

Bond Case Briefs

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BONDS - ILLINOIS

Tillman v. Pritzker

Supreme Court of Illinois - May 20, 2021 - N.E.3d - 2021 IL 126387 - 2021 WL 2005481

Taxpayer filed a petition for leave to file a taxpayers' suit to restrain and enjoin state officials, including the governor, from disbursing public funds for two general obligation bonds that taxpayer alleged were unconstitutional.

After a hearing on the petition, the Circuit Court entered a written order denying the petition. Taxpayer appealed. The Appellate Court reversed and remanded. State officers' petition for leave to appeal was granted.

The Supreme Court held that there was no "reasonable ground" for filing the taxpayer petition to restrain and enjoin disbursement of public funds for the bonds.

The necessary elements for laches were satisfied, and therefore, there was no "reasonable ground" for filing taxpayer petition to restrain and enjoin state officials, including the governor, from disbursing public funds for two general obligation bonds that he alleged were unconstitutional; taxpayer had constructive notice of the dates statutes were enacted to authorize the bonds and of the dates the bonds were issued, but he offered no excuse for why he waited until 16 years after first bond authorization to file his action, such that his delay was unreasonable, and further, officials suffered prejudice as a result of the delay, as the state had already expended billions of dollars and made irrevocable transactions rendering it impossible to return to the status quo.