

No. 1-17-2303

NOTICE: This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

MAGIC ISLAND DAYCARE, INC. and LA JOIE DAYCARE, LLC,)	Appeal from the
)	Circuit Court of
)	Cook County.
Plaintiffs-Appellants,)	
v.)	No. 17 L 637
)	
CHATEAU ELITE, LLC and EDWARD BEREZ,)	Honorable
)	Patrick Sherlock,
Defendants-Appellees,)	Judge Presiding.

JUSTICE CUNNINGHAM delivered the judgment of the court.
Presiding Justice Hoffman and Justice Connors concurred in the judgment.

ORDER

¶ 1 *Held:* The circuit court erred in not allowing the plaintiffs to file their motion for leave to file rejection of arbitration award.

¶ 2 Following an arbitration award issued in favor of the defendants, Chateau Elite, LLC and Edward Berez, the plaintiffs, Magic Island Daycare, Inc. and La Joie Daycare, Inc., filed a motion for leave to file their rejection of the arbitration award pursuant to Supreme Court Rule 183 (eff. Feb. 16, 2011). The circuit court of Cook County entered a judgment on arbitration in favor of the defendants and denied the plaintiffs' motion on the basis that Rule 183 does not

apply to local rules. For the following reasons, we reverse the judgment of the circuit court of Cook County and remand the matter for consideration of the plaintiffs' motion for leave to file their rejection of arbitration award.

¶ 3

BACKGROUND

¶ 4 The plaintiffs filed a complaint against the defendants in the circuit court of Cook County, alleging that the defendants interfered with the plaintiffs' businesses. The specific facts of the underlying complaint are not relevant to this appeal.

¶ 5 The case was referred to the circuit court's mandatory arbitration program pursuant to section 5/2-1001A of the Code of Civil Procedure (735 ILCS 5/2-1001A (West 2016)). An arbitration hearing was conducted, and an award was issued in favor of the defendants. Eight business days later, the plaintiffs filed a rejection of the arbitration award. The defendants filed a motion to strike the plaintiffs' motion as untimely, citing Local Rule 25.11 (Cook County Cir. Ct. R. 25.11 (Dec. 1, 2014)), which requires parties to file a rejection of arbitration award within seven business days of the award.

¶ 6 In response, the plaintiffs filed a motion for leave to file their rejection of arbitration award *instanter*. Relying upon Supreme Court Rule 183, the plaintiffs argued that they had good cause for not filing their rejection of arbitration award within seven business days and that the court should allow them to file it *nunc pro tunc*.

¶ 7 The court then issued a final order entering judgment on the arbitration award in favor of the defendants, noting that a rejection of the arbitration award had not been timely filed. In the same order, the court denied the plaintiffs' motion for leave to file their rejection of arbitration award, stating "Rule 183 does not apply to Cook County Local Rules." The plaintiffs subsequently filed this appeal.

¶ 8

ANALYSIS

¶ 9 We note that we have jurisdiction to review the trial court's final order denying the plaintiffs' motion for leave to file rejection of the arbitration award as the plaintiffs filed a timely notice of appeal. Ill. S. Ct. R. 301 (eff. Feb. 1, 1994); R. 303 (eff. Jan. 1, 2015).

¶ 10 The plaintiffs challenge the denial of the motion on two grounds: (1) the circuit court erred in holding that Supreme Court Rule 183 does not apply to Cook County Local Rules; and (2) the circuit court lacked the authority to promulgate a local rule that contravenes a Supreme Court Rule, Rule 93 (eff. Jan. 1, 1997).

¶ 11 We first address the issue of whether the circuit court erred in holding that Rule 183 does not apply to Cook County Local Rules. The plaintiffs argue that Rule 183, which allows courts to extend the time for parties to file any pleading upon the showing of good cause, governs because Supreme Court Rule 86(e) requires a circuit court to apply all of the Supreme Court Rules to a matter submitted to mandatory arbitration.

¶ 12 Rule 183 states:

“The court, for good cause shown on motion after notice to the opposite party, may extend the time for filing any pleading or the doing of any act which is required by the rules to be done within a limited period, either before or after the expiration of the time.” S. Ct. R. 183 (eff. Feb. 16, 2011).

Under this rule, a circuit court has the power to extend the time for filing a rejection of an arbitration decision for good cause, even after the filing deadline has passed. *Gellert v. Jackson*, 373 Ill. App. 3d 149, 151 (2007). And Rule 86(e) requires a circuit court to apply all of the Supreme Court Rules to a matter submitted to mandatory arbitration except insofar as other

mandatory arbitration rules provide. S. Ct. R. 86(e) (eff. Jan. 1, 1994)). Our analysis on this issue involves construing Supreme Court Rules, and thus our review is *de novo*. *Armagan v. Peshya*, 2014 IL App (1st) 121840, ¶ 14.

¶ 13 We agree with the plaintiffs that Supreme Court Rule 183 is applicable here. First, it is well established that the Supreme Court Rules apply to *all proceedings* in the trial court, except to the extent that the procedure in a particular type of action is regulated by a statute. *Rodriguez v. Sheriff's Merit Commission of Kane County*, 218 Ill. 2d 342, 354 (2006). There is no statute regulating motions for leave to file rejection of an arbitration award. Second, Rule 86(e) makes clear that all of the Supreme Court Rules apply to a matter submitted to mandatory arbitration except insofar as the other mandatory arbitration rules provide. *Williams v. Dorsey*, 273 Ill. App. 3d 893, 899 (1995). There are no conflicting mandatory arbitration rules here. Accordingly, Rule 183 governs and the court erred by not allowing the plaintiffs to file their motion for leave to file rejection of the arbitration award.

¶ 14 We note that both parties make arguments as to whether the plaintiffs had good cause to file their rejection of the arbitration award late. However, we need not reach that issue. We are not determining whether the plaintiffs had good cause to file an untimely rejection. We are simply holding that, under Rule 183, the circuit court should have allowed the plaintiffs to file their motion to seek leave to file a late rejection of the arbitration award for the court's consideration. The court could then decide whether there was good cause for the plaintiffs to be allowed to reject the arbitration award although the seven business days mandated by Local Rule 25.11 had passed.

¶ 15 In light of this conclusion, we need not consider the plaintiffs' alternative argument that the circuit court lacked the authority to create Local Rule 25.11, which requires a rejection of the

arbitration award to be filed within seven business days. The plaintiffs argue that this requirement directly conflicts with Supreme Court Rule 93, which requires a rejection of an arbitration award be filed within 30 business days. Having determined that the plaintiffs are entitled to file their motion for leave to file their rejection of the arbitration award in accordance with Supreme Court Rule 183, we need not address the validity of Local Rule 25.11.

¶ 16

CONCLUSION

¶ 17 For the foregoing reasons, we reverse the judgment of the circuit court of Cook County and remand the matter for consideration of the plaintiffs' motion for leave to file their rejection of the arbitration award.

¶ 18 Reversed and remanded.