

McHenry County Law Firm Botto Gilbert Lancaster, PC Announces Favorable Appellate Court Ruling in Case Regarding the Loss of a Self-Employed Individual's Earning Capacity

The Crystal Lake law firm of Botto Gilbert Lancaster, PC announces a favorable ruling from the appellate court in the case Keiser-Long v. Owens (2015 IL App (4th) 140612).

([PRWEB](#)) March 07, 2016 -- The law firm of [Botto Gilbert Lancaster, PC](#) announces a favorable appellate court ruling in the Champaign County case Keiser-Long v. Owens (2015 IL App (4th) 140612). Attorney Elizabeth Felt Wakeman and Associate Attorney Alex C. Wimmer of Botto Gilbert Lancaster, PC represented the Plaintiff Carol Keiser-Long.

According to court documents, in 2008, Keiser-Long and Owens were involved in a car accident in Champaign County, when the defendant, Owens, disobeyed a stop sign. Owens admitted negligence and evidence was presented that confirmed that he was driving under the influence of alcohol. In November 2013, Keiser-Long filed a complaint seeking compensatory damages for her pain and suffering, medical expenses in addition to lost earning capacity and lost earning potential. Keiser-Long was self-employed and the sole shareholder of two corporations related to the cattle industry.

Court documents and testimony supported Plaintiff's claim that the accident had a substantial impact on Keiser-Long's ability to participate in the cattle business due to her severe pain and anxiety with driving. During the trial, Owens presented a motion for a directed verdict. Owens' argument was that Keiser-Long did not actually lose wages or a salary due to her injuries and that any losses were suffered by the two corporations who were not parties to the case. The court granted Owens' motion and removed the issue of her lost earning capacity from the list of issues to be decided the jury. The jury returned a verdict for Keiser-Long and awarded her compensatory damages and punitive damages.

In April 2014, Keiser-Long filed a motion to reconsider the trial court's finding with regard to the defendant's motion for a directed verdict. In June, the court denied the Plaintiff's motion to reconsider.

The case was then appealed to the Fourth District Appellate Court of Illinois. The appellate court rejected the defendant's argument and reversed the trial court's decision. The appellate court ordered that the case be presented for a new trial solely on the issue of the Plaintiff's lost earning capacity.

The appellate court held that the lost profits of a corporate entity are relevant to the determination of an individual's lost earning capacity. The appellate court held that this was true regardless of whether the corporation is an S chapter or C chapter corporation and whether Keiser-Long received a salary from the corporation when the corporation is closely held by the individual, and the individual's intellectual and physical labor is the predominant factor in earning its profits. Finally, the appellate court reiterated that there is no risk of double recovery because due to prior court decisions the corporation has no right to sue the negligent driver for these damages.

About Botto Gilbert Lancaster, PC:

The law firm of [Botto Gilbert Lancaster, PC](#) is located in Crystal Lake, Illinois. The McHenry County attorneys represent individuals and businesses within the practice areas of: personal injury, workers' compensation,



family law, criminal law, real estate, and corporate law.

Botto Gilbert Lancaster, PC upholds a strong reputation throughout Illinois as the veteran trial attorneys have received accolades from numerous legal organizations including: Leading Lawyers, Super Lawyers, AVVO, and the Million Dollar Advocates Forum. For a free initial consultation with a qualified attorney call 815-338-3838 or fill out the [online contact form](#).



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