



State of Illinois  
Circuit Court of Cook County

Ronald F. Bartkowicz  
Judge

2101 Richard J. Daley Center  
Chicago, Illinois 60602

**STANDING ORDER FOR CALENDAR Y\***  
Room 2101

**Phone Numbers:**

Case Coordinator: (312) 603-5910  
Staff Attorney/Law Clerk: (312) 603-6494  
Fax: (312) 603-5911

This Standing Order establishes a general procedure for cases assigned to Calendar "Y".

**I. MOTIONS**

**A. Regular Motion Call**

1. Procedure: Regular motions will be heard daily Monday through Friday at 9:30 a.m. Regular motions must be spindled in the Clerk's Office in room 801 of the Richard J. Daley Center, and a courtesy copy must be delivered the preceding day by 3:00 p.m. to the Case Coordinator in 2101.
2. Time: 9:30 a.m., Monday through Friday

**B. Emergency Motions**

1. Time: 9:30 a.m., Monday through Friday
2. Procedure: Any motion must qualify as a true emergency; that is, it must involve some circumstance which could lead to irreparable damage to a party if relief is not obtained prior to the time the party could be heard on the Court's Regular Motion Call. Any application for relief that does not fit this criterion will not be heard as an emergency matter. Matters which become an emergency by reason of the failure of a party's attorney to seek timely relief will not be heard as an emergency. A copy of the motion must be submitted to the Case Coordinator in 2101 by **4:00 p.m. of the preceding day**.

**C. Routine Motions**

1. Time: 8:45 a.m., Monday through Friday
2. The routine motion call guidelines are contained in the Law Division Motion Judges Rules 3.0 *et. seq.* Routine motions include, but are not limited to:

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\* Revised May 20, 2010

- a. Motions to vacate findings of technical default and for leave to file an appearance, motion, answer or jury demand;
- b. Motions for leave to file instant an answer to the complaint or counterclaim;
- c. Motions for leave to file any other pleading after the time normally provided, except where already required to do so by Court order;
- d. Requests for leave to file within 28 days an overdue pleading or response to discovery, unless already required to do so by court order;
- e. Motions for leave to file a first amended complaint or counterclaim (against one already a party), granting 28 days to plead or answer; a motion to amend a complaint adding new defendants, with summons to issue; or for leave to file a third party complaint (against one not yet a party), with summons to issue;
- f. Motions for leave to appear as an attorney or as additional counsel, or to substitute one attorney for another by agreement (a motion to withdraw without a substitute attorney is not a routine motion);
- g. Motions for an order suggesting death of record of any party, accompanied by a certified copy of the death certificate, or for an order appointing a special administrator to continue the suit as plaintiff or defendant;
- h. Motions to issue summons and alias summons;
- i. Motions to appoint a special process server (include their license number in the order);
- j. Stipulations to dismiss all or any part of a case, except wrongful death settlements and minors' settlements;
- k. Motions for voluntary dismissal by plaintiff;
- l. Petitions for the issuance of subpoena in out-of-state cases (specific documentation required); and
- m. Motions for certification of Report of Proceedings pursuant to Supreme Court Rule 323(b);
- n. Motions for Set-off.

## II. PROCEDURE

### A. Motions for Judgment by Confession:

1. Motions for Judgment by Confession are heard at 8:45 a.m., Monday through Friday. See the Court clerk.

### B. Motions for Default:

1. Motions for Default must be spindled in Room 801.
2. Time: 9:30 a.m., Monday through Friday, with the Law Clerk
3. On the date of the Motion, all parties shall report to the Law Clerk at 9:30 a.m. after the Court Clerk calls the case

4. The moving party must bring proof of service, an original Notice of Motion, and the Motion for Default.
  - a. Notice: The moving party must provide the opposing party with notice of the Motion for Default, as mandated by Motion Judge Rule 2.1. The Notice of Motion shall indicate the time as 9:30 a.m. All parties who have been served shall be given notice, whether or not an appearance has been filed.
  - b. The proof of service must be entered in the Clerk's system.
5. If the Notice of Motion has been tendered to the Law Clerk, and if the proof of service is entered in the Clerk's system, and if defendant(s) have failed to appear, then a Default Order will be entered. The Court/Law Clerk will then set a Prove-up date. All parties shall be ordered to appear at the Prove-up Date, which will be set for 9:30 a.m., at least two (2) weeks from the date the Default Order was entered.

### C. Prove-Ups

1. Time: 9:30 a.m., Monday through Friday, with the Law Clerk
2. On the date of the Prove-up, all parties shall report to the Law Clerk at 9:30 a.m. after the Court Clerk calls the case
3. The moving party must bring the following documents, which are also listed on the Checklist available in the Courtroom and online:
  - a. Proof of notice of the Prove-up date to the opposing party. The moving party must also bring copies of the material submitted when the Default was entered;
  - b. A copy of Summons showing service;
  - c. A copy of the Verified Complaint with exhibits, or Complaint accompanied by an affidavit by the moving party establishing a judgment amount;
  - d. A copy of the contract;
  - e. An attorney's certificate, signed by counsel, certifying that both the court file and the Clerk's computer have been checked for defendant's appearance and answer. The certificate must be dated no more than 10 days before the Prove-up date;
  - f. If defaulting an individual, the attorney must attach an affidavit of military service to the Motion;
  - g. If requested, an affidavit of costs of suit;
  - h. Attorney's Fees  
When recoverable: Attorney's fees are recoverable only by statute or when provided for in an agreement between the parties. If attorney's fees are recoverable and requested, an affidavit from the attorney is necessary to establish the amount. The affidavit shall state:
    - i. The nature of the services performed;
    - ii. The number of hours spent performing these services;
    - iii. The attorney's hourly rate;

- iv. The year the attorney graduated from law school;
  - v. A statement that the number of hours spent and the rate charged per hour is fair and reasonable, and within the normal standards of the community for the type of services performed;
  - vi. A reference to the contract provision or statute allowing attorneys' fees.
    - i. Interest calculation, if requesting interest;
    - j. A draft judgment order.
4. If the defendant(s) in default fail to appear on the date of the Prove-up, and if the above requirements are met, the Court shall award a judgment.

#### **D. Contested Motions**

1. Procedure: All Motions that cannot be resolved during the regular Motion Call shall be given a briefing schedule as determined by the Court. The Court will set a briefing schedule including a Clerk's Status date, which will be set one day after the Reply is due.
2. Clerk's Status:
  - a. Time: 8:45 a.m. Monday through Friday, in Room 2101 with the Law Clerk.
  - b. On the date of the Clerk's Status, the moving party shall report to the Law Clerk, and tender a complete set of briefs, including the Motion, Response, Reply, and the most recent Complaint and/or Counterclaims upon which the motion is based.
  - c. If a full set of the above documents are tendered, the Law Clerk will then set a hearing date, or take the matter under advisement.
  - d. No continuance of the briefing schedule or the Clerk's Status date is allowed without leave of Court;
  - e. No supplemental briefs are allowed without leave of Court;
  - f. Non-attorneys may appear at the Clerk's Status, but should come prepared with dates responsible counsel will be available for hearing;
  - g. Failure of the moving party to appear at the Clerk's Status will result in the motion being stricken.
  - h. If the non-moving party fails to appear at the Clerk's Status and fails to submit a written response, the motion will be granted.
3. Briefs:
  - a. No brief shall exceed 15 pages, double-spaced, exclusive of exhibits, without leave of Court. Any brief filed in excess of 15 pages requires special leave of Court and is strongly discouraged;
  - b. Briefs should be drafted with margins of at least 1" on all sides and in 12-point font;
  - c. Citations shall include citations to Official Illinois Reporters. Reference to the Northeastern Reporter alone is not acceptable. Citations shall conform to either the Bluebook or ALWD Manual, with pinpoint citations where applicable;

- d. Do not provide paper copies of the cited cases to the Court unless they are not published;
  - e. When citing unpublished cases, the party must provide the docket number, the name of the deciding court, and the LEXIS citation where possible. WESTLAW citations alone are not acceptable, because the Court does not have access to WESTLAW;
  - f. Documents which fail to comply with the provisions of this section are subject to being stricken by the Court.
4. Time Limitation before Trial: Dispositive motions must be fully briefed sixty (60) days before any scheduled trial date, or will not be considered.

### III. CASE MANAGEMENT

#### A. Initial Status Conference

1. Time: 9:00 a.m., Monday through Friday
2. Procedure: Initial case management dates are set by the Clerk's Office according to Supreme Court Rule 218. On the date set, Counsel must appear on and be prepared to inform the Court as to the status of service of process on each defendant, identify the complexity of the litigation, including the type and extent of discovery required. Subsequent case management dates will be set for Monday through Friday at the initial court appearance.
3. **Plaintiff's Failure to Attend: Plaintiff's failure to attend will result in Dismissal for Want of Prosecution.**

#### B. Pending Cases Transferred to Calendar "Y"

1. Procedure: Upon notice that a case is set for status before this Court for the first time, Plaintiff's counsel and Defendant's counsel shall distribute to the Court and opposing counsel a brief statement of facts of the case, legal issues, and an assessment of damages. This statement shall be distributed to the Case Coordinator in Room 2101 2 days before the case is set to appear.

#### C. Pre-Trial Conference

1. Time: Pre-trials will be scheduled for Monday through Friday, at 12 p.m. Pre-trials will be scheduled per the Court's own motion or on the motion of the parties, and the date will be scheduled by the Case Coordinator in 2101.
2. Pre-Trial Memorandum: Counsel shall prepare a pre-trial memorandum in compliance with Circuit Court Rule 4.1. All parties are required to provide courtesy copies of the pre-trial memorandum with the Case Coordinator in Room 2101 no later than five (5) days before the scheduled date. Use of Form CCL-56, which is available in the Clerk's Office, is permissible.

#### **IV. RULE 216 REQUESTS FOR ADMISSION**

- A. A party shall not serve a request to admit more than 30 facts, nor a request to admit the genuineness of more than 10 documents, without first obtaining leave of Court.
- B. If a request to admit facts or the genuineness of documents is served that exceeds these numbers, the responding party need only respond to the first 30 facts requested to be admitted and to the first 10 documents the genuineness of which are requested to be admitted.
- C. A Motion for leave of Court to serve a request to admit more than 30 facts, or to serve a request to admit the genuineness of more than 10 documents, must be in writing and shall set forth the additional facts requested to be admitted and the documents the genuineness of which are requested to be admitted, and shall set forth the reasons establishing good cause.
- D. Parties responding to Requests for Admission shall set forth each specific request to which they are responding, immediately preceding each response.

#### **V. TRIAL**

##### **A. Trial Dates**

- 1. Trial dates are firm, and request for extensions are not encouraged. Trials may be advanced or continued for a few days, according to the Court's schedule. If another case is set for trial on the same date, it is at the Court's discretion as to which case shall proceed, whether to hold the other case, or send the case to Room 2005 of the Richard J. Daley Center for immediate trial assignment.

##### **B. Final Pre-Trial Conference**

- 1. When a jury trial date is set, the Court may also set a date for the final pre-trial conference. If the final pre-trial conference is not set at the date the trial is set, Counsel for both parties shall call the Case Coordinator no later than two weeks before trial to schedule the final pre-trial conference. The final pre-trial conference will be set approximately three to five days prior to the trial date.
- 2. Before the final pre-trial conference, parties are to have exchanged the following: any proposed stipulations, the exhibit list, the witness list, a draft of a brief statement of the case to be read by the Court to the jury, and any motions in limine.
- 3. At the final pre-trial conference, the Court will conduct settlement discussions, review trial materials previously submitted, discuss the final witness list and exhibit list presented by the parties, and rule on any motions in limine which remain in contention. The Court will also discuss and adopt a final schedule to be followed during the trial. Counsel must appear at the final pre-trial conference.

### C. Trial Materials

1. Each party is responsible for the submission of the trial materials listed below to chambers by 4:30 p.m. on the date set in the trial order, or two (2) days prior to the final pre-trial conference if no date is listed in the trial order:
  - a. Trial by Jury: materials submitted to the Court shall include the following:
    - i. Estimated number of trial days;
    - ii. A brief statement of the case to be read to the jury in voir dire. This statement shall be agreed upon by both parties;
    - iii. Any stipulations between the parties;
    - iv. A complete list of all exhibits and demonstrative aids each party intends to use, and whether the opposing side has any objections;
    - v. A list of potential witnesses to be called by each party. If evidence depositions are to be used, the parties should prepare and make copies of transcripts so that the Court can rule on objections at the final pre-trial conference;
    - vi. A list of each party's Supreme Court Rule 216 Request for Admission of Facts and any responses thereto; if any;
    - vii. Copies of each party's motions in limine, with supporting case law. Parties are directed to discuss these in advance. The motions in limine should be limited to those which the parties have made in good faith, but were unsuccessful in resolving;
    - viii. A statement of all outstanding disputes regarding Supreme Court Rule 237 production requests, if any. It is expected that each party desiring materials or witnesses at trial will serve the opposing party with a timely Rule 237 notice so that the requests can be discussed between counsel prior to preparation of final pre-trial materials;
    - ix. Parties expecting to offer opinion testimony pursuant to Supreme Court Rule 213(g) shall tender a copy of all responses to 213 interrogatories;
    - x. Two copies of proposed jury instructions (one marked with the corresponding IPI instruction and the other unmarked), sorted in the order of their number under the IPI system;
    - xi. The question each party wishes the Court to venire.
  - b. Bench Trials:
    - i. Submitted materials must include items (i), (iii), (iv), (vi), (viii), and (ix) above.
    - ii. The Court encourages each party to submit a memorandum of law, not in excess of five (5) pages, summarizing their respective legal theories, with citations to cases.

Entered: \_\_\_\_\_  
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