

Court Rules on Sufficient Control - To The Extent You Litigate Injury Construction Claims in Illinois

The Construction Claims Magazine
October 27, 2017

On October 20, 2016, the Illinois Supreme Court filed its opinion in *Carney v. Union Pacific Railroad Company*, affirming summary judgment in favor of Union Pacific in a construction negligence case.

Published in the fall 2017 *Construction Claims Magazine*, Dennis Cotter and Katarina Savic revisit the broader applications of *Carney* in their article "Court Rules on Sufficient Control."

Their article addresses that recent Illinois appellate cases have cited *Carney* and provide further insight as to how *Carney* will be applied by the Illinois trial and appellate courts. Furthermore, the two decisions mentioned, clarify direct and vicarious liability pursuant to Section 414 of the Restatement (Second) of Torts in construction negligence cases.

As Illinois construction injury defense attorneys, they have already begun to see separate courts alleging vicarious liability in construction injury cases, along with section 414 and 343. This article further clarifies that the *Carney* decision does not preclude the filing of vicarious liability causes of action in Illinois construction injury cases.

View the full article published in the fall 2017 Construction Claims Magazine [here](#).

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