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Coleman v. East Joliet Fire Protection Dist.

Supreme Court of Illinois - January 22, 2016 - N.E.3d - 2016 IL 117952 - 2016 WL 280515

Administrator of decedent's estate filed claims for wrongful death and survival, alleging willful and wanton conduct by fire protection districts, ambulance crew, and county, among others, in responding to emergency call. The Circuit Court, Will County, granted summary judgment to defendants. Administrator appealed. The Court of Appeals affirmed. Administrator petitioned for leave to appeal, which was allowed.

The Supreme Court of Illinois held that common-law public duty rule, which had provided that local governmental entities owed no duty to individual members of the general public to provide adequate government services, and its special duty exception, are abolished, and therefore, in cases where the legislature has not provided immunity for certain governmental activities, traditional tort principles apply; abrogating *Zimmerman v. Village of Skokie*, 183 Ill.2d 30, 231 Ill.Dec. 914, 697 N.E.2d 699, *Schaffrath v. Village of Buffalo Grove*, 160 Ill.App.3d 999, 112 Ill.Dec. 417, 513 N.E.2d 1026, *Leone v. City of Chicago*, 156 Ill.2d 33, 188 Ill.Dec. 755, 619 N.E.2d 119, *Burdinie v. Village of Glendale Heights*, 139 Ill.2d 501, 152 Ill.Dec. 121, 565 N.E.2d 654, *Huey v. Town of Cicero*, 41 Ill.2d 361, 363, 243 N.E.2d 214.