunken city truck driver plowed his city-issued Ford F-150 pick-up into a crowd of pedestrians on a Gold Coast sidewalk.

Dewart was one of seven people injured in the crash at Cedar and Rush. He suffered a shattered fibula that required surgery to insert a plate, a shattered tibia that required another surgery to insert a rod and four fractured vertebrae in his back.

Laborer Dwight Washington, who was behind the wheel, had a blood alcohol level more than twice the legal limit and an open bottle of brandy in the cab. He was sentenced to nine years in prison after pleading guilty to four counts of aggravated driving under the influence.

"I first heard loud screeching tires. Then, out of the corner of my right eye, I see this white pick-up barreling toward me at a high-rate of speed. I heard the engine accelerate and realized there was nothing I could do. I was frozen," Dewart recalled Monday.

Dewart said he was assisting with a photo shoot for his wife's business on the day that changed his life. His parents were also downtown and just happened to stumble upon the freak accident that injured their son.

"My dad rushed over to help some men maneuver the truck away from the people underneath it and saw me. I remember being on the ground in a lot of pain looking up and seeing my parents hovering above me. I honest to God thought I was dead. It was the most bizarre thing in the world," Dewart said.

The \$2.4 million in damages was awarded late Friday by a jury that deliberated less than two hours. The five-day trial was confined to damages after the city acknowledged responsibility, according to Susan Novosad, Dewart's attorney.

"One of the jurors said to me, 'Now that this is over, go enjoy your life.' That was very telling because it's been very difficult to enjoy life these past two years. My body will not be the same. I've had three surgeries and months of physical therapy. It's been difficult on my marriage. It was hell," said Dewart, who is now studying for his MBA at Indiana University's Kelley School of Business.

Dewart said he holds the city and the driver "equally" responsible for the "utterly avoidable" tragedy.

"He had a bottle of alcohol in the truck with him. Had the city supervised its employees well enough, this never would have happened. It was not an accident," he said.

"The driver made the decision to act that way, but the city should have had checks in place to prevent it and ensure their employees are fit to drive. If it means modifying the truck so you have to blow into a Breathalyzer every time you start it, so be it."

The verdict brings to nearly \$9 million the cost to Chicago taxpayers stemming from the Gold Coast crash.

Last year, the City Council authorized a \$6.25 million to settlement to compensate a computer scientist who suffered a traumatic brain injury in the accident. Richard Chang was the most seriously injured of seven people in Washington's path on that fateful day.

After the crash, Mayor Rahm Emanuel ordered then-Streets and Sanitation Commissioner Tom Byrne to tighten supervision to prevent a repeat of the accident involving a drunken city laborer. Byrne subsequently called for laborers to be tested randomly for alcohol and drugs.

The commissioner was asked then how a supervisor could have eyeballed Washington in an allegedly drunken state and still handed him the keys to a city truck.

“He didn’t see him drunk. That doesn’t say he was drunk at 6 o’clock in the morning when he came in,” Byrne said then.

E-MAIL: fspielman@suntimes.com

TWITTER: [@fspielman](https://twitter.com/fspielman)

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