

SUPREME COURT OF ILLINOIS

Matthew Rexroad v. City of Springfield

207 Ill. 2d 33 (Ill. 2003) · No. No. 94374 · Decided August 21, 2003

SUMMARY

The Illinois Supreme Court held that section 3-106 of the Local Governmental and Governmental Employees Tort Immunity Act did not immunize the City of Springfield and a school board from negligence liability for a hazardous condition in a school parking lot. The parking lot served the entire school and was not property intended or permitted to be used for recreational purposes merely because it provided access to a football practice field. The court also held that summary judgment was inappropriate under the open-and-obvious-condition doctrine because the plaintiff's distraction and the defendants' failure to maintain barricades could support a duty of care.

CASE DETAILS

COURT	Supreme Court of Illinois
WRITING FOR THE COURT	Justice Thomas
JURISDICTION	Illinois
DECIDED	August 21, 2003
DOCKET	No. 94374
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiffs appealed the grant of summary judgment to the City of Springfield and the school board in a negligence action. The Illinois Appellate Court affirmed, and the Illinois Supreme Court allowed plaintiffs' petition for leave to appeal.
STANDARD OF REVIEW	Summary judgment is reviewed de novo. Whether a legal duty exists is a question of law; whether an existing duty was breached is generally a question for the jury.
PRECEDENTIAL VALUE	Published Illinois Supreme Court opinion; binding statewide precedent.
PARTIES	Matthew Rexroad, Harold Rexroad v. City of Springfield, Board of Education of Springfield School District No. 186

TOPICS

municipal liability

statutory interpretation

negligence

premises liability

summary judgment

PRACTICE AREAS

negligence

municipal tort liability

governmental immunity

premises liability

summary judgment

QUESTIONS PRESENTED

1. Whether section 3-106 of the Local Governmental and Governmental Employees Tort Immunity Act immunized defendants from liability for an injury occurring in a school parking lot that served the entire school but also provided access to a football practice field.
2. Whether the alleged open and obvious nature of the hole precluded defendants from owing Rexroad a duty of reasonable care under the distraction exception.

HOLDINGS

1. Section 3-106 immunity did not apply because the parking lot served the entire school and any recreational use associated with the football practice field was merely incidental.
2. The alleged open and obvious nature of the hole did not preclude a duty because it was reasonably foreseeable that Rexroad's attention could be distracted, bringing the case within the distraction exception.

KEY QUOTATIONS

*“Applying the analysis of Bubb, we hold that any recreational use of the parking lot in question was so incidental that section 3-106 does not apply.” (*1045)*

*“The existence of an open and obvious condition, however, is not a per se bar to a finding of a legal duty on the part of the premises owner or occupier.” (*1047)*

*“Under these circumstances, we find that summary judgment in favor of defendants based on the alleged open and obvious nature of the condition on the premises would be inappropriate.” (*1047)*

FACTUAL BACKGROUND

Matthew Rexroad was working as a manager for a high school football team when he was sent to retrieve a helmet from the locker room. After the most direct gate was locked, he walked through a school parking lot toward another gate and stepped into a four-inch-deep hole created by the removal of a fire hydrant, breaking his ankle. The parking lot served the entire school complex, not merely the football practice field. Barricades and an orange ribbon had initially been placed around the hole but had been moved aside before Rexroad's fall, and Rexroad testified that he was distracted by his focus on delivering the helmet.

PROCEDURAL HISTORY

The circuit court granted defendants summary judgment, holding that section 3-106 of the Local Governmental and Governmental Employees Tort Immunity Act barred liability. The appellate court affirmed, with one justice dissenting. The Illinois Supreme Court reversed both judgments and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The cause was remanded to the circuit court for further proceedings consistent with the opinion.

CASES CITED

- Sollami v. Eaton, 201 Ill. 2d 1, 772 N.E.2d 215 (2002)
- Golla v. General Motors Corp., 167 Ill. 2d 353, 657 N.E.2d 894 (1995)
- Harrison v. Hardin County Community Unit School District No. 1, 197 Ill. 2d 466, 758 N.E.2d 848 (2001)
- Bubb v. Springfield School District 186, 167 Ill. 2d 372, 657 N.E.2d 887 (1995)
- Adamczyk v. Township High School District 214, 324 Ill. App. 3d 920, 755 N.E.2d 30 (2001)
- Capps v. Belleville School District No. 201, 313 Ill. App. 3d 710, 730 N.E.2d 81 (2000)
- Batson v. Pinckneyville Elementary School District No. 50, 294 Ill. App. 3d 832, 690 N.E.2d 1077 (1998)
- Bucheleres v. Chicago Park District, 171 Ill. 2d 435, 665 N.E.2d 826 (1996)
- Bonner v. City of Chicago, 334 Ill. App. 3d 481, 778 N.E.2d 285 (2002)
- Ward v. K mart Corp., 136 Ill. 2d 132, 554 N.E.2d 223 (1990)
- Deibert v. Bauer Brothers Construction Co., 141 Ill. 2d 430, 566 N.E.2d 239 (1990)