



## Ankin Law Office LLC

Protecting the Rights of Injured Workers

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### Illinois Court on Homeowner's Liability For Worker's Fall

August 23rd, 2011 by Admin - BN



In July, the Appellate Court of Illinois, First District, considered whether a homeowner was liable for the injuries sustained by a guest who fell as he walked down a flight of stairs. In *Van Gelderen v. Hokin*, No. 1-09-3283, the plaintiff claimed that the location of the door through which he exited in relation to the stairs upon which he fell presented an unreasonably dangerous condition.

On the date of the accident, the plaintiff had been installing window coverings at the defendant's home and at the end of the day, he attempted to leave the house. He reached to open the side door, which swung inward, to the left, and as he did so, he stepped to the right to avoid the door. As he moved to the right, he stepped into the basement stairwell and fell down the basement steps. In his lawsuit he claimed that if the door had opened to the right, thus swinging toward the stairwell, the dangerous condition presented by the location of the basement steps in relation to the doorway could have been avoided.

Not surprisingly, the defendant disagreed, asserting that the stairwell location and the door's hinging did not create a dangerous condition.

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At trial, the plaintiff offered the testimony of Richard Cook, an architecture expert, to establish that the setup was unsafe. After reviewing the evidence offered at trial, the court held that contrary to the defendant's assertion, the condition was not open and obvious and further concluded that the plaintiff offered sufficient evidence at trial to establish that his injuries were caused by an unreasonably dangerous condition:

Cook testified that, in his opinion, the location of the stairwell in relation to the door, combined with the manner in which the door opens, creates an unreasonably dangerous condition. Cook explained that when a person opens a door toward himself, the natural tendency is to step out of the way of the door by going either backwards or to the side where the door is opening. It was Cook's opinion that five inches was not enough room to protect from injury people like plaintiff, who step to the right when leaving through defendant's side entrance door.

It is reasonable to conclude from Cook's testimony that the configuration of defendant's side entrance constitutes an unreasonably dangerous condition.

Accordingly, the court affirmed the judgment of the trial court in this [personal injury lawsuit](#) and upheld the jury's verdict in favor of the injured plaintiff.

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