

Rule 287. Depositions, Discovery and Motions

(a) No depositions shall be taken or interrogatories or other discovery proceeding or requests to admit be used prior to trial in small claims except by leave of court.

(b) **Motions.** Except as provided in sections 2-619 and 2-1001 of the Code of Civil Procedure, no motion shall be filed in small claims cases, without prior leave of court.

Amended June 12, 1987, effective August 1, 1987; amended April 1, 1992, effective August 1, 1992.

Committee Comments

Paragraph (a) is substantially paragraph G of former Rule 9-1, effective January 1, 1964. The restriction on discovery proceedings obviously does not apply to interrogatories in garnishment or to supplementary proceedings under Rule 277. Amended in 1992 to provide that a request to admit under Rule 216 is not to be used in small claims cases, except upon leave of court.

Paragraph (b) was added in August of 1987. The basic purposes of the Supreme Court Rules applicable to small claims cases are to simplify procedures and reduce the cost of litigation. In keeping with these objectives, motions in such cases should only be permitted to the extent that the motion may be dispositive of the claim and to the extent that the trial judge, in his discretion, may allow in the interests of justice.