

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT-LAW DIVISION  
COMMERCIAL CALENDAR "V"  
Judge Joan E. Powell

Room: 2506

Phone: (312) 603-6005

Fax: (312) 603-4180

**STANDING ORDER**

The purpose of this Standing Order is to establish a general pretrial and trial procedure to aid in the resolution of matters assigned to this calendar. When special circumstances exist which warrant modification, those cases will be handled according to the specific needs presented.

**I. CASE MANAGEMENT AND MOTION PRACTICE**

**a. Progress Call/Initial Case Management Call**

- i. When/Where: Tuesdays at 9:30 a.m. in Room 2506
- ii. About the Progress/Initial Case Management Call:
  1. Initial Case Management dates are set by the clerk's office after the Complaint has been filed. Generally, the date is ninety (90) days after the filing of the Complaint and the plaintiff is notified of this date via postcard. The notice postcard will specify the date and time of the hearing.
  2. At the Progress/Initial Case Management hearing, an attorney or pro se party familiar with the case must appear and:
    - a. Inform the Court as to the status of service of process upon all named defendants and what efforts have been made to locate and serve all unserved defendants;
    - b. Be prepared to discuss the nature of the case and the type of discovery required; and
    - c. Provide a courtesy copy of the complaint to the Court.
  3. After the Progress/Initial Case Management hearing a subsequent Case Management/Regular Status date will be set.
  4. If appropriate at that time, a Case Management Order will be entered. The Case Management Order form may be found either in Room 2506 or online at: <http://www.cookcountycourt.org/divisions/index.html> (follow "Law" hyperlink; then follow "Commercial Calendars" hyperlink; then follow "Judge Joan E. Powell" hyperlink)
  5. A plaintiff's failure to attend the Progress/Initial Case Management hearing may result in a **Dismissal for Want of Prosecution.**

**b. Regular Status Call**

- i. When/Where: Mondays, Tuesdays, and Wednesdays at 9:30, 9:45, and 10:00 a.m. in Room 2506.
- ii. About the Regular Status Call
  1. Each Calendar "V" case shall have a Regular Status hearing date. These dates are set so the Court may monitor the progress of the matter and enter such orders as are necessary to facilitate the discovery and the pretrial motion process.
  2. Attorneys or pro se parties are expected to attend Regular Status dates. A plaintiff's failure to attend any Regular Status date may result in a **Dismissal for Want of Prosecution.** Failure of the defendant's counsel to attend may result in appropriate **sanctions.**

3. If an emergency prevents either side from attending a status hearing, the absent counsel should notify opposing counsel and the court ahead of time. This courtesy prevents the parties and the court from passing the matter and waiting unnecessarily after it has been called.
  4. Motions, a reasonable number please, may be noticed for a pre-existing Regular Status date. Such motions are to be filed like a pleading and are not spindled. This method of presenting a motion is called “piggybacking,” *i.e.*, you already have a status hearing before the court, you are “adding on” your motion, and giving notice of your motion to be presented and/or heard at the pre-existing Regular Status hearing.
    - a. Courtesy copies of any piggybacked motion must be delivered to chambers no later than **FIVE (5) COURT DAYS** in advance of the Regular Status date. Failure to submit courtesy copies may result in the motion being stricken by the Court.
    - b. For any contested motion that is piggybacked, the parties should expect that the Court will enter a briefing schedule order and set a Clerk’s Status date. The standard briefing schedule provides twenty-eight (28) days to respond and fourteen (14) days to reply. The Briefing Schedule Order form may be found either in Room 2506 or online at: <http://www.cookcountycourt.org/divisions/index.html> (follow “Law” hyperlink; then follow “Commercial Calendars” hyperlink; then follow “Judge Joan E. Powell” hyperlink)
      - i. For Contested Motion Requirements, see *infra* Section II.a.
      - ii. For details about the Clerk’s Status Call and subsequent Contested Motion Hearings, see *infra* Sections I.d. and I.e., respectively.
- c. **Regular Motion Call (for Spindled Motions)**
- i. When/Where: Thursdays at 9:30, 9:45, and 10:00 in room 2506.
  - ii. About the Regular Motion Call
    1. To place a motion on the Regular Motion Call, the movant must go to room 801 (the Clerk’s Office) and spindle the motion. Motions may also be spindled at the satellite courthouses and online at <https://efile.cookcountycourts.com/>. The Clerk’s Office will set up motions on Calendar “V” only for the regular Thursday morning Motion Call. The Clerk’s Office will not allow you to spindle a motion on Calendar “V” on a day other than Thursday.
    2. The Motion call is very congested; therefore, this Court does not allow for “piggybacking” a motion on the Motion call. Any motion that is “piggybacked” on the motion call shall be stricken by the court. An opposing party may file and submit a response to a motion that has been spindled.
    3. If a moving Party intends to withdraw the motion from the call, please telephone the Case Coordinator at (312) 603-6005 prior to the hearing date and inform all other parties of the withdrawal.
    4. Courtesy copies of any spindled motion must be delivered to chambers no later than **FIVE (5) COURT DAYS** in advance of the Regular Status date. Failure to submit courtesy copies may result in the motion being stricken by the Court.
    5. For any contested motion that is spindled, the parties should expect that the Court will enter a briefing schedule and set a Clerk’s Status date. The standard briefing schedule provides twenty-eight (28) days to respond and fourteen (14) days to reply. The Briefing Schedule Order form may be found

either in Room 2506 or online at:

<http://www.cookcountycourt.org/divisions/index.html> (follow “Law” hyperlink; then follow “Commercial Calendars” hyperlink; then follow “Judge Joan E. Powell” hyperlink)

- a. For details about Contested Motion Requirements, see *infra* Section II.a.
- b. For details about the Clerk’s Status Call and subsequent Contested Motion Hearings, see *infra* Sections I.d. and I.e., respectively.

**d. Clerk’s Status Call**

- i. When/Where: The Clerk’s Status for all briefed motions will generally be held on the Monday following the due date of the reply brief set at 9:00 a.m. in Room 2506. There are several Mondays during the year that are court holidays. In those instances, the Clerk’s Status will be held the next Monday.

ii. About the Clerk’s Status Call:

1. All attorneys or pro se parties (or their clerks or paralegals) should be present for the Clerk’s Status. If the attorneys or pro se parties (or their clerks or paralegals) fail to appear by 9:20 a.m., the motion SHALL be stricken.
2. All courtesy copies are to be tendered at the Clerk’s Status. A complete set of courtesy copies includes:
  - a. The motion, response, and reply briefs that were filed in advance of the Clerk’s Status date;
    - i. **If a party fails to file a timely response and/or reply and that party has failed to either file a motion to extend a deadline or submit an Agreed Revised Briefing Schedule Order (see *infra* Section III.b.ii.), that response and/or reply will be deemed waived and the hearing will be held on the motion or the motion/response only.**
  - b. A copy of the most current Complaint or Amended Complaint;
  - c. Exhibits;
  - d. Affidavits;
  - e. Complete transcripts of depositions that are cited;
  - f. Federal and out-of-state case law; and
  - g. Any Illinois cases that are not available on Lexis Nexis.
3. Courtesy copies will not be accepted either before or after the Clerk’s Status date except by leave of Court.
4. Once a complete set of courtesy copies has been submitted, a hearing date will be set. If the movant submits a complete set of courtesy copies, a hearing date will be set. Parties SHALL be bound by hearing dates set regardless of whether an attorney, pro se party, paralegal, or clerk appears. Attorneys may draft an Agreed Order for a hearing date provided they have checked with the other attorney(s) and/or pro se parties and truly have an agreement on the date provided by the Court Clerk.

**e. Contested Motion Hearings**

- i. When/Where: Monday – Friday at 10:30, 10:45, and 11:00 in Room 2506.
- ii. About Contested Motion Hearings
  1. Attorneys or pro se parties should be prepared for oral argument to be heard at every contested motion hearing.
  2. Briefs may not exceed fifteen (15) pages without leave of court.
    - a. For a complete list of Contested Motion Requirements, see *infra* Section II.a.

**f. Routine Motion Call**

- i. When/Where: Monday – Friday from 8:45 a.m. to 9:30 a.m. in Room 2506.
- ii. About the Routine Motion Call:
  1. Routine Motions are taken by the Court Clerk. The Judge does not appear on this call.
  2. The movant chooses the date to present the motion and indicates the time on the notice as 8:45 a.m. All notices must also include the Judge’s name and courtroom number.
  3. Routine Motions need not be filed in advance, but proper notice must be given as required by Circuit Court Rule 2.1. The movant shall provide the Court with the following: at least one notice of motion, at least one motion, and several copies of the draft order.
  4. Routine Motions are stamped and entered by the Court Clerk provided that proper notice was given and no objections were made.
  5. Objections: Routine Motions WILL NOT BE GRANTED if an objection is received:
    - a. A Party may OBJECT to a routine motion in writing, orally, in person, or by telephone to the Court Clerk by telephoning 603-6005 and stating the objection.
    - b. Objections must be made either the day prior to the noticed day or by 8:45 a.m. on the day noticed.
    - c. Upon receipt of an objection, the Court Clerk will not stamp and enter the motion. In that case, if the movant wants to pursue the Motion she should spindle it on the Regular Motion Call.
  6. The Routine Motion Call guidelines are contained in the Motion Judges Rules, April 1995, 3.0 *et seq.* Routine Motions include:
    - a. Motions to vacate findings of technical default and for leave to file an Appearance, Motion, or Answer;
    - b. Motions for leave to file, Instanter, an Answer to the Complaint, Counterclaim, and Interrogatories;
    - c. Motions for leave to file any other pleading after the time normally provided, **except** where already limited by Court Order;
    - d. Motions for leave to file a First Amended Complaint or Counterclaim against one(s) who is/are already a party;
      - i. Courtesy copies of any such Amended Complaint must be provided to the Court.
    - e. Motions for leave to appear as an attorney or as additional counsel, or to substitute one attorney for another by agreement...BUT a motion to withdraw without a substitute attorney is NOT a Routine Motion;
    - f. 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 the plaintiff or defendant;
    - g. Motions to appoint a special process server;
      - i. Motions to appoint a special process server must include that special process server’s license number.
    - h. Stipulation to dismiss all or any part of a case, except wrongful death settlements and minor’s settlements;
    - i. Motions for a voluntary dismissal by the Plaintiff;
      - i. A voluntary dismissal order must address the issue of costs. *See 735 ILCS 5/2-1009.*

- j. 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;
- k. Petitions for the issuance of subpoena in out-of–state cases (special documentation is required); and
- l. Motions for certification of Report of Proceedings pursuant to ILL. SUP. CT. R. 323(b).

**g. Special Routine Motion Call**

- i. When/Where: Monday – Friday at 8:45 a.m. in Room 2506.
- ii. About Special Routine Motion Procedures:
  - 1. Only two types of Motions may be brought as “Special Routine Motions”: Motions for Orders of Default and Motions to Withdraw. They must fully comply with this standing order and Motion Judges’ Rule 4.2.
    - a. For details about Motions for Orders of Default and Motions to Withdraw requirements and form, see *infra* Sections II.b. and II.d., respectively.
  - 2. The movant chooses the date to present the motion and indicates the time on the notice as 8:45 a.m. All notices must also include the Judge’s name and courtroom number.
  - 3. Although a Special Routine Motion must be noticed for 8:45 a.m., an order granting a Special Routine Motion will not be entered until 2:00 p.m. on that same day. Accordingly, movants need not come to court until 2:00 p.m. on the day for which the motion is noticed.
  - 4. Special Routine Motions need not be filed in advance, but proper notice must be given as required by Circuit Court Rule 2.1.
  - 5. For Special Routine Motions, the movant shall provide the Court with courtesy copies, consisting of one original and two copies of each document submitted in support of the motion.
    - a. For details about Motions for Orders of Default and Motion to Withdraw requirements and form, see *infra* Sections II.b. and II.d., respectively.
  - 6. Courtesy copies of Special Routine Motions must be delivered to chambers no later than **FIVE (5) COURT DAYS** in advance of the Special Routine Motion date. Failure to submit courtesy copies may result in the motion being stricken by the court.
  - 7. Objections: Special Routine Motions WILL NOT BE GRANTED if an objection is received.
    - a. A Party may OBJECT to a Special Routine Motion in writing, orally, in person, or by telephone to the Court Clerk by telephoning 603-6005 and stating the objection.
    - b. Objections must be made either the day prior to the noticed day or by 8:45 a.m. on the day noticed.
    - c. Upon receipt of an objection, the motion will not be granted. In that case, if the movant wants to pursue the motion she should either piggyback on a Regular Status date, or spindle it on the Regular Motion Call.

**h. Emergency Motion Call**

- i. When/Where: Monday – Friday at 9:25 a.m. in Room 2506.
- ii. About the Emergency Motion Call:
  - 1. The motion must be a true emergency or it will not be heard and will be stricken.

- a. As a general rule, an emergency motion is some circumstance that 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.
  - b. Motions to extend or compel discovery, or to seek a briefing schedule extension are generally not emergencies.
2. Courtesy copies must be submitted to the Court Clerk no later than 9:00 a.m. on the date of the motion, otherwise it may not be heard.

**II. MOTION REQUIREMENTS/FORM: Take note that timely submission of courtesy copies is required. Failure to submit courtesy copies on time will generally result in a motion being stricken or a ruling on only those courtesy copies that are submitted.**

**a. Contested Motions**

- i. Briefing for contested motions shall meet the following requirements:
  1. Briefs shall be double spaced and use 12-point font. No brief shall exceed fifteen (15) pages, exclusive of exhibits, without prior leave of Court.
  2. Courtesy copies of briefs must contain tabbed exhibits of any and all documents relevant to the instant motion.
  3. Photocopies of exhibits must be clear and legible.
  4. When referring to exhibits, reference must be made to the specific page and paragraph or other specific portion of the exhibit at issue (*e.g.*, line of deposition or paragraph of contract).
  5. Briefs citing legal authority must contain pinpoint references, *i.e.*, reference to a particular page of a case.
  6. Parallel citations are unnecessary; either the official or unofficial reporter may be cited.
  7. Printed copies of the following cases are required:
    - a. Federal cases
    - b. Non-Illinois cases
    - c. Cases that are not available on LexisNexis
- ii. Briefs that fail to comply with the above requirements may be stricken in the discretion of the court.

**b. Motions for Orders of Default**

- i. A plaintiff may move for an Order of Default by submitting a Special Routine Motion, Piggybacking on an existing Regular Status date, or spindling a motion on the Regular Motion Call.
  1. For details about these procedures see *supra* Section I.
- ii. Upon entry of an Order of Default, the Court will set the case for prove-up. Plaintiffs may not obtain an Order of Default and Default Judgment on the same date.
- iii. In order to obtain an Order of Default against a defendant, Plaintiff must provide a complete set of courtesy no later than **FIVE (5) COURT DAYS** in advance of the date for which the motion is noticed. Failure to submit courtesy copies may result in the motion being stricken by the court.
- iv. A complete set of courtesy copies for a Motion for Order of Default includes, but is not limited to, the:
  1. Complaint;
  2. Notice;
    - a. Notice must be made in the manner required by the Illinois Supreme Court Rules and Rules of the Circuit Court of Cook County for motions generally.
  3. Certificate of Service;
  4. Motion for Default;

5. Summons for each defendant;
  6. Return of Service for each defendant;
    - a. Service must be completed within thirty (30) days of date of summons.
  7. Order appointing special process server (if applicable);
  8. Attorney Certificate (dated within 10 days of hearing date);
    - a. Please use form number CCL 0517, *available at* <http://www.cookcountyclerkofcourt.org>.
  9. Military Affidavit (for individual defendants);
    - a. Please use form number CCG 0004, *available at* <http://www.cookcountyclerkofcourt.org>.
  10. **The Complaint, Notice, Certificate of Service, Motion, Attorney Certificate, and Military Affidavit must be signed.**
    - a. If movant successfully obtains an Order of Default, the case will be continued for prove-up of damages.
- v. The Order of Default form order may be found either in Room 2506 or online at: <http://www.cookcountycourt.org/divisions/index.html> (follow “Law” hyperlink; then follow “Commercial Calendars” hyperlink; then follow “Judge Joan E. Powell” hyperlink)
- c. **Default Judgment – Prove-up of Damages**
- i. In order to obtain a default judgment, **the plaintiff must prove damages.**<sup>1</sup> A plaintiff cannot rely on a Verified Complaint to prove damages.<sup>2</sup> Affidavits or live testimony must be presented. **Affidavits proving damages must comply with the following:**
    1. **Basis of Statement.** The affidavit must state whether the affiant is basing his or her testimony on personal knowledge, on documents, or both.
      - a. If the affidavit is based on personal knowledge, the affiant must explain how he or she acquired that personal knowledge. Note: Personal knowledge is acquired from personal involvement in a specific transaction or event; it is not acquired from business records or from what one is told.
      - b. If the affidavit is based on documents, the documents must be attached to the affidavit or the Complaint and referenced accordingly.
    2. **Foundation for Records.** The proper evidentiary foundation must be laid for any documents upon which the affiant relies and those records must be attached to the affidavit. For all such records, the affiant must state that the document is a true and correct copy of what it purports to be. If a document is being used for the truth of what is contained therein, such as an accounting record used to show what defendant paid and still owes, the affiant must establish that the document falls under the hearsay exception for records of regularly conducted activity.
      - a. **Note: Effective January 1, 2011,** Illinois Rules of Evidence 803(6) and 902(11) set forth the requirements for admissibility of business records. Pursuant to those rules, a record of regularly conducted activity is admissible when accompanied by a written certification that the record (1) was made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with

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<sup>1</sup> Section 2-610 of the Code of Civil Procedure provides that failure to deny an allegation of the Complaint constitutes an admission of the allegation “**except allegations of damages.**”

<sup>2</sup> Section 2-605 of the Code of Civil Procedure provides “Verified allegations [of pleadings] do not constitute evidence except by way of admission.”

knowledge of these matters (2) the document was kept in the regular course of business activity and (3) was made by the regularly conducted activity as a regular practice.

- b. If a running record is kept of multiple transactions so that multiple transactions appear on one document, the affiant must explain how the record is created (*e.g.*, payments are entered at or around the time they are received).
  - c. If it is not possible to submit supporting documents to the court because they are voluminous or electronic, the affiant must attach a summary or printed total of damages. In this situation the affiant must also describe the documents relied upon for the summary or printed total and explain how those documents are admissible under Illinois Rules of Evidence 803(6) and 902(11).
3. **Calculation of Damages.** The affidavit must explain how the damages, including interest and late charges, were calculated. Mathematical calculations must be shown. Supporting provisions of the contract must be clearly cited (*i.e.*, the affiant must state the contract page and section number providing the interest rate, allowing assessment of late charges/other fees, and/or allowing for recovery of attorney's fees; and must state which exhibits support the calculation of the amount due). If a computer program calculated the damages, the computer generated records must be submitted and evidence that describes the process or system used and shows that the process or system used produces an accurate record must be provided. ILL. R. EVID. 901. If the note is subject to a variable interest rate, the affiant must state how the program knows that rate (*e.g.*, the prime rate is automatically downloaded from the WALL STREET JOURNAL website).
4. **Affidavit for Attorney's Fees and Costs.** Attorney's Fees are recoverable only by statute or when provided for in an agreement between the parties. If attorney's fees are recoverable, an affidavit and timekeeping records are necessary to establish that the amount sought is reasonable. *See* Illinois Rules of Professional Conduct 1.5. The affidavit shall state:
- a. The nature of the services performed;
  - b. The number of hours spend performing these services;
  - c. The attorney's hourly rate;
  - d. The year the attorney graduated from law school and a short synopsis of the attorney's experience;
  - e. A statement that the number of hours spent and the rate charged per hour are fair and reasonable, and within the normal standards of the community for the type of services performed; and
  - f. A description of the method used to create timekeeping records. The proper evidentiary foundation must be laid for the attached time records unless the affiant performed all of the work and recalls all of the detail in the time records.

**d. Motions to Withdraw as Attorney of Record**

- i. A party may move for an order of withdrawal by submitting a Special Routine Motion, Piggybacking on an existing Regular Status date, or spindling a motion on the Regular Motion Call.
  1. For details about these procedures see *supra* Section I.
- ii. Unless the client is present in Court, a Motion to Withdraw (without substitution of new counsel) will only be granted when it complies with the following Illinois Supreme Court, Circuit Court of Cook County, and Standing Order requirements:

1. **The Notice of Motion must contain the following language: “To insure notice of any action in this case, [the client] should retain other counsel herein or file with the clerk of the court, within twenty-one (21) days after the entry of the order of withdrawal, his supplementary appearance stating an address at which service of notices or other papers may be had upon [the client].”** ILL. SUP. CT. R. 13(c)(2).
  2. The client must be served by either certified mail or personal delivery and must be given reasonable notice. ILL. SUP. CT. R. 13(c)(2).
  3. The notice must contain a signed certificate of service that specifies how the notice and motion were served. ILL. SUP. CT. R. 12(b).
  4. When serving by certified mail, you must notice your motion far enough in advance to ensure you will have received the signed green card (return receipt of delivery) by the time of the hearing. You must present the signed green card at your hearing. ILL. SUP. CT. R. 13(c)(2).
  5. Other parties (*e.g.*, opposing counsel) are to be served in accordance with the rules relating to notice for other motions. ILL. SUP. CT. R. 13(c)(2), ILL. SUP. CT. R. 11, Circuit Court of Cook County Rule 2.1.
  6. The motion to withdraw must (1) be in writing, (2) state the address of the client, and (3) state that this address is the last known address of the client. ILL. SUP. CT. R. 13(c)(3).
  7. Courtesy copies shall be delivered to chambers no later than **FIVE (5) COURT DAYS** in advance of the hearing date. Failure to do so may result in the motion being stricken.
- iii. **If a Motion to Withdraw is Granted** and the client does not appear on the date of the hearing, then the withdrawing attorney must serve a copy of the order on the client by personal service or certified mail within three days. ILL. SUP. CT. R. 13(c)(4). Proof that the order has been mailed to the former client must be filed with the court. *Id.*
- iv. The Withdrawal form order may be found either in Room 2506 or online at: <http://www.cookcountycourt.org/divisions/index.html> (follow “Law” hyperlink; then follow “Commercial Calendars” hyperlink; then follow “Judge Joan E. Powell” hyperlink)
- e. **Confession of Judgment**
- i. See the Motion Judges Rules, April 1995, for Confession of Judgment procedures.

### III. **AGREED ORDERS**

- a. When/Where: Monday – Friday from 8:30 a.m. to 4:30 p.m. in Room 2506.
- b. About Agreed Orders
  - i. **Agreed Dismissal Orders**
    1. If a case has been resolved by agreement, the parties do not need to appear in Court to enter the Dismissal Order. Instead, the parties may hand-deliver an Agreed Dismissal Order to chambers at any time prior to the next scheduled court date.
    2. If the agreement resolves the entire case, the order must strike all previously scheduled court dates on the docket.
    3. At the request of Presiding Judge Maddux, one of the following sentences must be included in all dismissal orders: “This settlement was reached as a result of voluntary mediation,” or, “Voluntary mediation was not utilized in reaching this settlement.”
  - ii. **Agreed Revised Briefing Schedule Orders**
    1. Changes or extensions in briefing schedules or deadlines that do not affect the Clerk’s Status date may be accomplished with an Agreed Order.

2. If the parties are in agreement that a Clerk's Status date should be extended they may present an Agreed Order for the Court's consideration. If the extension is allowed, a new Clerk's Status date will be scheduled.

iii. **Agreed Protective Orders**

1. Agreed protective orders may also be dropped off and the parties will be called when the Order has been reviewed and approved by the Court.
2. Protective Orders for the sealing of documents must include the following language:
  - a. "To the extent possible, confidential information will not be included in the text of motions, briefs, or pleadings, but will be confined to the exhibits. If it is necessary to include confidential information in the text of a motion, brief or pleading, the party who wishes to do so must seek leave of Court before filing such documents under seal. Exhibits which contain confidential information may be filed under seal without leave of Court."
- iv. Attorneys or pro se parties will be notified when their Agreed Order is ready to be picked up.

**IV. SETTLEMENT CONFERENCES**

- a. When/Where: Monday – Friday afternoons in Room 2506.
- b. About Settlement Conferences:
  - i. All parties are encouraged to explore and negotiate settlements. If the Court can assist in settlement negotiations at any stage it stands ready to do so.
  - ii. Prior to the settlement conference the plaintiff should make a demand in sufficient time for defense counsel to have a response on or before the date of the conference.
  - iii. All counsel familiar with the case and authorized to act on behalf of their clients and any pro se parties must appear at the settlement conference.
  - iv. Parties represented by counsel must either be present or be available by telephone unless the Court orders otherwise.
  - v. Each party must prepare a short Pre-trial memo briefly defining their respective position. These memos should not be filed and should be brought to the Settlement Conference. Courtesy copies of the short Pre-trial memo need not be submitted to the court in advance.
  - vi. PLAINTIFF MUST HAVE MADE A GOOD FAITH SETTLEMENT DEMAND (*i.e.*, less than the plaintiff is seeking in the lawsuit) AND DEFENDANTS MUST HAVE MADE A GOOD FAITH SETTLEMENT OFFER (*i.e.*, more than a nuisance value) BEFORE A PRE-TRIAL SETTLEMENT CONFERENCE WILL BE HELD.
  - vii. A settlement conference may be set up through the Court's Case Coordinator by calling 312-603-6005.

**V. TRIALS**

**a. Final Pre-trial Conference**

- i. When/Where: Monday – Friday afternoons in Room 2506.
- ii. About Final Pre-trial Conferences:
  1. The purpose of the Final Pre-trial Conference is to define the issues for trial and to eliminate the often frantic activity that frequently occurs with Jury Instructions and Motions in Limine.
  2. Final Pre-trial Conferences will be scheduled on a case-by-case basis as some matters are relatively straightforward and no Motions in Limine are presented. When it is determined that a Final Pre-trial Conference is necessary due to the nature of the case and trial, the Parties must bring the below listed materials. If no Pre-trial conference is held the below listed materials must be brought on the day of trial.

- a. Trial Days: the estimated number of trial days;
- b. Statement of the Case: a jointly prepared brief statement of the case to be read to the venire;
  - i. This should not go into great detail. Counsel for all parties must attempt to agree on the proposed statement of the case. If the parties are unable to agree, each must submit their own proposed statement of the case for use in jury selection, but agreement of all parties is expected.
- c. Statement of Stipulated Facts: A statement of all facts stipulated to between the parties;
  - i. If the stipulation is by way of admission pursuant to ILL. SUP. CT. R. 216 Requests to Admit, the Request(s) and Response(s) should be included.
- d. Exhibit Lists: A complete and jointly prepared list of all exhibits each party intends to use at trial or offer into evidence;
  - i. All exhibits shall be listed according to the number that the party offering them intends to use at trial.
- e. Witness lists: A list of all potential witnesses expected to be called by each party;
  - i. If evidence depositions are used, the parties should prepare and make copies of the full transcripts so that the Court can rule on objections ahead of time (whether at a Final Pre-trial Conference or simply before start of the trial).
- f. Motions in Limine: Copies of each party's Motions in Limine, with supporting case law;
- g. Rule 237 Notices;
  - i. It is expected that each party desiring materials or witnesses at trial will serve the opposing party with timely Rule 237 notices so that the requests can be discussed between counsels ahead of time.
- h. Jury Instructions;
  - i. The plaintiff shall have the burden of proposing jury instructions. The plaintiff will have the initial burden of proposing jury instructions and shall provide a copy of its proposed instructions to the defendant at least ten (10) court days before either the Final Pre-trial Conference.
  - ii. The defendant shall provide copies of its additional instructions to the plaintiff at least five (5) court days before the Final Pre-trial Conference.
  - iii. At trial, the parties should each produce two copies of proposed jury instructions (one marked and the other unmarked), which are to be sorted in the order of their numbering under the IPI system.

**b. Bench Trials**

- i. Parties shall exchange witness lists and exhibit lists two weeks prior to trial.
- ii. To avoid needless controversy during bench trials, Rule 237 requests should be served at least two weeks prior to the trial.
- iii. The Parties are encouraged to be flexible and creative in bench trials. The Parties can stipulate to facts or to using deposition testimony or summaries in lieu of live witnesses.

- iv. All exhibits should be marked before trial and all Parties must bring copies of their exhibits for the Court, other Parties, Witnesses and themselves.

**c. Jury Trials**

- i. If a Pre-trial Conference is held, the following materials must be brought to that Pre-trial Conference. Otherwise the following materials must be brought on the date of Trial.
  1. Trial Days: the estimated number of trial days;
  2. Statement of the Case: a jointly prepared brief statement of the case to be read to the venire;
    - a. This should not go into great detail. Counsel for all parties must attempt to agree on the proposed statement of the case. If the parties are unable to agree, each must submit their own proposed statement of the case for use in jury selection, but agreement of all parties is expected.
  3. Statement of Stipulated Facts: A statement of all facts stipulated to between the parties;
    - a. If the stipulation is by way of admission pursuant to ILL. SUP. CT. R. 216 Requests to Admit, the Request(s) and Response(s) should be included.
  4. Exhibit Lists: A complete and jointly prepared list of all exhibits each party intends to use at trial or offer into evidence;
    - a. All exhibits shall be listed according to the number that the party offering them intends to use at trial.
  5. Witness lists: A list of all potential witnesses expected to be called by each party;
    - a. If evidence depositions are used, the parties should prepare and make copies of the full transcripts so that the Court can rule on objections ahead of time (whether at a Final Pre-trial Conference or simply before start of the trial).
  6. Motions in Limine: Copies of each party's Motions in Limine, with supporting case law;
  7. Rule 237 Notices;
    - a. It is expected that each party desiring materials or witnesses at trial will serve the opposing party with timely Rule 237 notices so that the requests can be discussed between counsels ahead of time.
  8. Jury Instructions;
    - a. The plaintiff shall have the burden of proposing jury instructions. The plaintiff will have the initial burden of proposing jury instructions and shall provide a copy of its proposed instructions to the defendant at least ten (10) court days before either the Final Pre-trial Conference.
    - b. The defendant shall provide copies of its additional instructions to the plaintiff at least five (5) court days before the Final Pre-trial Conference.
    - c. At trial, the parties should each produce two copies of proposed jury instructions (one marked and the other unmarked), which are to be sorted in the order of their numbering under the IPI system.
- ii. Voir Dire procedure: The Court questions potential jurors and then attorneys for each party or pro se parties are allowed to question jurors. Attorneys or pro se parties alternate as to who asks first with each new panel.
  1. Do not ask jurors if they have business or personal obligations that would prevent them from serving. The Court will handle such questions.

2. Jurors will be selected in panels of four. Generally one party on each side has five (5) challenges. The Court in its discretion can allow additional challenges, if multiple parties.
  3. The Court allows back-striking, if the panel is broken by one it is broken by all.
  4. The jury will be informed of their right to take notes.
  5. In the voir dire process, a party may mention only one time the amount it will be seeking in final argument. After that, the amount will be referred to as a “substantial verdict.”
  6. The nature of the questions and the time allowed will be limited based upon the complexity of the case and the nature and extent of the damages. The following rules shall apply to the types of questions permitted:
    - a. Questions shall not directly or indirectly concern matters of law or instruction.
    - b. Questions already asked by the Court shall not be repeated.
    - c. Questions directly or indirectly implying the existence of insurance shall not be permitted.
    - d. Questions placing the potential jurors in the position of any of the parties as to liability or damages (hypothetical, etc.) shall not be permitted.
    - e. Questions leading to the indoctrination or pre-education of jurors toward a specific theory, defense, witness or evidentiary point are prohibited.
  7. VIOLATIONS OF THE ABOVE RULE MAY RESULT IN THE TERMINATION OF COUNSEL’S RIGHT TO FURTHER QUESTIONING.
- iii. Opening Statements:
1. If counsel intends to use exhibits in opening statements, it is expected that they will have previously shown the exhibit(s) to opposing counsel. If there is an objection to the exhibit, the Court will conduct a good faith hearing prior to the opening statement and rule on the objection. If the Court hears no objection, then the Court will assume that there is no objection.
- iv. Taking of Evidence and Objections Thereto:
1. If evidence depositions are used, it is the Parties’ obligation to secure rulings on objections before their use. Said objections should be brought to the Court’s attention in sufficient time to have the depositions edited prior to their contemplated use. When ruling on objections in evidence depositions, the Court is to be given a transcript of the deposition with the pages where the objection appears.
- v. Objections:
1. The Court does not allow speaking objections before a jury. The attorney or party need only say “Rule 213,” “Hearsay,” etc. If the Court requires further explanation or if the attorney/party requests to be heard on the objection, the attorneys/parties, and Court will retire to Chambers to hear the discussion and basis.
  2. In the case of a Rule 213 objection, it is the obligation of the party proffering the opinion to show that the opinion has been previously disclosed either via answers to interrogatories, depositions, etc.
- vi. You do not need the Court’s permission to approach a witness. However, be respectful of the witness’ space. If you are going to show a witness an exhibit, make sure the opposing counsel sees the exhibit first.

**VI. MISCELLANEOUS**

**a. Court Reporters**

- i. Parties wishing to have a record of any hearing must provide their own court reporter. The Court requires the movant to provide a court reporter for hearings on all motions to transfer based upon *forum non conveniens*.

**b. Communications with the Court**

- i. Any written communication with the Court about a case (no matter how perfunctory) must be copied to all parties and provided to the Court in a manner that results in the other parties and the Court receiving it the same day.

**c. Pro se litigants**

- i. A party who represents himself or herself is referred to as a pro se party. Such a party is not afforded any special status; therefore, all pro se parties must comply with this Standing Order, the Rules of the Circuit Court of Cook County, the Illinois Code of Civil Procedure, and the Illinois Supreme Court Rules. These Rules and the Code can be found in the Cook County Law Library located on the 29th floor of the Richard J. Daley Center.