

Illinois Trial Lawyers Association  
Education Fund

**WORKERS' COMPENSATION TRIAL NOTEBOOK**  
**2015 ADDENDUM**

***Chapter 32***

***SECTION 5(b) LIENS***  
***WORKERS' COMPENSATION LIENS***  
***AND EMPLOYERS' RIGHTS TO***  
***REIMBURSEMENT***

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2015 SUPPLEMENT TO CHAPTER 32: SECTION 5(b) LIENS:  
WORKERS' COMPENSATION LIENS AND EMPLOYERS' RIGHT TO  
REIMBURSEMENT

In Section VII C ("Future Benefits") add the following at the end of the first paragraph:

In *Bayer v. Panduit Corp.*, 2015 IL App (1st) 132252, the Appellate Court held that if an employer exercises its right to suspend future medical payments to an injured employee (in that case because of a settlement), then the employer is not liable to pay attorney's fees on *suspended* future medical payments. *Id.* at ¶43. Note: as of this writing in late September 2015 the *Bayer* opinion had not been released for publication and petitions for leave to appeal were filed in the Illinois Supreme Court.

The last sentence of the first paragraph of Section 5(b) as set out in the Appendix ("If the employee or personal representative brings an action against another person...pro rata share of the common liability in the action.") no longer appears in Section 5(b). P. A. 98-633, effective June 5, 2014.

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