

Bond Case Briefs

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LIABILITY - ILLINOIS

Harden v. City of Chicago

Appellate Court of Illinois, First District, Fifth Division - November 22, 2013 - N.E.2d - 2013 IL App (1st) 120846

Pedestrian who, while attempting to cross city street, broke bones in her leg and ankle after her foot became stuck in hole in six foot by four foot metal plate located on street, adjacent to crosswalk, brought negligence action against city. The Circuit Court granted summary judgment in favor of city. Pedestrian appealed.

The Appellate Court held that:

- Pedestrian was not “intended and permitted” user of street, such that city did not owe pedestrian a duty to maintain street in reasonably safe condition for use by pedestrian, and
- Even assuming that presence of snow had obscured visibility of marked crosswalk, city did not owe pedestrian a duty of reasonable care to maintain street and metal plate in reasonably safe condition, absent evidence that location of pedestrian’s fall was within boundaries of unmarked crosswalk.

Pedestrian who was injured while attempting to cross city street after her foot became stuck in hole in six foot by four foot metal plate located on street, adjacent to crosswalk, was not an “intended and permitted user” of the street, and thus, city did not owe injured pedestrian a duty of reasonable care to maintain street in reasonably safe condition for use by pedestrian under Local Governmental and Governmental Employees Tort Immunity Act. Pedestrian, instead of using the marked crosswalk that the city had provided for pedestrian traffic to cross street, chose to walk across metal plate located approximate three feet outside marked crosswalk.