

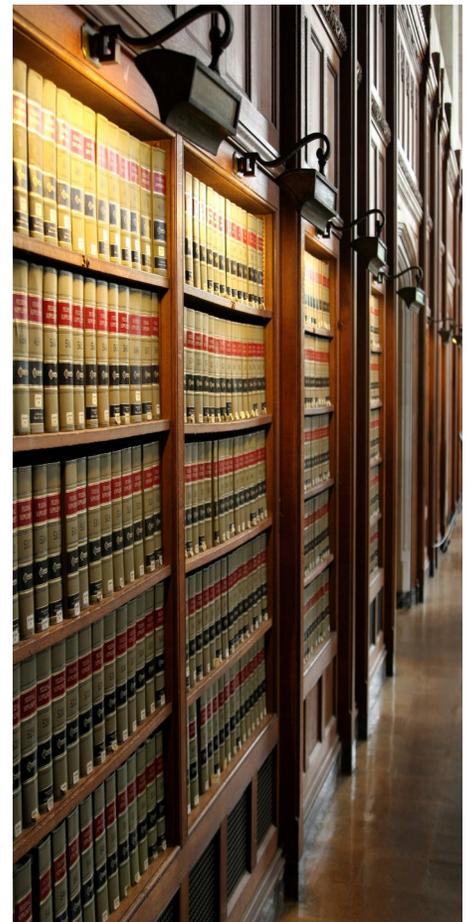
**Court Rules City Not Liable To Homeowner for Flood Damage For Faulty Storm Sewer System**

The Illinois Appellate Court has held a municipality is immune from liability, under the Local Governmental and Governmental Employees Tort Immunity Act, regarding complaints of negligence by homeowners for failure to maintain and repair the sewer infrastructure which is alleged to have caused flood damage to their homes. The court concluded that the determinations of the City regarding the maintenance and improvement of the City's storm sewer system were discretionary in nature and required deliberation and exercise of judgment, rather than merely executing a set of procedures or completing a ministerial act. The Court further determined that even if the City were found to be negligent in its maintenance of the sewer system, it would still be protected from liability for negligence regarding this conduct under the Tort Immunity Act. *Nichols v. City of Chicago Heights*, 2015 IL App (1st) 122994 (April 30, 2015)

The complete decision can be accessed at the following link:

[\*Nichols v. City of Chicago Heights\*](#)

For more information about matters discussed in this issue, please feel free to contact Klein, Thorpe and Jenkins Ltd.



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