

FIRST DIVISION
FILED: September 30, 2011

No. 1-09-3450

GARY ESKEW and JUDY HENDERSON,)
as Co-Administrators of the Estate of)
SCOTT ESKEW, Deceased,)

Plaintiffs-Appellees,)

v.)

THE BURLINGTON NORTHERN AND)
SANTA FE RAILWAY COMPANY, a)
Foreign Corporation, and THE)
NORTHEAST ILLINOIS REGIONAL)
COMMUTER RAILROAD)
CORPORATION, an Illinois Corporation)
d/b/a METRA,)

Defendants-Appellants.)

APPEAL FROM THE
CIRCUIT COURT OF
COOK COUNTY

No. 06 L 0616

HONORABLE
DONALD SURIANO,
JUDGE PRESIDING.

PRESIDING JUSTICE HOFFMAN delivered the judgment of the court, with opinion.
Justices Karnezis and Rochford concurred in the judgment and opinion.

OPINION

¶ 1 The plaintiffs, Gary Eskew and Judy Henderson, as co-administrators of the estate of Scott Eskew (Eskew), deceased, brought this action against the defendants, the Burlington Northern and Santa Fe Railway Company (BNSF) and the Northeast Illinois Regional Commuter Railroad Corporation d/b/a Metra (Metra), alleging that their negligence resulted in the death of Eskew. The jury returned a verdict for the plaintiffs in the amount of \$5 million, assigning 85% of the liability