

# The Appellate Strategist

INSIGHTS ON APPELLATE ISSUES, TRIAL CONSULTATIONS, AND EVALUATING APPEALS

## Illinois Supreme Court Sets Civil Argument Schedule for September

August 23, 2011 by [Kirk Jenkins](#)

This afternoon the Illinois Supreme Court published its [Oral Argument Calendar](#) [pdf] for the September term, and the Court will hear oral argument in ten civil cases. The cases, with the issue or issues presented in each, are:

September 20:

***Simpkins v. CSX Corporation***, No. 110662 -- Does an employer owe a tort duty of due care to the immediate family of its employees? See [Tort Law](#).

***The Forest Preserve District of Du Page County v. First National Bank of Franklin Park***, No. 110759 & 110760 -- (1) Has a plaintiff negotiated in good faith prior to filing a complaint for condemnation where it fails to offer the full amount of the highest appraisal it receives, fails to attach an appraisal to its offer letter and adds a short time-frame for acceptance to its offer? (2) Are clauses in Annexation Agreements providing that zoning and Special Use Designations survive the expiration of the agreement contrary to Illinois law? (3) Is Section 7-121 of the Eminent Domain Act, which provides that fair market value in a condemnation proceeding shall be determined as of the date the action was filed, unconstitutional as applied under *Kirby Forest Industries v. United States*, 467 U.S. 1 (1984)? See [Government Law](#).

***Wisnasky-Bettorf v. Pierce***, No. 111253 -- Under Section 7-61 of the Illinois Election Code, 10 ILCS 5/7-61, must an established political party timely file a resolution with the appropriate official in order to fill a vacancy in nomination when no candidate appeared on the primary ballot for that party or ran as a write-in candidate? See [Election Law](#).

September 21:

***Citizens Opposing Pollution v. ExxonMobil Coal U.S.A.*** – Nos. 111286 & 111304 -- Does either the Surface Coal Mining Land Conservation and Reclamation Act, 225 ILCS 720/1.01 *et seq.*, and/or the Water Use Act of 1983, 525 ILCS 45/1, permit a private right of action for enforcement? See [Civil Procedure](#).

***Sandholm v. Kuecker*** – No. 111443 -- (1) Is the Illinois Citizen Participation Act, 735 ILCS 110/1, unconstitutional, either on its face or as applied? (2) Is the attorneys fees provision of the Act limited to fees incurred in moving to dismiss under the Act? See [Constitutional Law](#).

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***The Township of Jubilee v. The State of Illinois*** – No. 111447 -- Does the State's filing of a counterclaim, after its motion to dismiss has been denied, waive a claim of sovereign immunity? See [Government Law](#).

***Crossroads Ford Truck Sales, Inc. v. Sterling Truck Corporation*** – No. 111611 -- (1) Are claims brought under Section 4(d)(6) of the Franchise Act, 815 ILCS 710/4(d)(6), within the exclusive jurisdiction of the New Motor Vehicle Review Board? (2) Did the plaintiff otherwise state claims for relief under the Franchise Act? See [Contract Law](#).

September 22:

***Santiago v. E.W. Bliss Company*** – No. 111792 -- When an injured plaintiff intentionally files a complaint using a fictitious name, without leave of court as provided in 735 ILCS 5/2-401, and subsequent to the expiration of the statute of limitations, files an amended complaint with the correct plaintiff's name, should the court dismiss with prejudice as a sanction, or because the limitations period has expired and the amended complaint does not relate back to the original filing? See [Civil Procedure](#).

***Nowak v. The City of Country Club Hills*** – No. 111838 -- May an injured public employee simultaneously collect the benefits provided under the Public Employee Disability Act, 5 ILCS 345/1, as well as the health benefit provided by Section 10(a) of the Public Safety Employee Benefits Act, 820 ILCS 320/10(a)? See [Government Law](#).

***Reliable Fire Equipment Co. v. Arredondo*** – No. 111871 -- What is the appropriate standard for determining whether an employer has a protectable interest in its customer list such that a non-compete clause in an employment agreement is enforceable? See [Employment Law](#).