

SUPREME COURT OF ILLINOIS

Hernandez v. Pritikin

2012 IL 113054 (Ill. 2012) · No. 113054 · Decided December 13, 2012

SUMMARY

The Illinois Supreme Court considers whether a refiled legal malpractice action was barred by res judicata. The court held that defendants failed to prove a final judgment because they relied on oral rulings concerning when the discovery rule began to run, and it affirmed and remanded the appellate court's judgment.

CASE DETAILS

COURT	Supreme Court of Illinois
WRITING FOR THE COURT	Justice Karmeier; Chief Justice Kilbride; Justice Freeman; Justice Thomas; Justice Garman; Justice Burke; Justice Theis
JURISDICTION	Illinois
DECIDED	December 13, 2012
DOCKET	113054
DISPOSITION	affirmed_and_remanded
PROCEDURAL POSTURE	Defendants appealed from the appellate court's reversal of the circuit court's dismissal of plaintiffs' refiled legal malpractice action on res judicata grounds. The Illinois Supreme Court granted defendants' petition for leave to appeal.
STANDARD OF REVIEW	De novo review of the application of res judicata and the legal effect of the circuit court's orders.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Jeffrey Pritikin, Special Representative of the Estate of Isadore Bernstein, Deceased, et al. v. Jesse E. Hernandez et al.

TOPICS

- res judicata
- civil procedure
- appellate procedure
- statute of limitations
- professional negligence

PRACTICE AREAS

- civil procedure
- appellate procedure
- legal malpractice
- tort law

QUESTIONS PRESENTED

1. Whether defendants established the final judgment required for application of res judicata to plaintiffs' refiled legal malpractice action.
2. Whether oral statements by successor circuit judges, together with written orders dismissing and allowing amendment of the original complaint, definitively foreclosed plaintiffs from pleading additional facts concerning the discovery rule and the timeliness of the underlying claim.
3. Whether the circuit court's orders and the parties' conduct demonstrated a final adjudication on the merits for purposes of res judicata.

HOLDINGS

1. Defendants failed to meet their burden of proving that a final judgment had been entered in the prior legal malpractice action; therefore, res judicata did not bar the refiled action.
2. A party seeking to invoke res judicata has a duty to clarify the record and obtain a definitive ruling demonstrating entitlement to the doctrine.
3. While the circuit court retains jurisdiction over the controversy and before final judgment is entered, it has inherent power to review, modify, or vacate an interlocutory order, even when the order was entered by a different judge.

KEY QUOTATIONS

“A final judgment has been defined as “a determination by the court on the issues presented by the pleadings which ascertains and fixes absolutely and finally the rights of the parties in the lawsuit.”” (§ 47)

“We believe a party claiming res judicata—as the party bearing the burden of showing that res judicata applies—has a duty to clarify the record so as to clearly demonstrate his entitlement to the doctrine’s application.” (§ 52)

FACTUAL BACKGROUND

Jesse Hernandez developed Parkinson's disease after working for Central Steel & Wire Company from 1968 to 1995 and later alleged that workplace chemical exposure caused his condition. Attorneys representing him in workers' compensation matters allegedly failed to advise him of potential claims against third parties, and an underlying product-liability action was dismissed as untimely. Hernandez and his wife filed a legal malpractice action, amended it to add allegations concerning prior counsel, voluntarily dismissed it without prejudice, and then refiled it.

PROCEDURAL HISTORY

Plaintiffs filed an original legal malpractice action in 2005 after an underlying product-liability action was dismissed as time-barred. The circuit court dismissed the original complaint in 2006 with leave to amend; after amendment, the court denied defendants' motion to dismiss. Plaintiffs voluntarily dismissed the action without prejudice in 2009 and refiled it. The circuit court dismissed the refiled action based on res judicata, but the appellate court reversed and remanded. The Illinois Supreme Court affirmed the appellate court, on different reasoning, and remanded for further proceedings.

DISPOSITION

affirmed_and_remanded

REMAND INSTRUCTIONS

Remand to the circuit court for further proceedings consistent with the opinion; the refiled action is not barred by res judicata on the record presented.

CASES CITED

- 2011 IL App (1st) 102646
- People ex rel. Scott v. Chicago Park District, 66 Ill. 2d 65, 68 (1976)
- Taylor v. Police Board, 2011 IL App (1st) 101156, ¶ 19
- Hudson v. City of Chicago, 228 Ill. 2d 462, 470 (2008)
- Rein v. David A. Noyes & Co., 172 Ill. 2d 325, 335 (1996)
- People v. Urdiales, 225 Ill. 2d 354, 425 (2007)
- Rowe v. State Bank of Lombard, 125 Ill. 2d 203, 213-14 (1988)
- Balciunas v. Duff, 94 Ill. 2d 176, 185 (1983)
- Towns v. Yellow Cab Co., 73 Ill. 2d 113, 121 (1978)
- Shaw v. Dorris, 290 Ill. 196, 204 (1919)
- Matejczyk v. City of Chicago, 397 Ill. App. 3d 1 (2009)
- Piagentini v. Ford Motor Co., 387 Ill. App. 3d 887, 894 (2009)
- Williams v. Ingalls Memorial Hospital, 408 Ill. App. 3d 360, 364 (2011)
- People v. McDonough, 239 Ill. 2d 260, 275 (2010)