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Hicks v. City of O'Fallon

Appellate Court of Illinois, Fifth District - August 28, 2019 - N.E.3d - 2019 IL App (5th) 180397 - 2019 WL 4126370

Passengers of ambulance brought personal injury action against city after paramedic, who was driving ambulance and was employed by city, lost control and wreaked ambulance on way to hospital.

The Circuit Court granted city's motion for summary judgment. Passengers appealed.

The Appellate Court held that ambulance driver's conduct was not willful and wanton.

Ambulance driver who lost control, hit wire barrier, and then came into contact with water in median, while transporting passengers to hospital, did not act with utter indifference to, or conscious disregard for, safety of others, as required to establish willful and wanton conduct, even though testimony demonstrated that it had rained for several days before accident; violation of city's policy, if one had existed at time of accident, would not alone have constituted evidence of willful and wanton conduct, and record was devoid of evidence that driver was aware of puddles of water on roadway that presented substantial danger.

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