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Settlement sets Kane County record at \$4.7M

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An attorney representing the family of a woman who was killed in a car crash two years ago has secured a record-high settlement for a Kane County wrongful death claim, receiving \$4.7 million.

[John J. Perconti](#) of Levin & Perconti represented the family in the settlement, which totals \$6.5 million. It includes \$1.5 million for the injuries suffered by the woman's husband and \$300,000 for her son's injuries.

Tabitha Carroll, 32, was killed on Halloween in 2008 when a tractor-trailer owned by Geils Farms and driven by Jeffrey Repec rear-ended her truck on Route 47 in Huntley. Carroll was riding in the truck with her husband, Randy, and their son, Gabriel.

The crash crushed Carroll's truck by pushing it into another vehicle that was stopped.

Police determined that Repec was under the influence of marijuana.

As the lawsuit progressed, the plaintiffs alleged that the farm owners violated federal regulations by not randomly testing drivers for drug use. The family also alleged that the farm owners failed to perform background checks on their drivers or obtain a copy of each driver's driving record.

In addition, the plaintiffs alleged that the farm company violated federal regulations by using an overloaded truck that weighed more than 80,000 pounds.

And the truck was unsafe, the plaintiffs alleged, because five of the 10 brakes were out of adjustment, and some of the brake pads were contaminated by oil or grease.

The lawsuit alleged that Repec was driving under the influence of drugs and speeding. Repec pled guilty to aggravated driving under the influence of drugs and is serving a 45-month sentence in a state prison.

The settlement resulted from a mediation handled by retired judge [Donald P. O'Connell](#). On Friday, Circuit Judge [Stephen Sullivan](#) of the 16th Judicial Circuit approved the settlement.

The wrongful death part of the settlement is a record in Kane County, according to Law Bulletin Publishing Co.'s Jury Verdict Reporter.

Randy Carroll's injuries included a broken spine, facial fractures and respiratory failure. He was hospitalized for one month after the accident and couldn't attend his wife's funeral.

Gabriel Carroll, who was 3 at the time of the accident, suffered two broken legs, head injuries and a forehead laceration that resulted in a permanent scar.

Perconti said the accident could have been avoided if the farm company had a drug-screening policy.

"When impaired drivers get behind the wheel, they put our families in danger and the consequences are often catastrophic, especially when operating a tractor-trailer because of their size and weight," Perconti said.

The farm company and its owners were represented by [Michael D. Huber](#) of Cray, Huber, Horstman, Heil & VanAusdal LLC. He couldn't be reached for comment.

Repec was represented by Rockford attorney [James P. Devine](#) of WilliamsMcCarthy LLP. He declined to comment.

The case is *Randolph Carroll, etc. v. Geils Farms LLC, et al.*, No. 09 L 39 consolidated with No. 10 L 122.

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