

APPELLATE COURT OF ILLINOIS, THIRD DISTRICT

Allumi v. Oswego Community Unit School District 308

2026 IL App (3d) 250108 · No. 3-25-0108 · Decided April 20, 2026

SUMMARY

The Illinois Appellate Court, Third District, reviews the dismissal of negligence claims arising from a child’s injury on an inflatable slide at a school field-day event. The court analyzes immunity under sections 3-108(a) and 3-109 of the Local Governmental and Governmental Employees Tort Immunity Act, distinguishing negligent supervision from negligent failure to guard or warn. The court affirms in part, reverses in part, and remands for further proceedings.

CASE DETAILS

COURT	Appellate Court of Illinois, Third District
WRITING FOR THE COURT	Justice Peterson; Justice Brennan; Justice Davenport
JURISDICTION	Illinois Appellate Court, Third District
DECIDED	April 20, 2026
DOCKET	3-25-0108
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff appealed from a circuit court order granting the Oswego defendants' section 2-619(a)(9) motion to dismiss negligence claims with prejudice and denying plaintiff's motion to reconsider. The trial court entered a Rule 304(a) finding permitting an interlocutory appeal.
STANDARD OF REVIEW	De novo review applies to a section 2-619 motion to dismiss and to issues of statutory construction. The pleadings and supporting documents are construed in the light most favorable to the nonmoving party.
PRECEDENTIAL VALUE	Published Illinois appellate opinion
PARTIES	Samantha Allumi, as Parent and Next Friend of Chase Allumi v. Oswego Community Unit School District 308, Oswego Community Unit School District 308 Board of Education, Southbury Home and School Organization

TOPICS

municipal liability

negligence

statutory interpretation

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PRACTICE AREAS

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Statutory interpretation

QUESTIONS PRESENTED

1. Whether the negligence allegations against the Oswego defendants were subject to immunity under the supervision-immunity provision of section 3-108(a) or the hazardous-recreational-activity provision of section 3-109 of the Local Governmental and Governmental Employees Tort Immunity Act.
2. Whether particular alleged negligent acts constituted failure to guard or warn under section 3-109(c)(1), rather than failure to supervise, and therefore could not be dismissed at that stage on supervision immunity grounds.
3. Whether Southbury Home and School Organization qualified as a local public entity under section 1-206 of the Tort Immunity Act.
4. Whether the appeal was properly before the appellate court under Illinois Supreme Court Rule 304(a).

HOLDINGS

1. Most of the alleged negligent acts involved managing, directing, overseeing, coordinating, or supervising the field-day activities and therefore fell within the category of failure to properly supervise. The Oswego defendants were immune from liability for those negligence claims under the applicable Tort Immunity Act provisions, absent willful and wanton conduct.
2. The allegations concerning failure to provide proper safety equipment, failure to hold Chase back before the event, failure to notify or advise parents about the event and inflatable slide, failure to ensure medical clearance, and failure to provide a safe inflatable slide were more appropriately categorized as failure to guard or warn rather than supervision. The trial court erred by dismissing those allegations at that stage.
3. The appellate court did not decide whether racing on the inflatable slide was a hazardous recreational activity. It remanded that determination to the trial court, which could require additional discovery.
4. SHSO qualified as a local public entity because it was a not-for-profit corporation organized for the purpose of conducting public business.
5. The appellate court had jurisdiction over the appeal and denied the Oswego defendants' motion to dismiss the first issue for lack of appellate jurisdiction.

KEY QUOTATIONS

“The Act grants only immunities and defenses—it does not create any new duties but, rather, merely codifies those duties that existed at common law, to which the subsequently delineated immunities apply.” (§ 19)

“Thus, it would seem that to keep the category of “guard or warn” from being subsumed under the category of “supervision,” courts would have to limit “guard or warn” to acts (or omissions) that took place ahead of

time and in preparation for the activity in question and not while the local public entity or public employee was actually overseeing the activity.” (¶ 25)

“Affirmed in part and reversed in part; cause remanded.” (¶ 43)

FACTUAL BACKGROUND

During a May 2023 field day at Southbury Elementary School, the Oswego defendants arranged for an inflatable slide and organized a race between students using it. Chase Allumi participated in the race and was injured when other students collided with him as he attempted to exit the slide, causing him to fall to the ground and fracture his right arm. School personnel knew that Chase had previously fractured the same arm.

PROCEDURAL HISTORY

Samantha Allumi filed a tort action on behalf of her minor son against the school district, its board of education, Southbury Home and School Organization, the school, and Bounce City Party Rentals. The circuit court dismissed the negligence claims against the Oswego defendants with prejudice based on immunity under the Local Governmental and Governmental Employees Tort Immunity Act, determined that SHSO was a local public entity, and denied reconsideration. The appellate court affirmed in part, reversed in part, denied the motion to dismiss the appeal for lack of jurisdiction, and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Affirm the dismissal of negligence allegations that fall within supervision immunity; reverse the dismissal of the negligence allegations in paragraphs (d), (f), (g), (h), (i), and (k) of counts I, III, and VII; determine whether racing on the inflatable slide was a hazardous recreational activity under section 3-109; and conduct further proceedings on those counts and the other claims still pending.

CASES CITED

- Van Meter v. Darien Park District, 207 Ill. 2d 359, 367-68 (2003)
- Advocate Health & Hospitals Corp. v. Bank One, N.A., 348 Ill. App. 3d 755, 759 (2004)
- Snyder v. Heidelberger, 2011 IL 111052, ¶ 8
- Direct Auto Insurance Co. v. Beltran, 2013 IL App (1st) 121128, ¶ 43
- McDonald v. Lipov, 2014 IL App (2d) 130401, ¶ 14
- Gaffney v. Board of Trustees of the Orland Fire Protection District, 2012 IL 110012, ¶¶ 50, 56
- Blum v. Koster, 235 Ill. 2d 21, 29 (2009)
- Williams v. Illinois State Scholarship Comm’n, 139 Ill. 2d 24, 51 (1990)
- West v. Kirkham, 147 Ill. 2d 1, 5 (1992)
- Harris v. Thompson, 2012 IL 112525, ¶¶ 16-17

- Murray v. Chicago Youth Center, 224 Ill. 2d 213, 226, 232-34, 244 (2007)
- Spangenberg v. Verner, 321 Ill. App. 3d 429, 432 (2001)
- Longfellow v. Corey, 286 Ill. App. 3d 366, 370 (1997)
- Illinois State Treasurer v. Illinois Workers' Compensation Comm'n, 2015 IL 117418, ¶ 28
- Henrich v. Libertyville High School, 186 Ill. 2d 381 (1998)
- Ries v. City of Chicago, 242 Ill. 2d 205, 219 (2011)
- O'Toole v. Chicago Zoological Society, 2015 IL 118254, ¶¶ 18-23
- O'Melia v. Lake Forest Symphony Ass'n, 303 Ill. App. 3d 825, 829 (1999)
- Carroll v. Paddock, 199 Ill. 2d 16, 25 (2002)
- Krivitskie v. Cramlett, 301 Ill. App. 3d 705, 706-08 (1998)
- Palmolive Tower Condominiums, LLC v. Simon, 409 Ill. App. 3d 539, 544 (2011)

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