



## Ankin Law Office LLC

Protecting the Rights of Injured Workers

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## Illinois Court Rules Personal Injury Case Can Proceed



The First District Appellate Court of Illinois recently addressed the issue of whether a personal injury claim against Chicago Transit Authority (CTA) could proceed. At issue in *Torf v. Chicago Transit Authority*, No. 1-09-1710, was whether the CTA was immune from liability.

In *Torf*, the plaintiff was injured when she was pushed to the floor by another passenger. The train had been stopped on its tracks, the power turned off and the passengers ordered to evacuate. As the plaintiff did so, she alleged that 2 other passengers knocked her down, resulting in serious personal injuries.

Her theory of liability was that the CTA:

breached that duty and was negligent by: (1) failing to maintain the train so as to avoid disruption of service between platforms; (2) failing to provide a safe means of egress for Torf to exit the train once the evacuation was ordered; (3) failing to provide clear instructions dictating the safe evacuation of the train so as to avoid chaos; and (4) failing to provide assistance to Torf and other passengers as they exited the train to track level so as to minimize the risk of injury.

The Court concluded that it was improper to grant judgment in favor of either party at this early stage of the case, since there were issues of fact in regard to a number of different issues, including whether the passengers who knocked the plaintiff to the ground did so intentionally or accidentally:

In this case, we conclude that when viewed in the light most favorable to plaintiff, there is insufficient evidence in the record to determine as a matter of law the mental state of either person who made contact with plaintiff.

The Court then held that because of the outstanding issues of fact, it was too early to determine whether the CTA was immune from liability:

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Because we conclude that questions of material fact exist as to whether the contact made to plaintiff was a battery, it is premature to consider the issue of whether the CTA is immune from liability under section 27 of the Act.

Therefore, over CTA's objections, the plaintiffs [personal injury lawsuit](#) was allowed to proceed.

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By [admin](#)

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