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Sen. Ira I. Silverstein

Filed: 4/11/2005

	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.

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

3 Each respondent in discovery shall be paid expenses and4 fees as provided for witnesses.

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

17The plaintiff shall serve upon the respondent or18respondents a copy of the complaint together with a summons in19a form substantially as follows:

20 "STATE OF ILLINOIS

21 <u>COUNTY OF</u>

22	IN THE CIRCUIT C	OURT OF	COUNTY, ILLINOIS
23	COU	NTY DEPARTMENT, L	AW DIVISION
24	(or, In the Circuit	Court of the	Judicial Circuit)
25	<u></u>	<u>-</u>	
26		<pre>Plaintiff(s),</pre>	
27	<u>V.</u>		No.
28	<u></u>		
29	<u></u>		
30		Defendant(s),	

and			PLEA	SE SERVE:	
<u></u>					
	1				
Responden	t(s) in Disc	covery.			
	SUMMONS	FOR DISCO	VERY		
IO RESPONDENT IN 1	DISCOVERY:				
YOU ARE HEREB	Y NOTIFIED t	hat on		, 2	0 <i>,</i>
a complaint, a c	opy of whice	ch is att	ached,	was filed	<u>l in the</u>
above Court namir	ng you as a	Responden	t in D:	iscovery.	<u>Pursuant</u>
to the Illinois	Code of Ci	ivil Proce	edure S	Section 2-	-402 and
Supreme Court Rul	es 201 et. s	eq., and/	or Cour	t Order en	tered on
		••••	the	above	named
Plaintiff(s) are	authorized	to procee	ed with	the disco	overy of
the named Respond	ent(s) in Di	scovery.			
YOU ARE SUMMO	ONED AND COI	MMANDED to	o appea	ar for dep	osition,
pefore a notar	y public	(answer	the	attached	written
Interrogatories),	(respond	to the	atta	ched requ	iest to
produce), (or oth	er appropria	te discov	ery too	<u>).</u>	
le are scheduled	to take the	e oral dis	covery	deposition	<u>n of the</u>
above named Respo	ndent,				, on
	2	20, at	t the	hour of	
a.m./p.m.,	at		the		office
			••••	Illinoi	ls, in
	he rules and	ι ρεοντέτο.			
accordance with t and mileage fees					

28 other appropriate discovery tool upon Respondent,

<u></u>	to	be	answer	ed	under	oat	th	by
Respondent,		• • • •	,	and	delive	ered	to	the
office of	••••			•••	Illino	is,	wit	hin
28 days from date of servio	ce).							
TO THE OFFICER/SPECIAL PRO	CESS	SERV	ER:					
<u>This summons must be</u>	ret	urne	d by t	he d	officer	or	ot	her
person to whom it was giv	ven f	for s	ervice,	wit	h endo	rsem	lent	or
affidavit of service and	fees	and	an endo	orser	ment or	aff	fida	<u>vit</u>
of payment to the Respond	lent	of w	itness	and	mileag	e fe	es,	if
any, immediately after ser	vice	. If	service	can	not be	made	e, t	his
summons shall be returned a	so er	ndors	ed.					
WITNESS,	• • • •							
<u></u>		-						
<u>Clerk of Court</u>								
Date of Service:	.,20	<u></u>						
(To be inserted by officer	on c	opy _	left					
with Respondent or other p	ersor	1)						
Attorney No.								
Name:								
Attorney for:								
Address:								
<u>City/State/Zip:</u>								
<u>Telephone:</u> ".								
This amendatory Act of	the	94th	Genera	l As	sembly	appl	lies	s to
causes of action pending or								
	n or	afte	r its e	ffect	cive da	te.		