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PREMISES LIABILITY UPDATE

Presented and Prepared by:
Heidi E. Ruckman
hruckman@heylroyster.com
Rockford, Illinois • 815.963.4454

Heyl, Royster, Voelker & Allen
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PREMISES LIABILITY UPDATE

The cases and materials presented here are in summary and outline form. To be certain of their applicability and use for specific claims, we recommend the entire opinions and statutes be read and counsel consulted.

PREMISES LIABILITY UPDATE

I. OVERVIEW OF PREMISES LIABILITY – RULES AND EXCEPTIONS

A. The Rule

It is well settled that a possessor of land can be liable to an invitee under certain circumstances. The Restatement (Second) of Torts provides:

> A possessor of land is subject to liability for physical harm caused to his invitees by a condition on the land if, but only if, he
>
> (a) knows or by the exercise of reasonable care would discover the condition, and should realize that it involves an unreasonable risk of harm to invitees, and
> (b) should expect that they will not discover or realize the danger, or will fail to protect themselves against it, and
> (c) fails to exercise reasonable care to protect them against danger.

Restatement (Second) of Torts § 343 (1965)

B. The Exception – Open and Obvious Doctrine

However, the open and obvious doctrine is an exception to the general duty of care owed by a possessor of land. The Restatement of Torts provides that:

> A possessor of land is not liable to his invitees for physical harm caused to them by any activity or condition on the land whose danger is known or obvious to them, unless the possessor should anticipate the harm despite such knowledge or obviousness.

Restatement (Second) of Torts § 343A (1)(1965).

C. The Exceptions to the Exception – Distraction Doctrine and Deliberate Encounter Doctrine

There are two exceptions to the open and obvious doctrine. The first one is the distraction exception. This exception involves a situation where a possessor of land should anticipate the harm because it has reason to expect that the invitee's attention may be distracted, so that the invitee would not discover the condition despite its obviousness or will forget what he has discovered and fail to protect against it. Restatement (Second) Torts § 343A, Comment f (1965).

The second exception is the deliberate encounter exception. This exception is triggered when the possessor of land has reason to anticipate or expect that the invitee will proceed to encounter an open and obvious danger because to a reasonable person in the invitee's position the advantages of doing so outweigh the apparent risk. Restatement (Second) Torts § 343A, Comment f (1965).

II. PREMISES CASE LAW UPDATES

A. Possessor of Land Potentially Liable – Open and Obvious Exception Did Not Apply

***Alqadhi v. Standard Parking, Inc.,* 405 Ill. App. 3d 14, 938 N.E.2d 584, 345 Ill. Dec. 145 (1st Dist. 2010)**

Facts: Plaintiff tripped and fell over raised concrete while leaving the defendant's parking garage. The concrete was raised 3/4 of an inch near the wheelchair accessible ramp. Defendant contended that no foreseeable risk was created by the concrete and the condition was open and obvious. Plaintiff responded by having an expert testify that the raised concrete created an optical illusion of a flat walking surface because it was the same color as the cement and the lighting was bad. However, plaintiff admitted that she had parked in the garage before without falling and she "probably would have seen the raised concrete if she had been looking downward."

Holding: "A condition is open and obvious where a reasonable person in the plaintiff's position exercising ordinary perception, intelligence and judgment would recognize both the condition and the risk involved." *Alqadhi* at 17. The appellate court disagreed with the trial court's finding that as a matter of law the raised concrete causing the plaintiff's injury was open and obvious based on the plaintiff's expert's testimony. Plaintiff presented evidence that the lighting conditions were bad or low, that she was unable to appreciate the change in elevation from the parking lot to the curb and that the lack of contrast created the illusion that she was walking on a flat surface. Plaintiff's expert further opined that based on these conditions, the tripping hazard was not obvious. Defendant countered that it was not a dangerous condition and described the area as being well lit, free from defects and visible and obvious. Likewise, defendant argued in the alternative that the condition was *de minimus*. Under the *de minimus* rule, which was extended to private landowners under certain circumstances, minor defects in a sidewalk are generally not actionable. However, a minor defect may be actionable when there are other aggravating circumstances such as heavy traffic that may distract a pedestrian. The testimony of the plaintiff claiming her visibility was impaired and the minor defect was concealed was sufficient to remove the case from the open and obvious doctrine and the *de minimus* rule.

B. Open and Obvious Exception Did Apply

***Kleiber v. Freeport Farm and Fleet, Inc.*, 406 Ill. App. 3d 249, 942 N.E.2d 640, 347 Ill. Dec. 437 (3d Dist. 2010)**

Facts: Plaintiff and her husband went to Farm and Fleet to buy topsoil. They were loading bags of topsoil into their vehicle from a pallet located in front of the store. To reach the bags, plaintiff had to walk across an empty wooden pallet lying on the ground. Plaintiff picked up a bag of soil and attempted to cross over the empty pallet to go to her car. At that time, her foot went through the slat of the pallet; she twisted her leg, fell and broke her leg. She filed suit against the defendant based on a premises liability theory. Defendant moved for summary judgment arguing that plaintiff could not offer evidence that the fall and injuries were caused by a defect on defendant's property, plaintiff's own contributory fault caused her fall and injuries and that defendant owed no duty to plaintiff because the alleged dangerous condition was open and obvious. Plaintiff agreed that the pallet was open and obvious, but argued that the deliberate encounter exception to the open and obvious rule should apply.

Holding: Under the Premises Liability Act, an owner of property owes a duty to use reasonable care under the circumstances to an individual lawfully on the property. Section 343 of the Restatement states: "A possessor of land is subject to liability for physical harm caused to his invitees by a condition on the land if, but only if, he (a) knows or by the exercise of reasonable care would discover the condition, and should realize that it involves an unreasonable risk of harm to such invitees, and (b) should expect that they will not discover or realize the danger, or will fail to protect themselves against it, and (c) fails to exercise reasonable care to protect them against the danger." Restatement (Second) of Torts § 343 (1965). An exception to the general rule is the open and obvious danger rule which provides that a possessor of land is not liable to an invitee for harm caused to him by an activity or condition on the land whose danger is known or obvious to him. Restatement (Second) of Torts § 343 (A)(1)(1965). However, as stated earlier in the paper, there are two limited exceptions to the open and obvious doctrine. The first is the distraction exception (when the land owner has reason to anticipate or expect the invitee's attention will be distracted so that he will fail to discover the open and obvious danger or will forget about it) and the second is the deliberate encounter exception (when the landowner has reason to expect that the invitee will proceed to encounter the open and obvious danger because to a reasonable person in the invitee's position the advantages of doing so outweigh the apparent risk).

The appellate court found the empty pallet posed an open and obvious danger to plaintiff. In this case, the distraction exception did not apply. Plaintiff was not distracted and failed to see the holes in the pallet. She admitted during her deposition that she saw the holes in the pallet and saw the pallet on the ground. Likewise, the deliberate encounter exception did not apply. Plaintiff was not prohibited from going into the store and asking for assistance. Therefore, defendant did not owe a duty to plaintiff with regard to the empty pallet and summary judgment was properly granted.

***Garcia v. Young*, 408 Ill. App. 3d 614, 948 N.E.2d 1050, 350 Ill. Dec. 543 (4th Dist. 2011)**

Facts: A tenant sued a landowner when he was injured by stepping into a pothole on a private street owned by the landlord. The tenant was the father of a boy who darted out into the street into the path of an oncoming car. The tenant knew there were potholes.

Holding: As a general rule, a landowner has no duty with regard to "open and obvious" conditions. Plaintiff conceded that the pothole, which was two feet wide and eight inches deep, was open and obvious. However, plaintiff attempted to argue the distraction exception and deliberate encounter exception should apply. The court found the deliberate encounter exception did not apply, because plaintiff admitted that he had not specifically noticed this pothole and therefore, did not deliberately encounter the open and obvious pothole. Likewise, the court found the distraction exception did not apply. When courts apply the distraction exception so that liability is imposed on the landowner, it is when the landowner has created or contributed to the distraction which diverted the plaintiff's attention away from the open and obvious condition. In this case, the landowner was in no way responsible for, contributed to, or caused the situation relating to the tenant's son running out into the street which would have distracted the plaintiff as he claimed.

The pothole was an open and obvious condition and neither the deliberate encounter exception nor the distraction exception applied. Therefore, the landowner did not have a duty to warn or protect plaintiff from the condition which caused his injuries.

***Park v. Northeast Illinois Regional Commuter Railroad Corp.*, 2011 IL App (1st) 101283, 960 N.E.2d 764, 355 Ill. Dec. 882 (1st Dist. 2011)**

Facts: Plaintiff filed suit on behalf of her son who was struck and killed by an Amtrak train as he crossed the railroad tracks at a train station. Plaintiff dropped her son off at the train station where he intended to take Metra's Milwaukee district line. The tracks consisted of two parallel railroad tracks and there were passenger platforms along each track. The tracks were used by Metra and Amtrak trains. However, Amtrak trains do not stop at this station. There were no signs posted at the station that warned passengers that Amtrak trains use the tracks and did not stop. On the day of the accident, plaintiff's son intended to take the 7:50 a.m. train, but it was delayed. Because of the delay, the Amtrak train had to cross over tracks and approached the train station about the time the Metra train was originally scheduled to arrive. Plaintiff's son approached the station on the east passenger platform. There was a line of bushes and trees that obstructed his view of the approaching Amtrak train until he was on the platform. Since the west platform was normally used by passengers to board Chicago bound trains, plaintiff's son attempted to cross the tracks at the designated pedestrian railroad crossing. There were no audible or visual warning devices or a crossing gate at the pedestrian crossing to warn passengers of approaching trains. Metra did not announce the approach of the Amtrak train on the loudspeaker. Plaintiff's son was aware of the approaching Amtrak train when he crossed, but he believed that it was the Metra train that he intended to board and, therefore, believed it was

going to stop. The Amtrak train was traveling 70 miles an hour when it struck and killed the plaintiff's son.

Holding: To state a cause of action for negligence, a plaintiff must plead: 1) the existence of a duty owed to the plaintiff by the defendant; 2) a breach of that duty; 3) an injury proximately caused by the breach; and 4) damages. The Railroad argued that it did not owe a duty to plaintiff because a train on railroad tracks is an open and obvious condition. An open and obvious condition exists when a "person in the plaintiff's position exercising ordinary perception, intelligence and judgment would recognize both the condition and the risk involved." The court found that an approaching train is an open and obvious condition and that a reasonable person exercising ordinary perception, intelligence and judgment would have appreciated the danger posed by the train. However, the court also noted that the existence of an open and obvious danger is not a automatic bar to finding the existence of a duty on the landowner's behalf. The two limited exceptions to the rule are the distraction exception and the deliberate encounter exception. Plaintiff attempted to argue that both exceptions should apply to this situation. First she argued that her son's vision was compromised by the rainfall and his umbrella distracted him. She also contended that the bushes and trees on the east side of the platform partially obstructed his view of the approaching train which was a distraction. The Court disagreed and found that neither exception would apply. It held that it was not foreseeable that plaintiff's son would have been distracted from the open and obvious danger of the approaching train due to the foliage located near the platform and the weather. Likewise, the deliberate encounter exception did not apply because it could not be anticipated that a reasonable person would have disregarded the obvious risk of crossing the railroad tracks while the train was approaching. Accordingly, the appellate court affirmed the trial court's decision to grant defendant's Motion to Dismiss plaintiff's complaint.

C. Distraction Exception Applied

***Waters v. City of Chicago*, 2012 IL App (1st) 100759**

Facts: Plaintiff was a 72-year-old woman who walked on the sidewalk northwest along the east side of Milwaukee Avenue in Chicago. She crossed to the west side of Milwaukee Avenue to stop at the bank and go to McDonalds. When she finished she began her return trip by walking in a southern direction on the sidewalk on the west side of Milwaukee Avenue to Higgins Avenue. At the intersection, she came upon some barricades that had metal barriers at the bottom which served as the barrier's legs. Plaintiff stepped over two of the metal bases, but as she stepped over the third base she heard a "huge bang." In response, she turned her head for a second and "down she went." After she fell, she realized the noise came from a jackhammer being operated by a construction worker who was about 12 to 15 feet away from her. As a result of the fall, plaintiff fractured her wrist and required surgery. The city moved for summary judgment arguing that the condition of the barricades was open and obvious and the distraction exception did not apply to impose a duty of care on the city.

Holding: The issue revolved around whether the city had a duty to use ordinary care. "A possessor of land is not liable to his invitees for physical harm caused to them by any activity or condition on the land whose danger is known or obvious to them, unless the possessor should anticipate the harm despite such knowledge of obviousness." Restatement (Second) of Torts § 343A (1965). However, one exception to the rule is the distraction exception which arises when the possessor of land has reason to expect the invitee's attention may be distracted so that he will not discover the obvious, or will forget what he discovered, or fail to protect himself against it. This exception will often arise when the injured party is distracted from the open and obvious condition because another circumstance required him to focus on some other condition or hazard. The appellate court reversed the trial court's order which granted the city's motion for summary judgment. It found that the barriers were an open and obvious condition, but that the plaintiff became distracted when she heard the loud jackhammer noise. It further determined that the city created the hazard. The jackhammer's noise caused plaintiff to trip on the base of the barricade and this type of distraction was foreseeable at a construction site. It was also reasonable to expect that people would walk on the sidewalk notwithstanding the partial barricade. Therefore, as a matter of law, the city should have reasonably anticipated the distraction and should have foreseen the injury to the plaintiff. Furthermore, the court noted that it would have been easy for the city to have barricaded the entire sidewalk so no one could use it until the construction was complete and the burden of doing so would not have been great. Therefore, the city did owe a duty of care, under the circumstances, to the plaintiff.

D. Land Owner Does Not Owe a Duty for the Act of a Third Party on His Premises

***Tilschner v. Spangler*, 409 Ill. App. 3d 988, 949 N.E.2d 688, 350 Ill. Dec. 896 (2d Dist. 2011)**

Facts: Plaintiff was injured during a party at defendant Spangler's home when the co-defendant Ruppel ignited fireworks. Plaintiff filed two counts against Spangler alleging common law negligence and negligence pursuant to section 318 of the Restatement (Second) of Torts. Plaintiff argued that Spangler owed her a duty, as an invited guest, to keep control over his property and to protect her against unreasonable known risks of harm due to the acts of a third party under the property owner's control. Spangler filed a Motion to Dismiss Count II, which was granted by the trial court. Plaintiff voluntarily dismissed Count I, but appealed the trial court's ruling. To state a cause of action for negligence, a plaintiff must allege facts that establish a duty, breach of the duty, and proximate causation.

Section 318 of the Restatement provides that

> if the actor permits a third person to use land or chattels in his possession otherwise than as a servant, he is, if present, under a duty to exercise reasonable care so to control the conduct of the third person as to prevent him from intentionally harming others or from so conducting himself as to create an unreasonable risk of bodily harm to them, if the actor

(a) knows or has reason to know that he has the ability to control the third person, and,
(b) knows or should know of the necessity and opportunity for exercising such control."

Restatement (Second) of Torts § 318 (1965).

Holding: The appellate court noted that a Restatement is not binding on an Illinois court unless it is adopted by the Illinois Supreme Court. Although the Appellate Court, First District had stated in *Brester v. Rush Presbyterian-St. Luke's Medical Center* that the Supreme Court adopted sections 315 through 319, the Appellate Court, Second District disagreed.

Therefore, the Appellate Court, Second District ruled that Illinois had not adopted section 318 of the Restatement (Second) of Torts. Therefore, Count II of plaintiff's Complaint did not state a cause of action against the defendant because it did not allege a duty that was recognized by the Illinois Supreme Court and failed to plead a cause of action upon which relief could be granted.

E. Plaintiff's Failure to Plead Facts to Establish Willful and Wanton Acts of a Municipal Landowner

***Thurman v. Champaign Park District*, 2011 IL App (4th) 101024, 960 N.E.2d 18, 355 Ill. Dec. 575 (4th Dist. 2011)**

Facts: Lucas Thurman filed suit against the Park District for injuries he sustained while playing tennis at the Park District's indoor tennis facility. The Park District hung an opaque curtain between the tennis court baseline and the wall. Plaintiff was playing tennis when he ran into a structural beam that was behind the curtain. Plaintiff alleged that the beam was hidden by the tarp with "utter indifference to or conscious disregard for" his safety. He further alleged that the Park District failed to properly identify for patrons the beams that were concealed by hanging the curtain, failed to provide warning signs of the dangerous condition, failed to provide a reasonably safe tennis court, failed to use ordinary care for his safety, failed to provide proper and adequate lighting and failed to adequately pad the beams. Defendant filed a 2-619.1 Motion to Dismiss arguing that it was immune from liability from mere negligence claims that were related to the condition of the property under section 3-106 of the Local Governmental and Governmental Employees Tort Immunity Act as plaintiff's allegations in form and substance were nothing more than allegations of negligence and that plaintiff's allegations were insufficient to establish willful and wanton misconduct as defined in section 1-210 of the Act. The structural beams constituted open and obvious conditions for which the defendant did not owe a duty to warn and protect against and the affidavit of the defendant's director of operations showed it exercised conscious regard for the safety of its patrons.

Section 3-106 of the Act immunizes local public entities and employees from liability for injuries occurring on public, recreational property except where liability is based on willful and wanton

conduct by the entity or its employee. Under section 1-210 of the Act, "willful and wanton conduct" is "a course of action which shows an actual or deliberate intention to cause harm or which, if not intentional, shows an utter indifference to or conscious disregard for the safety of others or their property." *Thurman* at ¶10. A plaintiff must establish willful and wanton conduct through well pled facts, not by simply labeling acts as willful and wanton. To establish willful and wanton conduct, it must be shown that the public entity had been informed of a dangerous condition, knew that others had been injured because of that condition or intentionally removes a safety feature from the property.

Holding: The appellate court held that plaintiff failed to plead facts that would constitute willful and wanton actions. It found that placing the tarp over a beam and failing to warn of that did not constitute willful and wanton behavior. Likewise, it determined plaintiff alleged no facts that would indicate the Park District had any prior notice of injuries caused by the beams and did not plead any facts that would demonstrate a removal of a safety feature or a defective condition. Therefore, plaintiff did not plead any specific facts that demonstrated defendant acted intentionally to cause harm or that it had any knowledge that its conduct posed a danger to its patrons.

F. Possibility to Impose Liability on a Possessor of Land by Negligence Claim Rather Than Through Premises Liability

***Caburnay v. Norwegian American Hospital*, 2011 IL App (1st) 101740**

Facts: Dr. Caburnay was an anesthesiologist at Norwegian American Hospital. He entered the hospital on the date of the accident and walked through the lobby past the emergency room doors toward the elevator bank. He was carrying his umbrella in his right hand and a duffel bag over his left shoulder. The right elevator was fully functional at that time, but the left elevator was being repaired. The hospital had placed a 6 foot by 10 foot rubber and fabric mat in front of both elevators to protect its floors and prevent flipping. The mat, or one similar to it, had been used for the past six months. Plaintiff approached the right elevator, walked onto the mat, pushed the up button and stepped backwards. As he stepped back, he fell backwards and struck the back of his head and neck on the couch adjacent to the elevator. Plaintiff fractured his cervical spine and was instantly rendered quadriplegic.

Plaintiff filed suit against the hospital and the elevator repair company alleging that their negligence in maintaining the area around the elevator caused him to slip, trip and fall which resulted in him injuring himself. Specifically in terms of the hospital, plaintiff alleged that it failed to properly, routinely and adequately inspect the floor of the area to determine if any dangerous condition existed, failed to place a clean and secured floor mat in the area, failed to place a level and secured floor mat on the floor, and improperly placed the mat so that it was subject to become hazardous, movement, wrinkles and folds.

Plaintiff testified during his deposition that he recalled he touched the button to have the elevator come down and then fell on his back. He also recalled that he felt the sole of his shoe

got caught in a fold from the area rug. He agreed that he was certain it was the fold in the rug that caused his fall. He admitted that he never saw the fold or ripple in the rug before he fell. Other witnesses testified that they had used the elevator minutes before the doctor's fall and did not notice any problems with the mat. However, an elevator worker did testify that three weeks prior to the accident, he tripped on the mat in front of the elevator and spoke with hospital personnel about it.

Plaintiff asserted that the hospital was liable under a general negligence theory for placing a mat down that was prone to buckling on the floor in front of the elevators rather than under a premises liability theory. Under the general negligence theory, all plaintiff would need to prove is that defendant negligently created the dangerous condition on its premises. Therefore, plaintiff would be able to avoid the notice requirement. (No one disputed the hospital did not have actual or constructive notice of the fold in the mat.) Plaintiff would only need to prove the existence of a duty on the hospital's part, breach of the duty, and that the breach proximately caused the injuries. In order to establish the negligent use of a floor mat, he must show that the mats were defective or negligently installed. To do so, plaintiff presented an expert who opined that the mat was unsafe because it was not secured to the floor with tape despite being prone to buckling. He also argued that the fact the mat buckled in the first place demonstrated that it was not an ordinary mat with proper backing and, therefore, was faulty. In viewing the evidence in a light most favorable to the plaintiff, the appellate court found the testimony was sufficient to create an issue of fact as to whether there was a breach in the hospital's duty of care to properly use a safe and secure mat when it placed a mat that was prone to buckling in front of an elevator without securing it.

Holding: The trial court granted summary judgment to the hospital finding that it was neither negligent in using a mat to cover the floor in front of the elevators nor was there any evidence that it knew the mat had a propensity to fold. The appellate court affirmed in part and reversed in part. It agreed with plaintiff that his evidence that he tripped on a fold or buckle in the mat, coupled with testimony from his expert that the mat was negligently used, created a question of fact. The appellate court held that the fact plaintiff failed to specifically mention the mat as a factor causing him to fall immediately after or within close proximity to its occurrence but not amount to an admission by silence because plaintiff could not have reasonably been expected to elaborate on the specific cause of his fall just moments after being rendered a quadriplegic.

G. Possessor's Constructive Notice of a Substance Being Present

***Newsom-Bogan v. Wendy's Old Fashioned Hamburgers of New York, Inc.*, 2011 IL App (1st) 092860, 953 N.E.2d 427, 352 Ill. Dec. 188 (1st Dist. 2011)**

Facts: Plaintiff was eating at a restaurant in November of 2006. It was a cold day, but it had not rained or snowed. She purchased her food and sat down to eat. When she finished, she got up to throw her food in the trash can. She stepped from the carpeted area to the tile floor where her right foot slipped and she fell on her right hip and knee. The contents from her tray went flying. When she attempted to get up from the floor, she was unable to do so because her

hands were greasy so she could not brace herself. She testified that the grease was the same color as the floor. She could not say how much grease was on the floor, but could only say that it was all over her hands. Two customers came over and helped plaintiff up. The assistant manager Archer came out and spoke to plaintiff. Plaintiff was taken to the hospital where she eventually required surgery on her right knee.

Archer testified at her discovery deposition that she did not observe anything on the floor where the customer had fallen. She testified that plaintiff did not tell her how or why she fell, but rather that she "just fell." The restaurant training manual provided that the senior manager must walk through the restaurant to make sure everything is “up to par” every 15 minutes. If a customer notifies an employee that anything has been spilled, it is to be cleaned up immediately. If the employee notices any food or debris on the floor, it is to be picked up immediately.

Defendant filed a Motion for Summary Judgment arguing that it did not owe a duty to the plaintiff to warn or make the area safe because it did not have actual or constructive knowledge of any substance on the floor and further argued that plaintiff had the burden to show that the greasy substance on the floor caused her to fall. Plaintiff attached an affidavit to her Response which provided she sat there eating for 20 minutes facing the trash can and that during those 20 minutes, she did not observe any employee do a walk through or a customer spill anything.

Holding: A defendant owes a business invitee on his premises a duty to exercise ordinary care in maintaining the premises in a reasonably safe condition. When a business invitee is injured by slipping and falling on the premises and there is no way to show how the substance became located on the floor, liability may be imposed if the defendant or its employees had constructive notice of its presence. Constructive notice exists if the substance was there long enough that through the exercise of ordinary care, it should have been discovered. Although there were no witnesses in this case who observed the grease on the floor, plaintiff's testimony given in her discovery deposition was sufficient to create a triable issue of fact as to the cause of the fall. Defendant's manual was sufficient to create a duty to inspect the store every 15 minutes and, based on plaintiff’s claims, no one inspected the property for at least 20 minutes. Therefore, the testimony was sufficient to create a triable issue of fact as to constructive notice.

III. CONCLUSION

The cases decided in 2011 and 2012 continue to apply the rules previously established by the Restatement (Second) of Torts which have been adopted by the courts. The cases continue to be fact specific and the application of the exceptions turn on the testimony and evidence presented by the parties and their experts.

Heidi E. Ruckman

- Partner

Heidi joined the firm's Rockford office in 2006 and became a partner in 2012. She concentrates her practice in civil defense litigation, including premises and auto litigation, business related disputes, and the defense of toxic tort and asbestos claims.

She began practicing law in 2000 and has experience in the areas of personal injury defense and related insurance matters. She has represented corporate clients in contract and business related disputes. These clients have included mortgage companies, construction companies, excavation companies, gas station owners, disposal companies, farm chemical companies, automobile dealerships, and real estate companies. Heidi has also represented municipalities in various litigation matters and zoning issues. She has tried a number of these cases to verdict.

Public Speaking

- *"Premises Liability Case Updates"*
  Winnebago County Bar Association (2011)
- *"Building a Solid Foundation for Defense: Statement Taking Techniques"*
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Professional Associations

- Winnebago County Bar Association (Trial Section)
- Illinois State Bar Association
- Winnebago County Arbitrator

Court Admissions

- State Courts of Illinois
- United States District Court, Northern District of Illinois

Education

- Juris Doctor, The John Marshall School of Law, 2000
- Bachelor of Arts-Political Science with an emphasis on public law (Summa Cum Laude), Northern Illinois University, 1997