2026 IL App (1st) 250655-U

FOURTH DIVISION
Order filed: August 27, 2026

No. 1-25-0655

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).

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

YOLANDA AMBROSE, Plaintiff-Appellant, v. GENEVA BULLOCKS and TAYLOR ENTERTAINMENT, LLC d/b/a PLAY HOUSE PARTY RENTALS, Defendants. (Geneva Bullocks, Defendant-Appellee).	)	Appeal from the Circuit Court of Cook County. No. 2023 L 001157 Honorable Barbara Nubia Flores, Judge, presiding.

JUSTICE QUISH delivered the judgment of the court.
Presiding Justice Navarro and Justice Lyle concurred in the judgment.

ORDER

¶ 1 *Held*: The circuit court correctly granted summary judgment to defendant because she owed no legal duty to protect a party guest from hazards associated with riding a mechanical bull that defendant rented for the party, as the hazards posed by the bull were open and obvious.

¶ 2 Plaintiff Yolanda Ambrose appeals from the order of the circuit court of Cook County granting the motion for summary judgment filed by defendant Geneva Bullocks. On appeal,

Ambrose argues that the circuit court erred in granting summary judgment because Bullocks owed her a legal duty based on the condition and operation of a rented mechanical bull on Bullocks's property. For the following reasons, we affirm.

¶ 3 The operative complaint, Ambrose's third amended complaint, alleged that Bullocks and Taylor Entertainment, LLC d/b/a Play House Party Rentals ("Taylor Entertainment") negligently caused Ambrose injury by operating a mechanical bull during a party on Bullocks's property in South Holland, Illinois. The complaint alleged four counts including, relevant to this appeal, a premises liability claim against Bullocks. Ambrose alleged that Bullocks negligently failed to inspect the mechanical bull and ensure it was in a safe condition, failed to provide proper supervision of the bull while it was in operation, failed to "adjust or limit the settings" of the bull while it was in operation, and failed to warn guests about the "dangerous and defective condition" of the bull. The complaint alleged that, as a result of defendants' negligence, Ambrose suffered a traumatic fracture of her left tibia. Ambrose ultimately settled her claims against Taylor Entertainment. Bullocks alleged contributory negligence and assumption of risk as affirmative defenses.

¶ 4 After the parties completed discovery, Bullocks filed a motion for summary judgment. In support of her motion, Bullocks attached a transcript of Ambrose's deposition, Ambrose's third amended complaint, Bullocks's answer and affirmative defenses, and Taylor Entertainment's answer and affirmative defenses.

¶ 5 In Ambrose's deposition, she testified that she was invited to a party at Bullocks's home in June 2022. Bullocks was a cousin of Ambrose's friend. When she arrived, Ambrose saw a mechanical bull set up in Bullocks's back yard. Ambrose saw other people riding the mechanical

bull for about an hour before she tried it. Ambrose had never ridden a mechanical bull, but was aware that mechanical bulls "try to throw people off" of the bull. She stated that other people at the party who rode the bull were not being "thrown" from the bull, but rather "fell off of it." She saw the bull "go real fast and wild" causing people to fall. Ambrose agreed that she knew that, if she were to ride the mechanical bull, it would cause her to fall from it. No one forced her to ride the bull. Ambrose knew that once she was on the bull, it would spin around and move up and down like it did with the other riders. She agreed that no one had to warn her that she would eventually fall off the bull. She admitted that she was aware someone could be hurt riding the bull or falling off it.

¶ 6 Ambrose viewed a video of her riding the bull, which is not part of the record on appeal. She stated that her injury occurred when she fell and her "leg went into the shaft of the mechanical bull" which was "something that *** [the] mechanical bull company should have covered and made sure it was safe." She testified that she felt a metal piece of the bull hit her leg as she was falling, causing her injury. She stated that her leg was injured before she landed on the padded mat underneath the bull. Ambrose agreed that the video depicted her foot hitting the mat with her knee straight, then her knee buckled inwards approximately a second later. However, she stated that the front of the bull hit her leg as she was going down and "pushed everything to the left" and her leg broke before she hit the mat. Ambrose testified there was an opening underneath the front of the bull and the right edge of that opening hit her leg as she fell. She clarified that her foot went onto the mat and slipped into the opening underneath the bull, and her leg broke before her knee hit the padding.

¶ 7 Ambrose testified that Bullocks "should have made sure that that mechanical bull was properly set up and safe for people to ride." She stated that she "watched other videos" of mechanical bulls and did her "own research" on Google to see parts of a mechanical bull. Based on the "little research" she did herself and "some of the pictures" she had seen of other mechanical bulls, it looked like there was "something missing" from the bull and "something off with the one that I injured myself on." Ambrose agreed that she did not have any evidence that the mechanical bull was set up improperly. When asked if there was a piece missing from the bull, she said "Well, in my eyes." She testified that the video of the bull she fell off of, looking at pictures of other mechanical bulls, "they don't look the same."

¶ 8 Ambrose also testified that two people from Taylor Entertainment were present when she rode the bull. She did not speak to them, but they waited until she was ready before turning on the bull. The bull spun around and moved from side to side and up and down. She was aware that there was padding around the bull and there were risks associated with falling off the bull, even with the padding.

¶ 9 In Taylor Entertainment's answer to the third amended complaint, it admitted that it "was responsible for the setup, maintenance, and operation of the 'mechanical bull,' and protective surrounding padding, on the Premises." It also admitted that it "exercised substantial control over the operation, setup, inspection, and/or maintenance of the 'mechanical bull.'"

¶ 10 In her motion for summary judgment, Bullocks argued that (1) she owed no duty to Ambrose with regards to the bull because Taylor Entertainment owned and operated the bull on Bullocks's property and Bullocks did not control the bull's operation; (2) the bull was not a "condition" on Bullocks's premises and therefore, Ambrose could not prevail under a premises

liability theory; (3) even if the bull was a "condition" on her property, its danger was open and obvious and Bullocks owed no duty to protect or warn Ambrose about the bull; (4) Ambrose assumed any risk of injury by voluntarily riding the bull; and (5) there was no evidence that Bullocks was negligent or that her alleged negligence caused Ambrose's injury.

¶ 11 In response, Ambrose argued that (1) Bullocks owed Ambrose a legal duty as an invitee to her property; (2) the mechanical bull was a "condition" of the property under the Premises Liability Act; (3) the open and obvious doctrine did not apply to the mechanical bull; (4) Ambrose did not assume any risk of injury; and (5) genuine issues of material fact existed as to Bullocks's negligence and whether that negligence proximately caused Ambrose's injury. Ambrose did not attach any affidavits, depositions or other evidence to her response.

¶ 12 Following a hearing, the circuit court granted Bullocks's motion for summary judgment. The court rejected Bullocks's argument that the bull was not a "condition" of the property, as it was "affixed to her property for the party." The court found that Ambrose's injury was reasonably foreseeable to Bullocks, but the bull posed an open and obvious hazard. The court recognized that the fact that the bull was an open and obvious hazard did not preclude finding that Bullocks owed a duty to Ambrose. However, the court found that the likelihood of injury was slight, given that "a reasonable person exercising ordinary perception, intelligence, and judgment, would appreciate the potential danger of riding a fast, wild, and crazy moving mechanical bull and avoid the risks of riding it as a result." Weighing the common law duty factors, the court found that Bullocks did not owe Ambrose any legal duty, and granted summary judgment in Bullocks's favor on that basis. This appeal follows.

¶ 13 Ambrose argues that the circuit court erred by granting summary judgment to Bullocks because Bullocks owed her a legal duty based on the operation of the mechanical bull on Bullocks's property.

¶ 14 Summary judgment shall be granted if the pleadings, depositions, and admissions on file, together with any affidavits, construed strictly against the moving party, show that there is no genuine issue as to any material fact and the moving party is entitled to a judgment as a matter of law. *Aalbers v. LaSalle Hotel Properties*, 2022 IL App (1st) 210494, ¶ 15; 735 ILCS 5/2-1005 (West 2024). We review an appeal from an order granting summary judgment *de novo*. *Beamon v. Freesmeyer*, 2019 IL 122654, ¶ 22.

¶ 15 "While a plaintiff need not prove her entire case during this stage of litigation, she is nevertheless required, as the nonmoving party, to present some factual basis and evidentiary facts to support the elements of her cause of action." *Aalbers*, 2022 IL App (1st) 210494, ¶ 15; see also *Bruns v. City of Centralia*, 2014 IL 116998, ¶ 12. "Plainly, '[m]ere speculation, conjecture, or guess is insufficient to withstand summary judgment' and a plaintiff cannot rely solely on the allegations of her complaint in order to raise a genuine issue of material fact." *Aalbers*, 2022 IL App (1st) 210494, ¶ 15 (quotations omitted).

¶ 16 To prevail on a claim of negligence, the plaintiff must prove the existence of a duty owed by the defendant to the plaintiff, a breach of that duty, and injury proximately resulting from that breach. *Bruns*, 2014 IL 116998, ¶ 12. When the plaintiff alleges a claim for premises liability, the plaintiff must prove the above elements, plus that (1) there was a condition of the property that presented an unreasonable risk of harm; (2) the defendant knew or reasonably should have known of the condition and the risk; and (3) the defendant could reasonably have expected people would

not realize, would not discover, or would fail to protect themselves from that risk. *Morris v. City of Chicago*, 2023 IL App (1st) 221116, ¶ 22.

¶ 17 The existence of a duty is a question of law to be decided by the court. *Davis v. Advocate Health & Hospitals Corp.*, 2024 IL App (1st) 231396, ¶ 17. The determination of whether a duty exists is guided by four factors: (1) the reasonable foreseeability of the injury; (2) the likelihood of the injury; (3) the magnitude of the burden of guarding against the injury; and (4) the consequences of placing that burden on the defendant. *Bruns*, 2014 IL 116998, ¶ 14. The relative weight given to these factors may vary based on the circumstances of each case. *Id.*

¶ 18 Generally, a landowner owes invitees a duty to maintain his or her premises in a reasonably safe condition. *Ward v. K Mart Corp.*, 136 Ill. 2d 132, 141 (1990). However, a landowner does not owe a duty to foresee and protect against potentially dangerous conditions that are open and obvious. *Bruns*, 2014 IL 116998, ¶ 16. A condition is open and obvious when it is clear and recognizable to a reasonable person using ordinary judgment. *Cole v. Chicago Transit Authority*, 2025 IL App (1st) 230797, ¶ 38. Whether a particular danger is open and obvious may be a question of law. *Id.* ¶ 37. "Obvious" means that "both the condition and the risk are apparent to and would be recognized by a reasonable man, in the position of the visitor, exercising ordinary perception, intelligence, and judgment." *Bruns*, 2014 IL 116998, ¶ 16. "'[T]he law generally assumes that persons who encounter these conditions will take care to avoid any danger inherent in such condition.'" *Id.* ¶ 17 (quoting *Bucheleres v. Chicago Park District*, 171 Ill. 2d 435, 448 (1996)). The open and obvious doctrine is not a *per se* bar to the finding of a duty, and the court must still conduct a traditional duty analysis. *Id.* ¶ 19.

¶ 19 Bullocks initially argues that the mechanical bull was not a "condition" of her property, and that principles of ordinary negligence, rather than premises liability, should apply. For purposes of this appeal, we assume, without deciding, that premises liability principles apply as alleged in Ambrose's complaint. See *Sollami v. Eaton*, 201 Ill. 2d 1, 14-18 (2002) (evaluating claim that teenager was injured while jumping on landowner's trampoline under premises liability principles).

¶ 20 The parties disagree as to the precise risk posed by the mechanical bull in this case. Ambrose argues that the bull posed a risk because it had a "gaping hole" underneath which caused her injury and made the bull "dangerous and defective." She argues that "a reasonable jury could conclude that the bull could have and should have had a protective metal shield over this hole." Bullocks argues that Ambrose provided no evidence that the bull itself was defective and that the relevant risk posed was the wild bucking and spinning of the bull.

¶ 21 We agree with Bullocks that the relevant risk is the spinning and bucking nature of the bull. Ambrose did not present any evidence that the bull was defective besides her own speculation based on some internet research and looking at photos of other mechanical bulls. Ambrose testified that she was "not an expert" and admitted that she had no evidence that the mechanical bull was not properly set up. Although Ambrose argues that it was "undisputed" that the "bull was allowed to operate without the protective breast plate, and plaintiff testified that the mechanical bull lacked its protective breast plate causing her leg to go into the shaft of the bull," Ambrose never testified to any such statements. She never testified that the bull required a protective breast plate, that this bull lacked such a plate, or that the absence of such a "protective breast plate" caused her injury.

¶ 22 Instead, Ambrose repeatedly cites to the allegations of her third amended complaint where she alleged the bull was defective. However, at the summary judgment stage, Ambrose cannot merely rely on the allegations in her complaint that the mechanical bull was defective or lacked a protective breast plate. *Aalbers*, 2022 IL App (1st) 210494, ¶ 15.

¶ 23 Ambrose also had no factual basis or evidence that Bullocks was involved in setting up or operating the mechanical bull. The undisputed evidence established that Taylor Entertainment set up and operated the bull. Given the lack of evidence regarding any alleged defect in the mechanical bull, and because the only reason that Ambrose encountered the alleged defect is because she chose to ride the bull and was thrown or fell off of it, we find that the relevant risk is riding a spinning and bucking mechanical bull which could throw the rider off in an unpredictable manner. See *Bujnowski v. Birchland, Inc.*, 2015 IL App (2d) 140578, ¶¶ 49-51 (rejecting plaintiff's attempt to frame the risk as the shallow water in a lake on defendant's property, rather than the risk of diving into a lake of unknown depth).

¶ 24 We agree with Bullocks that the risks associated with riding the mechanical bull were open and obvious. A mechanical bull that quickly spins and bucks the rider poses a clear risk of potential injury to the rider when they are eventually thrown from the bull. Ambrose testified that she observed multiple other people ride and fall off the bull for an hour before she chose to ride the bull herself. She denied that anyone coerced her to ride and, contrary to Ambrose's argument, there is no evidence she was even encouraged to ride the bull. Ambrose admitted that the point of riding the bull was to stay on as long as possible, and knew that she would eventually fall off. Ambrose also admitted that she knew the bull would move around and up and down while she rode it. She admitted that she was aware someone could be hurt riding the bull or falling off it. Thus, we find

that the risks of riding on a mechanical bull that spins and bucks the rider until they fall off would be clear to a reasonable person. See *Cole*, 2025 IL App (1st) 230797, ¶ 38. We find that a reasonable person in Ambrose's position, exercising ordinary perception, intelligence and judgment would recognize both the condition and risk involved in riding a mechanical bull.

¶ 25 Ambrose cites *Meier v. Ma-Do Bars, Inc.*, 484 N.Y.S.2d 719 (1985), a decision by the Supreme Court, Appellate Division, Third Department in New York, for the proposition that other jurisdictions have found the operation of a mechanical bull was not an open and obvious condition. First, *Meier*, as a New York case, is not precedential. *In re A.C.*, 2016 IL App (1st) 153047, ¶ 47. Second, *Meier* is not even persuasive authority here because that court never expressed any opinion on the open and obvious nature of riding a mechanical bull. The plaintiff in *Meier* was injured after riding a mechanical bull in a bar. *Meier*, 484 N.Y.S. at 719. The only issue in *Meier* was the enforceability of a liability waiver under New York law, and, contrary to Ambrose's argument, the court did not even address the open and obvious doctrine let alone reject it. *Id. Meier* does not support Ambrose's argument.

¶ 26 Ambrose also argues that there were multiple things that Bullocks could have done to prevent her injury, but does not cite any record evidence or case law to support her position that Bullocks owed her a duty on that basis. See Ill. Sup. Ct. R. 341(h)(7) (eff. Oct. 1, 2020) (appellant's argument must contain "citation of the authorities and the pages of the record relied on."). Thus, such an argument is forfeited.

¶ 27 Ambrose next contends that because there is a genuine dispute of material fact as to the nature of the hazard at issue, a jury could conclude that the hazard was not open and obvious. However, this argument is based on Ambrose's bare allegation in her complaint, without any

supporting evidence, that the "defective nature" of the mechanical bull is the hazard at issue, rather than the risks posed by riding the bull. As discussed above, Ambrose presented no evidence that the bull was defective at all, and we reject her framing of the risk. Although Ambrose argues that there is a "genuine, evidence-based dispute, that the condition of this mechanical bull, with its gaping hole that exposed the rider's limbs to moving metal parts within the bull, was not an open and obvious danger," she cites no evidence or case law to support her argument.

¶ 28 In fact, Ambrose never testified that there was a "gaping hole" in the bull and actually testified "I wouldn't even say 'a hole'" and that "a piece of the mechanical bull" hit her leg. Although Ambrose argues in her brief that her leg went into this "open moving hole in the bull and the interior moving parts injured her," she cites no pages of the record to support this statement. Ambrose never so testified. Rather, Ambrose testified that a piece of the mechanical bull hit her leg as she was falling off. Thus, there is no genuine issue of fact that the mechanical bull posed a hazard due to its spinning and bucking nature, which Ambrose acknowledged was meant to throw riders off. Given the apparent nature of this hazard, we find that it posed an open and obvious risk to anyone who chose to ride the bull. However, this does not end our analysis, as we still consider the remaining duty factors to determine whether Bullocks owed Ambrose a duty of care. *Bruns*, 2014 IL 116998, ¶ 19.

¶ 29 The fact that the mechanical bull was an open and obvious condition is relevant to the first two factors of the duty analysis. Regarding the foreseeability of injury, a defendant is ordinarily not required to foresee injury from an open and obvious condition. *Bruns*, 2014 IL 116998, ¶ 36. The likelihood of injury is generally slight given the presumption that individuals encountering an open and obvious condition will appreciate and avoid those risks. *Id.* Here, given the open and

obvious hazard posed by the mechanical bull, it is presumed that individuals would approach that hazard with care, minimizing the foreseeability and likelihood of injury. Both factors weigh against finding that Bullocks owed a legal duty to Ambrose.

¶ 30 The third and fourth factors involve the magnitude of the burden that would be imposed to guard against the injury and the consequences of placing that burden on the defendant. *Bruns*, 2014 IL 116998, ¶ 14. These factors could be seen to weigh in favor of finding a duty, given that Bullocks could have decided not to rent a mechanical bull for her property at all, reducing the risk of injury. However, we decline to hold that Bullocks owed a duty on that basis.

¶ 31 We find *Sollami* to be helpful in our analysis. In *Sollami*, our supreme court considered whether a defendant landowner owed a duty to two teenagers who were injured "rocket-jumping" on his trampoline, a maneuver which allowed one jumper to jump higher with the help of others jumping on the edge of the trampoline. *Sollami*, 201 Ill. 2d at 4. Our supreme court held that the risk posed by "rocket-jumping" was open and obvious, and that the defendant had no duty to protect against that risk. *Id.* at 17-18. The court observed that "[t]he mere fact that [the defendant] may be aware that teenagers *** use his trampoline and may injure themselves while performing inappropriate maneuvers, such as rocket-jumping, does not translate into a legal duty to provide warnings or supervision or to prevent use of the trampoline altogether. [Citations.] Moreover, such burdens are unjustified, given the open and obvious nature of the risk involved in this case." *Id.*

¶ 32 While this case does not involve alleged "inappropriate maneuvers" on the mechanical bull, it similarly involves a guest on defendant's property voluntarily encountering an open and obvious potential hazard in the form of an amusement device and being injured as a result. See *Allen ex rel. Linder v. Martinez*, 348 Ill. App. 3d 310, 314 (2004) ("*Sollami*'s reasoning, taken as

a whole, implies that the danger of falling is an obvious risk from even the most routine trampoline use."). The mere possibility that guests at Bullocks's home may have been injured when they were thrown from the mechanical bull does not justify the imposition of a legal duty on Bullocks to protect against any such injury, given the open and obvious nature of the risk posed by the bull. Further, Ambrose admitted that she knew there was a risk of injury from riding the bull. Therefore, we find that Bullocks owed no legal duty to Ambrose to protect against that risk.

¶ 33 Although Ambrose also argues that it was "undisputed" that Bullocks did not supervise Ambrose while she was on the bull as required by her lease agreement with Taylor Entertainment, she cites no evidence supporting such a statement. Rather, she cites only an allegation in her unverified third amended complaint, which is, of course, not evidence. *Aalbers*, 2022 IL App (1st) 210494, ¶ 15.

¶ 34 Because we find that Bullocks did not owe Ambrose a legal duty with regards to the open and obvious hazard posed by riding the mechanical bull, the circuit court properly granted summary judgment in Bullocks's favor.

¶ 35 For the foregoing reasons, we affirm the judgment of the circuit court.

¶ 36 Affirmed.