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KPDE Successfully Defends Shopping Center in Shooting

Chicago, IL — Kopka Pinkus Dolin & Eads announces a summary judgment obtained by Chicago partner, **Joel D. Groenewold**, in a recent case on behalf of the insurer and its insureds. The case arose out of an incident wherein the decedent was shot and killed outside of the American Multi-Cinema (“AMC”) at the Ford City Shopping Center.

The plaintiff alleged that that the defendants, the property owner and the property manager, were responsible for the deployment decisions made during this incident by the security company, which was hired by the property owner. The Plaintiff also alleged that based on the location and proximity of each of the security officers to the theater’s exit did not deter the shooting. Under Illinois law, a special relationship exists between an owner of land and an invitee who enters the premises for the purpose of conducting business. A business invitor has the duty to protect a business invitee from third-party criminal attacks that are reasonably foreseeable. Therefore, based on the facts provided by the defense, the court found that this shooting was not foreseeable. The defense also proved that based on the agreement between the property owner and the security company, adequate security was provided, the security officers followed procedure, and the property owner fulfilled their duty to protect the patrons leaving the theater.

The court affirmed summary judgement in favor of the defendants finding the plaintiff’s position that the defendants were responsible for the deployment decisions made by the security company and that the actions of the security company did not cause this shooting. In fact, the court noted that the actions taken by the security officers in this case exhibited bravery on their part. Contrary to the provisions of their manual, they approached a scene where a gun had been fired, knowing they were unarmed, and motivated by a desire to maintain order and render assistance.

Kopka, Pinkus, Dolin & Eads is a multi state civil litigation defense firm that approaches litigation from the client’s perspective. Among a diverse group of clients, including many of the nation’s largest insurance companies, are a wide range of businesses, manufacturers, service and distribution companies, health care institutions and professionals. The firm’s attorneys have extensive trial experience in numerous federal and state courts nationwide as well as appellate experience which includes the United States Supreme Court, federal appellate circuit courts, state Supreme Courts and various state appellate courts. For more information, please visit www.kopkalaw.com.

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