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## PRACTICE AREAS

Workers Compensation  
Personal Injury  
Motor Vehicle Accidents  
Wrongful Death

# Does liability attach where a plaintiff was injured while helping an ill neighbor?

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*Tannehill v. Costello*, No. 1-09-0868, addressed this unusual issue. In it, the Appellate Court, First District of Illinois considered whether the defendant owed her neighbor a duty of care under the rescue doctrine.

The facts in *Tannehill* are simple. The defendant was at home, recovering from surgery, when she experienced pain that concerned her. She called her neighbor, *Tannehill*, who then came over to assist her. The defendant refused to allow *Tannehill* to call an ambulance and insisted that *Tannehill* drive her to the hospital. As *Tannehill* assisted the defendant in walking to her car, the shoulder that she was using to support the defendant was injured. *Tannehill* then brought this [personal injury lawsuit](#) seeking damages for her shoulder injury. At issue was the applicability of the rescue doctrine under Illinois law.

The court first explained the underlying purpose of the rescue doctrine:

(It) provides that it is always foreseeable that someone may attempt to rescue a person who has been placed in a dangerous position and that the rescuer may incur injuries in doing so. Therefore, if the defendant is negligent towards the rescuee, he is also negligent toward the rescuer.

It then concluded that the rescue doctrine did not apply since the defendant hadn't placed herself in a dangerous situation" and thus "the claim that defendant was liable for plaintiff's alleged injuries merely because she requested



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and/or demanded that plaintiff assist her, and plaintiff agreed to do so, failed to establish, as a matter of law, any duty on defendant's part."The Court also noted that not only did a duty not exist, the injuries in question weren't foreseeable. Accordingly, the court dismissed the lawsuit.

Howard Ankin of Ankin Law Office LLC ([www.ankinlaw.com](http://www.ankinlaw.com)) handles **workers' compensation** and **personal injury cases**. Mr. Ankin can be reached at (312) 346-8780 and [howard@ankinlaw.com](mailto:howard@ankinlaw.com).