
No. 132438

In the
Supreme Court of Illinois

DANIELLE HENSLEY,

Plaintiff-Appellant,

v.

NORNAT MANAGEMENT SERVICE and McDONALDS CORP.,

Defendants-Appellees.

On Leave to Appeal from the Appellate Court, First District,
No. 1-24-1821, There Heard on Appeal from the Circuit Court of Cook County,
Illinois, County Department, Law Division, Circuit Court Number 2021 L 007004,
The Honorable Stephanie Saltouros, Judge Presiding.

BRIEF AND APPENDIX OF PLAINTIFF-APPELLANT

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NATURE OF THE CASE

This action involves the legal question of whether Cook County Cir. Ct. Rule 25.11, which requires, for the first time, that a personal injury litigant must reject an arbitration award within 14 days of the date the award was entered, conflicts with Ill. S. Ct. Rule 93(a), which grants litigants 30 days to reject an arbitration award. Plaintiff filed a personal injury lawsuit in the Law Division of the Circuit Court of Cook County. Under a local rule promulgated in 2021, subjecting, for the first time, some personal injury cases to mandatory arbitration, the case went to mandatory arbitration. Plaintiff rejected the arbitrator's award within the 30 days set forth in Ill. S. Ct. Rule 93(a). However, the new local rule required arbitration awards to be rejected within 14 days. The trial court entered judgment in favor of defendants. Plaintiff appealed from that judgment. The court of appeals affirmed. That court found that the local rule did, in fact, conflict with this Court's Rule 93(a) but then inexplicably found that plaintiff should have rejected the arbitration award within seven days, under a 2014 change to the local rules that this Court had approved. Plaintiff appeals from the decisions of the trial and appellate courts.

Under established case law, a local rule that conflicts with an Illinois Supreme Court Rule must yield to the latter, unless this Court specifically approves of the local rule. In this case, the Circuit Court of Cook County amended its local rules to make some Law Division personal injury cases subject to mandatory arbitration and requiring a personal injury litigant to reject an arbitration award within 14 days. The 14-day time limit for rejecting an award conflicts with Ill. S. Ct. Rule 93(a). As this Court did not approve of the 2021 amendment to the Circuit Court of Cook County's mandatory arbitration rules, the 14-day deadline for rejecting an arbitration award in Rule 25.11 (or the even shorter seven day deadline applied by the appellate court) must yield to the 30-day deadline in Ill. S. Ct. Rule 93(a). As a consequence, the judgment

in favor of defendants, based solely upon plaintiff's failure to comply with Local Rule 25.11, should be reversed and the case remanded to the trial court for further proceedings.

ISSUES PRESENTED FOR REVIEW

1. Can a circuit court establish rules that conflict with the Rules of this Court?
2. Does the 2021 amendment to Cook County Cir. Ct. Rule 25.11, which requires a party to a personal injury case worth under \$50,000, to reject an arbitration award within 14 days of the date the award was entered, conflict with Ill. S. Ct. Rule 93(a), which grants litigants 30 days to reject an arbitration award?
3. Did the circuit court err in finding that plaintiff's rejection of the arbitration award in this case was untimely because it was not filed within 14 days, as required by the 2021 amendment to Cook County Cir. Ct. Rule 25.11, but was filed within 30 days, as required by Ill. S. Ct. Rule 93(a)?
4. Did the appellate court err in finding that plaintiff needed to file a rejection of the arbitration award in her personal injury case within seven days, as required by the 2014 amendment of Cook County Cir. Ct. Rule 25.11. even though that rule conflicts with Ill. S. Ct. Rule 93(a)?
5. Did the appellate court err in finding that this Court's approval of the 2014 version of Cook County Cir. Ct. Rule 25.11, dictates that this Court also approves of the 2021 changes to Cook County Cir. Ct. Rule 25.11
6. Should the circuit court's order granting defendant's motion to debar plaintiff from rejecting arbitration award be reversed and remanded to the circuit court for a finding that plaintiff's rejection of the arbitration award in this case was timely filed?

STATEMENT OF JURISDICTION

This Court has jurisdiction over this appeal pursuant to Supreme Court Rules 301 and 315. On August 15, 2024, the circuit court granted defendant's motion to debar plaintiff from rejecting arbitration award, which became a final and appealable order in this case. (C297) Plaintiff filed a notice of appeal on September 13, 2024. (C298) The Illinois Appellate Court, First Judicial District, Fourth Division, issued its opinion, affirming the trial court's decision, on September 30, 2025. A petition for rehearing was not filed. On November 4, 2025, Plaintiff filed a timely petition for leave to appeal within 35 days of the Appellate Court's September 30, 2025, opinion. On January 28, 2026, this Court granted Plaintiff's petition.

STATEMENT OF FACTS

I. The Lawsuit

On July 9, 2021, Plaintiff Danielle Hensley filed suit against defendants McDonald's Corporation ("McDonald's") and Nornat Management Services, Inc. ("Nornat"), in the Circuit Court of Cook County, Case no. 2021 L 007004. (C 17-22). Plaintiff alleged that on July 19, 2019, she was injured at a McDonald's located at 17810 Torrence Avenue in Lansing, Illinois. (C17, 18)

Defendants were served and appeared (C31, C73) and answered the complaint (C32, C70) Defendant McDonald's filed a motion to dismiss pursuant to Ill. Code of Civil Procedure 5/2-619(a)(9) (C83-84), which was denied by the circuit court. (C174-176)

On January 31, 2024, the circuit court entered an order referring the case to the Law Division Mandatory Arbitration Program for Expedited arbitration, pursuant to the 2021 amendment to Local Rule 25.11, which required, for the first time, that

personal injury cases with an ad damnum under \$50,000 be sent for mandatory arbitration. (C184) The arbitration was set for May 31, 2024. (C 189)

The arbitration was held on May 31, 2024, with the arbitrator entering an award in favor of defendants and against plaintiff. (C 195) The Arbitration Award was delivered to the Clerk of the Circuit Court and was filed on June 3, 2024. (C 194)

II. The Trial Court Decision

On June 25, 2024, plaintiff filed a Rejection of Law Division Mandatory Arbitration Award with the Clerk of the Circuit Court. (C196) Defendants then filed a Motion to Debar Plaintiff from Rejecting the Arbitration Award and Enter Judgment on Award (the “Motion”) on June 27, 2024. (C203-208) The Motion was fully briefed (C245-253, C286-291) and the circuit court heard argument on the Motion on August 15, 2024 (C293). The circuit court granted the Motion on August 15, 2024. (C292). Plaintiff filed her notice of appeal on September 13, 2024. (C295)

III. The Appellate Court Decision

On September 30, 2025, the Appellate Court issued an opinion affirming the trial court’s August 15, 2024, judgment. ¶ 18.¹ Interestingly, the Appellate Court acknowledged:

We agree with plaintiff that the 14-day time limit to reject an arbitration award, as provided in the current version of Local Rule 25.11, conflicts with Rule 93’s 30-day time limit to reject an arbitration award. We also agree with plaintiff that our supreme court has not approved, either explicitly or implicitly, the current version of Local Rule 25.11, which was amended by the circuit court in 2021.

Id. at ¶ 16. However, the court then affirmed, finding that plaintiff’s rejection of the award was filed more than seven business days after plaintiff received notice of the award, “as

¹ Citations beginning “¶” or “¶¶” are to paragraphs of the Appellate Court’s opinion.

provided by the 2014 version of Local Rule 25.11, which was implicitly approved by our supreme court in 2016.” *Id.*

IV. History Of Mandatory Arbitration

A. Establishment Of A Mandatory Arbitration System In Illinois

The mandatory arbitration system was first authorized by the General Assembly in 1986 (Pub. Act 84–844 (eff. Jan. 1, 1986) (adding Ill. Rev. Stat. 1987, ch. 110, ¶ 2–1001A, now codified at 735 ILCS 5/2–1001A, which states:

The Supreme Court of Illinois, by rule, may provide for mandatory arbitration of such civil actions as the Court deems appropriate in order to expedite in a less costly manner any litigation wherein a party asserts a claim not exceeding \$75,000 or any lesser amount as authorized by the Supreme Court for a particular Circuit, or a judge of the circuit court, at a pretrial conference, determines that no greater amount than that authorized for the Circuit appears to be genuinely in controversy.

735 Ill. Comp. Stat. Ann. 5/2-1001A. Illinois’ mandatory arbitration system was implemented the following year by this Court when it adopted Rules 86 through 95.

Illinois Supreme Court Rule 86(a) provides:

(a) Applicability to Circuits. Mandatory arbitration proceedings shall be undertaken and conducted in those judicial circuits which, with the approval of the Supreme Court, elect to utilize this procedure and in such other circuits as may be directed by the Supreme Court.

(b) Eligible Actions. A civil action shall be subject to mandatory arbitration if each claim therein is exclusively for money in an amount or of a value not in excess of the monetary limit authorized by the Supreme Court for that circuit or county within that circuit, exclusive of interest and costs.

(c) Local Rules. Each judicial circuit court may adopt rules for the conduct of arbitration proceedings which are consistent with these rules and may determine which matters within the general classification of eligible actions shall be heard in arbitration.

(d) Assignment from Pretrials. Cases not assigned to an arbitration calendar may be ordered to arbitration at a status call or pretrial conference when it appears to the court that no claim in the action has a value in excess of the monetary limit

authorized by the Supreme Court for that circuit or county within that circuit, irrespective of defenses.

(e) Applicability of Code of Civil Procedure and Rules of the Supreme Court. Notwithstanding that any action, upon filing, is initially placed in an arbitration track or is thereafter so designated for hearing, the provisions of the Code of Civil Procedure and the rules of the Supreme Court shall be applicable to its proceedings except insofar as these rules otherwise provide.

IL S CT Rule 86.

B. Cook County's Initial Mandatory Arbitration Program

In 1990, “[t]he circuit court of Cook County . . . elected to utilize the mandatory arbitration procedures set forth in Supreme Court Rules 86 through 95.” *Cruz v. Nw. Chrysler Plymouth Sales, Inc.*, 179 Ill. 2d 271, 273 (1997).

C. The 2014 Changes

In 2014, Cook County proposed a change to its mandatory arbitration program to implement a two-year pilot applicable to certain cases assigned to the commercial calendar section of the law division, where the amount in controversy was \$75,000 or less. In an order dated September 25, 2014, this Court approved the request of the circuit court of Cook County to See Ill. S. Ct., M.R. 9166 (eff. Oct. 1, 2014).

Following this Court's approval, the local rules implementing this program were adopted by a majority of the judges of the circuit court of Cook County on November 26, 2014, and made effective December 1, 2014. See Cook County Cir. Ct. R. 25.17 (Dec. 1, 2014). The rules are found in part 25 of the Circuit Court Rules of Cook County, titled “Law Division Mandatory Arbitration, Commercial Calendar Section.” Cook County Cir. Ct. Rs. 25.1 to 25.17 (Dec. 1, 2014).

Local rule 25.11 provided that “[e]ither party may reject the [arbitration] award if the rejecting party does so within seven business days after receiving the notice of the award from the Administrator.” Cook County Cir. Ct. R. 25.11 (Dec. 1, 2014).

In October of 2016, this Court entered order M.R. 9166, which states:

Effective October 1, 2014, the request of the Circuit Court of Cook County for approval of a mandatory arbitration pilot program for commercial cases assigned to the Commercial Calendar Section of the Law Division where the amount in controversy is \$75,000 or less is approved. The program is approved as a two-year pilot program. The program will be administered through local rules.

Ill. S. Ct. M.R. 9166 (October 1, 2014).

“It is undisputed that since the adoption of local rule 25.11 in 2014, the language of that rule has remained the same—it has always provided for a seven-business-day window for rejecting arbitration awards in Cook County commercial cases.” *Jones v. State Farm Mut. Auto. Ins. Co.*, 2018 IL App (1st) 170710, ¶17.

This Court has not amended M.R. 9166 since 2016, and even today it remains in effect. According to its text, it only approves arbitration for commercial cases assigned to the Commercial Calendar Section of the Circuit Court of Cook County Law Division where the amount in controversy is \$75,000 or less. Ill. S. Ct., M.R. 9166 (eff. Oct. 1, 2016). This Court also only approved it as a two-year pilot program.

In accordance with M.R. 9166, the Circuit Court of Cook County adopted Part 25 of the local rules on November 26, 2014. At the time, Rule 25.1 provided, “Mandatory Arbitration will be held in those commercial cases assigned to the Commercial Calendar Section of the Law Division, including cases with self-represented or pro se litigants, with damages of less than \$75,000.” Cook County Cir. Ct. R. 25.1 (Dec. 1, 2014). This rule was in place when the program was made permanent in 2016. Within those rules was rule 25.11, which provided that “[e]ither party may reject the [arbitration] award if the rejecting party does so within seven business days after receiving the notice of the award from the Administrator.” Cook County Cir. Ct. R. 25.11 (Dec. 1, 2014). This rule was also in place when the program was made permanent in 2016.

D. The 2021 Changes

On April 1, 2021, the Circuit Court of Cook County decided to implement mandatory arbitration in cases outside of the Municipal Department or the Commercial Calendar Section of the Law Division by amending Part 25 of the local rules. The Circuit Court of Cook County amended Rule 25.1 so that it now reads: “Mandatory Arbitration will be held in those commercial *and personal injury* cases assigned to the Law Division, including cases with self-represented or pro se litigants, with damages of less than \$50,000 and no retained expert witness as defined in Supreme Court Rule 213(f)(3).” Cook County Cir. Ct. R. 25.1 (April 1, 2021)(emphasis added). This amendment now made personal injury cases outside of the Commercial Calendar Section of the Law Division subject to mandatory arbitration for the first time. *Id.* As part of this new mandatory arbitration system, Rule 25.11 was amended to provide that, “Either party may reject the award if the rejecting party does so within fourteen (14) calendar days after receiving the notice of the award from the Administrator.” Cook County Cir. Ct. R. 25.11 (April 1, 2021).

The mandatory arbitration system for personal injury cases assigned to the Motions calendars of the Law Division has not been approved by this Court.

ARGUMENT

I. STANDARD OF REVIEW

The interpretation of court rules presents a question of law, for which review is *de novo*. *People v. Gorss*, 2022 IL 126464, ¶ 10. “The construction of Illinois Supreme Court rules is also a question of law subject to *de novo* review.” *People v. English*, 2023 IL 128077, ¶ 13; *People v. Reyes*, 2023 IL 128461, ¶ 19.

II. The Appellate Court's Holding Allowed The Circuit Court of Cook County To Circumvent This Court's Approval For A Local Rule Change That Conflicts With A Rule Of This Court

A. Local Rules May Not Conflict With This Court's Rules, Absent This Court's Approval

Circuit courts may enact local rules to govern the “practice and procedure of the business conducted” before them. *People ex rel. Brazen v. Finley*, 119 Ill. 2d 485, 491 (1988). However, “such rules must be reasonable and subject to review by the Supreme Court.” *People ex rel. Bernat v. Bicek*, 405 Ill. 510, 521 (1950). Moreover, such rules may not conflict with this Court's rules. *Brazen*, 119 Ill. 2d at 491. “Circuits may establish local rules for their mandatory arbitration programs, but those rules must be consistent with the supreme court rules governing arbitration.” *Stemple v. Pickerill*, 377 Ill. App. 3d 788, 791 (2nd Dist. 2007). “Circuit courts are without power to change substantive law or impose additional substantive burdens upon litigants.” *Brazen*, 119 Ill. 2d at 491.

B. The 2021 Amendment To Local Rule 25 Requiring Mandatory Arbitration For Personal Injury Cases Outside Of The Municipal Department Or The Commercial Calendar Section Conflicts With This Court's Rule 93

The 2021 amendment to Local Rule 25, adding personal injury cases to those cases subject to mandatory arbitration, imposes new, substantive burdens on such litigants and conflicts with this Court's Rule 93, which provides that a personal injury litigant has 30 days to reject an arbitration award. Ill. S. Ct. R. 93(a). The 2021 amendment to local rule 25 cuts that time down to 14 days. The appellate court's decision further cuts the time for rejection down to seven days. Clearly, Ill. S. Ct. R. 93(a) and local rule 25 are in conflict, with the local rule being impermissibly more restrictive.

In *Vision Point of Sale, Inc. v. Haas*, 226 Ill. 2d 334 (2007), this Court held that a local rule that was more restrictive than its rules could not be enforced. In that case,

defendants served plaintiff with requests for admission under Ill. S. Ct. R. 216. The plaintiff responded to the requests, timely serving its responses on the defendants. *Id.* at 338. The defendants moved to strike the plaintiff's answers, in part, on the ground that the responses were not filed with the clerk of the circuit court as required by local Rule 3.1(c). *Id.* at 339. The circuit court granted the motion to strike and deemed the facts admitted. The court "found that plaintiff's responses were deficient in that they failed to comply with . . . Rule 3.1(c) of the circuit court of Cook County." *Id.* The circuit court subsequently gave the plaintiff additional time to respond. The defendants appealed that decision and the appellate court affirmed. *Id.* at 341. The defendants appealed to this Court which reversed. This Court held that the local rule's requirement that responses to Rule 216 be filed with the clerk of the circuit court conflicted with Rule 216's requirement that responses only needed to be timely served. This Court concluded:

To the extent that Rule 3.1(c) of the circuit court of Cook County requires that the responses be filed within a certain period, and is read to require the striking of a response to requests to admit that is timely served but not filed, that rule impermissibly imposes additional substantive burdens upon the litigants. See *Finley*, 119 Ill.2d at 491, 116 Ill.Dec. 683, 519 N.E.2d 898. As stated, our Rule 216 provides that requests to admit will be deemed admitted if the party to whom they are directed does not "timely serve upon the party requesting the admission" either a sworn statement denying the matters at issue or written objections. The inverse is implicit in the rule—requests will not be deemed admitted if the responding party serves a proper response within 28 days after service. If Rule 3.1(c) is read to compel a contrary conclusion, then it impermissibly imposes a greater burden on a party responding to requests for admission than that required by Supreme Court Rule 216, and the local rule must yield.

Id. at 358. See also, *People v. Savage*, 361 Ill. App. 3d 750, 761 (4th Dist. 2005) ("changes in supreme court rules are subject to a committee review and supreme court passage, not to this court."); *People v. Shores*, 2012 IL App (5th) 100196, ¶ 47 (finding Ill. S. Ct. R.

415(c) “unduly burdensome” but being unable to apply a better alternative in the face of this Court Rule); *People v. Johnson*, 208 Ill. 2d 118, 141 (2003)(“Principles of judicial economy may not trump the jurisdictional barrier erected by [a supreme court] Rule.”); *In re Marriage of Arjmand*, 2024 IL 129155, ¶ 33 (same); *Tolve v. Ogden Chrysler Plymouth, Inc.*, 324 Ill. App. 3d 485, 493 (2nd Dist. 2001)(“local circuit court rules may not abrogate, limit, or modify existing law.”); *Stemple*, 377 Ill. App. 3rd at 796-797 (circuit court without power to allow party to withdraw a previous rejection of arbitration award)

This case is virtually identical to *Vision*. There is no question that the 14-day deadline for rejecting an arbitration award now applied by the local rule to personal injury cases “imposes a greater burden on a party” than the 30-day deadline imposed by Ill. S. Ct. R. 93(a). Having the shorter, 14-day deadline applicable to personal injury cases in the Law Division’s Commercial Calendar is a substantive change that the Circuit Court of Cook County made to its mandatory arbitration system in 2021. This change was not approved by this Court and it must “yield” to Rule 93(a)’s longer, 30-day time period.

C. This Court Has Never Approved The Implementation Of Mandatory Arbitration In Cases Outside Of The Municipal Department Or The Commercial Calendar Section Of The Circuit Court Of Cook County

The appellate court’s decision stated:

We agree with plaintiff that the 14-day time limit to reject an arbitration award, as provided in the current version of Local Rule 25.11, conflicts with Rule 93’s 30-day time limit to reject an arbitration award. We also agree with plaintiff that our supreme court has not approved, either explicitly or implicitly, the current version of Local Rule 25.11, which was amended by the circuit court in 2021.

Id. at ¶ 16. However, inexplicably, the court then affirmed, finding that plaintiff’s rejection of the award was filed more than seven business days after plaintiff received notice of the

award, “as provided by the 2014 version of Local Rule 25.11, which was implicitly approved by our supreme court in 2016.” *Id.*

The 2014 version of Local Rule 25.11 only added commercial calendar cases worth \$75,000 or less to the mandatory arbitration system, which already applied to municipal department cases under \$30,000. This Court neither implicitly nor explicitly approved sending cases outside the commercial calendar or the municipal department to mandatory arbitration. This Court also never approved sending personal injury cases outside the municipal department to mandatory arbitration. The court of appeals was simply wrong when it found that this Court implicitly approved of the 2021 change to Local Rule 25.11, when the 2014 version of Local Rule 25.11 “was implicitly approved by our supreme court in 2016.” *Id.*

The mandatory arbitration system for personal injury cases assigned to the Motions calendars of the Law Division has not been approved by this Court. In effect, the Circuit Court of Cook County is operating an arbitration system for personal injury cases assigned to the Law Division without the authority to do so. This is impermissible under Illinois law, as the Illinois Constitution provides that “[g]eneral administrative and supervisory authority over all courts is vested in the Supreme Court.” Ill. Const.1970, art. VI, § 16. Rule 21(a) codifies this by vesting the circuit courts with the power to adopt local rules governing civil and criminal cases so long as: (1) they do not conflict with supreme court rules or statutes, and (2) so far as practical, they are uniform throughout the state. 134 Ill.2d R. 21(a).

With respect to this last point, the 2021 amendment to Local Rule 25.11 creates a confusing patchwork of arbitration rules in the six county Chicagoland area. The 18th

Judicial Circuit mandatory arbitration program applies to all cases seeking money damages between \$10,000 and \$50,000 and allows a party to reject an award within 30 days, consistent with this Court's Rule 93. 18th Judicial Circuit Local Court Rules, 13.01 and 13.08. The rules of the 16th, 19th and 22nd Judicial Circuit are the same. 16th Judicial Circuit Local Court Rules 11.01 and 11.0; 19th Judicial Circuit Local Rules, 7-1.01 and 7-1; 22nd Circuit Local Court Rules, 17.02 and 17.09. The 12th Judicial Circuit local rule simply states that mandatory arbitration is "undertaken and conducted . . . pursuant to . . . the Illinois Supreme Court Rules." Local Court Rules 12th Judicial Circuit, Rule 16.01A. Thus, Cook County is the only circuit court in the Chicago metropolitan area that has created a hodgepodge of rules applicable to mandatory arbitration that conflict with this Court's rules. The system contravenes procedural uniformity, undermines the power of this Court to govern this area of law, and is confusing to attorneys and litigants.

D. The Appellate Court's Decision Sets An Even More Restrictive Standard Than This Court's Rule 93 Than The 2021 Amendment To Local Rule 25.11

Moreover, the appellate court's decision is even more restrictive than the 2021 change to Local Rule 25.11, cutting the time to reject an arbitration award in a personal injury case down to seven days. The appellate court's decision is confusing as under the 2014 change to the local rules, approved by this Court, commercial cases assigned to the Commercial Calendar Section of the Law Division, with damages of less than \$75,000, must reject an arbitration award within seven days. The appellate court applied this rule to the personal injury lawsuit at issue in this case. The 2021 change to the local rules made commercial and personal injury cases assigned to the Law Division, with damages of less than \$50,000, subject to arbitration and under this new rule an arbitration award

must be rejected within 14 days. It is unclear, according to the appellate court's decision, whether an arbitration award in a commercial case worth less than \$50,000 must now be rejected within seven or 14 days. The new local rule does not just apply to personal injury cases but also to commercial cases. There is nothing in the wording of the local rule that would dictate that only personal injury cases worth less than \$50,000 would be subject to the seven-day rejection requirement while commercial cases worth less than \$50,000 would be subject to a 14-day rejection requirement.

In any event, the 2021 change to the local rule made personal injury cases subject to arbitration for the first time and made them subject either to a seven-day or 14-day rejection period. Both of those are significantly less than the 30-day rejection period provided by this Court's Rule 93(a).

That the local rule imposes a burden is clear. It cuts the time to reject an arbitration award by more than half, or three quarters, according to the appellate court. Parties often use the time after an arbitration to discuss the possibility of settlement. The shorter deadline to reject an arbitration award might make sense in commercial cases where only money is involved and the parties are often corporations but personal injury cases involve more than just financial matters and often have injured workers or more individuals completely unfamiliar with the litigation process as parties. An attorney may have a difficult time contacting a personal injury client to discuss the arbitration award and the consequences of rejecting it. To reduce the amount of time personal injury parties have to try to settle a case before rejecting an arbitration award (thereby starting the clock on expensive litigation costs) imposes a greater burden on such litigants in the face of this Court's longer rejection period.

Appellee will doubtlessly rely upon the First District's decision in *Jones v. State Farm Mut. Auto. Ins. Co.*, 2018 IL App (1st) 170710, where it was held the Circuit Court of Cook County local rules applicable to mandatory arbitration program for Commercial Calendar cases were enforceable, in the face of conflicts with this Court's Rules. In *Jones*, the case was referred to commercial calendar mandatory arbitration. *Id.* at ¶8. The plaintiff filed a rejection of the award nineteen days after the arbitration occurred. *Id.* The court entered judgment on the award and Plaintiff appealed on the basis that the shortened commercial calendar rejection period of seven days in local rule 25.11 conflicted with Rule 93(a). *Id.* at 9, 20.

The appellate court found that the plaintiff was correct that local rule 25.11 is inconsistent with Illinois Supreme Court Rule 93(a). *Id.* at 23. The court noted that “[n]o principle of construction could allow us to read a seven-business-day deadline as compatible with a 30-day one” and a local rule must yield to a conflicting Illinois Supreme Court rule. *Id.* This is the situation that is presented by the instant case.

The court went on to determine whether this Court approved of Local Rule 25.11 despite the conflict between Local rule 25.11 and Rule 93(a). The court of appeals found that because local Rule 25.11 was in place at the time Amended M.R. 9166 was entered, this Court's order effectively approved of Local Rule 25.11. *Id.* at 38. It was thus the approval of this Court via Amended M.R. 9166 that saved the 2014 version of Local Rule 25.11.

No order of this Court exists which saves the 2021 version of Local Rule 25.11.
(C 251)

Given the conflict between the 2021 version of local rule 25.11 and Rule 93(a), Rule 93(a) must apply. If this Court approved of the 2021 version of local rule 25.11, the conflict would not matter, but this Court has not given its approval. Without this approval, the rejection period for cases outside of the Commercial Calendar is 30 days. Furthermore, the entry of judgment after arbitration based upon an unauthorized arbitration program would impermissibly deny Plaintiff a trial on her cause in violation of the Illinois Constitution. “In order to protect the constitutional right to a trial by jury, Rule 93 grants litigants who have been ordered to arbitration the right to reject the arbitrators' award.” *Stemple*, 377 Ill. App. 3d at 791.

CONCLUSION

The 2021 changes to the Circuit Court of Cook County’s mandatory arbitration rules – adding personal injury cases and making them subject to a 14-day rejection deadline, conflict with this Court’s rules, particular Rule 93(a), which gives parties 30 days to reject an arbitration award. When a local rule conflicts with a rule of this Court the former must yield to the latter.

In this case, plaintiff rejected the arbitration award within Rule 93(a)’s 30-day rejection period or outside local rule 25.11’s 14-day requirement. As local rule 25.11 conflicts with Ill. S. Ct. R. 93(a), it must yield to Rule 93(a)’s dictates. As a consequence, plaintiff timely rejected the arbitration award. Therefore, plaintiff respectfully requests that the circuit court’s August 15, 2024 order, granting defendant’s motion to debar, and the appellate court’s September 30, 2025, order affirming that decision, should be reversed and the case remanded to the circuit court for further proceedings.

Respectfully submitted,

By: /s/ Abraham T. Matthew
Attorney for Plaintiff-Appellant
Danielle Hensley

Abraham T. Matthew
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CERTIFICATE OF COMPLIANCE

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages contained in the Rule 341(d) cover, the Rule 341(h)(1) table of contents and statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a), contains 16 pages.

/s/ Abraham T. Matthew
Abraham T. Matthew

APPENDIX

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2025 IL App (1st) 241821-U

No. 1-24-1821

Order filed September 30, 2025

Third Division

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

DANIELLE HENSLEY,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellant,	)	Cook County.
	)	
v.	)	No. 21 L 7004
	)	
NORNAT MANAGEMENT SERVICE, and	)	Honorable
MCDONALDS CORP.,	)	Stephanie Saltouros,
	)	Judge, presiding.
Defendants-Appellees.	)	

JUSTICE LAMPKIN delivered the judgment of the court.
Justices Rochford and Reyes concurred in the judgment.

ORDER

- ¶ 1 *Held:* The circuit court properly granted defendants' motion to bar plaintiff's rejection of an arbitration award as untimely where plaintiff's rejection was filed 22 days after the award was filed in the circuit court.
- ¶ 2 Plaintiff Danielle Hensley appeals the circuit court's order granting the motion of defendants Nornat Management Service and McDonalds Corp. to bar plaintiff's rejection of an arbitration award as untimely.

No. 1-24-1821

¶ 3 On appeal, plaintiff argues that the 30-day time limit to reject an arbitration award provided by Illinois Supreme Court Rule 93 (eff. Oct. 1, 2021) should control instead of the inconsistent 14-day time limit provided by Rule 25.11 of the Circuit Court of Cook County (Local Rule 25.11) (Cook County Cir. Ct. R. 25.11 (eff. Apr. 1, 2021)).

¶ 4 For the reasons that follow, we affirm the judgment of the circuit court.¹

¶ 5 I. BACKGROUND

¶ 6 In 2021, plaintiff sued defendants for injuries she allegedly sustained at a McDonald's restaurant in 2019. In 2024, the circuit court entered an order referring the case to mandatory arbitration. The arbitration was held in May 2024, and the arbitrator entered an award in favor of defendants and against plaintiff. The arbitration award was delivered to the clerk of the circuit court and was filed on June 3, 2024.

¶ 7 Twenty-two days later, plaintiff filed her rejection of the arbitration award with the circuit court on June 25, 2024. Then, defendants moved the court to debar plaintiff from rejecting the award, arguing that the rejection was untimely. The court granted defendant's motion and entered judgment on the award. Plaintiff timely appealed.

¶ 8 II. ANALYSIS

¶ 9 Plaintiff argues that Supreme Court Rule 93 and Local Rule 25.11 are in conflict regarding the deadline for a party to reject an arbitration award and that the supreme court rule should control. A review of the interpretation and compatibility of supreme court rules and local rules is construed

¹ In adherence with the requirements of Illinois Supreme Court Rule 352(a) (eff. July 1, 2018), this appeal has been resolved without oral argument upon the entry of a separate written order.

No. 1-24-1821

in the same manner as statutes; therefore, our review is *de novo*. See *Vision Point of Sale v. Haas*, 226 Ill. 2d 334, 342 (2007).

¶ 10 In *Jordan v. Macedo*, 2025 IL 130687, our supreme court stated:

“Cook County’s mandatory arbitration program is governed by the Circuit Court Rules of Cook County. *Jones v. State Farm Mutual Automobile Insurance Co.*, 2018 IL App (1st) 170710, ¶ 12. Illinois Supreme Court Rule 86(c) (eff. Jan. 1, 1994) explicitly allows each judicial circuit court to adopt local rules for the conduct of arbitration proceedings that are consistent with Illinois Supreme Court rules. Importantly though, as stated in Rule 86(c), the circuit court rules must be consistent with Illinois Supreme Court rules. *Jones*, 2018 IL App (1st) 170710, ¶ 22. ‘This court has long held that although circuit courts share some authority with this court to make rules, the rules promulgated by the circuit court are subject to review by this court and may not conflict with this court’s rules.’ *Vision Point of Sale, Inc. v. Haas*, 226 Ill. 2d 334, 357 (2007).” *Jordan*, 2025 IL 130687, ¶ 26.

¶ 11 In *Jones*, 2018 IL App (1st) 170710, this court set forth the relevant history of the mandatory arbitration program and Local Rule 25.11 as follows:

“The mandatory arbitration system was first authorized by the General Assembly in 1986 [citation] and implemented the following year by the Illinois Supreme Court via the adoption of Illinois Supreme Court Rules 86 through 95. [Citations.] Under Illinois Supreme Court Rule 86(a) (eff. Jan. 1, 1994), the supreme court may approve a judicial circuit’s request to implement a mandatory arbitration program and, in fact, may direct judicial circuits to do so even if they do not so request.

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The circuit court of Cook County first chose to implement a mandatory arbitration program in 1990, with the approval of the Illinois Supreme Court. [Citation.] That program, governed by part 18 of the Circuit Court Rules of Cook County, is not at issue in this appeal. [Citation.]

In 2014, Cook County proposed a mandatory arbitration program for certain commercial cases. In an order dated September 25, 2014, the Illinois Supreme Court approved the request of the circuit court of Cook County to implement a two-year pilot program of mandatory arbitration for commercial cases assigned to the commercial calendar section of the law division, where the amount in controversy was \$75,000 or less. See Ill. S. Ct., M.R. 9166 (eff. Oct. 1, 2014).

Following the supreme court's approval, the local rules implementing this program were adopted by a majority of the judges of the circuit court of Cook County on November 26, 2014, and made effective December 1, 2014. [Citation.] The rules are found in part 25 of the Circuit Court Rules of Cook County, titled 'Law Division Mandatory Arbitration, Commercial Calendar Section.' Cook County Cir. Ct. Rs. 25.1 to 25.17 (Dec. 1, 2014).

Among these rules in part 25, local rule 25.11 provided that '[e]ither party may reject the [arbitration] award if the rejecting party does so within seven business days after receiving the notice of the award from the Administrator.' Cook County Cir. Ct. R. 25.11 (Dec. 1, 2014).

Roughly two years later, the Illinois Supreme Court issued an order providing that the two-year pilot program 'shall continue on a permanent basis until further order of the

No. 1-24-1821

Court’ and that it ‘shall continue to be administered through local rules.’ Ill. S. Ct., M.R. 9166 (eff. Oct. 1, 2016).” *Jones*, 2018 IL App (1st) 170710, ¶¶ 11-16.

¶ 12 In 2018, this court in *Jones* addressed whether Supreme Court Rule 93 or Local Rule 25.11 controls in the determination of when a rejection of an arbitration award is timely. *Id.* ¶ 20. The defendant insurer argued that Local Rule 25.11 was valid because the supreme court first approved the arbitration program as a pilot program, and then approved its permanent implementation, and that approval included not only the program itself but also the local rules governing it. *Id.* ¶ 24. *Jones* held that the version of Local Rule 25.11 in effect at the time, which provided 7 business days to reject an arbitration award, was inconsistent with Rule 93, which provides 30 days to reject an arbitration award. *Id.* ¶ 23. *Jones* noted that the supreme court has the authority to approve, and did approve, the circuit court’s mandatory arbitration program, including provisions of the program inconsistent with supreme court rules, such as Local Rule 25.11. *Id.* ¶¶ 26-35, 38. *Jones* held that Local Rule 25.11 controlled because the supreme court implicitly approved the inconsistency between the two rules with respect to the time period within which to reject an arbitration award by approving the implementation of the arbitration program and specifically stating that the program “shall continue to be administered through local rules.” *Id.* ¶ 34 (citing Ill. S. Ct. M.R. 9166 (eff. Oct. 1, 2016)).

¶ 13 In 2021, the circuit court of Cook County changed its mandatory arbitration rules by, *inter alia*, adding personal injury cases. Cook County Cir. Ct. R. 25.1 (eff. Apr. 1, 2021) (providing that “Mandatory Arbitration will be held in those commercial and personal injury cases assigned to the Law Division *** with damages of less than \$50,000 and no retained expert witness as defined in Supreme Court Rule 213(f)(3)”). The circuit court also amended Local Rule 25.11 to extend the

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time limit for rejecting an arbitration award from 7 business days to 14 calendar days. Cook County Cir. Ct. R. 25.11 (eff. Apr. 1, 2021).

¶ 14 A party's failure to timely and properly reject the arbitration award as provided in Local Rule 25.11 will constitute a waiver of the party's right of rejection. Cook County Cir. Ct. R. 25.11(c) (eff. Apr. 1, 2021). Although a local rule must yield to a conflicting Illinois Supreme Court rule (*Jones*, 2018 IL App (1st) 170710, ¶ 23), "[t]here is no question that the supreme court has the authority to permit or mandate the implementation of a court program that otherwise would be incompatible with its own rules" (*id.* ¶ 25). Local rules are presumed valid unless the party challenging validity carries its burden of establishing otherwise. *Id.* ¶ 21.

¶ 15 Plaintiff contends that the circuit court improperly granted defendants' motion to bar plaintiff's rejection of the arbitration award. Plaintiff argues that her rejection was timely under Rule 93, which allows a party 30 days to reject an arbitration award and which should preempt the amended version of Local Rule 25.11, which conflicts with Rule 93 and has not been approved by the supreme court. Specifically, although the supreme court in 2016 implicitly approved the 2014 version of Local Rule 25.11, which at the time provided for a 7-day time limit to reject an arbitration award, plaintiff argues that the supreme court has not approved the circuit court's 2021 amendment to Local Rule 25.11, which extended the rejection period from 7 to 14 days. Compare Cook County Cir. Ct. R. 25.11 (eff. Dec. 1, 2014) with Cook County Cir. Ct. R. 25.11 (eff. Apr. 1, 2021). Plaintiff argues that the circuit court made a substantive change to its mandatory arbitration program in 2021 that has not been approved by the supreme court and thus must yield to Rule 93's longer, 30-day time period. Plaintiff contends that, unlike in *Jones*, the current version of Local Rule 25.11 was not in place when the supreme court entered order M.R. 9166 in 2016,

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which implicitly approved the 2014 version of Local Rule 25.11. According to plaintiff, without this approval, the rejection period for cases outside of the commercial calendar is 30 days.

¶ 16 We agree with plaintiff that the 14-day time limit to reject an arbitration award, as provided in the current version of Local Rule 25.11, conflicts with Rule 93's 30-day time limit to reject an arbitration award. We also agree with plaintiff that our supreme court has not approved, either explicitly or implicitly, the current version of Local Rule 25.11, which was amended by the circuit court in 2021. Nevertheless, the circuit court properly granted defendants' motion to bar plaintiff's rejection of the award because that rejection was filed more than 7 business days after plaintiff received notice of the award from the administrator, as provided by the 2014 version of Local Rule 25.11, which was implicitly approved by our supreme court in 2016. Thus, plaintiff is not entitled to the 30-day time limit provided in Rule 93.

¶ 17

III. CONCLUSION

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

¶ 19 Affirmed.

APPEAL TO THE APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT
FROM THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS

DANIELLE HENSLEY

Plaintiff/Petitioner

Reviewing Court No: 1-24-1821

Circuit Court/Agency No: 2021L007004

Trial Judge/Hearing Officer: STEPHANIE
SALTOUROS

v.

NORNAT MANAGEMENT SERVICE AND

MCDONALDS CORP

Defendant/Respondent

E-FILED
Transaction ID: 1-24-1821
File Date: 11/15/2024 1:59 PM
Thomas D. Palella
Clerk of the Appellate Court
APPELLATE COURT 1ST DISTRICT

CERTIFICATION OF RECORD

The record has been prepared and certified in the form required for transmission to the reviewing court. It consists of:

- 1 Volume(s) of the Common Law Record, containing 302 pages
- 0 Volume(s) of the Report of Proceedings, containing 0 pages
- 0 Volume(s) of the Exhibits, containing 0 pages

I hereby certify this record pursuant to Supreme Court Rule 324, this 13 DAY OF NOVEMBER, 2024

Iris Martinez

(Clerk of the Circuit Court or Administrative Agency)

IRIS MARTINEZ, CLERK OF THE COOK JUDICIAL CIRCUIT COURT A®
CHICAGO, ILLINOIS 60602

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APPEAL TO THE APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT
FROM THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS

DANIELLE HENSLEY

Plaintiff/Petitioner

Reviewing Court No: 1-24-1821

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v.

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MCDONALDS CORP

Defendant/Respondent

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NOTICE OF FILING and PROOF OF SERVICE

In the Supreme Court of Illinois

DANIELLE HENSLEY,	)	
	)	
<i>Plaintiff-Appellant,</i>	)	
	)	
v.	)	No. 132438
	)	
NORNAT MANAGEMENT SERVICE and	)	
McDONALDS CORP.,	)	
	)	
<i>Defendants-Appellee.</i>	)	

The undersigned, being first duly sworn, deposes and states that on March 4, 2026, the Brief and Appendix for Plaintiff-Appellant was electronically filed and served upon the Clerk of the above court. Service of the Petition will be accomplished via email to the following counsel of record:

Harry Durden
Quintairos, Prieto, Wood & Boyer P.A.
 harry.durden@qpwbllaw.com

Within five days of acceptance by the Court, the undersigned states that 13 paper copies of the Brief bearing the court's file-stamp will be sent to the above court.

. /s/ Abraham T. Matthew
 Abraham T. Matthew

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

/s/ Abraham T. Matthew
 Abraham T. Matthew