

Bond Case Briefs

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LIABILITY - ILLINOIS

Perez v. Chicago Park Dist.

Appellate Court of Illinois, First District, Second Division - September 13, 2016 - N.E.3d - 2016 IL App (1st) 153101 - 2016 WL 4772481

Park visitor, who was injured by fireworks illegally set off by other visitors, brought action against city park district.

The Circuit Court granted park district's motion to dismiss, and visitor appealed.

The Appellate Court held that:

- Fireworks were an activity on the property, not a condition;
- Park district had no duty to supervise park visitors who set off fireworks;
- Fireworks were not "conducted" by park district; and
- Park visitor forfeited her right to have review denial of motion to file a fourth amended complaint.

Fireworks set off illegally by people in park were an activity on the property, not a condition of the property, in determining whether city park district was liable for injuries sustained by park visitor injured by the fireworks under statute allowing an individual to bring action against public entities for willful and wanton conduct that creates a condition that causes an injury on property used for recreational purposes.

Fireworks that were illegally set off by park visitors and that injured park guest were not "conducted" by city park district, precluding liability of park district under the statute making a public entity liable for wanton and willful conduct in conducting a hazardous recreational activity on public property.

Park visitor, who was injured by fireworks set off illegally in park, forfeited her right to have Appellate Court review denial of her motion to file fourth amended complaint in her action against city park district. Visitor failed to include the amended complaint in the record on appeal, and the record contained no transcript of the proceedings on park visitor's oral motion to amend.