

Alton-Area Lawyers Secure \$3.3 Million Verdict for Boat Worker Exposed to Unsafe Conditions

by Dalton Brown, News Reporter
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ALTON/EAST ALTON - Kevin Mogensen has been awarded a verdict of \$3,310,000 by a Madison County jury after he was exposed to unsafe working conditions which aggravated his pre-existing asthma.

After two hours and fifteen minutes of deliberation, the jury awarded Mogensen \$60,000 in lost earnings, \$2.75 million dollars for past and future pain and suffering as well as \$500,000 for past and future loss of a normal life.

Mogensen was represented by Benjamin Tobin and Zachary Tobin of Pratt & Tobin, P. C., located in East Alton, Illinois. Joseph Hoefert of Joseph E. Hoefert Attorney at Law, located in Alton, also served as co-counsel but was unable to participate in the trial due to a recent surgery.

Mogensen worked as a towboat deckhand for the towboat company SCF Lewis and Clark LLC. The lawsuit alleged that the company “negligently ordered” Mogensen to be aboard a barge while terminal and dock crews were cleaning excess Corn Gluten Fertilizer off of the barge - which, according to a press release from Pratt & Tobin, P.C., gave Mogensen the appearance of a “minion” from the Minions movies.

“Numerous towboat employees testified that this constituted an unsafe working condition,” the release states. “There was also testimony indicating that the exposure was so significant that Mogensen looked similar to a minion on the computer-animated comedy film Minions as Corn Gluten Fertilizer is bright yellow in color.”

Twenty hours after being exposed, Mogensen was transported by ambulance from his home to Alton Memorial Hospital, where doctors and medical staff diagnosed him with acute hypoxic respiratory failure. His lawyers argued that the exposure caused an “acute aggravation” of his pre-existing asthma and that “his condition is now permanent.”

“Due to the life-threatening condition, he was intubated and placed on a ventilator,” the release said. “After being discharged from the hospital four days after being admitted, his treatment has consisted of nebulizer treatments as well as using daily inhalers.”

SCF Lewis and Clark LLC argued that any problems Mogensen experienced after the incident were due to “a prior exposure to Corn Gluten Fertilizer that took place six weeks before when he was working for a different employer.”

The company filed a report last Friday seeking to pay Mogensen \$0.00, which the jury declined.