**Section 790.40 Procedure**

a) Filing. Cases shall be commenced by the filing of a verified complaint with the Clerk of the Court. A party filing a case shall be designated as the claimant, and either the State of Illinois or the appropriate State agency (Section 8(d), Court of Claims Act [705 ILCS 505/8(d)]) shall be designated as the respondent. The Clerk will note on the complaint, and each copy, the date of filing, and deliver one of the copies to the Attorney General or to the legal counsel of the appropriate State agency. Joinder of claimants in one case is permitted, as provided by the Code of Civil Procedure [735 ILCS 5].

b) Attorney of Record. In all cases filed in this Court, all claimants not appearing pro se must be represented of record by a member of the Illinois bar. Permission for an out-of-state attorney to appear will require compliance with Supreme Court Rules 707, 718 and 756, governing out-of-state attorneys' authorization to practice. If the name of an attorney, his address, and telephone number appear on a complaint, no written appearance for such attorney need be filed, but withdrawal and substitution of attorneys shall be by written motion, with proof of service upon the claimant, and filed in the case.

c) Complaint-form. The complaint shall be captioned substantially as follows:

|  |
| --- |
| IN THE COURT OF CLAIMS OF THE |
| STATE OF ILLINOIS |
|  |  |  |  |  |
| A.B., ) |  | ) |  |  |
|  | Claimant | ) |  |  |
| vs. |  | ) | No. |  |
|  |  | ) | $ |  |
| STATE OF ILLINOIS (or | ) |  | Amount Claimed |
| the appropriate | ) |  |  |
| State Agency), | ) |  |  |
|  |  | ) |  |  |
|  | Respondent | ) |  |  |

d) Pursuant to the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-038, the statute of limitations for filing claims in the Illinois Court of Claims, as referenced in 705 ILCS 22, and the Notice provision of 705 ILCS 22-1 is tolled for the pendency of this disaster and for a period of 30 days thereafter.

(Source: Amended at 44 Ill. Reg. 16482, effective September 25, 2020)