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O'Toole v. Chicago Zoological Soc.

Appellate Court of Illinois, First District, Fourth Division - August 28, 2014 - N.E.3d - 2014 IL App (1st) 132652

Visitor who had tripped and fallen at zoo located in county forest preserve district brought action against zoological society, seeking damages for personal injuries. The Circuit Court dismissed the action on limitations grounds, and visitor appealed.

The Appellate Court held that zoological society was not “local public entity” and thus one-year limitations period under Local Governmental and Governmental Employees Tort Immunity Act did not apply to action.

Zoological society, a not-for-profit corporation located in county forest preserve district, was not a “local public entity,” and thus one-year limitations period under Local Governmental and Governmental Employees Tort Immunity Act did not apply to negligence action arising when visitor tripped and fell at zoo, since zoological society did not conduct “public business.” Contract between zoo and district gave zoological society entire control and management of the zoo, including control over daily operations, maintenance of zoo building and collections, over 90% of zoological society’s board of trustees and governing members were neither employees nor elected officials of the district, and zoo employees were not entitled to a state pension or state workers’ compensation.