

# HB5978



## 100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5978

by Rep. André Thapedi

### SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-607

from Ch. 110, par. 2-607

Amends the Code of Civil Procedure. Provides that if the pleader does not file and serve a bill of particulars within 28 days of the demand, or if the bill of particulars delivered is insufficient, the court may, among other things, award attorney's fees and costs. Provides a 28-day deadline for moving that a demand for a bill of particulars be denied or modified.

LRB100 23942 HEP 43016 b

A BILL FOR

1 AN ACT concerning civil law.

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 2-607 as follows:

6 (735 ILCS 5/2-607) (from Ch. 110, par. 2-607)

7 Sec. 2-607. Bills of particulars.

8 (a) Within the time a party is to respond to a pleading,  
9 that party may, if allegations are so wanting in details that  
10 the responding party should be entitled to a bill of  
11 particulars, file and serve a notice demanding it. The notice  
12 shall point out specifically the defects complained of or the  
13 details desired. The pleader shall have 28 days to file and  
14 serve the bill of particulars, and the party who requested the  
15 bill shall have 28 days to plead after being served with the  
16 bill.

17 (b) If the pleader does not file and serve a bill of  
18 particulars within 28 days of the demand, or if the bill of  
19 particulars delivered is insufficient, the court may, on motion  
20 and in its discretion, strike the pleading, award attorney's  
21 fees and costs, allow further time to furnish the bill of  
22 particulars, or require a more particular bill to be filed and  
23 served.

1           (c) If a bill of particulars, in an action based on a  
2 contract, contains the statement of items of indebtedness and  
3 is verified by oath, the items thereof are admitted except in  
4 so far as the opposite party files an affidavit specifically  
5 denying them, and as to each item denied states the facts upon  
6 which the denial is based, unless the affidavit is excused by  
7 the court.

8           (d) If the party on whom a demand for a bill of particulars  
9 has been made believes that the party demanding it is not  
10 entitled to the particulars asked for, he or she may, within 28  
11 days of the demand, move the court that the demand be denied or  
12 modified.

13           (Source: P.A. 86-646.)