

**LEAVE OF COURT REQUIRED IN SUBSEQUENT
SUPPLEMENTAL PROCEEDINGS UNDER Ill. S. Ct. Rule 277
By Angela Baker**

Issue

Is leave of court required for all citations beyond the initial citation under Illinois Supreme Court Rule 277?

Answer

Yes. A first supplementary proceeding against a party may be commenced without an application to the court however; subsequent proceedings require leave of court. Even if subsequent proceedings are on an additional party, if it is on the same judgment against a party, whether it is the judgment debtor or a third party, no further proceeding may be commenced except by leave of court.

Authority

The Illinois Appellate Court states in *Fed. Loan Corp. v. Harris* that a general ‘fishing expedition’ for assets may be had only on the initial citation, which does not require any express leave or order of court and that any later supplementary citation proceeding requires express leave and order of court, precisely because it requires the existence of facts giving the judgment creditor reason to believe that the judgment debtor has property or income which the judgment creditor is entitled to reach. *Fed. Loan Corp. v. Harris*, 17 Ill. App. 3d 49, 50-51, 308 N.E.2d 125, 127 (Ill. App. Ct. 1974).

In *Fed. Loan Corp v. Harris*, the judgment debtor had never been examined in a citation proceeding and Plaintiff let more than six months go by without securing successive 28-day extensions of the six-month period (the expiration of which terminates the citation proceeding, see Rule 277(f)), which extensions are available by leave of court without the allegations of fact required by Rule 277(a). *Id.* The court concluded that as a result, Plaintiff put itself in the position of now being required to allege the specific facts warranting the granting of leave for further supplementary proceedings. *Id.*

Conclusion

The language of Illinois Supreme Court Rule 277(a) stating “[i]f there has been a prior supplementary proceeding with respect to the same judgment against the party, whether he is the judgment debtor or a third party, no further proceeding shall be commenced against him except by leave of court” is interpreted to mean that all supplemental proceedings (AKA citations) but the initial supplemental proceeding requires leave of court. Ill. Sup. Ct. R. 277(a).