

APPELLATE COURT OF ILLINOIS, FIRST DISTRICT, FIRST DIVISION

Latronica v. Commonwealth Edison Co., 171 Ill. App. 3d 202

524 N.E.2d 1186 (Ill. App. Ct. 1988) · No. No. 87-3043 · Decided May 31, 1988

SUMMARY

The Illinois Appellate Court affirmed dismissal of a Structural Work Act claim brought by a drill-rig operator who fell while descending from the rig. The court held that the rig's platform was not a statutory "support" because it was used solely for ingress and egress rather than as a support for performing construction work. The court also held that the alleged slip-and-fall was not the type of extrahazardous activity contemplated by the Act and upheld denial of leave to amend.

CASE DETAILS

COURT	Appellate Court of Illinois, First District, First Division
WRITING FOR THE COURT	O'Connor; Campbell, P.J.; Quinlan, J.
JURISDICTION	Illinois
DECIDED	May 31, 1988
DOCKET	No. 87-3043
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order of the Circuit Court of Cook County dismissing the Structural Work Act count of plaintiff's second amended complaint and denying leave to file an amended Structural Work Act count.
STANDARD OF REVIEW	The question whether the drill rig constituted a support under the Structural Work Act was a question of statutory construction and law for the court to decide.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Don M. Latronica v. Commonwealth Edison Company, Edward Gray Corporation

TOPICS

- construction law
- statutory interpretation
- appellate procedure
- standard of review

PRACTICE AREAS

- construction law
- statutory interpretation
- appellate procedure

QUESTIONS PRESENTED

1. Whether the platform of a truck-mounted drill rig constituted a "support" within the meaning of the Illinois Structural Work Act when the plaintiff was using it to climb onto or off of the rig.
2. Whether the alleged slip and fall while stepping down from the drill rig involved the type of extrahazardous construction activity protected by the Structural Work Act.
3. Whether dismissal of the Structural Work Act count and denial of leave to amend were proper.

HOLDINGS

1. The truck platform did not constitute a support within the meaning of the Structural Work Act because, at the time of the injury, it was being used as a pathway for ingress and egress rather than as a support from which plaintiff performed construction work.
2. The alleged slip and fall while stepping down from the drill rig was a routine, nondangerous ingress-or-egress activity, not an extrahazardous construction activity within the intended scope of the Structural Work Act.
3. The trial court properly dismissed the Structural Work Act count and denied leave to file an amended count.

KEY QUOTATIONS

"Thus the drill rig platform, which was being used solely as a means of ingress and egress at the time of plaintiff's injury, did not constitute a support here within the meaning of the Act and plaintiff's count under the Act was properly dismissed and the trial court properly denied leave to file an amended complaint." (208)

FACTUAL BACKGROUND

Latronica operated a drill rig for Caisson Corporation at a construction site owned by Commonwealth Edison, where Edward Gray Corporation served as general contractor. After operating the rig, he attempted to climb down and fell from the truck platform, allegedly because oil and other fluids had accumulated on it. He claimed the drill rig platform was a statutory support under the Illinois Structural Work Act.

PROCEDURAL HISTORY

Latronica sued under the Illinois Structural Work Act after falling from a truck-mounted drill rig. The circuit court dismissed the Structural Work Act count on the ground that the drill rig was not a statutory support and denied leave to amend. The Illinois Appellate Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Vuletich v. United States Steel Corp., 117 Ill. 2d 417, 512 N.E.2d 1223 (1987)
- Carnevale v. Inland Ryerson Building Systems, 169 Ill. App. 3d 740 (1988)

- McNellis v. Combustion Engineering, Inc., 58 Ill. 2d 146, 319 N.E.2d 573 (1974)
- Herman v. Swisher, 115 Ill. App. 3d 179, 450 N.E.2d 28 (1983)
- Choi v. Commonwealth Edison Co., 129 Ill. App. 3d 878, 473 N.E.2d 385 (1984)
- Hall v. Canady, 149 Ill. App. 3d 544, 500 N.E.2d 689 (1986)
- Page v. Corley Cos., 131 Ill. App. 3d 56, 475 N.E.2d 57 (1985)
- Acquaviva v. Sears Roebuck & Co., 68 Ill. App. 3d 588, 386 N.E.2d 381 (1979)
- Crafton v. Lester B. Knight & Associates, Inc., 46 Ill. 2d 533, 263 N.E.2d 817 (1970)
- Prange v. Kamar Construction Corp., 109 Ill. App. 3d 1125, 441 N.E.2d 889 (1982)
- Bullistron v. Northern Builders, Inc., 127 Ill. App. 3d 242, 468 N.E.2d 1281 (1984)
- Cooley v. Central Illinois Public Service Co., 110 Ill. App. 3d 685, 442 N.E.2d 1330 (1982)
- Harper v. Schal Associates, Inc., 159 Ill. App. 3d 542, 510 N.E.2d 1061 (1987)

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