

NOTICE

This Order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

2026 IL App (4th) 250884-U
NOS. 4-25-0884, 4-25-0951 cons.

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

September 29, 2026
Carla Bender
4th District Appellate
Court, IL

ANTHONY UNRUH and JANEY UNRUH, as Special	)	Appeal from the
Administrators for the Estate of Seth Unruh,	)	Circuit Court of
Plaintiffs-Appellants,	)	McLean County
v. (No. 4-25-0951)	)	No. 21L100
CHRISTOPHER JONES, KAREN JONES, JASON	)	
HAAS, ALAN HAAS, and HAAS FARMS, INC.,	)	
Defendants-Appellees.	)	
KELLY J. CHRIST, as Special Administrator for the	)	No. 21L101
Estate of Jared Raymond Seggerman,	)	
Plaintiff-Appellant,	)	
v. (No. 4-25-0884)	)	
CHRISTOPHER JONES, KAREN JONES, JASON	)	Honorable
HAAS, ALAN HAAS, and HAAS FARMS, INC.,	)	Mark A. Fellheimer,
Defendants-Appellees.	)	Judge Presiding.

JUSTICE LANNERD delivered the judgment of the court.
Justices Doherty and Harris concurred in the judgment.

ORDER

¶ 1 *Held:* The circuit court did not err by granting defendants' motions for summary judgment.

¶ 2 On August 12, 2025, the circuit court found defendants, Christopher Jones, Karen Jones, Jason Haas, Alan Haas, and Haas Farms, Inc., were entitled to summary judgment because the court determined plaintiffs could not establish proximate cause. Plaintiff, Kelly Christ, as special administrator of the estate of Jared Raymond Seggerman, appealed the court's summary judgment ruling, making the following arguments: (1) defendants had a duty to eliminate objects

on their property that impeded the visibility of drivers on roads adjacent to their property when that duty was created by statute; (2) legal causation is determined by the foreseeability of harm, and car accidents are foreseeable when corn impairs the visibility of drivers; and (3) running a stop sign does not negate legal causation. Plaintiffs, Anthony Unruh and Janey Unruh, the special administrators for the estate of Seth Unruh (the Unruhs), appealed, arguing the court erred in granting defendants' motions for summary judgment because defendants' violation of Woodford County Ordinance § 154.04.7(E) (amended Feb. 18, 2020) was a proximate cause of the motor vehicle collision at issue. In the alternative, they argued the court erred in its interpretation of whether the act or the harm is used to determine what is reasonably foreseeable, as argued by plaintiff Christ. We affirm.

¶ 3

I. BACKGROUND

¶ 4

On July 23, 2021, in McLean County case No. 21-L-100, the Unruhs filed a complaint against Greg Tuttle, as special representative for the estate of Morgan Ryder, Christopher Jones, and Karen Jones. The complaint named Peru Volunteer Ambulance Service and Joe M. Delgado, the ambulance driver, as respondents in discovery. That same day, Christ, as special administrator for the estate of Jared Seggerman, filed a complaint against those same defendants in McLean County case No. 21-L-101.

¶ 5

On November 17, 2021, McLean County case Nos. 21-L-100 and 21-L-101 were consolidated in the circuit court. Further, at some point, McLean County case No. 21-L-135, which was a case brought by plaintiff Blake Hert against Tuttle, Christopher Jones, Karen Jones, Jason Haas, and Haas Farms, Inc., was also consolidated with the other two cases. (Hert is not a party to this appeal and McLean County case No. 21-L-135 is not included in this appeal.)

¶ 6

On April 18, 2024, the Unruhs filed a second amended complaint, which only

named Christopher Jones, Karen Jones, Jason Haas, Alan Haas, and Haas Farms, Inc. as defendants, omitting Ryder's estate. For clarity, we will collectively refer to Christopher Jones, Karen Jones, and Jason Haas as "the landowners." Furthermore, we will collectively refer to Haas Farms, Inc., Jason Haas, Alan Haas, and Christopher Jones as "the farmers." On April 22, 2024, Christ filed a second amended complaint at law, which also only named the landowners and the farmers as defendants, omitting Ryder's estate. We note it appears the circuit clerk's office mistakenly filed Christ's second amended complaint in the common law record for case No. 21-L-100 instead of case No. 21-L-101.

¶ 7 Both the Unruhs' and Christ's second amended complaints—with regard to their claims against the farmers and landowners—included counts alleging negligence/wrongful death against each of the landowners and farmers; counts alleging negligence/wrongful death based on a nondelegable duty of care to comply with Woodford County Ordinance § 154.04.7E (amended Feb. 18, 2020) against the landowners; and a count alleging a negligence/wrongful death claim against an alleged *de facto* partnership between the farmers.

¶ 8 According to plaintiffs' respective second amended complaints, on August 1, 2020, at approximately 1:53 a.m., Ryder was driving a Chevrolet Cruze southbound on County Road 2400 East in Woodford County. Seth, Hert, and Seggerman were passengers in Ryder's vehicle. Ryder's path of travel was controlled by a stop sign on County Road 2400 East at that road's intersection with Illinois Route 116. Vehicles traveling on Route 116 had the right of way, in that Ryder was to yield to traffic on Route 116, making Route 116 a protected roadway. Ryder failed to stop at the stop sign at the intersection, entered the intersection, and collided with an ambulance, driven by Joe Delgado, traveling westbound on Route 116. Ryder, Seth, and Seggerman died due to injuries sustained in the collision.

¶ 9 The landowners were the owners of the real estate located at the northeast corner of the intersection. At the time of the collision, Woodford County Ordinance § 154.04.7E (amended Feb. 18, 2020) was in effect, and it provided the following:

“E. Visibility. Notwithstanding any other provisions of this ordinance the following visibility regulations and standards shall apply:

1. Corner Lot: On a corner lot nothing shall be constructed, erected, placed, planted, or allowed to grow in such manner as materially to impede vision between a height of two and one-half (2 1/2) feet above the center-line grades of the intersecting roads in an area bounded by the road right-of-way lines of such corner lot and a straight line joining points along said road right-of-way lines fifty (50) feet from the nearest point of intersection.

Beyond such fifty (50) foot limits, § 54.20 and § 54.21 shall apply.”

Plaintiffs argued both the farmers and landowners owed a duty to motorists traveling on roads adjacent to the property at issue and were negligent in one or more ways because they (1) violated the county ordinance by allowing their corn to obstruct both Ryder’s and Delgado’s lines of sight, (2) failed to maintain the cornfield to prevent visibility obstructions for nearby motorists, and (3) violated the county ordinance by planting crops in a prohibited area, resulting in visibility obstructions for drivers at the intersection. According to plaintiffs, one or more of these negligent acts or omissions was a proximate cause of the deaths of Seth and Seggerman.

¶ 10 Plaintiffs also alleged the landowners owed a nondelegable duty of care to comply with the county ordinance and permitted the farmers to farm the real estate at issue in a manner that (1) obstructed both Ryder’s and Delgado’s lines of sight, (2) failed to adequately maintain their property to prevent line of sight and visibility obstruction to nearby motorists, and (3) violated

the county ordinance by allowing the farmers to plant crops in a prohibited area of the property at issue. According to plaintiffs, one or more of these acts or omissions was a proximate cause of the collision and the deaths of Seth and Seggerman.

¶ 11 Finally, plaintiffs alleged the farmers joined together to form a *de facto* partnership to farm land owned by the various partners for the purpose of earning a profit for the individual members of the partnership. According to plaintiffs, the partnership and its members owed a collective and personal duty of care to motorists traveling on roads adjacent to their respective property, which they collectively and personally violated in the manners previously discussed, thereby causing the collision and deaths of Seth and Seggerman.

¶ 12 On August 16, 2024, the landowners filed a motion for summary judgment regarding the claims brought against them in all three cases. In their supporting memorandum, the landowners indicated they (1) had denied all allegations of negligence against them in plaintiffs' second amended complaints and (2) contended Ryder's failure to stop at the clearly visible stop sign was the sole proximate cause of the accident. According to the landowners, if Ryder had stopped at the stop sign, which she was legally required to do, she would have had an unimpeded, clear view of the approaching ambulance prior to entering the intersection. The landowners also noted Ryder's blood alcohol content was twice the legal limit. In addition, they argued their cornfield was a fortuitous condition that existed when Ryder failed to yield to traffic on Route 116 and not a cause of her failure to yield. The memorandum contended, assuming, *arguendo*,

“Plaintiffs could establish a case for *prima facie* negligence based on the ordinance, the *prima facie* evidence of negligence does not establish a *prima facie* case of liability, since the element of proximate cause must still be proved. Plaintiffs simply cannot prove that the alleged negligence arising from the *condition* of Defendants'

property to be a *proximate cause* of the accident[.]” (Emphases in original.)

Finally, the landowners argued they did not cause Ryder to disregard the stop sign, and her actions were the “intervening efficient cause which broke any causal relationship between the cornfield and the motor vehicle accident.”

¶ 13 On August 19, 2024, Haas Farms, Inc., and Alan Haas also filed a motion for summary judgment as to plaintiffs’ claims against them. The motion argued plaintiffs could not establish facts supporting a finding that they proximately caused plaintiffs’ injuries, making in essence the same arguments from the landowners’ motion for summary judgment. In addition, they argued they neither owed nor breached a duty of care to plaintiffs.

¶ 14 On June 26, 2025, the circuit court held a hearing on defendants’ motions for summary judgment. Then, at a hearing on August 12, 2025, the court orally announced its decision on the motions. The court first noted its comments regarding the law and the facts in the consolidated cases were limited to its ruling on the motions for summary judgment. The court noted Ryder was driving southbound on County Road 2400 East, a two-lane country road, in Woodford County on August 1, 2020, and failed to stop at a stop sign governing traffic in the direction she was traveling. The stop sign was located at the intersection of County Road 2400 East and Route 116. Vehicles traveling on Route 116 did not have a stop sign governing their travel at the intersection. The court noted Ryder failed to stop her vehicle at the stop sign and proceeded into the intersection, resulting in a collision between her vehicle and an ambulance driven by Delgado on Route 116. Seth, Hert, and Seggerman were passengers in Ryder’s vehicle. Ryder, Seth, and Seggerman died as a result of the collision, and Hert was injured but survived.

¶ 15 The circuit court then noted plaintiffs had sued defendants because they had planted crops in a location that allegedly violated Woodford County Ordinance § 154.04.7E (amended

Feb. 18, 2020). The court noted defendants argued summary judgment would still be appropriate, even if the location of the corn violated the ordinance, because plaintiffs could not establish proximate cause pursuant to the undisputed facts because defendants' corn played no role in Ryder failing to stop at the stop sign before entering the intersection, "meaning that the crops and the planting or location of the crops was merely a condition, not a proximate cause" of the collision and Seth's and Seggerman's deaths.

¶ 16 According to the circuit court, the facts in the case were largely undisputed. In addition to the facts previously summarized by the court, it noted black box data from Ryder's vehicle confirmed her vehicle never came to a complete stop before entering the intersection, although it did slow down before the collision. The court also noted the stop sign governing Ryder's travel would have been clearly visible to Ryder as she approached the intersection. Further, the court stated it was undisputed that nothing would have obstructed Ryder's vision of vehicles traveling in either direction on Route 116, including the ambulance with which she collided, if she had stopped her vehicle where she was lawfully required to do so.

¶ 17 After discussing several cases on the topic at hand, the circuit court stated:

"[T]he critical or seminal [sic] inquiry is whether the farmers in our case might have reasonably anticipated the intervening cause here, *i.e.*, Ms. Ryder failed to stop at the stop sign as a natural and probable result of the farmers' negligence, and if the act of Ms. Ryder is the immediate cause of the injury, and as such, is in the exercise of reasonable diligence would not be anticipated and if Ryder is not under the farmers' control, then the farmers' negligence would not be the proximate cause of the injury."

Then, in explaining its reasons for granting defendants' motions for summary judgment, the court

noted this case involved two wholly independent acts by independent parties who were not connected or under the control of the other. Defendants' act of growing their corn in a manner that allegedly violated the county ordinance was the first independent act. Ryder's failure to stop at the stop sign was the second independent or intervening act. The court then explained:

“Just like in *Kirschbaum* [*v. Village of Homer Glen*, 365 Ill. App. 3d 486 (2006)], it seems clear that the defendant farmers in our case could not have reasonably anticipated that Ryder, an independent party, would fail to obey a plain and visible traffic control device, *i.e.* a stop sign. In looking at the cases, in fact, the only behavior the farmers could have reasonably be held to have foreseen is that Ryder would have obeyed her statutory obligation to stop at the stop sign located once again at the intersection of Illinois Route 116 and 2400 East. Therefore, Ryder's negligence in our case is just like the *Kirschbaum* case that then broke the causal connection and then made the farmers, and I call it alleged negligence. I'm not saying there's been an admission they were negligent. I think the defendant farmers just admitted that for purpose of this argument, they weren't contesting whether the crops were planted in violation of the Woodford County ordinance.

I'm not making findings of that a binding admission, just for the purpose of argument. So in effect here, it would make the farmers' alleged negligence merely a condition and not the proximate cause of the injuries of everyone involved here.

Therefore, the Court finds that the plaintiff's [*sic*] claim against the farmers fail[s] because of the inability to show that the farmers' breach was the proximate cause of all the injuries. And then if I quote back to *Merlo* [*v. Public Service Co. of Northern Illinois*, 381 Ill. 300 (1942),] and *Jeanguenat* [*v. Zibert*, 78 Ill. App. 3d

948 (1979)], and I quote here, total and unexplained inattention to the roadway while driving an automobile is conduct so outrageously negligent and reckless, that in the exercise of reasonable diligence, it could not be anticipated.”

The court later stated it was finding that any corn planted in violation of the Woodford County ordinance was only the remote and not the proximate cause of the collision in this case.

¶ 18 As a result, the circuit court ruled plaintiffs’ claims against defendants failed as a matter of law because plaintiffs would be unable to show defendants’ alleged negligence was the proximate cause of plaintiffs’ injuries in all three cases before the court.

¶ 19 The circuit court did go on to state, “Everyone knows people don’t always stop at country roads.”

¶ 20 After the circuit court made its oral ruling, the court and counsel discussed the effect of the court’s summary judgment rulings on the parties’ appeal rights. The court recognized its summary judgment ruling was not disposing of the entire consolidated matter, but it suspected it was disposing of some parties’ involvement in the case. The parties and the court then discussed Illinois Supreme Court Rule 304(a) (eff. Mar. 8, 2016) findings, whether the consolidated cases needed to be “bifurcated,” and the deadlines for filing appeals. The court stated:

“I mean typically what I do is I’ll do a docket entry either late this afternoon or first thing in the morning. That typically stands as my order. The reason I like to do that instead is, if I say well, wait until we get a written order in here, then everyone’s kind of waiting to figure out when that timeline runs. So I think that’s my experience that you’re not leaving here with an unknown date and then you blow a date. So I can consider for purposes of appellate purposes, that the final judgment as it relates to these farmers as of today. There will be a docket entry just confirming

that. It will be entered *** today by my assistant ***. Then everyone knows its 30 days from today and we err on the side of caution.”

The court also indicated it would include August 12, 2025, as the judgment date.

¶ 21 The circuit court and parties then discussed the necessity for Rule 304(a) findings in the court’s order because Hert’s claims against Ryder’s estate in case No. 21-L-135 were still pending. During the hearing, an unidentified attorney stated, “And, Judge, just for the record, to make it clear, the farming defendants are Christopher Jones, Karen Jones, Jason Haas, Alan Haas and Haas Farms, Inc., and the judgment is going to have a 304A final appealable finding as of today’s date?” The court responded it would make the ruling final and appealable with regard to Christopher Jones, Karen Jones, Jason Haas, Alan Haas, and Haas Farms, Inc., as of August 12, 2025. After additional discussions regarding “bifurcation” of the consolidated cases and Rule 304(a) findings, it then appears the parties may have agreed the Rule 304(a) findings would be unnecessary in case Nos. 21-L-100 and 21-L-101 because the court was “bifurcating” the three cases that previously had been consolidated.

¶ 22 The circuit court’s docket entry dated August 12, 2025, states, in relevant part, as follows:

“For the reasons noted by the Court on the record in open Court, the following Orders are entered as of August 12, 2025[,] in the following sequence:

1. All cases (Unruh v. Tuttle, *et al.*, 21-L-100; Christ v. Tuttle, *et al.*, 21-L-101; and Hert v. Tuttle, *et al.* 21-L-135) are hereby bifurcated.

2. Defendants Christopher Jones, Karen Jones, Jason Haas, Alan Haas and Haas Farms, Inc.’s Motions for Summary Judgment *** [are] entered in favor of Defendants Christopher Jones, Karen Jones, Jason Haas, Alan Haas and Haas

Farms, Inc. and against Plaintiff Blake Hert. Plaintiff Blake Hert's case against defendant Greg Tuttle as Special Representative for the Estate of Morgan Ryder, deceased, remains pending. The Defendants Christopher Jones, Karen Jones, Jason Haas, Alan Haas and Haas Farms, Inc. judgment is deemed a final and appealable order pursuant Illinois Supreme Court Rule 304(a).

3. Defendants Christopher Jones, Karen Jones, Jason Haas, Alan Haas and Haas Farms, Inc.'s Motions for Summary Judgment in *Unruh v. Tuttle, et al.*, Case No. 21-L-100 is granted and judgment is entered in favor of all Defendants and against all Plaintiffs.

4. Defendants Christopher Jones, Karen Jones, Jason Haas, Alan Haas and Haas Farms, Inc.'s Motions for Summary Judgment in *Christ v. Tuttle, et al.*, Case No. 21-L-101 is granted and judgment is entered in favor of all Defendants and against all Plaintiffs."

¶ 23 For clarity, we note that while the circuit court's order cites a caption in McLean County cases Nos. 21-L-100 and 21-L-101, which includes Tuttle, *et al.*, Ryder's estate was no longer a defendant in those cases after the filing of the second amended complaints.

¶ 24 The Unruhs and Christ appealed the circuit court's decisions in McLean County case Nos. 21-L-100 and 21-L-101, respectively. On October 12, 2025, this court allowed a motion to consolidate these appeals.

¶ 25 II. ANALYSIS

¶ 26 In the circuit court, plaintiffs in these consolidated appeals brought negligence claims against defendants. When pursuing a negligence action, "a plaintiff must allege and prove that the defendant owed a duty to the plaintiff, that defendant breached that duty, and that the

breach was the proximate cause of the plaintiff's injuries." *First Springfield Bank & Trust v. Galman*, 188 Ill. 2d 252, 256 (1999). "The occurrence of an accident does not support an inference of negligence, and, absent positive and affirmative proof of causation, [the] plaintiff cannot sustain the burden of establishing the existence of a genuine issue of material fact." *Kellman v. Twin Orchard County Club*, 202 Ill. App. 3d 968, 974 (1990).

¶ 27 The primary issue in this appeal concerns the issue of proximate cause and whether any causal connection between defendants' alleged negligence in growing their corn in a manner violating Woodford County Ordinance § 154.04.7E (amended Feb. 18, 2020) was severed by Ryder's intervening act of failing to stop at a stop sign before entering the intersection and colliding with the ambulance. The circuit court concluded Ryder's intervening conduct severed any causal connection between defendants' conduct and the collision and injuries to Seth, Seggerman, and Hert as a matter of law based on the undisputed material facts in this case. (We note the court's ruling with regard to Hert is not part of this consolidated appeal.)

¶ 28 In these consolidated appeals, plaintiffs argue the circuit court erred in granting defendants' motions for summary judgment. According to plaintiffs, Ryder's failure to stop at the stop sign did not sever any causal connection between defendants' alleged negligence and the collision and injuries at issue in this appeal because Ryder's conduct was foreseeable to defendants.

¶ 29 A. Appellate Jurisdiction

¶ 30 Although none of the parties in these consolidated appeals challenged this court's jurisdiction, "[a] reviewing court must ascertain its jurisdiction before proceeding in a cause of action, regardless of whether either party has raised the issue." *Secura Insurance Co. v. Illinois Farmers Insurance Co.*, 232 Ill. 2d 209, 213 (2009). We note that after the circuit court granted

the farmers’ and the landowners’ motions for summary judgment on August 12, 2025, both the court and the parties recognized the appellate court might not have jurisdiction to immediately review the circuit court’s summary judgment rulings because those rulings did not adjudicate all the claims, rights, and liabilities of all the parties in all three of the cases that had been consolidated in the circuit court.

¶ 31 Illinois Supreme Court Rule 304(a) (eff. Mar. 8, 2016) states:

“If multiple parties or multiple claims for relief are involved in an action, an appeal may be taken from a final judgment as to one or more but fewer than all of the parties or claims only if the trial court has made an express written finding that there is no just reason for delaying either enforcement or appeal or both. *** In the absence of such a finding, any judgment that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties is not enforceable or appealable and is subject to revision at any time before the entry of a judgment adjudicating all the claims, rights, and liabilities of the parties.”

Ultimately, after much discussion between the attorneys and the circuit court, the court indicated it would “bifurcate” the three cases previously consolidated. While the court included a Rule 304(a) finding in its ruling regarding case No. 21-L-135, which is not part of this consolidated appeal, because the court’s ruling did not adjudicate all the claims, rights, and liabilities of all the parties in that particular case, the court concluded a Rule 304(a) finding was unnecessary in its rulings in case Nos. 21-L-100 and 21-L-101 because it believed its rulings adjudicated all the claims, rights, and liabilities of all the parties in those two cases.

¶ 32 The question for this court—with regard to our jurisdiction—is whether the circuit court’s order “bifurcating” the three cases in the circuit court was sufficient to enable this court to

exercise its jurisdiction over the two cases in this consolidated appeal—case Nos. 21-L-100 and 21-L-101—absent Rule 304(a) findings.

¶ 33 The plaintiffs in these two consolidated cases do not claim this court has jurisdiction pursuant to Rule 304(a). Instead, they assert we have jurisdiction pursuant to Illinois Supreme Court Rule 301 (eff. Feb. 1, 1994) and Illinois Supreme Court Rule 303 (eff. July 1, 2017) because the “bifurcation” order and the circuit court’s order granting the landowners’ and the farmers’ respective motions for summary judgment resulted in a final judgment resolving all the claims between the parties in the two cases before us.

¶ 34 In *Carter v. Chicago & Illinois Midland Ry. Co.*, 119 Ill. 2d 296, 307-08 (1988), our supreme court stated:

“To clarify the murky waters and to return to the certainty expected from the enactment of section 50(2) of the Civil Practice Act (now Rule 304(a)), we hold that regardless of the section of the Code [of Civil Procedure (Procedure Code)] relied upon by the court to bring about a separate trial of a claim or a counterclaim, the finding required by Rule 304(a) that ‘there is no just reason for delay in enforcement or appeal’ is necessary to make a judgment as to the separately tried issue appealable, unless the trial court, in its severance order, clearly and unequivocally states that the claim, counterclaim or the party has indeed been *severed* (in the narrow sense of that word) and that the severed claim, counterclaim or the party shall proceed thereafter separate from the other claims, counterclaims or parties to the case. It appears that a true severance of actions should be accomplished under section 2-1006, but even when the order refers to this section and uses the words ‘sever’ or ‘severance,’ the order should provide the certainty we

have just discussed to avoid the requirements of Rule 304(a). The use of Rule 304(a) certification shall be the rule in cases involving judgments as to fewer than all parties or claims. The perfecting of an appeal under Rule 303(a)(1) in such cases must be the exception.” (Emphasis in original.)

¶ 35 Although the circuit court, in its ruling on August 12, 2025, used the term “bifurcate” instead of “sever” and did not cite section 2-1006 of the Procedure Code (735 ILCS 5/2-1006 (West 2024)), the court clearly indicated the three cases would be proceeding independently from that point forward. While the court’s intent is clear from its statements at the August 12, 2025, hearing, we do note the transcript of the hearing fails to identify which specific attorney is speaking at the end of the hearing, making it impossible for this court to determine who is speaking while the attorneys and the court discussed whether the court needed to include Rule 304(a) findings in each of the three cases after they were “bifurcated.”

¶ 36 Regardless, at one point during the hearing, the circuit court stated:

“So I can consider for purposes of appellate purposes, that the final judgment as it relates to these farmers as of today. There will be a docket entry just confirming that. It will be entered either today by my assistant, I think she’s leaving today at 3:30, looking at the clock here. Then everyone knows it’s 30 days from today and we err on the side of caution.”

Later during the hearing, the following exchange occurred between the court and one or more of the attorneys:

“COUNSEL: And just for clarification. If we’re going to go without 304A language on the two cases that are completely done [(case Nos. 21-L-100 and 21-L-101)], the bifurcation order has to be entered first because then they’re separate

and distinct and in the individual case that are done with, they're final and appealable, otherwise its 304A language. Just a technicality, I think.

THE COURT: What's the case number do you want the 304A in, which one is yours?

COUNSEL: 21-L-135.

THE COURT: So just to be clear then, the 304A language that you're going to just write on a piece of paper that I include in my entry only applies to 21-L-135?

COUNSEL: Correct.

COUNSEL: Thank you, Judge.

THE COURT: So you want the bifurcation—I've got my ruling, bifurcation, and then the 304A findings?

COUNSEL: Right, because then it resolves all the issues in the other two cases as they're bifurcated.

THE COURT: Okay."

¶ 37 As a result, based on the explanation given at the hearing regarding the effect of the circuit court's "bifurcation" order on the two cases before this court on appeal and the court's docket entry, we conclude we do have jurisdiction in this consolidated appeal. However, this court would be remiss if we did not instruct the circuit court—and the parties who asked the court to "bifurcate" the cases—to use the correct terminology and procedures provided by our state legislature and supreme court should a similar situation arise in the future. It would have been preferable for the parties to request a Rule 304(a) finding, which is specifically designed to create interlocutory appealability in this circumstance and which the court was fully willing to give. Regardless, if the parties wished to proceed by splitting the cases, they and the court would have

been wise to address the matter as a severance under section 2-1006 of the Procedure Code (*id.*). Whether other issues might be raised as a result of severance is not something we need to address here.

¶ 38 B. Principles of Summary Judgment

¶ 39 Pursuant to section 2-1005(c) of the Procedure Code (*id.* § 2-1005(c)), summary judgment “shall be rendered without delay if the pleadings, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.” According to our supreme court, when determining whether a genuine issue of material fact exists, a court must consider the pleadings, depositions, admissions, and affidavits liberally in favor of the nonmoving party and strictly against the party requesting summary judgment. *Bagent v. Blessing Care Corp.*, 224 Ill. 2d 154, 162 (2007). If the material facts are disputed or reasonable persons could draw different inferences from the undisputed facts, a motion for summary judgment should be denied. *Id.* at 162-63. While an order granting summary judgment can aid in the expeditious disposition of a complaint, it is a drastic remedy and should only be allowed when the moving party’s right is clear and free from doubt. *Id.* at 163.

¶ 40 A plaintiff does not have to prove his case to survive summary judgment. *Enbridge Pipeline (Illinois), LLC v. Kiefer*, 2017 IL App (4th) 150342, ¶ 35. However, he must “ ‘present a factual basis that would *arguably* entitle [him] to a judgment.’ ” (Emphasis added.) *Id.* (quoting *Bruns v. City of Centralia*, 2014 IL 116998, ¶ 12). Generally, the question of whether a defendant’s act or failure to act was a proximate cause of a plaintiff’s injury is a question of fact to be determined by the trier of fact. *Abrams v. City of Chicago*, 211 Ill. 2d 251, 257 (2004). However, the question may be decided as a matter of law when the facts show a plaintiff would never be

entitled to recover against a defendant. *Id.* at 257-58.

¶ 41

C. Principles of Proximate Cause

¶ 42

“[T]he term ‘proximate cause’ describes two distinct requirements: cause in fact and legal cause.” *Galman*, 188 Ill. 2d at 257-58 (citing *Lee v. Chicago Transit Authority*, 152 Ill. 2d 432, 455 (1992)). According to our supreme court, “[c]ause in fact exists where there is a reasonable certainty that a defendant’s acts caused the injury or damage.” *Id.* at 258 (citing *Lee*, 152 Ill. 2d at 455). If a defendant’s conduct is a material element and a substantial factor in bringing about a plaintiff’s injury, the defendant’s conduct is a cause in fact of the injury. *Id.* On the other hand, legal cause presents a question of foreseeability. *Id.* With regard to questions as to whether something constitutes a legal cause, “[t]he relevant inquiry *** is whether the injury is of a type that a reasonable person would see as a likely result of his or her conduct.” *Id.*

¶ 43

In *Merlo*, 381 Ill. at 316-17, our supreme court discussed whether an intervening cause of a plaintiff’s injuries can break the causal connection between that plaintiff’s injuries and another defendant’s negligence that occurred before the intervening act and offered the following guidance:

“The test that should be applied in all cases in determining the question of proximate cause is whether the first wrongdoer might have reasonably anticipated the intervening cause *as a natural and probable result of the first party’s own negligence*. [Citation.] If the act of a third party is the immediate cause of the injury and is such as in the exercise of reasonable diligence would not be anticipated and the third person is not under the control of the one guilty of the original wrong, the connection is broken and the first act or omission is not the proximate cause of the injury. There may be more than one proximate cause of an injury. But if two wholly

independent acts, by independent parties, neither bearing to the other any relation or control, cause an injury by one creating the occasion or condition upon which the other operates, the act or omission which places the dangerous agency in operation is the efficient intervening cause that breaks the causal connection and makes the other act or omission the remote and not the proximate cause of the injury.” (Emphasis added.)

More recently, our supreme court, in *Galman*, citing its opinion in *Merlo*, stated, “The test that should be applied in all proximate cause cases is whether the first wrongdoer reasonably might have anticipated the intervening efficient cause *as a natural and probable result of the first party’s own negligence*.” (Emphasis added.) *Galman*, 188 Ill. 2d at 257 (citing *Merlo*, 381 Ill. at 317).

¶ 44

D. Plaintiffs’ Arguments

¶ 45

According to plaintiffs, Ryder’s failure to obey the stop sign at issue, thereby causing an accident, was foreseeable to defendants. Plaintiffs point to the fact some of the defendants indicated they were aware of drivers in the area not obeying stop signs. The circuit court even stated, “Everyone knows people don’t always stop at country roads.” Therefore, plaintiffs argue the court erred in finding Ryder’s actions severed any causal connection defendants had to the collision and plaintiffs’ injuries because Ryder’s act and the resulting harm was foreseeable.

¶ 46

Plaintiffs cite our supreme court’s opinion in *Bentley v. Saunemin Township*, 83 Ill. 2d 10, 15 (1980), as support for its argument. In *Bentley*, our supreme court stated, “The negligence of a defendant will not constitute a proximate cause of a plaintiff’s injuries if some intervening act supersedes the defendant’s negligence, but if the defendant could reasonably foresee the intervening act, that act will not relieve the defendant of liability.” *Id.* On its face, this statement

in *Bentley* supports plaintiffs' position that Ryder's intervening act of failing to stop before entering the intersection did not sever defendants' alleged responsibility for the collision and plaintiffs' injuries, considering it was common knowledge and therefore foreseeable that people do not always perform legal stops at stop signs.

¶ 47 However, after our supreme court decided *Bentley*, it issued its opinion in *Galman*. As stated above, our supreme court, in *Galman*, stated, "The test that should be applied in all proximate cause cases is whether the first wrongdoer reasonably might have anticipated the intervening efficient cause *as a natural and probable result of the first party's own negligence*." (Emphasis added.) *Galman*, 188 Ill. 2d at 257 (citing *Merlo*, 381 Ill. at 317). In other words, foreseeability alone is not enough. Instead, the question is whether the intervening act was reasonably foreseeable as a natural and probable result of the first party's own negligence.

¶ 48 Applying *Galman* to the undisputed material facts in this case, the question for this court is whether it was reasonably foreseeable to a reasonable person in defendants' position that a driver would fail to stop at the stop sign as a natural and probable result of defendants' (1) growing corn in a location that violated the Woodford County ordinance (2) when the corn neither (a) obstructed the stop sign at issue nor (b) obstructed the view of oncoming traffic on Route 116 if a car stopped, as required by the stop sign.

¶ 49 Based on the undisputed facts in this particular case, the clear answer to this question is that no reasonable person in defendants' position would have foreseen someone not obeying the stop sign and not looking for oncoming traffic on Route 116 because the corn at issue here neither obstructed the visibility of the stop sign nor the visibility of oncoming traffic on Route 116 to a person stopped at the stop sign. Therefore, the circuit court correctly granted defendants' motion for summary judgment because Ryder's conduct severed any causal connection between

defendants' alleged negligence and the collision that caused plaintiffs' injuries.

¶ 50

III. CONCLUSION

¶ 51

For the reasons stated, we affirm the circuit court's judgments in these consolidated cases.

¶ 52

Affirmed.