

# For The Defense

**DRI**  
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Member of  
the Month

**John  
W. Bell**

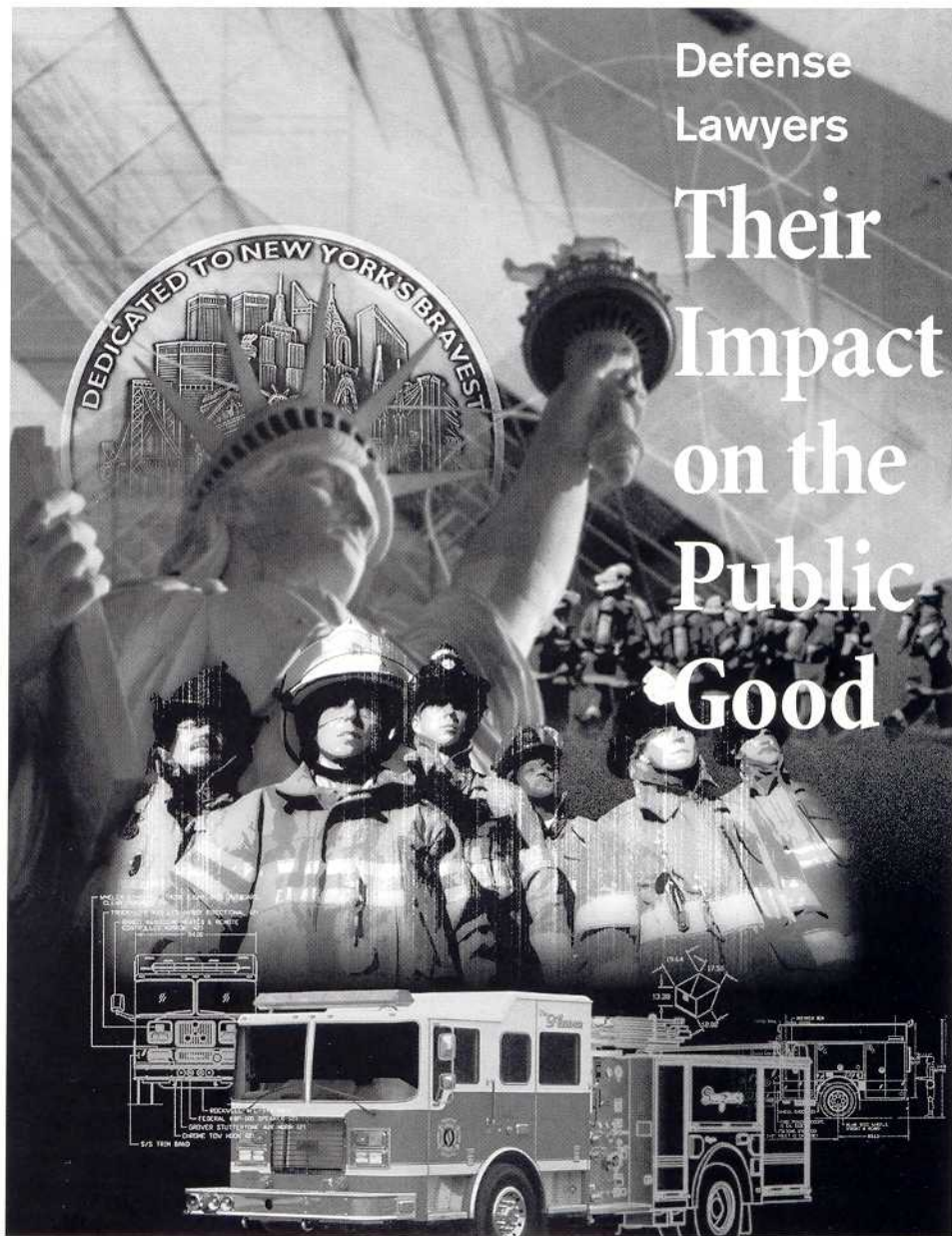
**Johnson & Bell, Ltd.  
Chicago, Illinois**

**J**ohn W. Bell, lead attorney in the *Santana v. Seagrave* trial described in the accompanying article, is DRI's Member of the Month.

John Bell has been practicing law in Chicago since 1971. In 1975, he was one of the founders of the defense law firm of Johnson & Bell, Ltd. It has grown to become a nationally recognized litigation firm of more than 80 trial attorneys, 23 of whom are active individual members of DRI. The firm has a broad mix of clients, including consumer product manufacturers, industrial enterprises, service organizations, and municipal entities. Mr. Bell is one of the firm's managing partners, as well as its Vice President.

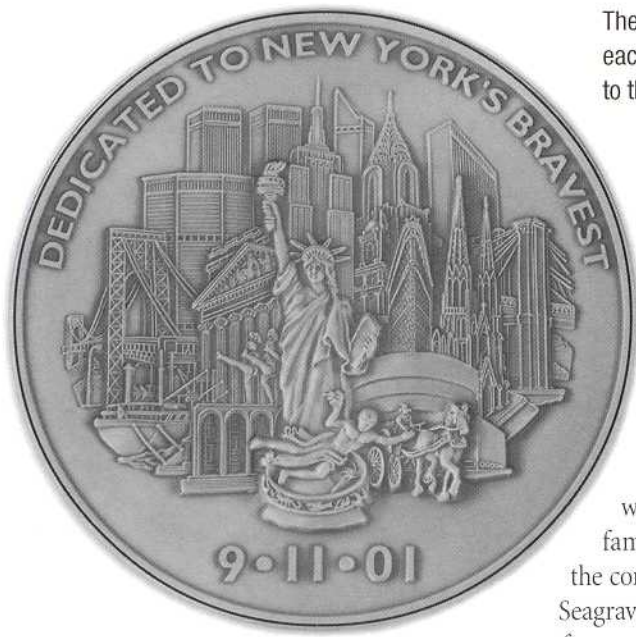
John is a Chicago native, who received his undergraduate degree from Northwestern University, and his law degree *cum laude* from Loyola University. His practice areas include products liability, casualty insurance, public util-

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Defense  
Lawyers  
Their  
Impact  
on the  
Public  
Good

**C**ompanies regularly face legal challenges. Dealing with claims and defending lawsuits is almost routine for many large corporations, an expected aspect of doing business in our litigious society. Teams of lawyers defend the company, arguing against allegations of liability, or keeping damages awards within reasonable bounds.



The medallion that is affixed to each fire truck to be delivered to the New York Fire Department.

Less common, however, is the lawsuit that threatens the livelihood of a company. A finding of liability, and an award in the millions of dollars, can devastate any company, forcing it into bankruptcy, requiring it to cease operations, and eliminating jobs. Defense lawyers have an awesome responsibility in such a scenario. An unfavorable outcome can have an impact, not only on the company itself, but also on its employees, its stockholders, its suppliers, its customers, and the overall economy of its town or city. The lawyer is the first line of defense, to ensure that the public good—the jobs of

workers, the well-being of their families, and the prosperity of the community—is protected.

Seagrave Fire Apparatus Company is a manufacturer located in Clintonville, Wisconsin. It employs 360 workers, the largest employer in the central Wisconsin town of 4,700. Seagrave's business is manufacturing fire-fighting trucks. Its customer list includes fire departments from all parts of the United States. Each truck is made specially, to the standards and specifications of the fire department customer, with great attention to detail and quality. The company's annual output is about 200 custom-made trucks.

Seagrave has been in continuous operation since 1881, when it was started in Detroit by Frederic S. Seagrave. Originally building ladders for use in harvesting fruit, its focus soon shifted to firemen's ladders, hose wagons, and other fire fighting equipment.

It moved to Columbus, Ohio in 1898 and began building spring-raised aerial ladders, which greatly simplified the operation of raising a fire ladder to its full extension. Over the years, it became a manufacturer of complete fire trucks, including the ladders. In 1963, the company was purchased by the FWD Corporation and moved to Clintonville (FWD, resident in Clintonville for over a century, is the inventor of the four-wheel drive).

The work force at Seagrave includes designers, steel fabricators, welders, electricians, painters, and others. Most of the men and women, Clintonville natives, have spent their entire working careers with the company, resulting in a spirit of camaraderie and "family" at the factory. They take great pride in producing top-quality trucks and ladders. And Clintonville recognizes the importance of its largest business. Restaurants and lounges such as Mathew's and Cindy B's are decorated with fire fighting banners and insignia patches from fire departments across the country. The Clintonville High School teams are the "Truckers."

One of Seagrave's largest customers is the New York City Fire Department. It has provided literally hundreds of trucks to FDNY since the year 1914, each custom made to the specifications of FDNY. The relationship has been close: firefighters from New York visit Clintonville, to watch their trucks being built, and in the process, to become acquainted with the Seagrave workers and others in the town.

#### John W. Bell, from page 1

ity law, and commercial and environmental litigation. He appears regularly in Illinois state and federal courts.

He has been included in *Best Lawyers in America*. In March 2001, *The National Law Journal* recognized his performance in another products liability trial by naming the case as one of the top defense verdicts of 2000.

Mr. Bell is involved in a variety of bar association activities, for the Illinois State Bar Association, the Chicago Bar Association,

the Hellenic Bar Association of Illinois, and the American Bar Association. He is also a member of the Illinois Association of Defense Trial Counsel, International Association of Defense Counsel, and the Society of Trial Lawyers. John has been an active member of DRI since 1980. He is also a Fellow of the American College of Trial Lawyers and the American Board of Trial Advocates.

John is a prolific writer and lecturer for a variety of lawyers' associations. He has been a faculty member at the IADC's Trial

Academy in Boulder, Colorado. He is a strong supporter of his law school, serving with other alumni on Loyola's Circle of Advocates, a group primarily concerned with fund raising for the school.

John's wife Deborah is active in a joint venture concerned with Internet advertising. Their daughter Alicia is an up-and-coming fashion designer, with recent shows in Chicago and New York City. Their son Jason, an MBA graduate, organizes teleconferences and videoconferences.

The World Trade Center tragedy on September 11, 2001 was especially devastating to the Seagrave Company and the town of Clintonville. Several dozens of Seagrave-built fire trucks were destroyed when the twin towers collapsed. Much worse was the loss of the lives of New York firefighters who had become close friends of people in Clintonville.

Shortly after September 11, Seagrave officials met with FDNY to determine how the company could help return the fire department to full strength. The result was an “emergency order” for 54 new trucks. The Seagrave factory stepped up the production pace in order to fill the order as quickly as possible, without affecting quality, by calling for many hours of overtime. In addition, the Seagrave workers, in a spirit of solidarity, are “donating” one truck to FDNY: that is, they are paying for the truck through a variety of fundraising efforts in the Clintonville community. To date, 80 trucks have been delivered to New York since September 11, including 43 of the 54 “emergency order” trucks.

Because of the emphasis on quality in its design and manufacturing processes, and its adherence to fire protection industry standards, Seagrave equipment has rarely been the subject of lawsuits. However, it has been sued occasionally, most notably following a tragic fire incident in New York City.

In November 1994, a fire broke out in an apartment building in Brooklyn, a borough within New York. The FDNY arrived in a truck manufactured by the Seagrave Company. One person was seen in the window on the sixth floor of the building. The truck had a 100-foot ladder, which the firefighters used to attempt to rescue that person. As the ladder reached the sixth floor, several more persons, all members of the Santana family, unexpectedly appeared at the window. They began to climb onto the ladder *en masse*, despite a firefighter’s “one at a time” order; a language barrier may have explained the lack of cooperation. Four members of the family, in addition to the firefighter, were on the ladder, near its top, at the same time, putting a great deal of severely overloaded weight on it. The ladder buckled and collapsed. All five persons fell to the ground.



Workers at the Seagrave Company factory in Wisconsin, building a fire truck for delivery to the New York Fire Department.

The father was killed; his wife and two young children suffered severe injuries, both physical and emotional. [The firefighter was also injured; during the trial, he settled his claim against the city.]

The defendants in the ensuing litigation were Seagrave, the City of New York (for the fire department), and the building management. *Santana et al. v. Seagrave Fire Apparatus Co. et al.*, No. 63/95, Supreme Court, Kings County, New York. The gist of the complaint against Seagrave was that its ladder collapsed because it was defectively designed and of inadequate strength and stability, in that it did not comply with current National Fire Protection Association standards. Seagrave denied that the ladder was defective, contending that the ladder had been built to FDNY specifications, and attributed the failure to overloading. The plaintiffs’ initial demand was for \$400 million in damages.

Representing Seagrave in the Santana litigation were two longtime DRI members, John W. Bell and Saul Wilensky. Mr. Bell is the name partner in the 80-lawyer Chicago firm of Johnson & Bell, which he helped to organize in 1975. His practice focuses on products liability and personal injury defense. Mr. Bell is outside counsel for Seagrave. Saul Wilensky is senior partner in the New York City firm of Lester Schwab Katz & Dwyer. He

defends products manufacturers and general negligence matters. Mr. Wilensky has served as DRI Area Chair for New York.

The two-month jury trial of *Santana v. Seagrave* occurred in March–May 2000. John Bell was lead counsel for the defense, while Saul Wilensky’s familiarity with New York trial procedure served the defense team well. They argued that Seagrave, in building the fire truck and the ladder in question in 1991, had followed the specifications provided by FDNY in its contract, and that those specifications were in compliance with the “tip load” standard of the NFPA in effect at the time the order was received. New York City argued that it had a rational basis for ordering that particular vehicle for maneuverability in the city’s narrow streets.

Several experts testified for each side. Testifying for Seagrave, to explain the company’s design and manufacturing operations, was its Director of Sales, Rollie Myers. During his three-and-a-half days on the stand, Mr. Myers detailed the steps the company follows in ensuring compliance with the customer’s needs as well as fire safety regulations. He pointed out that the ladder that collapsed was a type that had been used for 40 years without prior incident. He also commented: “John Bell was a master trial lawyer, in control of the court proceedings



Inspecting a ladder that will be installed on a fire truck, to ensure its strength and stability.

from beginning to end. He effectively led me through my testimony, and skillfully guided me during cross-examination by plaintiffs' counsel."

The trial was bifurcated, and the liability phase lasted seven weeks. The jury returned a total verdict of \$1,610,000, well below the plaintiffs' demand. It found Seagrave to be 35 percent liable, the City of New York 50 percent liable, and the building management 15 percent liable.

However, Seagrave and the city moved for judgment notwithstanding the verdict. John Bell argued that the uncontroverted

evidence and the jury's special findings demonstrated that the design of the fire truck and its ladder met the specifications of the FDNY, and therefore, under New York case authority, Seagrave was entitled to judgment as a matter of law. Attorneys for the city pointed to its governmental immunity under New York's emergency rescue doctrine. The court granted the JNOV motion, and the complaint was dismissed. It determined that the evidence failed to reasonably support the jury's findings of liability.

The court's judgment in *Santana v. Seagrave* has been appealed to New York's Sec-

ond Appellate Division. However, the plaintiffs have yet to perfect their appeal by filing an appellate brief.

John Bell commented that the judgment is a reaffirmation and appreciation of the vital role that firefighters fill in our society. "Firemen are trained to think primarily about the safety of others. At every fire, they risk their lives to save others'. In the Brooklyn fire, the precise placement of the ladder and the number of people on it was of less urgency than the *immediate* need to get the Santana family out of the burning building. This is the same spirit and dedication displayed clearly on September 11, when brave firefighters rescued so many people from the twin towers without a thought that they were putting themselves in grave peril."

The judgment was also hailed by Jim Green, president of Seagrave. "An adverse outcome in this trial would have had a huge impact on our operations and on the town of Clintonville. The damages award by the jury—if we had to pay it—would have hurt all of us badly. Thanks to the outstanding performances by lawyers John Bell and Saul Wilensky and their professional knowledge and expertise, jobs at Seagrave have been preserved, and the Clintonville economy remains strong. Seagrave can continue to do what it does best—make fire trucks for customers such as the New York City Fire Department. This is an example of the public good that trial lawyers such as John and Saul render to American society in general." **FD**