

Bond Case Briefs

Municipal Finance Law Since 1971

LIABILITY - ILLINOIS

Pattullo-Banks v. City of Park

Appellate Court of Illinois First District, Fourth Division - September 4, 2014 - N.E.3d - 2014 IL App (1st) 132856

Pedestrian who had been hit by car while crossing street brought action against city, alleging that she had been forced to cross street at a point where there was no crosswalk because the city had breached its duty to maintain its property in a reasonably safe condition by unreasonably piling snow on the sidewalk so as to make it impassable. The Circuit Court entered summary judgment in favor of city, and pedestrian appealed.

The Appellate Court held that whether pedestrian was an intended user of street in location where she was hit by a car was irrelevant to determination of whether city breached its duty maintain its property in a reasonably safe condition by unreasonably piling snow on the sidewalk so as to make it impassable, for purposes of determining whether city was immune from liability for pedestrian's injuries under Local Governmental and Governmental Employees Tort Immunity Act. Issue of whether pedestrian was an intended and permitted user was to be determined based upon the property for which the city was alleged to have breached its duty rather than the place where the injury occurred.