



Sen. Ira I. Silverstein

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09400SB1893sam002

LRB094 08989 LCB 44075 a

1 AMENDMENT TO SENATE BILL 1893

2 AMENDMENT NO. _____. Amend Senate Bill 1893, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Code of Civil Procedure is amended by
6 changing Section 2-402 as follows:

7 (735 ILCS 5/2-402) (from Ch. 110, par. 2-402)

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

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

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

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

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

3 Each respondent in discovery shall be paid expenses and
4 fees as provided for witnesses.

5 A person or entity named as a respondent in discovery in
6 any civil action may be made a defendant in the same action at
7 any time within 6 months after being named as a respondent in
8 discovery, even though the time during which an action may
9 otherwise be initiated against him or her may have expired
10 during such 6 month period. An extension from the original
11 6-month period for good cause may be granted only once for up
12 to 90 days for (i) withdrawal of plaintiff's counsel or (ii)
13 good cause. Notwithstanding the limitations in this Section,
14 the court may grant additional reasonable extensions from this
15 6-month period for a failure or refusal on the part of the
16 respondent to comply with timely filed discovery.

17 The plaintiff shall serve upon the respondent or
18 respondents a copy of the complaint together with a summons in
19 a form substantially as follows:

20 "STATE OF ILLINOIS

21 COUNTY OF

22 IN THE CIRCUIT COURT OF COUNTY, ILLINOIS

23 COUNTY DEPARTMENT, LAW DIVISION

24 (or, In the Circuit Court of the Judicial Circuit)

25

26 Plaintiff(s),

27 v.

No.

28

29,

30 Defendant(s),

1 to be answered under oath by
 2 Respondent,, and delivered to the
 3 office of, Illinois, within
 4 28 days from date of service).

5 TO THE OFFICER/SPECIAL PROCESS SERVER:

6 This summons must be returned by the officer or other
 7 person to whom it was given for service, with endorsement or
 8 affidavit of service and fees and an endorsement or affidavit
 9 of payment to the Respondent of witness and mileage fees, if
 10 any, immediately after service. If service cannot be made, this
 11 summons shall be returned so endorsed.

12 WITNESS,

13

14 Clerk of Court

15 Date of Service:, 20...

16 (To be inserted by officer on copy left
 17 with Respondent or other person)

18 Attorney No.

19 Name:

20 Attorney for:

21 Address:

22 City/State/Zip:

23 Telephone:".

24 This amendatory Act of the 94th General Assembly applies to
 25 causes of action pending on or after its effective date.

26 (Source: P.A. 86-483.)".