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## Mirror Falling From Wall Of Fitness Facility Not Risk Contemplated By Exculpatory Release

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Plaintiff was a member of a fitness club who was injured when a mirror fell from a wall and struck him. At the time of joining, plaintiff signed, an agreement that released the facility from any negligent acts "in any way related to members presence at or use of this facility." The trial court granted summary judgment based upon the release language.

The First District reversed. A party may contract to avoid liability for his own negligence. However, the incident causing injury must be within the scope of dangers ordinarily associated with the activity. A literal reading of the membership agreement indicated plaintiff released defendant from injury no matter what the cause or circumstance. However, the court concluded it could not rule as a matter of law that a falling mirror was a danger within the scope of the exculpatory clause. ***Hawkins v. Capital Fitness, Inc.***, 2015 IL App (1st) 133716.

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