



#### OFFICE LOCATION

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## PRACTICE AREAS

Workers Compensation  
Personal Injury  
Motor Vehicle Accidents  
Wrongful Death

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## Is a golfer liable for an errant golf ball that injures another?

So, is a golfer liable for injuries to an adjacent homeowner resulting from an errant gold ball? In Illinois, the answer may be “yes”, whereas in New York and California, the answer may be “no.” Both California and New York have passed laws stating that those who purchase homes adjacent to a golf course assume the risk of injury from an errant golf ball.

Illinois has no such law and the liability of a golfer whose golf ball hit another person is now at issue in a case pending in DuPage County.

The facts of the case are explained in this [Chicago Breaking News article](#):

On Aug. 25, 2005, a golf ball from the adjacent St. Andrews Golf & County Club in West Chicago hit Lillian Demo on the head as she worked in her yard.

Naperville businessman Raymond Kinney, an “experienced golfer” according to a lawsuit, struck the ball on the 17th tee as his foursome participated in the club’s annual DuPage County Republican Day.

Demo sued in 2007, contending Kinney was negligent by failing to aim properly, failing to properly execute the swing of his golf club and failing to warn her the ball was approaching. She contends she suffers migraine headaches as a result.

The case in DuPage county is now moving toward jury trial following a key ruling by Judge John Elsner. The judge concluded that “a golfer owes a duty of ordinary care to persons lawfully on property adjacent to a golf course” and thus the jury may consider whether Kinney was negligent in this case.

Until Illinois adopts a law similar to those enacted in California and New York, golfers should be aware of the potential liability inherent in their



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sport: injuring an innocent bystander. And, as in this case, simply yelling "fore" may not be enough to evade liability.