

LONG TERM CARE & SENIOR LIVING BLOG

Update on Settlement Law in Illinois

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Both Chambers of the Illinois legislature recently passed Senate Bill 1912 (Raoul, D-Chicago; Sims, D-Chicago) and transmitted the proposed law to the Governor, who has 60 days to take action. The proposed law would create strict requirements and harsh penalties for the failure of a settling party to timely effectuate settlement payment. The Bill would amend the Code of Civil Procedure and create new requirements for settlements in civil cases seeking money damages for personal injury, wrongful death, or any other civil remedy.

If enacted the new law requires the settling defendant to send a release to the plaintiff within 14 days of written confirmation of the settlement. If a Court approval of the settlement is required, the plaintiff would be required to send to the defendant a copy of a Court order approving the settlement. The legislation requires the Court to hold a hearing and if the Court determines the defendant failed to make payment within 30 days of sending the necessary documents, judgment will be entered against the defendant for the amount listed in the release, costs incurred in obtaining the judgment, and nine percent (9%) interest from the date of the plaintiff's tender. The State of Illinois, State employees, and units of local government are exempt from this bill.

By Jamie Bracewell

Bracewell, Jamie or type unknown