



## **Brown v. Village of Lisle**

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In *Brown v. Village of Lisle*, the plaintiff alleged that she slipped and fell on a patch of ice located on the Metra train platform in the Village on December 31, 2018 at 5:30 a.m. The evidence in the case established that it had been freezing rain outside for at least a half hour prior to the plaintiff's slip and fall and that the Village took no action to spread salt or salt brine on the train's platform or use any signs to warn of slippery conditions. The Village argued in its Motion for Summary Judgment that the icy conditions that existed on the train station platform were from a natural accumulation of ice, the Village was entitled to immunity for the effect of weather conditions on its property pursuant to §3-105 of the Tort Immunity Act; the Village had no actual or constructive notice of the icy conditions on the train platform prior to plaintiff's slip and fall and the icy conditions were an open and obvious condition. The plaintiff argued that there was an unnatural accumulation of ice created by the yellow ADA strip in the area of the plaintiff's fall which has truncated cones that allow ice to pool, the Village contracted with Metra to maintain the train platform and promptly remove ice and snow from the platform which was a voluntary undertaking under the law, the weather forecast reports sent to the Village twice a day forecasted ice rain which was actual notice to the Village, and the deliberate encounter exception to the open and obvious rule applies to the facts of this case.

Judge Kappas heard oral arguments on the Village's Motion for Summary Judgment and granted the motion holding that there was no competent evidence that there was an unnatural accumulation of ice created by the ADA strip on the train platform, there was no voluntary undertaking by the Village in that it did not take any action regarding the icy conditions on the train platform, and there was no evidence that the Village was negligent in its failure to respond to the train platform as it was prior to normal work hours for the Public Works employees and was only freezing rain for thirty minutes prior to the plaintiff's slip and fall. The Court further held that the Village did not have actual or constructive notice of the icy conditions as the weather reports did not absolutely forecast freezing rain, instead they stated that the area *may* experience freezing rain in the time period when the plaintiff fell and there was no evidence that the icy conditions were present for an extended period of time.