

# **Bond Case Briefs**

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## **PUBLIC UTILITIES - ILLINOIS**

### **Berry v. City of Chicago**

**Supreme Court of Illinois - September 24, 2020 - N.E.3d - 2020 IL 124999 - 2020 WL 5668974**

City residents brought class action against city on behalf of all residents, raising claims of negligence and inverse condemnation in relation to city's replacement of water meters and water main pipes, as well as partial replacement of lead service lines that ran between water mains and residences throughout city. City moved to dismiss.

The Circuit Court granted motion. Residents appealed. The Appellate Court reversed and remanded. City petitioned for leave to appeal and petition was granted.

The Supreme Court held that:

- Residents' allegations that city's actions in replacing water mains and meters created increased risk that lead would be dislodged or leach from residents' individual service lines failed to allege cognizable injury, as required to state claim for negligence, and
- Residents failed to allege any measurable, pecuniary loss caused by city's repair work, as required to state inverse-condemnation claim under Illinois Constitution.

City residents' allegations that city's actions in replacing water mains and meters created increased risk that lead would be dislodged or leach from residents' individual service lines failed to allege cognizable injury, as required to state claim for negligence.

City residents' allegations that city damaged proposed class members' property while repairing and updating its water supply system, that city, when replacing water mains and meters, used copper or galvanized iron pipes to reconnect residents' lead service lines to water supply system, and that this practice created increased risk of corrosion in service lines and, therefore, increased risk that lead would enter residents' water supplies, failed to allege any measurable, pecuniary loss caused by city's repair work, as required to state inverse-condemnation claim under Illinois Constitution, where residents did not allege that all service lines owned by proposed class members had been rendered completely unusable by city's actions or were unfit for human use as matter of law.