

1 AN ACT in relation to civil procedure.

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 2-604 as follows::

6 (735 ILCS 5/2-604) (from Ch. 110, par. 2-604)

7 Sec. 2-604. Prayer for relief. Every count in every
8 complaint and counterclaim shall contain specific prayers for
9 the relief to which the pleader deems himself or herself
10 entitled except that in actions for injury to the person, no
11 ad damnum may be pleaded except to the minimum extent
12 necessary to comply with the circuit rules of assignment
13 where the claim is filed. Relief~~7-whether-based-on-one-or~~
14 ~~more-counts7~~ may be requested in the alternative. Prayers for
15 relief which the allegations of the pleadings do not sustain
16 may be objected to on motion or in the answering pleading. In
17 actions for injury to the person, any complaint filed which
18 contains an ad damnum, except to the minimum extent necessary
19 to comply with the circuit rules of assignment where the
20 claim is filed, shall, on motion of a defendant or on the
21 court's own motion, be dismissed without prejudice. Except
22 in case of default, the prayer for relief does not limit the
23 relief obtainable, but where other relief is sought the court
24 shall, by proper orders, and upon terms that may be just,
25 protect the adverse party against prejudice by reason of
26 surprise. In case of default, if relief is sought, whether by
27 amendment, counterclaim, or otherwise, beyond that prayed in
28 the pleading to which the party is in default, notice shall
29 be given the defaulted party as provided by rule.

30 Nothing in this Section shall be construed as prohibiting
31 the defendant from requesting of the plaintiff by

- 1 interrogatory the amount of damages which will be sought.
- 2 (Source: P.A. 83-707.)