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De Minimis Rule Protected Illinois Hotel from Liability To Customer Who Fell On Sidewalk Approaching The Entrance

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Plaintiff was attending a seminar at the defendant hotel. He went outside to smoke a cigarette. As he returned, **he tripped over uneven slabs of concrete a couple feet away from the main entrance injuring his knee.** Plaintiff's brother measured the height difference between the slabs at 1½ - 1¾ inches. Defendant's expert measured the height difference at under an inch. The trial court held the hotel did not owe plaintiff a duty of care because the sidewalk defect was *de minimis*.

The Second District affirmed. It is common knowledge that sidewalks are constructed in slabs because they must be allowed to expand and contract with changes in temperature. Numerous cases hold that, absent aggravating circumstances, a vertical displacement of less than two inches is *de minimis*. It was undisputed the height variation between the concrete slabs was less than two inches, and therefore, the defect was not actionable. *St. Martin v. First Hospitality Group, Inc.*, 2014 IL App (2d) 130505.

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