

News & Insights

Mike Borders Quoted in *Chicago Daily Law Bulletin*

Comments on 1st District Appellate Court Dismissal of Negligence Lawsuit Against Pool Owner

May 24, 2013

Michael Borders, a member of Dykema's Litigation Department and Office Managing Member of the Firm's Chicago office, and Seth Rosenberg, a senior attorney resident in Chicago who focuses his practice on litigation matters, secured an important win for their client—the owner of an above-ground swimming pool—when the 1st District Appellate Court ruled he could not be sued by a guest who dove head-first into his 4-foot pool and sustained injuries that now confine him to a wheelchair. Rosa M. Tumialán, a member of Dykema's Litigation Department and Appellate Specialist in the Chicago office, assisted in drafting the appellate brief.

The matter had been ruled in favor of Borders' and Rosenberg's client at the circuit level. The appellate court affirmed this original judgment.

Borders, quoted in the May 23, 2013 *Chicago Daily Law Bulletin* article that reported on this decision, acknowledges the particular challenges in defending cases involving catastrophic injury. While mindful that such cases can engender genuine sympathy, "... the court was cognizant in this case of the open and obvious danger of a hazard of diving into a pool, particularly when the plaintiff testified he didn't appreciate how deep it was."

Attorneys

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Practice Areas

Litigation