

Cook County Circuit Court holds rule of “natural accumulation” applies indoors

At issue in *Reed v. Galaxy Holdings*, 394 Ill.App.3d 39, 914 N.E.2d 632 (Ill.App. 1 Dist.,2009), was whether a business had a duty to remove the water that had accumulated on the floor in the entryway of a laundromat, where the puddle of water caused the plaintiff to slip and fall, resulting in serious injuries.

On the date that the plaintiff was injured, it was drizzling outside and an employee of the laundromat placed a mat on the floor in the vestibule between the first and second doors and also placed a mat on the floor just outside the second door. As the plaintiff entered into the vestibule area from the outside, she slipped and fell on a puddle of water as she stepped off the first mat and onto the bare vestibule floor.

The Court concluded that summary judgment was properly granted in favor of the defendant:

In this case, plaintiff failed to offer any evidence allowing a fact-finder to find that the puddle of water was anything other than a natural accumulation or that defendant caused or aggravated the accumulation of water. Plaintiff admits that it was raining on the day of the incident and that the water was tracked in from the outside. Plaintiff also failed to present evidence establishing that her injury resulted from a defect in the design, construction, or maintenance of the tile floor or that the premises were not properly illuminated. Plaintiff did testify that defendant placed two mats at the Laundromat’s entranceway on the day of the incident. Allowing saturated mats to remain in an entranceway does not by itself, however, transform the tracked in water into an unnatural accumulation nor suggest that defendant aggravated the water’s natural accumulation.

It is surprising that the Court extended the rule of “natural accumulation” to apply to water that had been tracked by patrons into the premises. That the Court applied this rule to water that had

accumulated inside the business is unfortunate since it makes it more difficult for injured customers to recover for their pain and suffering.