

**IN THE CIRCUIT COURT OF THE 21<sup>ST</sup> JUDICIAL CIRCUIT**  
**KANKAKEE & IROQUOIS COUNTIES, STATE OF ILLINOIS**

**NOTICE: PREJUDGMENT INTEREST PROTOCOL**

The constitutionality of Illinois's Prejudgment Interest statute, 735 ILCS 5/2-1303(c) is in question and there is a conflict among and within Illinois Circuit Courts. The constitutionality has not yet been addressed by a reviewing court, but the issue is likely to culminate with a ruling by the Illinois Supreme Court.

Effective immediately, the 21<sup>st</sup> Circuit Court for Kankakee and Iroquois Counties hereby notify all counsel as to the protocol regarding pre-judgment interest motions including:

- Motions seeking a stay of the statute's application
- Motions seeking to toll the statute's application
- Motions seeking to declare the statute unconstitutional
- Motions seeking to apply any other Circuit Court ruling (either precedential or persuasive) as to the constitutionality or unconstitutionality of the statute to a case prior to trial

All such motions may be filed in all applicable cases and shall remain pending and shall be continued generally with all issues preserved until such time as all avenues of appellate review on the constitutionality of the Judgment Interest Act Amendment are exhausted and a final order from the Illinois Supreme Court is issued.

Attorneys shall not notice or submit these motions to the court and shall not submit orders for entry on these motions.

All orders previously entered on these motions are hereby deemed vacated and these motions remain pending and continued generally with all issues preserved until such time as all avenues of appellate review on the constitutionality of the Judgment Interest Act Amendment are exhausted and a final order from the Illinois Supreme Court is issued.

/s/ Lindsay Parkhurst  
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Civil Presiding Judge Kankakee County  
Circuit Judge Lindsay Parkhurst

/s/ Michael Sabol  
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Civil Presiding Judge Iroquois County  
Circuit Judge Michael Sabol

Effective February 1, 2023