



## **TIMOTHY M. PALUMBO**

**SHAREHOLDER**

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### **Practice Areas**

- Automobile Accident Defense
- Commercial Lines (Premises Liability)
- Dram Shop Litigation
- Elevator Liability
- Legal Malpractice (E&O)
- Personal Lines (Premises Liability)
- Products Liability
- Professional Liability
- Retail and Restaurant (Premises Liability)
- Transportation Defense
- Wrongful Death Defense

Timothy M. Palumbo has more than 25 years of trial experience in the insurance defense industry handling litigated matters involving construction, product liability, automobile, property damage claims, legal and psychologist malpractice, transportation, aviation, restaurant and retail, employment practices liability, legal malpractice, employment law, contract litigation, and commercial premises liability matters. Tim also specializes in the defense of product liability litigation defending national product manufacturers and distributors.

Tim is well-versed in all areas of risk transfer and contractual indemnity issues. He has successfully argued before both the First District and Fifth District of the Illinois Appellate Court and tried cases in multiple jurisdictions in Illinois and several other states. Tim is also national litigation counsel for a nationwide manufacturer of hospitality industry furniture and for a manufacturer of inflatable structures for the amusement rental industry.

Prior to joining Kopka Pinkus Dolin, Tim concentrated his practice in commercial litigation and personal injury defense litigation in downstate Illinois. He was appointed Assistant City Attorney for the City of Alton, Illinois, defending the city in tort and labor related matters and in administrative hearings before various state agencies.

## Memberships

- American Bar Association
- Defense Research Institute
- Illinois State Bar Association

## Trial and Case Highlights

- Tim represented an intermodal rail yard in a case involving nine defendants where the plaintiff was injured when attempting to change a tire on a side loader (large forklift) at a railyard when the multi-piece rim and wheel assembly exploded. Plaintiff was in a coma for five months and was a quadriplegic. Multiple issues were involved including contractual tenders, excess coverages, federal removal and jurisdiction, foreign defendants and the Hague convention, site inspections and protocols and a myriad of liability and medical experts. Our attorneys were able to extricate the insured's liability insurance carrier through a series of successful tenders of defense, resulting in no indemnity payout by our carrier. The case eventually settled for more than \$5 million.
- Tim also represented a manufacturer of women's beauty supplies. Plaintiff purchased hair-bonding glue manufactured by our client. Plaintiff alleged that when attempting to remove the glue after application and use, her hair was torn out leaving her with multiple patches of baldness which resulted in several cosmetic surgeries and alleged psychological damage. The plaintiff's deposition resulted in favorable testimony regarding misapplication, misuse, and a general failure to follow specific instructions on the label. Our client was extricated with a successful motion for summary judgment. Approximately 15 months after the dismissal, the plaintiff challenged the ruling with new counsel attempting to set aside the dismissal with "new evidence." Plaintiff's post-judgment motion was briefed and argued, resulting in a denial of the motion, thereby allowing the original dismissal with prejudice to stand.
- Tim represented the manufacturer of an overhead crane which was sold to a steel company. Several years after sale and manufacture, the pendant-operated crane was lifting a load over workers underneath. As the load was being lifted, the operator two-blocked the load, causing the chain to snap and the load to drop, severely injuring the plaintiff standing below working in the area. Plaintiff sustained a serious brain injury, but managed to survive, resulting in partial paralysis, partial sight loss, and a loss of smell and taste. The court ruled that no dispositive motions could be filed until the completion of fact discovery. Site and product inspections involving engineering experts with comprehensive protocols resulted in numerous depositions showing the product had been altered and modified by the subsequent users. We were able to extricate manufacturer for a nuisance value settlement when the case eventually settled for \$2 million plus.

## **Admissions**

- Illinois
- Trial Bar of the U.S. District Court for the Northern District of Illinois
- U.S. District Courts for the Northern, Central, and Southern Districts of Illinois
- Multiple pro hac vice admissions in various state and federal courts

## **Education**

- St. Louis University School of Law, J.D.
- Bradley University, B.A.