

# BEST, VANDERAAN & HARRINGTON

## 2022 AT A GLANCE



Lori Vanderlaan  
Managing Partner

## Thank You.

We want to begin 2023 by thanking you, our clients, for all of your support in 2022. Words cannot express our sincere appreciation for your trust and partnership as we face the challenges of the everchanging legal landscape in those venues we defend together. We have been entrusted with representing our clients' needs in a wide range of legal matters and exposures. We do not take that responsibility lightly. In 2023, our goal is to exceed your expectations in every facet of our partnership. Wishing you all of the very best personally and professionally in this new year.

### Back to the Business of Trying Cases

The COVID-19 pandemic caused an unprecedented "pause" in the pivotal trial phase of litigation. At BVH, we are thrilled to be back in the courtroom trying cases. The greatest legal defense is when the opposition knows the client and its chosen defense firm will go to trial in the face of unreasonable plaintiff positions. BVH is that defense firm. We were able to end 2022 with two high stakes trials, both sending messages to the plaintiff's bar that BVH will fight to defend our clients who decide to take the risk and stand up to unreasonable plaintiff demands.

- ⇒ Partners Tom Costello and Wade Shimer secured a **not guilty verdict** in a rear end auto case where the plaintiff claimed a cervical fusion and over \$600,000 in medical specials. Plaintiff asked for \$6,000,000. A high/low was negotiated pre-verdict to protect the insured against an excess exposure.
- ⇒ Partners Alison Harrington and Scott Dolezal defended a municipality to verdict against another agency's police officer who claimed he was injured in the course of a training exercise hosted by Alison and Scott's client. While the jury sided with the plaintiff; Alison, Scott, the client and its risk group sent a message that unreasonable positions will be vigorously defended.



### Announcing BVH's Newest Partners

BVH's success is rooted in its talented group of lawyers and support staff. In 2022, we promoted to partner some of our key long-term lawyers who have helped BVH achieve its reputation as one of the best defense firms in Chicago. Check out our website at [www.bestfirm.com](http://www.bestfirm.com) and get to know BVH's newest outstanding Partners:

- Alexis Bargione
- Chris Ktenas
- Cara Rafanelli
- Casey Brown
- Dan Loucks
- Wade Shimer

## THE BVH WAY

At BVH, every case that comes to our firm is assigned to BVH lawyers based on complexity and subject matter. However, no matter the case, there is always a partner, associate and paralegal assigned. As to work product, there is no report, case filing, discovery answers or substantive correspondence of any kind which is sent to a client or opposing lawyers without partner review, input and approval. Partners work closely with other team members on every case to develop themes and strategies and to execute those case strategies at the highest level through discovery and collaboration with our clients. Moreover, we work tirelessly to impress upon all team members the importance of reporting, both accurately and timely. As every person who has ever worked for BVH will tell you — we continuously impress upon our entire team that it is OUR job to make YOUR job easier. We call the above the "BVH Way."

## BVH BRINGS ITS TALENTS TO INDIANA, WISCONSIN & FLORIDA

### **Hoosier** defense firm in **Indiana**?

#### **BVH**

We opened our Northwest Indiana office in early 2022 and are planning to expand into Indianapolis by mid 2023!

**Our Indiana office is headed up by BVH partner, Tom Costello.** Tom and our Indiana lawyers are available to handle all of your Indiana defense and coverage needs.

For BVH Indiana, please contact us at 219.552.8055

### Who doesn't want **Badgering** Defense Counsel in **Wisconsin**?!!!!

At BVH, we have you covered in central and southern Wisconsin. BVH is growing its footprint in Wisconsin as our clients demand more of the "BVH Way." Just as the Wisconsin state motto is "*Forward*", look to move the caliber of your defense and insurance coverage needs in Wisconsin "*Forward*" with BVH.

For BVH Wisconsin, call **Alison Harrington** at 312.819.1100



### **BVH IS MAKING WAVES IN THE SUNSHINE STATE**

Hearing from our clients that Florida is in need of some Midwest litigation tenacity, in 2022 we opened our BVH subsidiary, Vanderlaan Law Group, P.A.

With offices in Fort Lauderdale and Tampa, resident Florida lawyers are presently handling defense and coverage cases in central and south Florida with plans to expand to the north Florida by 2024.

**BVH Florida is headed up by Lori Vanderlaan and Nathan Vanderlaan.**

Check out our website at [www.vlglegal.com](http://www.vlglegal.com) or contact us at:

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### Did you know?

- BVH celebrated its 23rd anniversary on January 1, 2023.
- On January 1, 2000, we had 5 lawyers. Today we have 25 lawyers and are on the cusp of 27 lawyers as two members of our team prepare to sit for the February bar.
- BVH is majority female owned!!!
- BVH Partners have a combined **300** years of litigation experience.
- Most BVH clients have been our partners for over **20** years, and some as long as **40** years.
- BVH is committed to diversity!
  - ◇ Seven of sixteen partners are women and several of our partners are racially, ethnically or otherwise diverse
  - ◇ BVH attorneys, paralegals and staff are of various ethnicities and races.

**"Talent wins games, but teamwork and intelligence win championships."**

*Michael Jordan*

While practicing law might not have the glory of winning six NBA championships, the power and necessity of teamwork in your legal team is critical. BVH not only has great lawyers, but we have an exceptional team of paralegals, administrative personnel and firm operations management, all of whom are the motor that drives BVH's success. We want to thank each of them for their commitment and hard work throughout 2022 and the last few very challenging years.



## OUR MISSION IS YOUR SUCCESS!

READ ON FOR SOME HIGHLIGHTS OF BVH CLIENT SUCCESSES IN 2022



## JOIN US ON THE ROAD TO RESULTS

### GETTING IT DONE THE BVH WAY

- Kimberlee Massin and Cara Rafanelli obtained a dismissal with prejudice in favor of their municipal client on a civil rights complaint alleging state created danger and failure to protect as well as other claims filed by the plaintiff in USDC Central District of Illinois.
- Lori Vanderlaan, Tom Costello and Chris Ktenas represented clients and their insurer in the defense and a risk transfer declaratory action arising from a fatal electrocution on a construction site. A strong underlying defense, breach of contract claims and risk transfer strategy resulted in the clients' insurer paying 25% of the defense fees and 12.5% of the settlement. The remaining fees and cost of the settlement was paid by the carrier who was the target of the risk transfer.
- Allie Burnet secured summary judgment in the Northern District of Illinois for a municipal client sued by one of its former police officers alleging disability discrimination and retaliation in violation of the ADA and Illinois Human Rights Act.
- Alison Harrington and Scott Dolezal obtained summary judgment in a police pursuit claim in which the Plaintiff claimed she needed more than nine surgeries by showing that the officer's conduct was not willful and wanton.
- Morgan Hochheiser obtained summary judgment in a premises liability and construction negligence claim in which the Plaintiff alleged a traumatic brain injury when a portion of a ceiling collapsed.
- Lori Vanderlaan, Scott Dolezal and Dan Loucks prevailed in dismissing a bad faith action against an insurance client after the plaintiff, who lost his eye in an altercation, obtained a verdict against its insured which was \$1 million in excess of the insured's policy limits. The decision was upheld on appeal and plaintiff's petition to the Supreme Court was denied. BVH handled the case through all stages of appeal.
- Fritz Wilson successfully moved to dismiss a claim brought by a tenant claiming to have been injured in an altercation with another tenant based on the argument that the criminal acts of third persons are unforeseeable.
- Nathan Vanderlaan defended his client, a painting subcontractor, in a traumatic brain injury claim made by a plaintiff who fell off ladder. The client paid less than 10% of the original demand in contribution toward a global settlement.
- Allie Burnet prevailed in dismissing a complaint filed against a municipal client and several of its police officers, arising out of the officers' alleged various actions including wrongful eviction, tortious interference, conversion, civil conspiracy, breach of bailment, abuse of process, and intentional infliction of emotional distress.
- Alison Harrington and Scott Dolezal obtained an appellate ruling affirming the denial of a temporary restraining order which sought to ban a municipality from requiring its first responders to obtain a COVID-19 vaccination or provide proof of a negative COVID-19 test on a weekly basis.
- Lori Vanderlaan and Casey Brown, pre oral discovery, successfully settled a paraplegic claim brought by a 41 year old Iraqi war veteran and father of 4 after a fall while working as a subcontractor at the client's facility.
- Nathan Vanderlaan settled a Florida auto accident personal injury case with a \$100,000 policy limits demand for \$15,000, prior to expiration of the demand and by convincing plaintiff as to the low value of his client's claim.
- Fritz Wilson and Patrick O'Neill secured a judgment in a bench trial on an auto case where the court found their client was not negligent and establishing plaintiff's contributory negligence.
- Kim Massin and Wade Shimer obtained a dismissal with prejudice in favor of a corporate client due to the Plaintiff's failures on a motor vehicle case to properly and timely name parties and meet the requirements of the Relation Back Doctrine.
- Scott Ferree obtained dismissal with prejudice of plaintiff's complaint based on plaintiff's lack of diligence in effecting service on client.