

APPELLATE COURT OF ILLINOIS, SECOND DISTRICT

Skarbek v. Woodman's Food Market, Inc.

2026 IL App (2d) 250054 · No. 2-25-0054 · Decided March 24, 2026

SUMMARY

The Illinois Appellate Court, Second District, held that the absence of an Illinois Supreme Court Rule 222(b) damages affidavit was not a proper basis for the circuit court clerk to reject a complaint. Because the complaint was submitted electronically within the applicable limitations period, it should have been deemed filed as of the submission date; the court therefore reversed the time-bar dismissal and remanded without reaching the plaintiff’s alternative good-cause argument.

CASE DETAILS

COURT	Appellate Court of Illinois, Second District
WRITING FOR THE COURT	Justice Schostok; Justice McLaren; Justice Mullen
JURISDICTION	Illinois Appellate Court, Second District
DECIDED	March 24, 2026
DOCKET	2-25-0054
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff appealed from an order dismissing her refiled negligence complaint as barred by the statute of limitations after the circuit clerk rejected her electronically submitted complaint for failure to include an Illinois Supreme Court Rule 222(b) damages affidavit.
STANDARD OF REVIEW	De novo review applies to a section 2-619(a)(5) dismissal and to the construction of Illinois Supreme Court rules.
PRECEDENTIAL VALUE	Published Illinois appellate opinion
PARTIES	Nikki Skarbek v. Woodman's Food Market, Inc.

TOPICS

- civil procedure
- statute of limitations
- appellate procedure
- statutory interpretation
- negligence

PRACTICE AREAS

- civil procedure
- appellate procedure
- statutory and rule interpretation
- negligence

QUESTIONS PRESENTED

1. Whether the circuit court clerk had authority to reject an otherwise sufficient complaint seeking money damages solely because it lacked the affidavit required by Illinois Supreme Court Rule 222(b).
2. Whether the complaint should have been deemed filed on June 26, 2024, when it was electronically submitted, despite the clerk's later rejection and acceptance on June 28, 2024.
3. Whether plaintiff showed good cause under Illinois Supreme Court Rule 9(d)(2) for the late filing.

HOLDINGS

1. The absence of a Rule 222(b) affidavit was not a proper basis for the circuit court clerk to reject plaintiff's otherwise sufficient complaint.
2. The complaint should have been deemed filed on June 26, 2024, the date it was submitted electronically, and the dismissal as untimely was improper.
3. The court did not reach plaintiff's alternative good-cause argument because it held that the complaint was timely filed.

KEY QUOTATIONS

“Because there is no proper basis on which the circuit court clerk could have rejected the otherwise sufficient and timely filed amended complaint, we hold that the trial court erred as a matter of law in denying plaintiff’s Motion to Deem.” (¶ 45)

“Thus, consideration of Rule 222’s purpose, the evils to be remedied, and the goals to be achieved does not support the rejection of a complaint solely for the failure to attach a Rule 222(b) affidavit.” (¶ 38)

FACTUAL BACKGROUND

Plaintiff alleged that she was seriously injured by defendant's negligence while working on defendant's premises. After voluntarily dismissing her original action with leave to refile, she submitted a refiled complaint electronically on June 26, 2024, one day before the limitations period expired. The complaint sought damages exceeding \$50,000 and was rejected by the circuit clerk solely because it lacked a Rule 222(b) affidavit; plaintiff resubmitted it with the affidavit on June 28, 2024.

PROCEDURAL HISTORY

Plaintiff voluntarily dismissed her original negligence action with leave to refile. She electronically submitted a refiled complaint on June 26, 2024, within the applicable limitations period, but the clerk rejected it for lack of a Rule 222(b) affidavit. Plaintiff resubmitted the complaint with the affidavit on June 28, 2024, after the limitations period expired, and moved to have the complaint deemed filed on the date of the initial submission. The circuit court denied that motion, dismissed the complaint as untimely under section 2-619(a)(5), and denied reconsideration.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The cause was remanded for further proceedings on plaintiff's complaint, which must be treated as timely filed.

CASES CITED

- Best v. Taylor Machine Works, 179 Ill. 2d 367, 467 (1997)
- Hudson v. City of Chicago, 228 Ill. 2d 462, 469 n.1 (2008)
- Dovalina v. Conley, 2013 IL App (1st) 103127
- Kilpatrick v. Baxter Healthcare Corp., 2023 IL App (2d) 230088, ¶ 24
- Matios v. Adams Steel Service & Supply, Inc., 2025 IL App (2d) 240300-U, ¶ 17
- Lee v. Naperville Community Unit School District 203, 2015 IL App (2d) 150143, ¶ 3
- Robidoux v. Oliphant, 201 Ill. 2d 324, 332 (2002)
- Longstreet v. Cottrell, Inc., 374 Ill. App. 3d 549, 551-52 (2007)
- People v. Jackson, 2011 IL 110615, ¶ 12
- People ex rel. Sherman v. Cryns, 203 Ill. 2d 264, 280 (2003)
- Kapsouris v. Rivera, 319 Ill. App. 3d 844, 850 (2001)
- McNulty v. Lapp Chiropractic, P.C., 2025 IL App (2d) 240429-U, ¶ 21