PART ONE THE ILLINOIS JUDICIAL SYSTEM: SUBJECT MATTER JURISDICTION

CHAPTER 1. THE ILLINOIS COURT STRUCTURE AND JUDICIARY

- § 1:1 The courts of Illinois—In general
- § 1:2 The Illinois Supreme Court
- § 1:3 The Illinois Appellate Court
- § 1:4 The Illinois Circuit Courts
- § 1:5 The selection of judges
- § 1:6 The retention of judges
- § 1:7 Judicial vacancies
- § 1:8 Judicial discipline

CHAPTER 2. JURISDICTION OF THE SUBJECT MATTER

- § 2:1 Subject-matter jurisdiction—In general
- § 2:2 Matters exclusively in the jurisdiction of federal courts
- § 2:3 Cases where Illinos law limits subject-matter jurisdiction

PART TWO JURISDICTION OF THE PERSON OF THE DEFENDANT

CHAPTER 3. PERSONAL JURISDICTION—IN GENERAL

- § 3:1 The requirements of due process of law—In general
- § 3:2 The impact of state law
- § 3:3 The effect of personal jurisdiction
- § 3:4 The Uniform Enforcement of Foreign Judgments Act

CHAPTER 4. PERSONAL JURISDICTION—IN GENERAL

- § 4:1 The origins of personal jurisdiction—The power concept
- § 4:2 The expansion of the power concept
- § 4:3 The application of the power concept to corporations

- § 4:4 The early deviations from a strict power concept
- § 4:5 The International Shoe case—Minimum contacts
- § 4:6 The development of the limits of the expanded basis of jurisdiction
- § 4:7 The mid-1980s—New directions
- \$4:8 Minimum contacts and quasi-in-rem jurisdiction—Shaffer v.

 Heitner

CHAPTER 5. THE TRADITIONAL BASES OF JURISDICTION IN ILLINOIS

- § 5:1 The traditional bases of jurisdiction in Illinois—In general
- § 5:2 Physical presence in the state—Individuals
- § 5:3 —Corporations
- § 5:4 Domicile or incorporation in the state
- § 5:5 Consent

CHAPTER 6. THE IMPLEMENTATION OF SPECIFIC JURISDICTION IN ILLINOIS

- § 6:1 The implementation of specific jurisdiction in Illinois
- § 6:2 The Illinois long-arm statute—In general
- § 6:3 Commercial transactions: the transaction of business in Illinois
- § 6:4 Transaction of business contrasted with doing business
- § 6:5 The commission of a tortious act in Illinois
- § 6:6 The ownership, possession, or use of Illinois real property
- § 6:7 The insurance of a risk located in Illinois
- § 6:8 Dissolution of marriage and separate maintenance actions
- § 6:9 The Illinois Nonresident Motorist Act—Aircraft and watercraft
- § 6:10 Other statutes utilizing the expanded basis of jurisdiction

CHAPTER 7. IN REM AND QUASI-IN-REM JURISDICTION IN ILLINOIS

- § 7:1 Jurisdiction over property—In general
- § 7:2 The limited power of the court when proceeding against property
- § 7:3 In rem cases
- § 7:4 Quasi-in-rem cases relating to property in the state
- § 7:5 Cases relating to a status located in the state
- § 7:6 Cases where the property in the state is not related to the cause of action
- § 7:7 Appearances and in rem and quasi-in-rem cases

CHAPTER 8. PROCESS

§ 8:1 Service of process—In general

- § 8:2 The form of process
- § 8:3 Duplicate original summons: alias summons
- § 8:4 Persons authorized to serve process
- § 8:5 The return
- § 8:6 Contesting the accuracy of the return
- § 8:7 Due diligence in the service of process

CHAPTER 9. SERVICE OF PROCESS

- § 9:1 The method of service of process—In general
- § 9:2 Service of process on individuals
- § 9:3 Service on minors and incompetents
- § 9:4 Substituted service on one antagonistic to the defendant
- § 9:5 Service on corporations
- § 9:6 Service on partners or partnerships and other associations
- § 9:7 Service on governmental corporations
- § 9:8 Service on receivers and trustees
- § 9:9 Service on unknown owners
- § 9:10 Service in cases involving small claims
- § 9:11 Service outside the state
- § 9:12 Service by publication
- § 9:13 Waiver of service

CHAPTER 10. LITIGATING A JURISDICTIONAL ISSUE

- § 10:1 Litigating a jurisdictional issue—In general
- § 10:2 Section 2-301 attacks on personal jurisdiction
- § 10:3 The withdrawal of the act consenting to the jurisdiction
- § 10:4 The determination of § 2-301 jurisdictional attacks
- § 10:5 The waiver of technical defects; collateral estoppel
- § 10:6 Attacking a default judgment on jurisdictional grounds
- § 10:7 Evaluating the options of a defendant
- § 10:8 Jurisdictional attacks and in rem or quasi-in-rem cases

PART THREE VENUE AND RELATED CONCEPTS

CHAPTER 11. VENUE

- § 11:1 Venue—In general
- § 11:2 Venue based on a defendant's residence
- § 11:3 Venue based on the location of the transaction
- § 11:4 The determination of residence—Corporations and partnerships

- § 11:5 Special venue rules
- § 11:6 Venue rules independent of the Code of Civil Procedure

CHAPTER 12. THE EFFECT OF IMPROPER VENUE

- § 12:1 The effect of improper venue—In general
- § 12:2 The timeliness of challenges to the venue
- § 12:3 The procedure for challenging improper venue
- § 12:4 Situations where venue is jurisdictional
- § 12:5 Determination of challenges to improper venue
- § 12:6 Transfers of the cause
- § 12:7 Appelate review of challenges to improper venue

CHAPTER 13. CHANGES OF JUDGE AND VENUE

- § 13:1 Motions for a change of judge or venue—Grounds
- § 13:2 The right to a change of judge or venue
- § 13:3 The timeliness of a motion for a change of judge or venue
- § 13:4 The documents required for a change of judge or venue
- § 13:5 The nature of the hearing on a motion for a change of judge or venue
- § 13:6 The effect of a determination of the motion for a change of judge or venue

CHAPTER 14. FORUM NON CONVENIENS

- § 14:1 Forum non conveniens—In general
- § 14:2 Interstate Forum Non Conveniens—The Factors Considered
- § 14:3 The determination of an interstate forum non conveniens motion
- § 14:4 Intrastate forum non conveniens
- § 14:5 The requirements for a forum non conveniens motion
- § 14:6 Appellate review of forum non conveniens rulings

PART FOUR THE STATUTE OF LIMITATIONS AND PERSONAL ACTIONS

CHAPTER 15. THE ILLINOIS STATUTE OF LIMITATIONS: ITS PURPOSE AND APPLICABILITY

§ 15:1 Statutes of limitations—Their history and purpose

- § 15:2 The limitation period—In general
- § 15:3 The statute of limitations in equitable actions—Laches
- § 15:4 The Illinois statute of limitations and out-of-state causes of action
- § 15:5 Legislative amendments to the statute of limitations
- § 15:6 The effect of contractual changes to the limitation period

CHAPTER 16. THE LIMITATION PERIOD FOR SPECIFIC CLAIMS

- § 16:1 Contract cases
- § 16:2 The effect of a new promise or part payment
- § 16:3 Sales contracts—Warranties—Notice
- § 16:4 The general limitation period and tort property damage actions
- § 16:5 Personal injury actions
- § 16:6 Medical malpractice actions
- § 16:7 Product-liability cases
- § 16:8 Defamation actions: invasion of privacy
- § 16:9 Other causes of action
- § 16:10 Suits against governmental agencies and their employees

CHAPTER 17. EXTENSIONS OF THE STATUTORY PERIOD: TOLLING THE STATUTE

- § 17:1 Out-of-state defendants
- § 17:2 The death of a party
- § 17:3 Incapacity of the plaintiff
- § 17:4 Stays of the cause of action
- § 17:5 Fraudulent concealment of the cause of action

CHAPTER 18. LITIGATING ISSUES RELATING TO THE STATUTE OF LIMITATIONS

- § 18:1 Pleading considerations: raising a limitation issue
- § 18:2 Estoppel and the statute of limitations
- § 18:3 The determination of limitation issues
- § 18:4 The limitation period and amendments and counterclaims
- § 18:5 Refiling cases after the limitation period has expired

PART FIVE PROVISIONAL RELIEF

CHAPTER 19. PROVISIONAL EQUITABLE RELIEF

- § 19:1 Injunctive relief—In general
- § 19:2 Persons bound by injunctive orders
- § 19:3 Temporary restraining orders and preliminary injunctions
- § 19:4 The entry of temporary restraining orders
- § 19:5 Preliminary injunctions
- § 19:6 The damages of a party wrongfully enjoined
- § 19:7 Enforcement of injunctions—The contempt power
- § 19:8 The appointment of receivers

CHAPTER 20. PREJUDGMENT ATTACHMENT AND GARNISHMENT

- § 20:1 Prejudgment attachment and garnishment—In general
- § 20:2 The constitutional background
- § 20:3 Grounds for pretrial attachment and garnishment
- § 20:4 Obtaining prejudgment attachment and garnishment
- § 20:5 Execution of the writ—Service on the defendant
- § 20:6 The filing of the complaint—Further proceedings
- § 20:7 Damages for wrongful attachment or garnishment

CHAPTER 21. LIS PENDENS

- § 21:1 Lis pendes—In general
- § 21:2 The statutory requirements
- § 21:3 Authorization of the conveyance of real estate subject to lis
- § 21:4 Protection of property rights pending appeal

PART SIX PLEADING

CHAPTER 22. A HISTORICAL INTRODUCTION TO PLEADING

- § 22:1 The history of pleading—The forms of action
- § 22:2 The fundamentals of common-law pleading
- § 22:3 The scope of equitable jurisdiction
- § 22:4 The procedure in historical equity
- § 22:5 The supremacy of equity
- § 22:6 The adoption of the Illinois Civil Practice Act
- § 22:7 The abolition of the forms of action and the merger of law and equity

§ 22:8 Liberal construction of pleadings

CHAPTER	23	PLEADIN	IC IN	CENERAL	Г
	ZI.				4 /

- § 23:1 Modern pleading—In general
- § 23:2 The number and designation of pleadings
- § 23:3 The specificity required in pleading: fact pleading
- § 23:4 Distinguishing ultimate facts from conclusions and evidence
- § 23:5 Alternative pleading
- § 23:6 Untruthful pleading
- § 23:7 Verified pleadings; Admissions and judicial admissions in the pleadings
- § 23:8 Incorporation by reference
- § 23:9 Exhibits
- § 23:10 Formal requirements of pleadings: pleading a judgment or order

CHAPTER 24. PLEADINGS THAT STATE A CAUSE OF ACTION

- § 24:1 Pleading a cause of action—In general
- § 24:2 Changing the theory of recovery
- § 24:3 Joinder of causes of action: splitting a cause of action
- § 24:4 Counts and paragraphs
- § 24:5 Pleading a contract case
- § 24:6 Pleading a tort case: negligence, products liability, and related actions
- § 24:7 Pleading a tort case: intentional torts
- § 24:8 Pleading willful and wanton misconduct: punitive damages
- § 24:9 Pleading a statutory cause of action
- § 24:10 Pleading an equitable cause of action
- § 24:11 The prayer for relief

CHAPTER 25. DEFENSIVE PLEADING

- § 25:1 Defensive pleading—In general
- § 25:2 Denials
- § 25:3 Affirmative defenses
- § 25:4 Counterclaims
- § 25:5 Third-party actions

CHAPTER 26. AMENDMENTS TO PLEADINGS

- § 26:1 Amendments to pleadings—In general
- § 26:2 Amendments before judgment
- § 26:3 Amendments after a pleading or count is stricken

CIVIL PROCEDURE BEFORE TRIAL

§ 26:4 Amendments after the expiration of the limitation period
 § 26:5 Joining new defendants after the expiration of the limitation period: misnomer
 § 26:6 Amendments to conform the pleadings to the proof: variances
 § 26:7 Amendments in the reviewing court
 § 26:8 Supplemental pleadings

CHAPTER 27. MOTIONS RELATING TO THE PLEADINGS

- $\S~27:1$ Motions relating to the pleadings—In general
- $\S 27:2$ The scope of section 5/2-615: types of $\S 5/2$ -615 motions
- $\S 27:3$ The requirements of $\S 2-615$ motions: waiver
- § 27:4 Matters considered on § 5/2-615 motions
- § 27:5 The effect of the decision of a § 2-615 motion
- § 27:6 The bill of particulars

PART SEVEN PARTIES AND JOINDER

CHAPTER 28. PARTIES: CAPACITY

- § 28:1 Capacity of parties in general: identification of parties
- § 28:2 Capacity of individuals: death, incompetency, and minority
- § 28:3 Capacity of business associations
- § 28:4 The real party in interest: assigness and subrogees; estates and trusts
- § 28:5 Abatement: the death, legal disability, termination of office, or changes in the interest of a party
- § 28:6 Unknown parties, fictitious parties
- § 28:7 Misnomer

CHAPTER 29. JOINDER OF PARTIES

- § 29:1 Joinder of parties—In general
- § 29:2 Compulsory joinder
- § 29:3 Effect of failure to join a necessary party
- § 29:4 Permissive joinder of parties
- § 29:5 Misjoinder, severances, and consolidations
- § 29:6 Respondents in discovery
- § 29:7 Grounds for intervention
- § 29:8 Intervention procedure

CHAPTER 30. CLASS ACTIONS

- § 30:1 Class actions—In general
- § 30:2 Certification of a class action
- § 30:3 The class action prerequisites
- § 30:4 Nationwide classes and defendant classes
- § 30:5 Notice-Intervention, exclusion, dismissal, and settlement
- § 30:6 Attorney's fees in class actions

PART EIGHT DISCOVERY

CHAPTER 31. DISCOVERY IN GENERAL

- § 31:1 The development of modern discovery and its elements
- § 31:2 The sources of Illinois law regulating discovery
- § 31:3 The significance and spirit of modern discovery

§ 31:4	The abuse of discovery
§ 31:5	Informal discovery
§ 31:6	The time and sequence of discovery
§ 31:7	Stipulations in discovery
§ 31:8	Limited discovery in cases of \$50,000 or less
CHA	PTER 32. DEPOSITIONS
§ 32:1	Depositions—In general
§ 32:2	Types of depositions
§ 32:3	Determination of the type of deposition to be taken
§ 32:4	The place of the deposition
§ 32:5	Depositions with interstate or international aspects
§ 32:6	Compelling the appearance of the deponent
§ 32:7	Person before whom depositions may be taken
§ 32:8	The notice of the taking of a deposition
§ 32:9	The method of taking a deposition on oral examination
§ 32:10	Objections: objectionable conduct
§ 32:11	Signing and filing the deposition
§ 32:12	Fees and charges
§ 32:13	Depositions taken on written questions
§ 32:14	The use of depositions—Discovery depositions
§ 32:15	Use of depositions—Evidence depositions
§ 32:16	Partial use of depositions
§ 32:17	The use of depositions after substitution, dismissal, or remand
§ 32:18	Depositions for the purpose of perpetuating testimony
CHA	PTER 33. OTHER DISCOVERY
DEV	ICES
§ 33:1	Written interrogatories in general
§ 33:2	The extent of the duty to investigate: business entities

CHAPTER 34. THE SCOPE OF DISCOVERY

The production of real and documentary evidence

Physical and mental examinations of parties

The specificity required of interrogatories and production

§ 34:1 The scope of discovery—In general

Request for admissions

requests

Standard interrogatories

Identification of witnesses

The testing of real evidence

Impartial medical examinations

Subsequently discovered information

§ 33:3

§ 33:4

§ 33:5 § 33:6

§ 33:7

§ 33:8

§ 33:9

§ 33:10 § 33:11

- § 34:2 Relevancy for discovery—In general
- § 34:3 The discovery of witnesses and potential witnesses
- § 34:4 The privileges—In general
- § 34:5 The attorney-client privilege
- § 34:6 The work-product privilege
- § 34:7 The discovery of experts' reports and opinions
- § 34:8 The allocation of costs of obtaining discovered material

CHAPTER 35. JUDICIAL CONTROL OVER DISCOVERY

- § 35:1 Discovery motions
- § 35:2 Protective orders
- § 35:3 Sanctions for violations of discovery rules and orders—In general
- § 35:4 Determining the appropriate sanction: willful violations
- § 35:5 Sanctions for failure to comply or for failure to comply timely
- § 35:6 Appellate review of discovery matters

CHAPTER 36. CASE MANAGEMENT

- § 36:1 Case management—In general
- § 36:2 The purpose and goals of the case management conferences; electronically stored information
- § 36:3 Settlement and the case management conferences
- § 36:4 Case management to conference documents
- § 36:5 Mediation

PART NINE PRE-TRIAL DISPOSITIONS

CHAPTER 37. PRETRIAL DISPOSITIONS IN GENERAL: MOTION PRACTICE

- § 37:1 Pretrial dispositions—In general
- § 37:2 Motion practice in general: the form of motions
- § 37:3 Notice of motion
- § 37:4 The timeliness of motions
- § 37:5 The hearing of the motion
- § 37:6 Motions for reconsideration of interlocutory orders

CHAPTER 38. SUMMARY JUDGMENTS: IN GENERAL

- § 38:1 Summary judgments—Their history and purpose
- § 38:2 The nature of summary judgment

- § 38:3 The relationship of summary judgments to other dispositive motions
- § 38:4 The time for summary judgment motions: relationship to discovery
- § 38:5 The procedure and operation of motions for summary judgments
- § 38:6 Partial summary judgments
- § 38:7 The effect of the determination of a summary judgment motion

CHAPTER 39. SUMMARY JUDGMENTS: MATERIALS CONSIDERED

- § 39:1 Materials considered on summary judgment motions—In general
- § 39:2 Affidavits—In general
- § 39:3 Affidavits of expert witnesses
- § 39:4 Unavailable witnesses
- § 39:5 Affidavits made in bad faith
- § 39:6 Pleadings
- § 39:7 Depositions
- § 39:8 Admissions
- § 39:9 Objections to improper matter

CHAPTER 40. THE RESOLUTION OF SUMMARY JUDGMENT MOTIONS

- § 40:1 Resolution of summary judgment motions—In general
- § 40:2 The quantum of conflicting evidence required for a genuine fact issue
- § 40:3 Effect of the burdens of persuasion and production
- § 40:4 Circumstantial evidence and the burden of production
- § 40:5 Summary judgments and the different types of issues of fact

CHAPTER 41. SECTION 2-619 MOTIONS

- § 41:1 Section 2-619 motions—Their purpose and operation
- § 41:2 The relationship of § 2-619 motions to other pretrial motions
- $\S 41:3$ The grounds for $\S 2-619$ motions: in general
- § 41:4 Grounds for § 2-619 motions: another pending action
- § 41:5 Grounds for § 2-619 motions: res judicata
- § 41:6 Grounds for § 2-619 motions: releases
- § 41:7 Grounds for § 2-619 motions: other affirmative matter
- § 41:8 The determination of § 2-619 motions
- § 41:9 The effect of the determination of § 2-619 motions

CHAPTER 42. VOLUNTARY DISMISSALS, DISMISSALS FOR WANT OF PROSECUTION, DEFAULTS, AND CONFESSIONS OF JUDGMENT

- § 42:1 The other pretrial dismissals: in general
- § 42:2 Voluntary dismissals
- § 42:3 Dismissals for want of prosecution
- § 42:4 The entry of default judgments
- § 42:5 Relief from default judgments
- § 42:6 Confessions of judgment

Table of Laws and Rules

Table of Cases

Index