

No. 1-10-2234

JACOB MERCA, individually and as)	Appeal from the
the Administrator of the Estate of)	Circuit Court of
Cassandra Merca, Decedent,)	Cook County
)	
Plaintiff-Appellant,)	
)	No. 07 L 9914
v.)	
)	
DIANA J. RHODES,)	The Honorable
)	Eileen Brewer,
Defendant-Appellee.)	Judge Presiding.

PRESIDING JUSTICE ROBERT E. GORDON delivered the judgment of the court, with opinion.

Justices Cahill and Lampkin concurred in the judgment and opinion.

OPINION

¶ 1 Plaintiff Jacob Merca, individually and as the administrator of the estate of Cassandra Merca (decedent), appeals an order of the circuit court of Cook County granting summary judgment in favor of defendant, Diana Rhodes, finding that the death of the decedent was an “unavoidable accident” in a wrongful death action resulting from an automobile collision with decedent, a 14-year-old pedestrian. Plaintiff argues that the evidence presented showed a genuine question of material fact and should be decided by a jury. For the following reasons, we reverse.