

APPELLATE COURT OF ILLINOIS, FOURTH DISTRICT

Jordan v. Jordan

2026 IL App (4th) 250477 · No. 4-25-0477 · Decided January 16, 2026

SUMMARY

The Illinois Appellate Court, Fourth District, affirmed dismissal with prejudice of a wrongful-death-related action arising from a child’s fatal shooting while staying at his grandmother’s home. The court held that the original plaintiff lacked capacity because she had never been appointed administrator or special administrator of the decedent’s estate, and that her death rendered the proceedings void ab initio. The court further concluded that the decedent’s father, appointed administrator after the limitations period, could not rely on relation back to cure the defect.

CASE DETAILS

COURT	Appellate Court of Illinois, Fourth District
WRITING FOR THE COURT	Justice Grischow; Justice Knecht; Justice Harris
JURISDICTION	Illinois Appellate Court, Fourth District
DECIDED	January 16, 2026
DOCKET	4-25-0477
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a final order granting defendant's section 2-619 motion to dismiss the second amended complaint with prejudice. Jared Gibbs, who was later appointed independent administrator of Julian Jordan's estate, sought to substitute as plaintiff and file a third amended complaint.
STANDARD OF REVIEW	A section 2-619 dismissal is reviewed de novo. The appellate court may affirm on any ground supported by the record. A trial court's decision to allow substitution of a party plaintiff is reviewed for abuse of discretion, while whether an amendment relates back is reviewed de novo.
PRECEDENTIAL VALUE	Published
PARTIES	Jared Gibbs, as Independent Administrator for the Estate of Julian Jordan, Deceased v. Janet L. Jordan

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the appellate court had jurisdiction to review the judgment despite the notice of appeal naming deceased and never-appointed Amber Jordan as administrator of Julian Jordan's estate.
2. Whether Jared Gibbs could be substituted as plaintiff and file a third amended complaint after Amber's death and after the wrongful-death statute of limitations had expired.
3. Whether the relation-back doctrine could validate Jared's proposed amendment when Amber had never been a properly appointed representative and died before a valid wrongful-death claim existed.

HOLDINGS

1. The appellate court had jurisdiction to review the trial court's judgment to the extent Jared Gibbs, as the subsequently appointed independent administrator of Julian's estate, sought review of the dismissal affecting his potential claims.
2. Amber Jordan could not maintain the wrongful-death action because she was never appointed administrator or special administrator of Julian's estate, and her death caused her purported claims to become void ab initio.
3. The relation-back doctrine did not permit Jared Gibbs to substitute as plaintiff or cure the absence of a valid plaintiff because Jared was not the original plaintiff, Amber died before acquiring representative capacity, and Jared was not appointed administrator until after the limitations period expired.
4. The circuit court properly dismissed the case with prejudice because no valid wrongful-death claim existed when Amber died and Jared's later appointment could not relate back.

KEY QUOTATIONS

“A deceased person cannot be a party to a lawsuit.” (§ 25)

“We conclude Amber’s claims died with her and the proceedings became void ab initio.” (§ 38)

“Although the relation-back doctrine is to be liberally construed in favor of hearing a plaintiff’s claim, it is inapplicable when a plaintiff dies and her invalid claim becomes void ab initio.” (§ 47)

FACTUAL BACKGROUND

Thirteen-year-old Julian Jordan died from a gunshot wound while staying overnight at his grandmother Janet Jordan's house, where the complaint alleged that unlocked and loaded firearms were accessible. Amber Jordan filed suit within two years of Julian's death, identifying herself as administrator of Julian's estate, but no estate had been opened and she had never been appointed administrator or special administrator. Amber died while the

action was pending, and Jared Gibbs was appointed independent administrator of Julian's estate months later, after the wrongful-death limitations period had expired.

PROCEDURAL HISTORY

Amber Jordan filed a timely complaint purporting to act as administrator of Julian Jordan's estate, although she had never been appointed administrator or special administrator and no estate had been opened. After Amber died while the action was pending, Jared Gibbs was appointed independent administrator of Julian's estate after the wrongful-death limitations period had expired. The circuit court dismissed the case with prejudice and did not grant Jared's motions to substitute as plaintiff and file a third amended complaint. The appellate court affirmed, while Justice Harris dissented.

DISPOSITION

affirmed

CASES CITED

- Fabian v. BGC Holdings, LP, 2014 IL App (1st) 141576, ¶ 12
- Keller v. Walker, 319 Ill. App. 3d 67, 70 (2001)
- Mareskas-Palcek v. Schwartz, Wolf & Bernstein, LLP, 2017 IL App (1st) 162746, ¶ 32
- Castaneda v. Ingram, 2018 IL App (1st) 170065, ¶ 13
- Robison v. Orthotic & Prosthetic Lab, Inc., 2015 IL App (5th) 140079, ¶ 12
- Estate of Hudson v. Tibble, 2018 IL App (1st) 162469, ¶ 32
- In re Jamari R., 2017 IL App (1st) 160850, ¶ 39
- People v. Smith, 228 Ill. 2d 95, 104-05 (2008)
- Lawler v. The University of Chicago Medical Center, 2016 IL App (1st) 143189, ¶ 46
- Miller v. American Infertility Group of Illinois, S.C., 386 Ill. App. 3d 141, 144 (2008)
- Cushing v. Greyhound Lines, Inc., 2012 IL App (1st) 100768, ¶ 92
- In re Estate of Mankowski, 2014 IL App (2d) 140154, ¶¶ 44, 47, 56
- Pavlov v. Konwall, 113 Ill. App. 3d 576 (1983)
- Palm v. Sergi, 2022 IL App (2d) 210057
- Marcus v. Art Nissen & Son, Inc., 224 Ill. App. 3d 464 (1991)
- Lopez v. Oyarzabal, 180 Ill. App. 3d 132 (1989)
- Wolf v. Redmore, 142 Ill. App. 3d 770 (1986)
- Redmond v. Central Community Hospital, 65 Ill. App. 3d 669 (1978)
- In re Estate of Kleine, 2015 IL App (2d) 150063, ¶¶ 3-8, 33, 35, 38
- Scott v. Skokie Valley Community Hospital, 54 Ill. App. 3d 766, 767-68 (1977)
- Süd Family Ltd. Partnership v. Otto Baum Co., 2024 IL App (4th) 220782, ¶ 41
- BMO Harris Bank, N.A. v. Malarz, 2021 IL App (2d) 190984, ¶ 17

- Jablonski v. Rothe, 287 Ill. App. 3d 752, 754, 756-57 (1997)
- McMann v. Illinois Midland Coal Co., 149 Ill. App. 427, 427-28 (1909)

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