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Bankruptcy confusion doesn't cost plaintiff the chance to sue over forklift accident

Legal Newsline | February 1, 2023

SPRINGFIELD, Ill. (Legal Newsline) - A man who lost his leg in a forklift accident didn't forfeit his right to sue a machinery distributor by denying the lawsuit in a personal bankruptcy filing, the Illinois Supreme Court ruled, upholding an appellate decision reversing a trial court's dismissal of the case.

Darrius Duniver's "no" answer on a Chapter 13 bankruptcy filing asking if he had any pending lawsuits "suggests confusion rather than deceit," the court ruled in a Jan. 20 opinion by Justice Lisa Holder White. Duniver disclosed a pending workers' compensation case in the filing and attempted to identify the law firm representing him, albeit by a misspelled name.

Read more about Romanucci & Blandin Partner Mike Holden and Senior Attorney Mike Grieco's appellate win with the Illinois Supreme Court through Daniel Fisher's reporting at Legal Newsline.