

SUPREME COURT OF ILLINOIS

Blount v. Stroud, 232 Ill. 2d 302

904 N.E.2d 1 (Ill. 2009) · No. No. 105577 · Decided January 23, 2009

SUMMARY

The Supreme Court of Illinois held that the circuit court had subject matter jurisdiction over the plaintiff’s common-law retaliatory-discharge claim and her retaliation claim under 42 U.S.C. § 1981. The court concluded that the Illinois Human Rights Act’s exclusive-jurisdiction provision did not bar the common-law claim because it was independently based on the public policy against perjury. It reversed the appellate court’s judgment and remanded for further review.

CASE DETAILS

COURT	Supreme Court of Illinois
WRITING FOR THE COURT	Chief Justice Fitzgerald; Justice Freeman; Justice Thomas; Justice Kilbride; Justice Garman; Justice Karmeier; Justice Burke
JURISDICTION	Illinois
DECIDED	January 23, 2009
DOCKET	No. 105577
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff appealed the Illinois Appellate Court’s reversal of a jury judgment awarding damages on federal and state retaliation claims. The Illinois Supreme Court granted leave to appeal and reviewed the subject-matter-jurisdiction issue de novo.
STANDARD OF REVIEW	De novo review applied because the appeal presented questions of law, including subject matter jurisdiction and the denial of judgment notwithstanding the verdict.
PRECEDENTIAL VALUE	Published Illinois Supreme Court precedent
PARTIES	Jerri Blount v. Joseph Stroud et al.

TOPICS

- retaliation
- employment law
- civil rights
- administrative law
- subject matter jurisdiction

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Illinois circuit court had subject matter jurisdiction over Blount's common-law retaliatory-discharge claim based on her refusal to commit perjury.
2. Whether the Illinois Human Rights Act's jurisdictional limitation required Blount to pursue her federal 42 U.S.C. § 1981 retaliation claim through the Act's administrative procedures rather than in circuit court.
3. Whether the trial evidence, jury instructions, or form of the judgment affected the circuit court's subject matter jurisdiction.

HOLDINGS

1. The circuit court had subject matter jurisdiction over Blount's common-law retaliatory-discharge claim because the claim rested on an independent public policy against perjury and was not inextricably linked to a civil-rights violation under the Illinois Human Rights Act.
2. The Illinois Human Rights Act did not deprive the circuit court of jurisdiction over Blount's claim under 42 U.S.C. § 1981. Illinois circuit courts may adjudicate federal civil-rights claims, and the Act's administrative procedures do not apply to claims arising under federal law.
3. Subject matter jurisdiction is not dependent on the ultimate success of the claim, the evidence ultimately presented, the correctness of jury instructions, or whether the judgment expressly identifies the statutory theory.

KEY QUOTATIONS

“The rule from Geise is not that the Act precludes the circuit court from exercising jurisdiction over all tort claims related to sexual harassment. Rather, whether the circuit court may exercise jurisdiction over a tort claim depends upon whether the tort claim is inextricably linked to a civil rights violation such that there is no independent basis for the action apart from the Act itself.” (at 9)

“Thus, a party, like plaintiff here, who wishes to pursue her rights and remedies under federal law may not do so before the Department or Commission, as these administrative entities have no statutory authority to entertain federal claims.” (at 16)

“The jurisdictional limitation does not apply to civil rights violations defined by and arising under federal law, as those violations are outside the scope of the Act.” (at 18)

FACTUAL BACKGROUND

Blount alleged that Jovon and Stroud retaliated against her after she supported coworker Bonnie Fouts's federal discrimination suit and stated that she would testify truthfully in that proceeding. She alleged that defendants threatened and intimidated her and ultimately suspended and terminated her employment in October 2000. She also alleged a common-law retaliatory-discharge claim based on her refusal to commit perjury. A jury found for Blount on the retaliation claims and awarded back pay, pain-and-suffering damages, and punitive damages.

PROCEDURAL HISTORY

Blount filed state and federal retaliation claims against Jovon Broadcasting Corporation and Joseph Stroud in the Cook County circuit court. The circuit court denied defendants' jurisdictional motion, the case proceeded to a jury trial, and the jury awarded Blount damages; the court also awarded attorney fees. The appellate court reversed on the ground that the Illinois Human Rights Act deprived the circuit court of subject matter jurisdiction. The Illinois Supreme Court reversed the appellate court and remanded for consideration of defendants' remaining claims of error.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The appellate court was directed to consider defendants' other claims of error because it had disposed of the appeal solely on the jurisdiction issue.

CASES CITED

- In re A.H., 207 Ill. 2d 590, 802 N.E.2d 215 (2003)
- Donaldson v. Central Illinois Public Service Co., 199 Ill. 2d 63, 767 N.E.2d 314 (2002)
- Geise v. Phoenix Co. of Chicago, Inc., 159 Ill. 2d 507, 639 N.E.2d 1273 (1994)
- Maksimovic v. Tsogalis, 177 Ill. 2d 511, 687 N.E.2d 21 (1997)
- Kelsay v. Motorola, Inc., 74 Ill. 2d 172, 384 N.E.2d 353 (1978)
- Palmateer v. International Harvester Co., 85 Ill. 2d 124, 421 N.E.2d 876 (1981)
- Hinthorn v. Roland's of Bloomington, Inc., 119 Ill. 2d 526, 519 N.E.2d 909 (1988)
- Petermann v. International Brotherhood of Teamsters Local 396, 174 Cal. App. 2d 184, 344 P.2d 25 (1959)
- Corluka v. Bridgford Foods of Illinois, Inc., 284 Ill. App. 3d 190, 671 N.E.2d 814 (1996)
- CBOCS West, Inc. v. Humphries, 553 U.S. 442, 128 S. Ct. 1951, 170 L. Ed. 2d 864 (2008)
- Belleville Toyota, Inc. v. Toyota Motor Sales, U.S.A., Inc., 199 Ill. 2d 325, 770 N.E.2d 177 (2002)
- Cahoon v. Alton Packaging Corp., 148 Ill. App. 3d 480, 499 N.E.2d 522 (1986)
- Faulkner-King v. Wicks, 226 Ill. App. 3d 962, 590 N.E.2d 511 (1992)
- Cooper v. Illinois State University, 331 Ill. App. 3d 1094, 772 N.E.2d 396 (2002)
- Brewer v. Board of Trustees of the University of Illinois, 339 Ill. App. 3d 1074, 791 N.E.2d 657 (2003)
- Meehan v. Illinois Power Co., 347 Ill. App. 3d 761, 808 N.E.2d 555 (2004)
- Mein v. Masonite Corp., 109 Ill. 2d 1, 485 N.E.2d 312 (1985)
- People v. Palmer, 104 Ill. 2d 340, 472 N.E.2d 795 (1984)
- Miller v. Lockett, 98 Ill. 2d 478, 457 N.E.2d 14 (1983)
- People v. Perry, 224 Ill. 2d 312, 864 N.E.2d 196 (2007)
- People v. Foster, 99 Ill. 2d 48, 457 N.E.2d 405 (1983)

- *Vuagniaux v. Department of Professional Regulation*, 208 Ill. 2d 173, 802 N.E.2d 1156 (2003)
- *Villegas v. Board of Fire & Police Commissioners*, 167 Ill. 2d 108, 656 N.E.2d 1074 (1995)
- *Homefinders, Inc. v. City of Evanston*, 65 Ill. 2d 115, 357 N.E.2d 785 (1976)
- *Burnett v. Grattan*, 468 U.S. 42, 104 S. Ct. 2924, 82 L. Ed. 2d 36 (1984)
- *Steinbrecher v. Steinbrecher*, 197 Ill. 2d 514, 759 N.E.2d 509 (2001)
- *Yellow Freight System, Inc. v. Donnelly*, 494 U.S. 820, 110 S. Ct. 1566, 108 L. Ed. 2d 834 (1990)
- *Howlett v. Rose*, 496 U.S. 356, 110 S. Ct. 2430, 108 L. Ed. 2d 332 (1990)
- *Felder v. Casey*, 487 U.S. 131, 108 S. Ct. 2302, 101 L. Ed. 2d 123 (1988)
- *Johnson v. Fankell*, 520 U.S. 911, 117 S. Ct. 1800, 138 L. Ed. 2d 108 (1997)
- *In re M.W.*, No. 104519, 2009 WL 153866 (Ill. Jan. 23, 2009)