

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
MUNICIPAL DEPARTMENT – FIRST DISTRICT**

STANDING ORDER  
Courtroom 1501

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Issued: January 15, 2011

Effective immediately, the following calls and procedures will be followed in all cases assigned to Courtroom 1501. This order is issued to regulate the docket, calendar and business of cases assigned to this courtroom, for the efficient administration of justice and convenience of the parties appearing in court. 735 ILCS 5/1-104 (b)

Parties are advised to consult the Illinois Supreme Court Rules, the Rules of the Circuit Court of Cook County, the General Orders of the Circuit Court of Cook County, the General Orders of the First Municipal Department and the Illinois Code of Civil Procedure. This order is supplementary to those provisions and to the extent this order may conflict with those Rules or Orders, those Orders and Statutes control. 735 ILCS 5/1-104 (a), 735 ILCS 5/1-108

Unless a contrary meaning is indicated, whenever used in this order the term “plaintiff” includes counterclaimants and third-party plaintiffs and the term “defendant” includes third-party defendants and parties against whom relief is sought by counterclaim, 735 ILCS 5/2-401 (d).

## I. COURT CALLS

Cases shall be set on the Court call by the Clerk of the Circuit Court or by a movant based on the status of the case or the nature of the relief being sought:

8:45	am	Monday – Friday	Routine Motions
9:00	am	Monday – Friday	Emergency Motions
9:00	am	Monday – Friday	Judgment on Award
9:30	am	Monday – Thursday	Status Call
9:30	am	Friday	Progress Call
10:00	am	Monday – Friday	Motions of Course
10:30	am	Monday – Friday	Motions of Course
11:00	am	Monday – Friday	Motions of Course
1:15	pm	Monday – Friday	Motions to Continue Arbitrations
1:30	pm	Monday – Thursday	Contested Motions
2:00	pm	Monday – Thursday	Contested Motions

## I. ROUTINE MOTION CALL

Parties may spindle matters to be heard on the Routine Motion Call.

All Routine Motions must be labeled “Routine Motion” and spindled with the Clerk in Room 601 for hearing on the 8:45 am Routine Motion call. Three (3) copies of the proposed draft order must be submitted. Any request to file a pleading or other document must seek leave to file instant and the pleading or document must be attached to the motion.

If there is an objection to a routine motion, the motion will be continued two (2) weeks to the Motions of Course call. Objection to a routine motion made by seeing the Clerk in 1501 and by presenting a draft order to the Clerk continuing the motion to a Motions of Course call.

Routine Motions include:

- A. Motion for Default; for failure to appear or answer, in cases where the *ad damnum* exceeds \$10,000. The motion must include proof of service of the summons on the defendant. The plaintiff's proposed order must indicate that the defendant is found in default and that the plaintiff may prove damages at the scheduled arbitration hearing. The plaintiff must give the defendant notice of the date and time of the arbitration.

If the defendant has filed an appearance but has not filed an answer, the plaintiff may not seek default as a Routine Motion.

- B. Motion for Leave to Appear.
- C. Motion for Substitution of Attorney; with the stipulation of the client party. The motion must include a stipulation consenting to the substitution signed by the client and the substituting counsel of record and a draft order. The draft order must indicate that all ADC (All Discovery Closed) and Arbitration hearing dates previously set shall stand and include the name, address and attorney code of all withdrawing and substituting counsel.
- D. Motion to File SCR 222 Disclosure Affidavit; if timely.
- E. Motion to Vacate Technical Default, Appear, Answer and File a Jury Demand; if filed and spindled thirty (30) days or more prior to any previously set ADC (All Discovery Closed) date.
- F. Motion to Appoint Special Process Server; The draft order must provide the name of one process server and order must state that he/she is qualified under the statute to act as Special Process Server.
- G. Motion for Voluntary Dismissal; if the draft order dismisses all claims and parties, provides that the costs will be paid on refiling. The draft order must also strike any pending arbitration, status or ADC dates. The precise dates being stricken must be included in the order.

If any Respondent has filed a potentially dispositive motion prior to the movant's Motion for Voluntary Dismissal the movant may not seek voluntary dismissal as a Routine Motion but may do so as a regular Motion of Course.

- H. Motion for Dismissal by Agreement; if supported by Stipulation to Dismiss. The draft order must also strike any pending arbitration, status or ADC (All Discovery Closed) dates. The precise date being stricken must be included in the order. Language such as "All future dates shall be stricken" will not be accepted.
- I. Motion for Release and Satisfaction of Judgment; Movant shall include a printout of the Clerk's record of the case or a copy of the judgment order. The motion shall be supported

by affidavit of the attorney of record, must state that there are no pending motions and that the judgment has not yet been vacated. The specific date of the judgment and amount of the judgment must be set out in the order (Circuit Court Form Number CCG 0008 or CCG 0500).

- J. Motion to Amend the Complaint to correct a misnomer.
- K. Motion to Excuse Insurance Adjuster at Arbitration, noticed to appear pursuant to Supreme Court Rule (SCR) 237: The motion must state that the claim is for property damage only and the repair bill is paid. The draft order must also state that the driver of the subrogee's vehicle must appear at the Arbitration Hearing pursuant to SCR 237 in lieu of the adjuster. Motions to excuse an insurance adjuster at Arbitration for Total Loss Claims for damage to a vehicle may not be spindled as Routine Motions.
- L. Motion for Entry of Installment and Dismissal; The motion must include an agreement signed by all the parties.

NOTE: Motions to Amend the Complaint by increasing the *ad damnum*, Motions to File a Third – Party Complaint, Motions to File a Counter Claim, request for Memoranda of Judgment and Motions for Alternative Service pursuant to 735 ILCS 5/203.1 may not be filed as Routine Motions.

## II. EMERGENCY MOTION CALL

Parties may schedule matters to be heard on the Emergency Motion Call.

A motion which must be heard as an emergency basis for good cause shown, which cannot be scheduled as a regular Motion of Course due to an imminent court deadline, may be filed as an Emergency Motion.

A Motion to Strike and Reset and Arbitration may be filed as an Emergency Motion. A Motion to Extend ADC (All Discovery Closure) Date or a Motion to Compel Discovery may not be filed as an Emergency Motion.

Notice of an Emergency Motion must be given in compliance with the Rules of the Circuit Court of Cook County, Rules 2.1 and 2.2. Movants on an Emergency Motion shall inform the Court of the nature and extent of their efforts to advise the other parties of the hearing and are expected to exercise diligence and courtesy toward their opponents in that effort.

All Emergency Motions must be labeled "Emergency Motion" and be presented to the Clerk in Room 1501 before 9:00 a.m. on the day of the hearing. It is recommended that the movant also spindle a copy of the motion in Room 601.

## III. JUDGMENT ON AWARD (JOA) CALL

Parties may not schedule matters to be heard on the JOA Call. Matters are set on this call by the Clerk of the Circuit Court pursuant to an award issued by Clerk and the Cook County Mandatory Arbitration Program or by Order of Court. A JOA date is set for Courtroom 1501 at 9:00 a.m. approximately 60 days after the arbitration hearing. The JOA date is specified on the arbitration award issued at the arbitration hearing.

Before each JOA Call the Clerk shall post the docket on the bulletin boards in the corridor outside Courtroom 1501. Parties are required to review the posted docket and be aware of the Clerk's notations regarding status, proposed courtroom assignments and proposed court dates.

- A. If a party believes the notation on the posted docket is inaccurate or incomplete, such as an indication of JOA where the party believes there has a timely rejection filed, the party shall appear at 9:00 and step up before the Court and explain what he/she believes the proper entry should be.
- B. ANS/CALL: If the posted docket indicates ANS/CALL the parties shall check in with the Clerk and the case will be called before the Court.
- C. If there has been a timely Rejection of Award the posted docket will indicate a Courtroom assignment and intake date. The plaintiff shall prepare and submit a Trail Assignment Intake Order (pink order form) indicating the intake date and trial room assignment listed on the posted docket.
- D. JOA; If no Rejection of Award has been filed the posted docket will indicate JOA. The prevailing party shall prepare and submit to the Clerk a Judgment on Award order (Circuit Court Form Number CCM 0634).
- E. Failure to appear and present order for a case set on this call will result in the matter being dismissed for want of prosecution, irrespective of whose favor the arbitration award was entered.
- F. Once a case has been assigned to a trial courtroom all proceedings and motions, except Motion to Debar the Rejection, must be spindled in that courtroom. Motions to Debar Rejection of Arbitration Award must be spindled as a Regular Motion of Course in Courtroom 1501 (Section VI here in).

#### IV. STATUS CALL

- A. Assignment to the Status Call.

Parties may not spindle matters to be heard on the Status Call. Matters are set on the Status Call by the Clerk of the Circuit Court or an order of court pursuant to nature and status of the case.

In a newly filed First Municipal District personal injury action, the Clerk of Court will assign the Status Call date and send a post-card indicating this date to all counsel or parties of record at that time. The Status Call will be approximately 60 days after the return date.

If a defendant files a timely Jury Demand in 11<sup>th</sup> Floor courtroom case, the matter will be transferred to Room 1501 and set on the Status Call approximately four (4) weeks thereafter by order of court in the bench-trial courtroom.

If the defendant files a jury demand after the return date on motion in an 11<sup>th</sup> floor court room, the defendant must enter an order transferring the case to Room 1501 at 9:30 a.m. four (4) weeks from the date of the order in the 11<sup>th</sup> Floor room and then must appear in Room 1501 on the Status Call date with the Jury Demand and a receipt for jury demand fee.

If a case is transferred from the Law or Chancery Divisions, another Municipal District or court jurisdiction to the First Municipal District, the case will be assigned a Status Call date in Room 1501 by order of court Courtroom 1301, in a *pro forma* proceeding at which the parties are not expected to appear. The Clerk of Court will send a post-card indicating this date to all counsel or parties of record at that time. The Status Call will be approximately 21 to 28 days after the date in Courtroom 1301.

#### B. The Posted Docket and Recommended Orders.

On each Status Call date, the Clerk shall post the docket on the bulletin boards in the corridor outside Courtroom 1501. Parties are required to review the posted docket and be aware of the Clerk's notations regarding status, proposed orders and court dates. If a party believes the notation on the posted docket inaccurate or incomplete, such NS/PC when the party has proof of service, the party shall ask the Clerk to have the case called before the Court.

- 1) NS/PC; If the posted docket indicates NS/PC the Clerk has determined that not all defendants have been served with summons of the Complaint. The plaintiff shall prepare and submit a Progress Call Order (green order form) indicating the Progress Call date listed on the posted docket. The matter will be continued to the Progress Call by that order to determine that status of service at that time.
- 2) ADC; If all defendants have been served, the Plaintiff shall submit an ADC (All Discovery Closed) order including the ADC date listed on the posted docket. Parties generally do not need to be heard by the Court to enter an ADC order. Generally, the ADC shall be,

<i>Ad damnum</i>		All Discovery Closed
\$10,000 or less	-	No discovery without Leave of Court, pursuant SCR 287
\$10,001 to \$20,000	-	90 Days (approximately)
\$20,000	-	120 days (approximately)

- 3) The requirements of Supreme Court Rules 281 – 287 apply to all small claims (*ad damnum* \$10,000 or less). A parties may seek leave to initiate discovery or file motions other than those indicated in SCR 287 when the case is on the Status Call or through filing a Regular Motion of Course. NOTE: In accordance with Supreme Court Rules, such motions are viewed with disfavor.
- 4) ANS. CALL; The posted docket indicates ANS. CALL if case has been transferred from the Law Division, Chancery Divisions, another Municipal District or another court from the First Municipal District. The parties shall appear before the Court to discuss the status of discovery and general status of the case.

Generally, parties on Status Call matters do not appear before the Judge. The JOA Orders and ADC and Progress Call orders can be filled out and presented the Clerks in Room 1501 until 11:00 am. If no order has been presented to the Clerk before 11:00 am, the case will be dismissed for want of prosecution. After the 10:30 motion of course call, the judge will allow parties to step up and discuss cases on the JOA or the Status or Progress call.

NOTE: Approximately seven to fourteen (7 – 14) days before the ADC date the Clerk of Circuit Court will assign the arbitration hearing. The Clerk will mail a post card to all parties of record notifying them of the date and time of the arbitration hearing. The arbitration hearing shall take place at the Circuit Court of Cook County Arbitration Center and not in Courtroom 1501.

#### V. PROGRESS CALL

Parties may not spindle matters to be heard on the Progress Call. Matters are set on this call by the Clerk of the Circuit Court or an order of court pursuant to nature and status of the case.

Before each Progress Call the Clerk shall post the docket on the bulletin boards in the corridor outside Courtroom 1501. Parties are required to review the posted docket and be aware of the Clerk's notations regarding status, proposed orders and court dates. If a party believes the notation on the posted docket, is inaccurate or incomplete, such NS/PC when the party has proof of service, the party shall ask the Clerk to have the case called before the Court.

- A. If all defendants have been served, the Plaintiff shall submit a proposed order consistent with the procedures for a matter appearing on the Status Call (Section V. above).
- B. If all defendants have not been served the Plaintiff shall appear before the Court and report as to the status of service and diligence to obtain service, SCR 103(b). The Plaintiff may be required to submit and affidavit of diligence.

If due diligence is found, the case will be continued to the next Progress Call. Failure to show due diligence by the plaintiff will cause the either the non-served parties or the entire matter to be dismissed for want of prosecution.

## VI. MOTIONS OF COURSE

Parties may spindle matters to be heard any of the three Motions of Course calls held each court day. Motions must be spindled with the Clerk in Room 601 for hearing on the either the 10:00 a.m., 10:30 a.m. or 11:00 a.m. motion calls. Proof of service of the motion and notice must be signed and filed with the Clerk in Room 601.

### A. Order of the Call.

Agreed motions, where all parties agree to the disposition of the motion, shall be called first. Parties shall present an Agreed Order to the Clerk immediately before the call begins. Motions to extend discovery or change the ADC date may not be presented as agreed motions. Motions to change previously entered briefing schedules and contested hearing dates may not be presented as an agreed motions.

Contested motions will be called in the order in which they were filed. A party may ask the Clerk to hold a motion until later in the call. The court will then recall the motion at the end of the call at which time the court will call the motion even if the party has not returned.

Motions to Continue the Arbitration must be spindled on the Arbitration Call at 1:15 pm and will not be heard on the regular Motions of Course calls.

A Motion to Compel Discovery must be filed before the ADC date.

If the parties wish to respond to the motion in writing or if the argument is extensive, the matter will be continued to the Contested Motion Call (Section VII herein).

A Motion to place a matter on the Military Calendar must be supported by affidavit and comply with Service Members Civil Relief Act, *50 USC Appx Section 522*.

## VII. ARBITRATION CALENDAR

Parties may spindle a Motion to Continue and Arbitration on the Arbitration Calendar at 1:15 pm each court day. Motions must be spindled with the Clerk in Room 601. Proof of service of the motion and notice must be signed and filed with the Clerk in Room 601.

Notice of an Emergency Motion to Continue Arbitration must be given in compliance with the Rules of the Circuit Court of Cook County, Rules 2.1 and 2.2. In addition the movants shall inform the Court of the nature and extent of their efforts to advise the other parties of the hearing and are expected to exercise diligence and courtesy toward their opponents in that effort.



All such motions must be labeled "Emergency Motion to Continue Arbitration" and be presented to the Clerk in Room 1501 before 1:15 pm on the day of the hearing. It is recommended that the movant spindle a copy of the motion in Room 601, but this is not required.

#### VIII. CONTESTED MOTIONS CALLS

Parties may not spindle matters to be heard on the Contested Motion Calls. Matters are set on these calls by an order of court setting the case for hearing. Parties must comply with the requirements of the briefing schedule order setting the hearing. The movant shall deliver courtesy copies of all relevant pleadings to the Clerk in Courtroom 1501 no less than five (5) court days prior to the hearing.

#### IX. APPELLATE, BANKRUPTCY & MILITARY CALENDARS

Parties may not spindle matters to be heard on the Appellate, Bankruptcy or Military Calendar. Matters are set on these calls by an order of court pursuant to nature and status of the case. These calls are heard on the 3<sup>rd</sup> Wednesday of each March, June, September and December.

The parties shall appear and advise the Court of the current status of the matter. Depending on the status, the case will be continued to on the calendar or be returned to the regular course of litigation. If the plaintiff fails to appear on any matter set on this calendar, the case will be dismissed for want of prosecution.

There is no Insurance Calendar. A case filed to preserve the subrogation right of the party's insurance company to subrogate their underinsurance or uninsured motorist payments shall proceed in the same manner as any other personal injury case.

DATED: January 15, 2011

ENTER:

/s/ E. Kenneth Wright  
PRESIDING JUDGE  
FIRST MUNICIPAL DISTRICT