



Ankin Law Office LLC

Protecting the Rights of Injured Workers

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The 7th Circuit U.S. Court of Appeals on Foreseeability Under Illinois Law



The United States Court of Appeals for the 7th Circuit recently handed down an interesting decision regarding foreseeability stemming from an [Illinois personal injury lawsuit](#). At issue in *Reynolds v. CS Sports Bar Inc.*, No. 09-3753, was whether the plaintiff's allegations regarding the foreseeability of her injuries were sufficient to survive a motion to dismiss.

In *Reynolds*, the plaintiff alleged that the bar owner was liable for the injuries that she sustained after she left the defendant's bar in the company of 2 other bar patrons. Before leaving the bar, she'd asked the bartender for a phone book so that she could call for a taxi to take her back to her hotel. The bartender advised her that there were no taxis available and she would have to get a ride from another patron.

A male and female patron asked her if she needed a ride. They then bought her a few drinks, one of which she believes was spiked with drugs, and then enticed her into their car. When she realized they weren't driving her to her hotel and that they planned to rape her, she escaped from the car when it was stopped and attempted to walk back to her hotel. However, because she was intoxicated, she wandered onto a highway on ramp and was struck by a car and seriously injured.

Under the fact of this case, as alleged by the plaintiff, the Court of Appeals concluded that if the attack on the plaintiff was in fact foreseeable, the defendant bar owed her a duty to prevent it from occurring:

Here, *Reynolds* has alleged, and we are obliged to accept as true, that CB Sports "at least knew or should have known that Defendants Russell and Carson were getting Plaintiff Loretta Reynolds intoxicated for the purpose of sexual exploitation"...Assuming as true that the bartender knew of Russell and Carson's criminal purposes, we must conclude that the subsequent unrealized criminal attack on Reynolds was reasonably foreseeable to CB Sports...(A) criminal attack must not only be foreseeable, but reasonably foreseeable. And when an attack is to occur far from the physical premises of a bar, it is unreasonable to require a bar to foresee all the hidden, nefarious plans of its patrons. However, it is not overly burdensome to require a bar to protect its invitees if it knows that one patron is intending to attack another patron, even if the attack is to occur far from the bar.

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