

## Jury Verdict Secured by Corboy & Demetrio Affirmed by Illinois Appellate Court

March 2010

In 2005 Corboy & Demetrio attorneys Francis Patrick Murphy and William Gibbs filed a lawsuit on behalf of a woman alleging that she fell and injured her elbow due to the negligence of the city of Evanston in maintaining an alley behind her house.

Following a jury trial, a verdict of \$201,829.00 was rendered in favor of the plaintiff, less 50% for her contributory negligence. The city of Evanston appealed the verdict arguing that she was not an intended user of the alley, the trial court erred in ruling as a matter of law that she was an intended user and that the city was immune from liability.

In reviewing the established case law, the Court stated that a municipality owes a duty of ordinary care only to those who are an intended and permitted user of municipal property. While the defendant agreed that she was a permitted user, it argued that she was not an intended user. The court disagreed and adopted the reasoning and arguments of Murphy and Gibbs, stating, “[The plaintiff] complied with the City’s ordinance and garbage pick-up policy when she placed her waste containers in the alley and thus should fall within a safe harbor, where pedestrians are intended users of the alley when they walk in the alley only to access their waste containers.”

The Court did not find the city’s other arguments persuasive and affirmed the trial court’s judgment.

“The Appellate Court’s decision is well-reasoned and follows our reading and interpretation of Illinois law,” said Murphy.

Read the entire Illinois Appellate Court decision [here](#).

### Attorneys

- William T. Gibbs
- Francis Patrick Murphy

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