

Bond Case Briefs

Municipal Finance Law Since 1971

IMMUNITY - ILLINOIS

Richter v. College of Du Page

Appellate Court of Illinois, Second District - December 31, 2013 - N.E.2d - 2013 IL App (2d) 130095

Pedestrian student brought negligence action against college after she allegedly tripped and fell on an uneven sidewalk. College moved for summary judgment. The Circuit Court, granted the motion. Pedestrian appealed.

The Appellate Court held that:

- Decision to repair sidewalk was made pursuant to a policy such that college was entitled to immunity, and
- Decision to repair sidewalk was discretionary such that college was entitled to immunity.

College's decision not to repair sidewalk was made pursuant to a policy, such that it was entitled to immunity in pedestrian student's slip and fall action to recover for injuries sustained after she tripped on a deviation between two sidewalk slabs. College had "wait-and-see" approach to repairing slabs and made each decision on a case-by-case basis given uncertainties of freeze-thaw cycles.

Repair of uneven sidewalk was a discretionary, rather than ministerial function, such that college was entitled to immunity in pedestrian student's slip and fall action after she tripped on a deviation between two sidewalk slabs. College's building and grounds manager alone made determination of whether to repair a sidewalk slab, and there was no set of rules or regulations that he was bound to follow.