



STATE OF ILLINOIS STATUTE OF LIMITATIONS (during the COVID-19 pandemic)

Prepared by

Margaret Firnstein

Martin O'Connor

SmithAmundsen LLC

150 N. Michigan

Chicago, IL 60601

Tel: (312) 894-3243

Email: mfirnstein@salawus.com

Email: moconnor@salawus.com

www.salawus.com

STATUTE OF LIMITATIONS DURING COVID-19

Illinois' sole COVID-19 statute of limitation tolling exception exists in the Court of Claims and only during a Gubernatorial Disaster Proclamation. "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 ... is tolled for the pendency of this disaster and for a period of 30 days thereafter." (Ill. Admin. Code tit. 74, § 790.4(d)).

Prior to Governor Pritzker's November 13, 2020 Disaster Proclamation there were no statute of limitation tolling exceptions in Illinois. The November 13, 2020 Disaster Proclamation is set to expire December 12, 2020.

SERVICE DURING COVID-19

The COVID-19 pandemic generally should not affect how a case is commenced in Illinois. Illinois circuit courts and court clerk's offices generally remain open to accept filings, including case-initiating documents such as complaints and summonses. (Westlaw Impact of COVID-19 on Illinois Practice: Overview, Practical Law Practice Note Overview 024-8124). Counsel must still e-file case-initiating documents unless an e-filing exemption applies. (Illinois Supreme Court Rule 101(a)).

There have been various changes to rules regarding summons and initial appearances. Counsel should refer to Illinois Supreme Court Rule 101 and 283, as amended, for proper summons formula.

Additionally, all residential eviction proceedings have been halted by Executive Order 2020-72.

If difficulty during service is encountered because of COVID-19 restrictions, counsel may

consider moving the court to enter an order directing a comparable method of service pursuant to 735 ILCS 5/2-203.1.

This Compendium outline contains a brief overview of certain laws concerning various litigation and legal topics. The compendium provides a simple synopsis of current law and is not intended to explore lengthy analysis of legal issues. This compendium is provided for general information and educational purposes only. It does not solicit, establish, or continue an attorney-client relationship with any attorney or law firm identified as an author, editor, or contributor. The contents should not be construed as legal advice or opinion. While every effort has been made to be accurate, the contents should not be relied upon in any specific factual situation. These materials are not intended to provide legal advice or to cover all laws or regulations that may be applicable to a specific factual situation. If you have matters or questions to be resolved for which legal advice may be indicated, you are encouraged to contact a lawyer authorized to practice law in the state for which you are investigating and/or seeking legal advice.