



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/09/04, by Jay C. Hoffman

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-402

from Ch. 110, par. 2-402

Amend the Code of Civil Procedure. Provides that an extension of the 6 month period of discovery for persons or entities named as respondents shall be permitted upon a showing of good cause, including but not limited to a failure or refusal on the part of the respondent to comply with timely filed discovery. Effective immediately.

LRB093 14784 LCB 47096 b

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 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.