

1 AN ACT concerning civil procedure.

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  
5 changing Section 2-402 as follows:

6 (735 ILCS 5/2-402) (from Ch. 110, par. 2-402)

7 (Text of Section WITHOUT the changes made by P.A. 89-7,  
8 which has been held unconstitutional)

9 Sec. 2-402. Respondents in discovery. The plaintiff in any  
10 civil action may designate as respondents in discovery in his  
11 or her pleading those individuals or other entities, other than  
12 the named defendants, believed by the plaintiff to have  
13 information essential to the determination of who should  
14 properly be named as additional defendants in the action.

15 Persons or entities so named as respondents in discovery  
16 shall be required to respond to discovery by the plaintiff in  
17 the same manner as are defendants and may, on motion of the  
18 plaintiff, be added as defendants if the evidence discloses the  
19 existence of probable cause for such action.

20 A person or entity named a respondent in discovery may upon  
21 his or her own motion be made a defendant in the action, in  
22 which case the provisions of this Section are no longer  
23 applicable to that person.

24 A copy of the complaint shall be served on each person or  
25 entity named as a respondent in discovery.

26 Each respondent in discovery shall be paid expenses and  
27 fees as provided for witnesses.

28 A person or entity named as a respondent in discovery in  
29 any civil action may be made a defendant in the same action at  
30 any time within 6 months after being named as a respondent in  
31 discovery, even though the time during which an action may  
32 otherwise be initiated against him or her may have expired

1 during such 6 month period. Extensions of this 6 month period  
2 shall be permitted upon a showing of good cause, including but  
3 not limited to a failure or refusal on the part of the  
4 respondent to comply with timely filed discovery.

5 This amendatory Act of the 93rd General Assembly applies to  
6 causes of action pending on or after its effective date.

7 (Source: P.A. 86-483.)

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.