

**No. 104935 Abruzzo v. City of Park Ridge**

Appellate citation: 374 Ill. App. 3d 743.

JUSTICE KILBRIDE delivered the judgment of the court, with opinion.  
Chief Justice Fitzgerald and Justices Freeman, Thomas, Garman, Karmeier, and Burke concurred in the judgment and opinion.

In 2004, a 15-year-old who had a history of drug abuse died of cocaine and opiate intoxication. The independent administrator of his estate filed a Cook County lawsuit against the City of Park Ridge, alleging that emergency medical technicians who were dispatched to the father's home were willful and wanton in failing to provide the victim with any care despite the fact that he was unresponsive. It was alleged that they did not evaluate the victim, provide life support, or transport him to a hospital.

Under the Local Governmental and Governmental Employees Tort Immunity Act, local public entities and their employees are immunized from liability in connection with tort claims arising from the "failure to make a physical or mental examination, or to make an adequate physical or mental examination of any person for the purpose of determining whether such person has a disease or physical or mental condition that would constitute a hazard to the health or safety of himself or others." This immunity was asserted as an affirmative defense, and a motion to dismiss the complaint was granted by the circuit court. The appellate court affirmed.

In this decision, the Illinois Supreme Court held the Emergency Medical Services (EMS) Systems Act to be the more specific statute and thus found it to govern the question of immunity in the case of emergency responders, such as those involved in this case. Because the plaintiff had alleged willful and wanton misconduct here, the EMS Act applied in this situation, and the complaint should not have been dismissed.

The cause was remanded to the circuit court for further proceedings.