COMMERCIAL CALENDAR "N"

(Effective November 17, 2010)

JUDGE DANIEL J. PIERCE 2307 RICHARD J. DALEY CENTER CHICAGO, ILLINOIS 60602

Case Coordinator: Kate Moore 312-603-4804

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 9:30 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 Tuesday through Friday after the 9:45 a.m. status call. THE MOTION MUST BE A TRUE EMERGENCY, OR IT WILL NOT BE HEARD, AND WILL BE STRICKEN. 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 of support in relief sought must be based on personal knowledge of the affiant. (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 to 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 that each party estimates will be necessary for the completion of 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. At the first status, the Court will commence to supervise the discovery process including the entry of orders compelling compliance with outstanding pleadings.

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. If the Court can assist the parties in their settlement negotiations, it stands ready to do so. Plaintiff must have a good faith settlement demand and defendants must have made good faith settlement offers before a settlement conference is held.

For settlement purposes, counsel are expected to 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 will be required to prepare and distribute to both the Court and all other parties an updated statement of the case. This should 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. Settlement conferences will be continued from time to time if the Court believes that progress toward settlement is being made.

C. Law Division Major Case Court-Annexed Civil Mediation

In addition to the settlement conference opportunity provided by the Court, use of the 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 any party requests a trial date, the Court will set the case for trial. The Court can also schedule a trial date on its own motion. If the Court is on trial or otherwise engaged on the trial date, the case will be transferred <u>instanter</u> 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 as to (2), (5), (6) and (8) above.

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 are to be delivered to Chambers 2 weeks before the hearing date.
- D. Documents which fail to comply with the provisions of this section shall be filed 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.

7. MODIFICATIONS OF THIS ORDER

The Court may modify these general procedures as need arises. Attorneys and other concerned citizens are encouraged to suggest changes to increase the efficiency and fairness of the Court's procedures.

Judge Daniel J. Pierce	1982

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS County Department – Law Division

Pretrial Memorandum - Commercial Calendar N

Case Number:	Number: Case Name:						
	vs						
Type of Claims (circle all applicable)							
Breach of Contract	Collections	Other					
 Franchise Employment Lease Purchase of Goods or Services Indemnification Sale of Business Professional Services 	 Note Guaranty Professional Services 	 Retaliatory Discharge Warranty Consumer Fraud Fraud Confession Professional Negligence Other 					
Jury Demand Yes □	No □						
1. Plaintiff's Attorney Plaintiff Name Attorney Name Firm Phone	Attorney N Firm	's Attorney Name ame					
1. Defendant's Attorney Defendant Name Attorney Name Firm Phone	Defendant' Attorney N Firm	nt's Attorney s Name ame					
Counter Defendant's Attorney Defendant Name Attorney Name Firm	This Pretrice Attorney Representing	ial Memo was prepared by:					

SETTLEMENT NEGOTIATIONS

State the last offer made by the parties to settle this case.

By Defendant (1)(2)(3)					
By Defendant (1)(2)(3)					
PLAINTIFF believes the evidence will show:					
DEFENDANT (including third party defendant(s) believes the evidence will show:					
Signed by:					

CHECKLIST FOR DEFAULT MOTIONS

CASE NA	AME:		
CASE NO	D.:		
HEARIN(
	Copies deli order enter		pers at least 5 court days before they want
	Original no	otice of motion	and original motion
	Face of Su	mmons	
	Return of s	ummons	
	been check	ed for defendar	ting that court file and computer have nt's appearance or answer. (File and computer must be as days prior to date of hearing.)
	Affidavit o	f military servi	ce when defaulting an individual
	Default ord	ler	
		-	ed damages: the order shall set the matter for prove-up in Courtroom 2307. The Court will select the date for
			damages: the order shall enter the default and award a The following documentation is required:
			(1) a copy of the verified complaint with exhibits, or an affidavit by the moving party establishing the judgment amount;
			(2) an affidavit detailing the costs of suit; and
			(3) an affidavit for attorneys' fees, if applicable (See Motion Court Rules 4.2(e)(2)) (Statutory or Contract)

8

NO

YES

READY TO BE ENTERED?