

SUPREME COURT OF ILLINOIS

Adams v. Northern Illinois Gas Co.

211 Ill. 2d 32 (Ill. 2004) · No. No. 94748 · Decided April 1, 2004

SUMMARY

The Supreme Court of Illinois affirmed the appellate court's reversal of summary judgment for Northern Illinois Gas Company in a wrongful-death action arising from a failed Cobra gas-appliance connector. The court held that a gas utility may owe customers a duty to warn or investigate when it has actual or constructive knowledge of a dangerous defect in customer-owned gas fixtures, even when the utility does not own or control those fixtures.

CASE DETAILS

COURT	Supreme Court of Illinois
WRITING FOR THE COURT	Justice Freeman; Freeman; Fitzgerald; Garman; Thomas
JURISDICTION	Illinois
DECIDED	April 1, 2004
DOCKET	No. 94748
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff brought a wrongful-death negligence action against Northern Illinois Gas Company. The circuit court granted the utility's motion for summary judgment. The Illinois Appellate Court reversed and remanded. The Illinois Supreme Court granted leave to appeal and affirmed the appellate court.
STANDARD OF REVIEW	Summary judgment is reviewed de novo. Summary judgment is proper only when the pleadings and evidentiary materials show no genuine issue of material fact and the moving party is entitled to judgment as a matter of law; the evidence is construed strictly against the movant and liberally in favor of the opponent.
PRECEDENTIAL VALUE	Published Illinois Supreme Court opinion; precedential.
PARTIES	Northern Illinois Gas Company v. Christy Adams, Special Administrator of the Estate of Janice Adams, Deceased

TOPICS

wrongful death

negligence

duty of care

summary judgment

standard of review

PRACTICE AREAS

torts

personal injury

public utilities

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether Northern Illinois Gas Company owed the decedent a common-law duty of reasonable care, including a duty to warn, regarding a customer-owned Cobra gas connector when the utility knew of the danger created by the interaction between its gas and the connector.
2. Whether NI-Gas's filed tariff, which stated that the company assumed no responsibility for the customer's gas equipment, eliminated the common-law duty or exception based on the utility's knowledge of a dangerous condition.
3. Whether summary judgment was proper when breach and proximate cause remained factually disputed.

HOLDINGS

1. A gas utility that has superior knowledge of a danger created in part by its product's interaction with a customer-owned appliance connector owes a common-law duty of reasonable care regarding that danger, including a duty to warn customers.
2. The NI-Gas tariff did not absolve the company of its common-law duty to use reasonable care or eliminate the common-law exception applicable when the utility has notice of a dangerous condition.
3. Summary judgment was improper because, after recognizing a duty to warn, genuine issues remained as to whether NI-Gas breached that duty and whether the breach proximately caused the decedent's injuries.

KEY QUOTATIONS

“Based on its superior knowledge and the fact that it helped to create the dangerous condition, we hold that NI-Gas owed a common law duty of reasonable care with respect to the brazed connectors.” (at 1262)

“This holding is directed exclusively to the element of duty and is limited to the evidence contained in the present record.” (at 1263)

“We hold that NI-Gas' tariff provision did not absolve the company of its common law duty owed to plaintiff.” (at 1273)

FACTUAL BACKGROUND

Janice Adams died when her home exploded after a Cobra flexible brass gas connector attached to her kitchen range failed, allowing natural gas to accumulate and ignite. The connector was customer-owned and had not been installed by NI-Gas, but NI-Gas had substantial knowledge that Cobra connectors could deteriorate because sulfur compounds in its odorized gas corroded the phosphorous-brazed joints. NI-Gas knew of prior fires and explosions involving such connectors and had sent general warnings to customers, but the record presented evidence that it did not specifically warn or inspect the decedent's connector.

PROCEDURAL HISTORY

The circuit court of Cook County granted NI-Gas summary judgment on the ground that it owed no legal duty to warn the decedent about a customer-owned Cobra gas connector. The appellate court initially affirmed but modified its decision on rehearing, reversing the summary judgment and remanding because a utility with actual knowledge of a dangerous condition associated with its product has a duty to warn customers. The Illinois Supreme Court affirmed that judgment and remanded for further proceedings.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

Proceed with further proceedings on whether NI-Gas breached its duty to warn and whether any breach proximately caused the decedent's injuries.

CASES CITED

- *Happel v. Wal-Mart Stores, Inc.*, 199 Ill. 2d 179, 262 Ill. Dec. 815, 766 N.E.2d 1118 (2002)
- *Gilbert v. Sycamore Municipal Hospital*, 156 Ill. 2d 511, 190 Ill. Dec. 758, 622 N.E.2d 788 (1993)
- *Espinoza v. Elgin, Joliet & Eastern Ry. Co.*, 165 Ill. 2d 107, 208 Ill. Dec. 662, 649 N.E.2d 1323 (1995)
- *Outboard Marine Corp. v. Liberty Mutual Insurance Co.*, 154 Ill. 2d 90, 180 Ill. Dec. 691, 607 N.E.2d 1204 (1992)
- *Ward v. K Mart Corp.*, 136 Ill. 2d 132, 143 Ill. Dec. 288, 554 N.E.2d 223 (1990)
- *Clare v. Bond County Gas Co.*, 356 Ill. 241, 190 N.E. 278 (1934)
- *Lemke v. Metropolitan Utilities District*, 243 Neb. 633, 502 N.W.2d 80 (1993)
- *Halliburton v. Public Service Co. of Colorado*, 804 P.2d 213 (Colo. App. 1990)
- *Pioneer Hi-Bred Corn Co. of Illinois v. Northern Illinois Gas Co.*, 61 Ill. 2d 6, 329 N.E.2d 228 (1975)
- *In re Illinois Bell Switching Station Litigation*, 161 Ill. 2d 233, 204 Ill. Dec. 216, 641 N.E.2d 440 (1994)
- *Western Union Telegraph Co. v. Esteve Brothers & Co.*, 256 U.S. 566, 41 S. Ct. 584, 65 L. Ed. 1094 (1921)
- *American Telephone & Telegraph Co. v. Central Office Telephone, Inc.*, 524 U.S. 214, 118 S. Ct. 1956, 141 L. Ed. 2d 222 (1998)
- *Sarelas v. Illinois Bell Telephone Co.*, 42 Ill. App. 2d 372, 192 N.E.2d 451 (1963)
- *Mrdalj v. Public Service Co. of Northern Illinois*, 308 Ill. App. 424, 31 N.E.2d 978 (1941)
- *Barthel v. Illinois Central Gulf Railroad Co.*, 74 Ill. 2d 213, 23 Ill. Dec. 529, 384 N.E.2d 323 (1978)
- *Bush v. Squellati*, 122 Ill. 2d 153, 119 Ill. Dec. 366, 522 N.E.2d 1225 (1988)
- *Metz v. Central Illinois Electric & Gas Co.*, 32 Ill. 2d 446, 207 N.E.2d 305 (1965)