

Bond Case Briefs

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STATUTE OF LIMITATIONS - ILLINOIS

Gillespie Community Unit School Dist. No. 7, Macoupin County v. Wight & Co.

Supreme Court of Illinois - January 24, 2014 - 2014 IL 115330

School district filed claims including fraudulent misrepresentation by concealment of material fact against architect following subsidence of coal mine beneath school building.

Architect moved for summary judgment in its favor on all counts, arguing that the School District's claims for professional negligence and for breach of implied warranty were barred by the four-year statute of limitations in section 13-214(a) of the Code of Civil Procedure (the Code) (735 ILCS 5/13-214(a) (West 2010)) and that the claim for fraudulent misrepresentation was barred by the five-year statute of limitations in section 13-205 (735 ILCS 5/13-205 (West 2010)) of the Code. The circuit court agreed and granted architect's motion for summary judgment.

The Supreme Court of Illinois held that fraudulent misrepresentation claim was subject to five-year limitations period.

School district's fraudulent misrepresentation claim against an architect, involving the alleged failure to disclose a high risk of subsidence at site of school building due to past mining activity, was subject to a five-year statute of limitations applicable to "all civil actions not otherwise provided for," as opposed to no limitations period at all. Exclusion of fraudulent misrepresentation claims from Illinois' four-year limitations period for construction-based actions did not mean that no limitations period applied.