



# Ankin Law Office LLC

Protecting the Rights of Injured Workers

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## Court Holds Illinois Hospital May Be Liable For Physician's Fall

Written by Admin - BN on January 20th, 2012



In *Caburnay v. Norwegian American Hospital*, No. 1–10–1740, the plaintiff was an anesthesiologist who tripped and fell in the lobby of the hospital where he worked. On the date of the accident, he was waiting for an elevator when he tripped over a floor mat that he alleged was folded. As he fell, he hit the back of his head and was rendered a quadriplegic.

He filed a lawsuit against the defendant, an Illinois hospital, alleging that its failure to maintain the area around the elevator resulted in his fall and subsequent injuries. He alleged, among other things, that the defendant “failed to properly, routinely and adequately inspect the floor of the [elevator area] to ascertain whether any dangerous and hazardous conditions existed,” “failed to place a clean and secured floor mat,” “failed to place a level and secured floor mat on the floor,” and “improperly placed the floor mat so that it was subject to become hazardous, movement, wrinkles and folds.”

One of the issues on appeal was whether there was sufficient proof offered by Caburnay to show that there were issues of fact regarding the defendant’s negligence. Caburnay claimed that his testimony that he felt his foot catch on a fold or buckle in the rug was sufficient to create an issue of fact. However, the defendant argued that there was no evidence offered that tended to prove that a fold in the carpet existed and that a fair reading of Caburnay’s deposition testimony indicated that he had no idea why or how he fell.

The Appellate Court of Illinois, First District, disagreed with the defendant, concluding that Caburnay had offered sufficient evidence regarding the defendant’s negligence:

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Caburnay has alleged specific facts regarding how and why the mat was improperly placed. As discussed above, Caburnay's deposition testimony indicates that a fold or buckle existed in the mat at the time of the fall as evidence by the fact that he felt his foot catch on it, and the testimony of Krause and Gonzalez, coupled with the expert opinions of Litwick and Kenzidor, were sufficient to create a question of fact as to whether Norwegian negligently placed the mat in question in front of the elevator, causing Caburnay to fall. Therefore, summary judgment in favor of Norwegian on this issue was improper.

Accordingly, the Court reversed the lower court's judgment and allowed the [personal injury case](#) to proceed, thus permitting Caburnay to seek recovery for his very serious injuries arising from this very tragic set of circumstances.

*The Ankin Law Office LLC ([www.ankinlaw.com](http://www.ankinlaw.com)) handles [workers' compensation](#) and [personal injury cases](#). You can reach the firm by calling (312) 346-8780.*