

**In the Circuit Court of Cook County, Illinois
County Department – Law Division**

INDIVIDUAL COMMERCIAL CALENDAR “W”

Judge Charles R. Winkler

STANDING ORDER

Effective June 18, 2008

This standing order supersedes the prior order and is updated in an effort to establish a procedure to assist all parties and attorneys in cases which are assigned to Calendar “W” after filing.

After filing any pleading with the Clerk of the Court, a courtesy copy **MUST** be delivered to courtroom 2304.

INTAKE STATUS CALL

Wednesday – 9:30am

The INTAKE STATUS CALL will affect all cases that have been assigned to Calendar “W” upon filing and all cases that are transferred to or assigned to Calendar “W”.

The INTAKE STATUS CALL will be held approximately 120 days after filing. The Clerk of the Circuit Court will cause a postcard notice to be sent to all parties of record. Notice will also be published in the Chicago Daily Law Bulletin.

Failure of any party to appear at the INTAKE STATUS CALL may result in a Dismissal for Want of Prosecution of the claim(s). Counsel or pro-se litigant familiar with the facts pertaining to the issues in the case **MUST** be present and **ABLE** to inform the Court of the status of service and discovery.

At the INTAKE STATUS CALL, all parties **MUST** submit to the Court a pretrial memorandum which must be served upon each party that has filed an appearance in the action. The memo, not to exceed two pages, must summarize the nature of the dispute, the last demand and offer to settle and the reason why the case has **NOT** settled.

At the INTAKE STATUS CALL, the Court will make a determination as to whether the case should be on the Commercial Calendar or if it should be transferred to the Municipal Division. The Court may require the plaintiff to submit a detailed affidavit of damages and set the case for further INTAKE STATUS.

CONTINUED STATUS CALL

Everyday – 9:00am to 9:30am

In order to monitor the progress of each case, the Court will set a CONTINUED STATUS CALL date. **Counsel or pro-se litigant familiar with the facts of the case must appear.** Failure to do so may result in sanctions. The CONTINUED STATUS CALL will generally be held everyday at ten (10) minute intervals commencing at 9:00am until 9:30am. When the Court has

available time at other hours, the Court will also use that time for continued status reports. The dates and times for all continued status reports will be set by Court order only. All dates will be obtained from the Coordinator.

NOTE: Motions may be noticed for hearing at the CONTINUED STATUS CALL date **ONLY IF** a Sup. Ct. Rule 201(k) conference has been held and a courtesy copy of the motion has been delivered to chambers.

WRITTEN/ORAL DISCOVERY

WRITTEN DISCOVERY in the form of **written interrogatories, requests for production and requests for admission of fact or of genuineness of documents** should be completed as the first step in discovery. Compliance with these requests for discovery should be completed prior to noticing depositions. Requests for taking depositions, for the purpose of preserving testimony, prior to the completion of WRITTEN DISCOVERY will be allowed upon motion, with notice to all parties, if good cause is shown.

OPINION DISCOVERY

Since parties as well as other witnesses may be called to give “opinion” testimony at a trial, all parties should use written interrogatories (S.C. Rule 213 (f)) to learn of:

- a. the identity of,
- b. the opinions held by, and
- c. the basis for the opinions

as to all parties, their employees, any “occurrence” witnesses and other fact witnesses.

ORAL DISCOVERY in the form of **depositions** from all parties, employees, “occurrence” witnesses and fact witnesses should also include the area of “opinions” held and the basis therefore. Inquiry as to “opinions” should be made during the initial deposition of the witness so as to avoid a request for a second deposition.

In all cases where opinion testimony from a “**RETAINED EXPERT**” may be required or should be expected to be offered concerning any issue (liability, custom and practice, value, damages, etc.) **disclosure of identity, opinions held and basis for opinions and the taking of depositions** shall proceed in the same order as the burden of proof at trial.

DISCOVERY DISPUTES

If discovery disputes arise, the parties **MUST** engage in Sup. Ct. Rule 201(k) personal conference and attempt to resolve the dispute **prior** to spindling the motion in the Clerk’s Office in Room 801 or noticing any motion for sanctions or other relief concerning the dispute. **After** completing the 201(k) conference, a motion in regard to the dispute may be noticed for presentation/hearing at the next CONTINUED STATUS CALL date that has been set by prior Court order or at the next available date obtained from the Clerk’s Office in Room 801 for the REGULAR MOTION CALL. Failure to observe this 201(k) conference requirement may be cause to **DELAY** the motion.

EMERGENCY MOTIONS

8:45am daily

EMERGENCY MOTIONS are limited to those situations where the **necessity** to be heard as an emergency was **not caused by inaction** of the movant, and will **ONLY** be heard after movant has had a personal 201(k) conference with opposing parties or counsel.

Provided the above requirements are met, EMERGENCY MOTIONS will be **heard at 8:45am** everyday in courtroom 2304 unless transferred to another judge when courtroom 2304 is unable to hear the matter or Court is not in session.

ROUTINE MOTIONS

8:45am daily

1. Motion to Appoint a Special Process Server (must set forth the circumstances establishing need).
2. Stipulation to DISMISS the entire Cause WITH PREJUDICE.
3. Stipulation to DISMISS certain COUNTS or PARTIES but the cause to remain pending as to other counts or parties.
4. Motion to DISMISS any naked land trustee after beneficiaries of trust have been identified by name and last known address.
5. Motion for leave to have ALIAS SUMMONS issued.
6. Any motion with an EXECUTED STIPULATION or SIGNED AGREED ORDER.

DEFAULT MOTIONS

Motions for Default must be spindled at the MOTION DESK in Room 801 of the Richard J. Daley Center or noticed for presentment at any previously set court date with courtesy copies provided to the Court and opposing party.

Requirements for DEFAULT/DEFAULT JUDGMENT:

1. copy of complaint with verification (if applicable);
2. photo copy of the return of service on summons upon which jurisdiction over the party is based;
3. Notice of Motion and Motion for Default/Default Judgment which has been served upon the party to be defaulted;
4. Military Affidavit as to any individual defendant;
5. Affidavit as to calculations of damages (original amount of indebtedness, accrued interest, finance or service charges and attorney's fees).

REGULAR MOTIONS

Thursday 9:00am – 10:00am

The REGULAR MOTION CALL is limited to those Motions which have been spindled at the MOTION DESK in Room 801 of the Richard J. Daley Center.

The REGULAR MOTION CALL will be heard **EVERY THURSDAY** between 9:00am and 10:00am (15 motions at 9:00, 10 motions at 9:30). Contested matters will be set for hearing by Court Order. In all probability, a briefing schedule will be set with a Clerks Status date to follow.

All REGULAR MOTIONS and any attachments **MUST** be served upon all appearing parties and a courtesy copy delivered to courtroom 2304.

If no opposition to a properly noticed REGULAR MOTIONS is indicated to the Court, the Motion may be granted instanter. If the Motion is opposed, the Court will most likely dispose of the motion by ruling of the merits after allowing brief comment by the parties. If the Court determines that the motion should be briefed and/or responded to by the parties, the matter will be set of the Clerks Status Call.

CLERKS STATUS CALL

Tuesday - 8:45am

The Clerks Status Call will be set on a Tuesday following the completion of a briefing schedule. The moving party must provide the Court with a COMPLETE set of courtesy copies of ALL documents including the MOTION, RESPONSE, REPLY, complaint, pleading being attacked, applicable deposition transcripts and exhibits. These must be submitted in **written** form.

A hearing date on the motion will be given by the Coordinator if all of the above documents have been provided to the Law Clerk at the Clerks Status Call.

No continuance of the briefing schedule of Clerks State Call will be granted without leave of Court.

Lack of compliance with any of the above may result in either striking or ruling on the motion without hearing.

No supplemental briefs or citations may be filed without leave of Court.

DISPOSTIVE MOTIONS

TO ASSIST THE COURT, ALL DISPOSITIVE MOTIONS MUST ATTACH A COPY OF ALL PLEADINGS THAT PERTAIN TO THE MOTION. A courtesy copy of all pleadings MUST be delivered to courtroom 2304 upon filing with the Clerk of Court.

ALL MOTIONS, RESPONSES AND REPLIES MUST BE SUBMITTED IN WRITTEN FORM and must be double spaced.

Motions to **Strike/Dismiss (2-615)**: any pleading must contain a copy of the pleading that is being attacked. The Court will set a briefing schedule and a Clerks Status Call date.

Motions to **Involuntarily Dismiss (2-619)**: must contain a copy of the pleading being attacked. The Court will set a briefing schedule and a Clerks Status Call date.

Motions for **Summary Judgment (2-1005)**: whether as to a party or an issue, is deemed proper only **after** completion of necessary discovery that pertains to that party or issue. The motion **must be file and noticed at least 60 days prior to trial** unless ordered by the Court. The Court will set a briefing schedule and a Clerks Status Call date.

MEMORANDUM OF LAW and/or **BRIEF** of movant is to be attached to any dispositive motion when filed. The totality of the motion and brief or memorandum is **limited to 16 pages**. Supporting affidavits or exhibits not exceeding 16 pages may be attached to the motion when filed. **ONLY EXCERPTS** from depositions, document or exhibits and **NOT THE ENTIRE** deposition, document or exhibit should be attached to the motion.

RESPONSES and any **MEMORADUM OF LAW** and/or **BRIEF** will be limited to **18 pages** in length. **Affidavits** and/or **exhibits** will also be limited to **18 pages**. A **REPLY** will be limited to **6 pages**. **Affidavits** and/or **exhibits** will also be limited to **6 pages**.

Briefs filed in excess of the page limits will not be accepted by the Court.

No supplement briefs or citations may be filed without leave of Court.

SETTLEMENT CONFERENCES

All parties are encouraged to explore a negotiated settlement. To assist whenever possible, the Court, upon request, will conduct a SETTLEMENT CONFERENCE. If there is no jury demand, any party may request another judge to conduct a SETTLEMENT CONFERENCE. Settlement conferences are set upon the understanding that **attorneys with authority and their clients must be present** unless excused by order of Court. Forty-eight hour notice must be given to the Court and opposing party if any party is unavailable for meaningful pretrial. Requests for SETTLEMENT CONFERENCES may be made at a status call or upon motion and must be agreed to by all parties.

MEDIATION

Since April, 2004, 55% of the Law Division cases referred to mediation have settled. There are over 200 court-certified mediators participating in the Court-Annexed Mediation Program. The list of mediators is available for inspection in Room 2304. To obtain a copy of the list, go to the Law Division Assignment Room, 2003. Attorneys are to inform their clients of the benefits of proceeding to resolve their disputes through mediation or arbitration. When appropriate, the Court will order any contested civil matter pending in the Law Division to mediation by entering an Order of Referral. An Order of Referral may be entered *sua sponte* or upon the motion of any party. Further, the parties may file a written stipulation to mediate any case or issue between them at any time and such shall be incorporated into the Order of Referral.

FINAL PRETRIAL CONFERENCE

FINAL PRETRIAL CONFERENCES will be held in all matters at least **fourteen (14) days** prior to a set-trial date. At least ten (**10) days** prior to the FINAL PRETRIAL CONFERENCE, parties **must exchange** and **deliver to courtroom 2304** the following:

1. Name and address of ALL WITNESSES who MAY TESTIFY on behalf of any party.
2. Name and address of all persons or entities that MAY come out during the testimony of any witness.
3. A list of documents or exhibits that MAY be used at any time during the trial for any of the following purposes:

- a. Demonstrative Evidence;
 - b. Substantive Evidence;
 - c. Impeachment, and
 - d. Refreshing Recollection.
4. A statement of uncontested events or facts for the Judge in a Bench Trial or to be read to the Jury in a Jury Trial.
 5. All MOTIONS IN LIMINE.
 6. An affidavit of compliance with Sup. Ct. Rule 237 notices.
 7. A COMPLETE SET of Proposed Jury Instructions.
 8. If BENCH TRIAL, a simple statement of relevant law not to exceed 5 pages.

TRIALS

TRIALS will begin on Mondays at 10:30am unless otherwise specified by order of Court.

REQUESTS FOR CONTINUANCE OF TRIAL **MUST** be served upon ALL parties and must also be delivered to courtroom 2304 at least four (4) court days **PRIOR** to the **TRIAL DATE** in the form of a WRITTEN MOTION SUPPORTED BY AFFIDAVIT (per Sup. Ct. Rule 231). All objections to the motion or affidavit shall be in writing. Costs **MAY** be assessed if the continuance is granted.

CASES SETTLED BY AGREEMENT

When a case is to be dismissed by agreement, the parties **MUST** use dismissal order form CCG 0002. On the form, check one of the boxes. Check box 1 if the settlement was a result of voluntary mediation. Check box 2 if voluntary mediation was not utilized in reaching the settlement. A mediation by order of court (Court-Annexed Mediation) is not voluntary mediation.

ACKNOWLEDGEMENTS

There are over 600 cases pending on Individual Commercial Calendar "W". Without the assistance of Susan McNamara, Coordinator, David Hyde, Law Clerk, Bertha Jefferson, Court Clerk and Deputy Mary Ventrella, the Court could not function. Thank you all for your commitment.

Enter _____
Judge Charles R. Winkler