

Bond Case Briefs

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GOVERNMENTAL IMMUNITY - ILLINOIS

Zameer v. City of Chicago

Appellate Court of Illinois, First District, Fifth Division - July 19, 2013 - N.E.2d - 2013 IL App (1st) 120198

Pedestrian brought suit against city for injuries she sustained when she tripped on defect in public sidewalk.

The Appellate Court held that:

- City did not have actual notice of defect, and
- City did not have constructive notice of defect, as required to be liable for injury under Tort Immunity Act.

Evidence that city received multiple prior complaints of defects in broader section of sidewalk was not relevant to establish that city had constructive notice of defect in portion of sidewalk on which pedestrian tripped and fell, as required to defeat motion for summary judgment based on governmental immunity under Tort Immunity Act.

Speculative theory that because section of sidewalk remained free of defects for two years, it could be inferred that the raised sidewalk on which pedestrian tripped and fell would have also remained in substantially the same condition over the same period, could not create fact question as to whether city had constructive notice of the defect, such that it could be liable for injury under Tort Immunity Act, so as to defeat motion for summary judgment.