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## Distracted trucker's company settles injury case for \$24.5M

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A mother, father and son who sustained injuries when a tractor trailer rear-ended their vehicle on the highway has settled their lawsuit for more than \$24.5 million.

The parties filed a joint order to dismiss the case on Jan. 26, and U.S. District Judge Jorge L. Alonso did so the following day, according to court records.

On Aug. 19, 2018, Jorge Montes was driving east on Interstate 88 with his son, Claudio, and wife, Hilda, as passengers. Daniel Bulthuis was employed by MCT Transportation LLC as a truck driver and was headed in the same direction on the highway that day.

Bulthuis was on his cell-phone setting a music playlist when he looked up and realized Montes' car was stopped in front of him due to construction-related traffic, court records stated.

He told police on the scene that he was driving 63 mph in a 55 mph work zone before hitting Montes' car, according to court records.

Jorge Montes sustained



**Matthew A. Passen**

several rib fractures and spinal burst fractures but did not require surgery. Hilda Montes sustained a small subdural hematoma, but she also did not need surgery, according to Matthew A. Passen of Passen & Powell, one of the family's attorneys.

Claudio, then 11, suffered a traumatic brain injury which required surgery. He later needed further plastic surgeries for facial fractures and cranial defects, Passen said. Claudio still needs assistance for all daily living activities, is unable to speak and is confined to a bed or wheelchair.

In addition to negligence and willful and wanton conduct claims against MCT



**Stephen M. Passen**

Transportation and Bulthuis, the suit also alleged Comcar Industries, MCT Transportation's parent corporation, was liable as an agent or alter ego.

In May 2020, MCT Transportation and Comcar filed for bankruptcy, but the Montes family was still able to pursue their insurance coverage, Passen said.

Passen said his clients were pleased with the result given what was a "devastating incident" for the family.

"They are happy to put this case behind them and were happy to be able to ensure that their son will have the financial wherewithal to be taken care of for the rest of his life and



**Jordan S. Powell**

put him in the best opportunity to continue his recovery," he said.

The plaintiffs were also represented by Stephen M. Passen and Jordan S. Powell of Passen & Powell.

The defendants were represented by James A. Foster, Bradford A. Burton and Ryan T. Armour of Cassidy Schade LLP. Comcar was additionally represented by Michael B. Langford of Scopelitis Garvin Light Hanson & Feary in Indianapolis.

Defense counsel could not be reached for comment.

The case is *Jorge Montes, et al., v. MCT Transportation LLC, et al.*, No. 18 C 8326.