



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB1526

Introduced 2/15/2019, by Sen. Laura Fine

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-604.2 new  
735 ILCS 5/2-604 rep.

Amends the Code of Civil Procedure. Provides that, except in personal injury actions, every count in every complaint and counterclaim must request specific remedies the party believes it should receive from the court. Provides that in a personal injury action, a party may not claim an amount of money unless necessary to comply with the circuit court rules about where a case is assigned. Provides that any complaint filed that contains an amount claimed shall be dismissed without prejudice. Provides that a party may request remedies from the court in the alternative. Provides that, except in the case of default, the remedies requested from the court do not limit the remedies available. Provides that in case of default, if a remedy is sought in the pleading that is beyond what the defaulted party requested, notice shall be given to the default party. Provides that the defendant is not prohibited from requesting from the plaintiff the amount of damages sought. Repeals a provision regarding prayer for relief.

LRB101 06794 LNS 51821 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by adding  
5 Section 2-604.2 and by repealing Section 2-604 as follows:

6 (735 ILCS 5/2-604.2 new)

7 Sec. 2-604.2. Requesting remedies from the court.

8 (a) Except in personal injury actions, every count in every  
9 complaint and counterclaim must request specific remedies the  
10 party believes it should receive from the court.

11 In a personal injury action, a party may not claim an  
12 amount of money unless necessary to comply with the circuit  
13 court rules about where a case is assigned. In a personal  
14 injury action, if a complaint is filed that contains an amount  
15 claimed and the claim is not necessary to comply with the  
16 circuit court rules about where a case is assigned, the  
17 complaint shall be dismissed without prejudice on the  
18 defendant's motion or on the court's own motion.

19 (b) A party may request remedies from the court in the  
20 alternative. A request for a remedy from the court that is not  
21 supported by allegations in the complaint or counterclaim may  
22 be objected to by motion or in the answering pleading.

23 (c) Except in the case of default, the remedies requested

1 from the court do not limit the remedies available. Except in  
2 the case of default, if a party seeks remedies other than those  
3 listed in the complaint or counterclaim, the court may, by  
4 proper order, and upon terms that may be just, protect the  
5 adverse party against prejudice by reason of surprise.

6 In the case of default, if a remedy is sought in the  
7 pleading, whether by amendment, counterclaim, or otherwise,  
8 that is beyond what the defaulted party requested, notice shall  
9 be given to the defaulted party as provided by Illinois Supreme  
10 Court Rule 105.

11 (d) The defendant is not prohibited from requesting from  
12 the plaintiff, by interrogatory, the amount of damages sought.

13 (735 ILCS 5/2-604 rep.)

14 Section 10. The Code of Civil Procedure is amended by  
15 repealing Section 2-604.