

COMMERCIAL CALENDAR "I"

(Effective January 30, 2012)

JUDGE THOMAS R. MULROY
2207 RICHARD J. DALEY CENTER
CHICAGO, ILLINOIS 60602
Case Coordinator: Margaret Murphy 312-603-6058

STANDING ORDER FOR PRETRIAL PROCEDURE

This standing order establishes a general pretrial procedure for cases assigned to this calendar.

1. MOTIONS

A. Regular Motion Call

The Court will hear motions every Monday beginning at 10:00 a.m. Motions shall be spindled in the Clerk's office in 801 of the Richard J. Daley Center, or online. On the first date the motion is scheduled, the Court will either rule on the motion or set a briefing schedule and/or hearing date.

B. Emergency Motions

The Court will hear emergency motions Monday through Thursday at 9:15 a.m. **THE MOTION MUST BE A TRUE EMERGENCY, OR IT WILL NOT BE HEARD.** It must involve some circumstance which could lead to irreparable damage to a party if relief is not obtained prior to the time a party can be heard on the Court's regular motion call. Motions to extend or compel discovery are not ordinarily emergencies.

C. Routine and Special Motions

Routine motions are taken from 8:45 a.m. through 9:30 a.m. by the Court Clerk. A party may object to a routine motion in writing, orally, in person or by telephone. Objections must be made either the day prior to the scheduled day of presentation or before 8:45 a.m. by calling Chambers. The Judge does not appear on this call. Routine motions are stamped and entered by the clerk, provided proper notice was given and no objections made. **Motions on cases filed in 2008 or before may not be presented on the routine motion call.**

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:

1. Motions to vacate findings of technical default and for leave to file an appearance, motion, or answer;
2. Motions for leave to file *instanter* an answer to the complaint, counterclaim and interrogatories;
3. Motions for leave to file any other pleading after the time normally provided, except where already required to do so by Court order;

4. Requests for leave to file within 28 days an overdue pleading or response to discovery, unless already required to do so by Court order;
5. Motions for leave to file a first amended complaint or counterclaim (against one already a party);
6. 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);
7. 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;
8. Motions to appoint a special process server (include their license number in the order)
9. Stipulations to dismiss all or any part of a case, except wrongful death settlements and minors' settlements;
10. Motions for voluntary dismissal by plaintiff;
11. Motions to admit an out-of-state attorney, where such motion is accompanied by an affidavit attesting to the attorney's good standing in the state in which he or she has been admitted to practice;
12. Petitions for the issuance of subpoena in out-of-state cases (specific documentation required); and
13. Motions for certification of Report of Proceedings pursuant to Supreme Court Rule 323(b).

D. Special Routine Motions for Default

Default Motions must fully comply with this standing order and Motion Judges Rule 4.2. Affidavits supporting the relief sought must be based on the affiant's personal knowledge. (See Motion Judges Rules 4.2. and 4.3.) Default Motions should either be set on a case's previously set status date, or spindled on the Motion Call on the 8th floor. The following is required before a default will be entered:

1. Notice

The moving party must provide the opposing party with notice as mandated by Motion Judges Rule 2.1. All parties who have been served shall be given notice, whether or not an appearance has been filed;

2. Courtesy Copies

At least 5 court days prior to the date selected to present the motion, courtesy copies of the Commercial Calendar Default Checklist and all required documents must be provided to the Court (please see the last page of the Standing Order for Default Checklist). **ANY MOTION FOR DEFAULT THAT FAILS TO COMPLY WITH ALL OF THE ABOVE REQUIREMENTS WILL BE STRICKEN.**

2. CASE MANAGEMENT CONFERENCE

A. Initial Case Management Conference

1. Newly Filed Cases

Approximately 90 days after the filing of each case assigned to this Court's calendar, the Clerk of the Court will notify counsel for all parties who have appeared of a case management conference which will be held approximately 120 days after the filing date. The notice will specify the date and time of the conference. Notice of this conference will also be published in the Chicago Daily Law Bulletin.

2. Pending Cases Assigned to Individual Calendar

Upon notice that a case is set for initial status before the Court, plaintiff's counsel and defendant's counsel shall distribute to the Court and counsel a brief statement of facts of the case, legal issues identified and a damage assessment. This statement shall be distributed to the Court and counsel 2 days prior to the status and shall not exceed 2 pages. A copy of the "Pretrial Memorandum" form is contained herein.

Counsel familiar with the case must appear for all parties represented by counsel. Pro-se litigants must also appear. At the status, all parties must be prepared to inform the Court as to all contemplated discovery, both written and oral, and the length of time each party estimates will be necessary to complete discovery. The parties should also be prepared to report the status of the pleadings and any contemplated pre-trial motions and other matters mandated by Supreme Court Rule 218.

Failure to attend the initial status will result in the entry of an order dismissing the case for want of prosecution.

B. Settlement Conference

The Court encourages all parties to explore and negotiate settlements of their cases. The Court is available to assist the parties in their settlement negotiations. Plaintiff must have a good faith settlement demand and defendants must have made good faith settlement offers before a settlement conference will be held.

At the settlement conference, counsel must have authority to settle the case or have the adjuster and/or clients present or available by telephone. Two days prior to the conference, the plaintiff must prepare and distribute to both the Court and all other parties an updated statement of the case. This statement must set forth the issues, the damages, the status of settlement negotiations and any additional information which will help the Court hold a meaningful settlement conference.

C. Law Division Major Case Court-Annexed Civil Mediation

Court-Annexed Mediation procedures adopted by the Court on April 5, 2004 will be utilized. Court-Annexed Civil Mediation shall be governed by Rule 20: Law Division Major Case Court Civil Mediation. If the parties cannot agree on an appropriate mediator the Court will designate one pursuant to Rule 20.03 (A).

3. TRIAL DATES

If the Court is on trial or otherwise engaged on the date the case has been set for trial, the case will be transferred instanter to the Presiding Judge of the Law Division where it will be assigned to another Judge for immediate trial.

4. TRIAL MATERIALS

A. Jury Trial

1. a short statement of the case to be read to the jury in voir dire;
2. an estimate of the number of days the trial will take;
3. a list of potential witnesses to be read to the jury in voir dire;
4. a statement that the party will or will not stipulate to a unanimous verdict of 10 or more persons thus eliminating the need for alternates;
5. any motions in limine and responses thereto with supporting documents and memoranda. (each item of relief sought shall be labeled as “Agreed” or “Contested”);
6. any trial briefs the attorneys may wish to file;
7. a full set of jury instructions with I.P.I. number, based on the party’s best estimate of the expected evidence. (Each instruction shall be marked “Agreed” or “Objected To”.)
8. a list of exhibits the party may introduce;

B. Bench Trials

The same instructions shall apply to Bench Trials except for jury instructions.

C. For Both Jury and Bench Trial:

45 days prior to the trial date, the parties are directed to meet and exchange the above materials as well as their exhibits.

5. BRIEFS AND CITATIONS

- A. No brief shall exceed 15 pages, double-spaced, exclusive of exhibits. Briefs should be drafted with margins of at least 1” all around and in 12-point font. Any brief filed in excess of 15 pages requires special leave of Court and is **strongly discouraged**.
- B. Citations shall conform to either the “Bluebook” or ALWD Manual and be to official Illinois reporters, with pinpoint citations where applicable. 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.**
- C. Movant is responsible for supplying the Court with courtesy copies of all relevant briefs and pleadings, **including a copy of the most current version of complaint. Courtesy copies for presentment of a motion are to be delivered**

to Chambers one week before the scheduled date. Movant is also responsible for providing all necessary briefs for clerk's status'.

- D. Documents which fail to comply with the provisions of this section shall be subject to being **stricken by the Court**.
- E. For Motions to Dismiss based on pleadings, the Court will review the Motion first to determine if any further briefing is necessary. Thereafter the Court will either rule on the Motion, or notify the parties if further briefing is required.

6. SANCTIONS

Failure to comply with the Court's orders, failure to appear at any case management conference or any other Pretrial Conference and failure to abide by this Standing Order may result in the dismissal of the action for want of prosecution, the entry of an order of default or other appropriate sanctions.