

Bond Case Briefs

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Monson v. City of Danville

Supreme Court of Illinois - August 2, 2018 - N.E.3d - 2018 IL 122486 - 2018 WL 3650216

Pedestrian filed a complaint against city after she tripped and fell on city sidewalk.

The Circuit Court granted city summary judgment and pedestrian appealed. The Appellate Court affirmed. Pedestrian appealed.

The Supreme Court of Illinois held that:

- Provision of the Local Governmental and Governmental Employees Tort Immunity Act that set forth a general duty on the part of a local public entity to maintain its property in a reasonably safe condition under certain circumstances did not operate to override or supersede the discretionary immunities afforded city under other provisions of the Act;
- No evidence existed to demonstrate that city's decision not to repair section of sidewalk on which pedestrian tripped and fell constituted an exercise of discretion, as required to entitle the city to discretionary immunity; but
- A genuine issue of material fact existed as to whether alleged sidewalk defect was so minimal that no danger to pedestrians could be seen, precluding summary judgment.