**Section 790.60 Exhaustion of Remedies**

As required by Section 25 of the Court of Claims Act [705 ILCS 505/25], the claimant shall, before seeking final determination of his claim before the Court of Claims, exhaust all other remedies, whether administrative, legal or equitable, against all other sources of recovery for the injury or damages sought to be recovered by the claim, provided that no frivolous or unreasonable action is required to be brought against any third party in order to comply with this exhaustion of remedies requirement.

a) General continuance. Any complaint filed or pending in the Court of Claims shall be continued generally subject to the provisions of Section 790.70 of this Part, until the final disposition of all other claims or proceedings arising from the same occurrence or transaction. Claims continued generally shall not proceed to evidentiary hearing, but, upon order of the Court, a Judge thereof, or a Commissioner, discovery may proceed as permitted by Section 790.55 of this Part. (A general continuance granted by this Court is not to be construed as an opinion on the question of jurisdiction in any other court or tribunal.)

b) Subsequent action or claim. If the claimant shall, subsequent to the filing of a complaint in the Court of Claims, commence a proceeding in another tribunal, or present a claim to any other person or corporation (e.g., insurance carrier, governmental body, etc.) for damages arising out of the same occurrence or transaction, the claimant shall immediately advise the Court of Claims in writing as to when, where and to whom such claim was presented or proceeding commenced.

c) Action against State employees. Failure to file or pursue suits against State employees acting within the scope of their employment shall not be a defense to the respondent.

(Source: Amended at 24 Ill. Reg. 8228, effective July 1, 2000)