

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
ILLINOIS, EASTERN DIVISION

Gina Marino-Kalish v. Menard, Inc.

No. 23-cv-02991, United States District Court for the Northern District of Illinois, Eastern Division (February 19, 2026)

SUMMARY

The United States District Court for the Northern District of Illinois granted Menard, Inc.’s motion for summary judgment in a negligence action arising from pruning sets falling on the plaintiff in a Menard store. The court held that the plaintiff presented no evidence establishing proximate causation or that Menard had actual or constructive knowledge of a dangerous condition.

CASE DETAILS

COURT	United States District Court for the Northern District of Illinois, Eastern Division
WRITING FOR THE COURT	John Robert Blakey
JURISDICTION	United States District Court for the Northern District of Illinois, Eastern Division
DECIDED	February 19, 2026
DOCKET	23-cv-02991
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought an Illinois negligence claim against Menard after pruning sets fell on her at a Menard store. Menard moved for summary judgment under Federal Rule of Civil Procedure 56.
STANDARD OF REVIEW	Summary judgment is proper when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court construes facts and reasonable inferences in favor of the nonmovant, but the nonmovant must identify specific, admissible evidence sufficient for a reasonable jury to find in its favor.
PRECEDENTIAL VALUE	Unpublished district court memorandum opinion; persuasive but not binding outside the case.
PARTIES	Gina Marino-Kalish v. Menard, Inc.

TOPICS

summary judgment

premises liability

proximate cause

negligence

civil procedure

PRACTICE AREAS

civil procedure

negligence

premises liability

personal injury

commercial litigation

QUESTIONS PRESENTED

1. Whether the evidence created a genuine dispute of material fact that Menard breached its duty to maintain its premises in a reasonably safe condition.
2. Whether the evidence created a genuine dispute of material fact that Menard's act or omission proximately caused Marino-Kalish's injury.
3. Whether Marino-Kalish could proceed under an Illinois premises-liability theory without evidence that Menard had actual or constructive knowledge of a dangerous condition.
4. Whether Menard was entitled to summary judgment under Federal Rule of Civil Procedure 56.

HOLDINGS

1. The plaintiff cannot withstand summary judgment on an Illinois negligence claim without evidence establishing with reasonable certainty that the defendant's act or omission caused the injury; speculation, guess, or conjecture is insufficient.
2. An Illinois premises-liability plaintiff must present evidence that the defendant had actual or constructive knowledge of the dangerous or defective condition; absent such evidence, the claim cannot proceed to a jury.
3. Menard was entitled to summary judgment because Marino-Kalish identified no evidence from which a reasonable jury could find that Menard caused her injury or knew or should have known of a dangerous condition.

KEY QUOTATIONS

"The mere 'occurrence of an accident does not support an inference of negligence.'" (III)

"Plaintiff has identified no evidence of any act or omission on Menard's part that proximately caused Plaintiff's injury, and thus, her claim fails as a matter of law." (III)

"As a result, her negligence claim fails as a matter of law, and the Court, accordingly, grants Defendant's motion for summary judgment [42]." (IV)

FACTUAL BACKGROUND

Marino-Kalish was shopping for pruning shears at a Menard store when she attempted to remove a pruning set from a display case positioned slightly above eye level. Several pruning sets fell on her head while she was handling the display. She was the only person in the aisle and the only person who touched the pruning sets, but she did not observe anything hazardous or precarious about the display and could not identify why the sets fell.

Menard employees testified that they had no knowledge of prior incidents, customer complaints, or safety hazards involving the display.

PROCEDURAL HISTORY

Marino-Kalish filed a diversity action against Menard, Inc. Menard moved for summary judgment, arguing that the record lacked evidence of breach, proximate cause, or actual or constructive knowledge of a dangerous condition. The court granted the motion and terminated the civil case.

DISPOSITION

other

CASES CITED

- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 252 (1986)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986)
- King v. Hendricks Cty. Comm'rs, 954 F.3d 981, 984 (7th Cir. 2020)
- Hutchison v. Fitzgerald Equip. Co., Hutchison v. Fitzgerald Equip. Co., Inc., 910 F.3d 1016, 1021–22 (7th Cir. 2018)
- Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 586 (1986)
- Barnes v. City of Centralia, 943 F.3d 826, 832 (7th Cir. 2019)
- Wilfong v. L.J. Dodd Constr., 930 N.E.2d 511, 519 (Ill. 2010)
- Reid v. Kohl's Dept. Stores, Inc., 545 F.3d 479, 481 (7th Cir. 2008)
- Fanter v. Menard, Inc., No. 15 C 7912 (N.D. Ill. Mar. 20, 2017)
- Zuppari v. Wal-Mart Stores, Inc., 770 F.3d 644, 649, 651 (7th Cir. 2014)
- Dunn v. Menard, 880 F.3d 899, 905 (7th Cir. 2018)
- Maroules v. Jumbo, Inc., 452 F.3d 639, 645 (7th Cir. 2006)
- Simmons v. Garces, 736 N.E.2d 720, 732 (Ill. 2002)
- Kellman v. Twin Orchard Country Club, 560 N.E.2d 888, 892 (Ill. App. 1990)
- Yoon v. Menard, Inc., No. 20 CV 6281 (N.D. Ill. May 4, 2023)
- Stott v. Menard's #3071, No. 16 C 11037 (N.D. Ill. Feb. 7, 2018)
- Grant v. Trustees of Indiana Univ., 870 F.3d 562, 568 (7th Cir. 2017)
- Barrios v. Fashion Gallery, Inc., 255 F. Supp. 3d 728, 731 (N.D. Ill. 2017)

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