

UNIFORM STANDING ORDER FOR ALL COMMERCIAL CALENDARS

(Effective July 6, 2020)

Purpose

The purpose of this uniform standing order is to establish consistent procedures in the Commercial Calendar Section. This order provides guidance in addition to the existing General Administrative Orders entered in response to the COVID -19 pandemic.

Civility and Attorney Conduct in the Commercial Calendar Section

Zealous advocacy is the lawyer's professional obligation, but incivility of any kind will not be tolerated in the Commercial Calendar Section. Any attorney appearing before a Judge in the Commercial Calendar is required to know the relevant details of the case.

Motion Times and Trial Procedures Specific to a Judge

This standing order is effective in all Commercial Calendar Courtrooms. To obtain *actual dates* and *specific times* when a Judge will hear certain motions, other filing information particular to a Judge, or to learn a specific Judge's trial procedures, including jury selection, one should consult that Judge's specific information found on the circuit court website www.cookcountycourt.org and in the *Chicago Daily Law Bulletin*.

Self- Represented Litigants

A party appearing without counsel (other than a corporation which must appear by counsel) receives no special status and is required to comply with the Court's rules and procedures, with the Illinois Code of Civil Procedure, the Supreme Court Rules, and with the relevant case law decisions.

Scheduling

Delays in a litigated matter result in absent witnesses, failed memories and added cost. Therefore, in the interest of justice, Judges in the Commercial Calendar Section work to promptly dispose of the cases pending before them. Litigants must know that

the dates set for discovery, motions, hearings, trial and other such dates, absent exigent circumstances, will not be extended or continued.

“Piggy-Backed” Motions

“Piggy-backed” motions, the common and unusual term, may be brought at any regularly set date for the case and will be heard by the Judge if proper notice has been given to all parties who have filed an appearance.

I. MOTIONS

A. Regular Motion Call

1. Motions must be e-filed on the Clerk’s Office Electronic filing system .
2. Motions must be served on all parties who have filed an appearance and a courtesy copy delivered to the Judge’s chambers by emailing the courtesy copies to the assigned calendar’s dedicated email address no less than 3 business days prior to presentment. If a motion attacks a pleading, the courtesy copy must include the pleading attacked. Presentment dates may be obtained from the Judge’s case coordinator; however notices of motions must comply with court rules.
3. On the date a motion is set to be presented, the Court may rule on the motion or set a briefing schedule.
4. All notices of motions must advise the party against whom they are seeking relief that there will be no appearance before the court, and that they any objection must be e-filed and emailed to the Court before the day set for presentment. The notice must provide the Court’s email address t the party and the Clerk’s website for e-filing.

B. Emergency Motions

1. Notice of emergency motions must comply, with local Rule 2.2 and a copy of the motion must first be presented to Court’s staff for approval before being scheduled for hearing.
2. True emergencies are rare and limited to a *situation which could lead to irreparable injury if relief is not granted before Movant can be heard on the Court’s regular motion call.*
 - a) Motions to compel discovery are usually not considered emergencies.
3. If the Court finds the motion is not an emergency it will be stricken.

C. Routine Motions

1. Routine Motions must be e-filed before presentation. .
2. Cases set for trial and cases which are three years old or older are not eligible for Routine Motions.
3. A party opposing a Routine Motion must object to it when it is presented. Objections may be made in writing or orally in person or by telephone.
4. If a Routine Motion is in proper order and if no objection is made, the Court Clerk will enter an order granting the Routine Motion.
5. Routine Motions are:
 - a) Vacate technical default;
 - b) Leave to file appearance;
 - c) Leave to file answer, *instanter*;
 - d) Leave to file first amended complaint or counterclaim;
 - e) Leave to appear as additional counsel or to substitute attorneys by agreement (a motion to withdraw as counsel without a substitute attorney is not a Routine Motion);
 - f) Appoint a special process server (the server's license number must be included);
 - g) Voluntary dismissal of complaint or counterclaim; stipulations to dismiss all or any part of a case (except wrongful death and minors' settlements); and
 - h) Petition for the issuance of subpoena to be served outside Illinois (specific documentation required).
6. Appearance *pro hac vice* is governed by Supreme Court Rule 707.

D. Motions for Default –Required Documents

1. Default Motions must entirely comply with this Order or they will not be heard.
2. Default Motions must be noticed for presentment on a date certain at least 3 weeks in advance of the presentment date. The date certain may be the case's previously scheduled status date, or a date *spindled* through the Clerk's office and scheduled **to be heard on the Judge's regular motion call**.
3. Five court days prior to the date set for the motion, copies of the documents listed and of all other required documents must be provided to the Court.
4. Required Documents
 - a) Notice. Movant must provide notice to all parties who have been served, even if they have not filed an appearance. (See: *Motion Judges Rule 2.1*).
 - b) Original notice of motion and motion;

- c) Face of summons;
- d) Return of summons;
- e) Attorney certificate that counsel examined the court file and the clerk's computer within 10 business days prior to the hearing date and determined defendant's appearance or answer was not on file;
- f) Affidavit of military service (if an individual is in default);
- g) Copy of the verified complaint and/or Movant's affidavit verifying the judgment amount;
- h) Affidavit detailing costs requested;
- i) Affidavit detailing attorneys' fees, if authorized by statute or contract;
- j) Proposed Judgment Order.

II. PRETRIAL SETTLEMENT CONFERENCE

- A. Before a Settlement Conference will be scheduled, the parties are required to exchange good faith offers and demands in writing.
- B. A Settlement Memorandum must be submitted five business days prior to the Conference by each party and must contain:
 - a. Date and amount of last offer/demand by each party;
 - b. Primary reason or the main points why the case has failed to settle;
 - c. A summary of plaintiffs' and defendants' evidence and primary legal issues;
- C. Clients must attend the Settlement Conference in person, by video conference or teleconference as ordered by the Court.
- D. The Judges in the Commercial Calendar encourage good faith mediation of disputes and may order any contested matter to mediation by Order of Referral (Circuit Court of Cook County Rule 20).

III. BRIEFS AND CITATIONS

- A. **Opening briefs and response briefs cannot exceed 15 pages. Should a party elect to file a motion and separate Memorandum of Law, they are limited to no more than a TOTAL of 15 pages. Reply briefs cannot exceed 7 pages.** Briefs must contain customary 12 point font, one inch margins and be double-spaced. The parties are requested to link, within the body of the brief, to their attached exhibits and to the Lexis cite of cited cases. Briefs filed in excess of these limitations will not be

accepted or considered without leave of Court upon written motion containing good cause.

- B. At the Clerk's Status or other date set by the court, movant is obligated to deliver copies of all the briefs, pleadings, relevant documents and the most recent complaint, with an accompanying cover letter containing the case number, date and time of the hearing. *Some Judges require two copies of these materials.*

V. MATERIALS REQUIRED PRIOR TO TRIAL

A. Jury Trial

1. Concise statement of the case to be read to the jury in *voir dire*;
2. Estimate of the number of trial days;
3. Witness list to be read to the jury in *voir dire*;
4. Statement that the party will/will not stipulate to a unanimous verdict of 10 or more jurors;
5. Motions *in limine*;
6. Trial briefs;
7. Jury instructions with I.P.I. numbers (each instruction marked "Agreed" or "Objected To") and compliance with Supreme Court Rule 239c;
8. Parties' exhibit lists indicating each exhibit number and noting which exhibits are objected to. Failure to submit and note objections may cause the objections to be waived;
9. Requests to Produce at Trial (Supreme Court Rule 237) must be prepared and delivered to the Court seven days before the final pre-trial conference; and
10. Final pleadings, including: the complaint, answer, counterclaims, affirmative defenses, answers to requests to admit and other relevant pleadings.

B. Bench Trial

The same materials shall be delivered for Bench Trials except for numbers 1, 4 and 7.

C. Both Jury and Bench Trial

1. 45 days prior to the trial date, or other specific date set by the Court, the parties must confer and exchange the above materials as well as all their trial exhibits and demonstrative evidence. The Court may schedule a final pretrial date.

2. If the Court's schedule prevents trial on the date set, the case will be transferred *instanter* to the Presiding Judge and will be assigned to another Judge for immediate trial.
3. Parties shall deliver previously exchanged trial materials to the Court 14 days before the Trial or Final Pre-Trial conference.
4. *Motions in liminie* will be ruled on prior to trial.
5. Jury instructions may be discussed and ruled upon at the pretrial conference prior to trial.