

HONORABLE MICHAEL T. MULLEN

STANDING ORDER

CALENDAR 8

ROOM 2510

(312) 603-6032

EMAIL: haley.comella@cookcountyil.gov; mackenzie.durkin@cookcountyil.gov

Zoom Meeting ID: 966 9558 1801

Zoom Meeting Password: 160424

Zoom Call-in Number: 312-626-6799

Law Clerks: Haley Comella and MacKenzie Durkin

Court Clerk: TBD

Court's Schedule:

9:30 a.m. Regular motions/Case management/Clerk's Status

10:00 a.m. Initial Case Management Conference

11:00 a.m. Contested motions/hearings and trials

1:30 p.m. Pre-trials/settlement conferences

2:00 p.m. Contested motions/hearings and trials

The purpose of this standing order is to establish pretrial and trial rules and procedures intended to aid attorneys and litigants participating in litigation pending on this Calendar. The Court will consider exceptions to these procedures under special circumstances.

I. COVID-19 COURTROOM PROCEDURES

- a. The parties have the right to appear in person in court. However, given the risks posed by the Covid-19 virus, it is Judge Mullen's preference that as much be done remotely as possible.
- b. Given the preference for remote appearances, the Court Call shall be conducted digitally via Zoom or, alternatively, telephonically upon request by the parties.
- c. Parties will use the above **Zoom Meeting ID and Password** to appear remotely.
- d. Parties must be muted until instructed otherwise by the Judge.**
- e. The remote appearances will be conducted according to the above schedule, 9:30 a.m. for motion presentment, case management and status call. Any contested hearing, pretrial settlement conference, or trial shall be separately set by the Court.
- f. **Agreed Orders are encouraged in lieu of appearing remotely.** If the parties wish to provide an agreed order, in word format, to the Court via email to Judge Mullen's law clerks instead of appearing remotely that is preferred.
- g. If the parties are late to their scheduled court date and time, then the Court retains the right to strike said date, DWP or default the parties as the Court finds appropriate.

- h. The remote court call is open to members of the public who must be muted without video during Court proceedings. The Court retains the discretion to remove any disruptive individuals.
- i. **Recording Prohibited by Law.** *Any video recording, audio recording, photographing and/or reproducing of the livestream is strictly prohibited. The recording, publishing, broadcasting or other copying or transmission of courtroom proceedings by video, audio, still photography or any other means is strictly prohibited by Illinois Supreme Court Rule 68(A)(8) and is subject to the penalties for contempt of court.*
- j. Entered Orders will be returned to the parties by the Clerk’s Office via email. If the parties do not receive a copy of the Entered Order within 3 business days after the hearing, please contact the law clerks.

II. INITIAL CASE INFORMATION SHEET

The parties shall complete an **Initial Case Information Sheet** and furnish it to the Court to assist in the management of the case. Copies of this form are available in the front of Room 2510 or on the Cook County Circuit Court’s website.

III. ROUTINE MOTIONS

- a. Routine motions will be accepted as “drop-offs” and do not require a court appearance.
- b. Routine motions should be emailed to the law clerks along with
- c. placed in the “Courtesy Copies” bin outside Room 2510, along with a copy of a DRAFT ORDER in word format granting the relief requested at least one court day before the order will be entered by this Court.
- d. Proper notice is required. (See Circuit Court Rule 2.1). The notice should indicate when the routine motion will be dropped off. If the Court receives no objection to the routine motion, stamped copies of an order granting the requested relief will be provided to the parties by the Clerk’s Office via email. However, the Court retains discretion to reject draft orders or routine motions that the Court determines, in its discretion, should not be granted.
- e. The Court will only consider the following motions as “routine”:
 - 1. Motions for leave to file an appearance, answer, or a motion;
 - 2. Motions to appoint special process server (notice not required);
 - 3. Agreed orders to extend time to file pleadings or briefs, continue of a court date, or amend a briefing schedule;
 - 4. Agreed dismissal orders; and
 - 5. Motions for voluntary dismissal.

- f. Parties do NOT need leave from the Court to issue an alias summons and may do so at any time after the commencement of suit.
- g. **Agreed dismissal orders** must contain the original signature of all parties and/or their counsel. Please be sure to strike all future scheduled dates.
- h. All other motions must be spindled with the Clerk’s Office in Room 802 for presentment to the Court.

IV. CASE MANAGEMENT CONFERENCES

- a. Case management conferences are held at **9:30 a.m. daily**. At the first court appearance, the parties should be prepared to submit courtesy copies of their pleadings (*i.e.*, the complaint, answer, any affirmative defenses, counterclaims or cross-claims) and the **Initial Case Information Sheet**.
- b. Counsel with authority to commit to all scheduling orders must appear at the case management conference and be prepared to inform the Court as to: status of service of process upon each defendant; the nature of the litigation; the status of the pleadings; any pending or contemplated motions; and all contemplated or completed discovery.
- c. Failure to appear at the case management conference may result in dismissal for want of prosecution or an order of default.

V. REGULAR MOTIONS

- a. **Scheduling** – The Court’s regular motion call is at **9:30 a.m. daily**. A regular motion must be spindled on the Chancery Division’s electronic docket located in Room 802. The Clerk’s Office will provide all dates. The staff in Room 2510 cannot assist a party in scheduling a regular motion.
- b. **Courtesy copies** – File-stamped courtesy copies of all regular motions, including electronically filed motions, must be placed in the “Courtesy Copies” bin outside Room 2510 at least FOUR (4) business days before the presentment date. Failure to do so may result in the motion being stricken. This requirement stands as of July 26, 2021.
 - 1. **NOTE:** *When any submission is filed through the Clerk's electronic filing procedure, the Court does not receive notice of the filing or a copy of the filed submission.*

- c. **Motions for default** – All parties who have been served shall be given notice pursuant to Circuit Court Rule 2.1 without regard to whether an appearance has been filed. A motion for default must contain:
1. A copy of the notice and motion;
 2. Face of the summons;
 3. The certificate of the officer or affidavit of the person who served the summons;
 4. An attorney or self-represented litigant certificate, certifying that both the court file and the docket have been checked for any appearance or answer filed by the defendant; and
 5. A military affidavit, if the defendant is an individual.
- d. **Motions to compel and other discovery motions** – Prior to bringing a motion related to discovery, the parties shall strictly adhere to Illinois Supreme Court Rule 201(k), which provides:

The parties shall facilitate discovery under these rules and shall make reasonable attempts to resolve differences over discovery. Every motion with respect to discovery shall incorporate a statement that counsel responsible for trial of the case after personal consultation and reasonable attempts to resolve differences have been unable to reach an accord or that opposing counsel made himself or herself unavailable for personal consultation or was unreasonable in attempts to resolve differences.

- e. **Motions to file amended pleadings** – A motion to file an amended pleading must be accompanied by a black-lined version of the proposed pleading.

VI. EMERGENCY MOTIONS

- a. **Procedure.** Emergency Motions must be scheduled with one of Judge Mullen’s Law Clerks in Room 2510 no later than 4:00 p.m. Dates and times will not be given over the telephone. The movant shall present the motion, relevant pleadings, attachments, affidavit(s) and complaint stating the basis for the emergency to the law clerks *via email*. If the matter is a true emergency, an immediate hearing date will be set and movant shall provide notice to the opposing parties or their counsel.
- b. **True Emergencies.** Generally, a true emergency exists only where: (1) there was no opportunity to notice a motion for the regular motion call; and (2) without immediate court action, there will be irreparable

damage to a party. Matters that have become urgent by reason of a party's failure to seek timely relief are not emergencies and will not be scheduled as an emergency.

VII. TEMPORARY RESTRAINING ORDER (“TRO”) MOTIONS

TRO motions should be presented according to the emergency motion procedure.

- a. The movant must notify all parties of the date and time of the TRO hearing. The Court may allow a TRO hearing to be held *ex parte* only if it clearly appears from the specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss, or damage will result to the applicant before notice can be served and a hearing had thereon. See 735 ILCS 5/11-101.
- b. TRO motions must be accompanied by a verified complaint or an affidavit in compliance with 735 ILCS 5/11-101.
- c. A courtesy copy of the TRO motion, including proof of notice, as well as all supporting documents, must be delivered to Chambers prior to any hearing.

VIII. BRIEFS

- a. The Court's form order should be used for a briefing schedule on any contested motion.
- b. There is a **15-page limit** on motions and briefs in support (collectively, the motion and brief in support must be 15 pages or less), a **15-page limit** on response briefs and a **7-page limit** on reply briefs. The page limitation excludes attached pleadings and exhibits. All briefs should be double-spaced with **12-point font** and at least **1-inch margins**. All exhibits should be page-numbered and tabbed.
- c. A sur-response or sur-reply will be allowed only if the Court deems it necessary, and a party makes such a request by written motion.
- d. Case authorities should be cited to the official reporter. Counsel are advised that court personnel have access only to LEXIS.

IX. CLERK'S STATUS

- a. At the clerk's status, if courtesy copies have been received, Judge Mullen's Law Clerk will set a hearing date and time on the fully-briefed motions.
- b. The movant is responsible for submitting the file-stamped courtesy copies of the fully-briefed motion, unless otherwise ordered by the Court.
- c. If the movant fails to appear at the clerk's status, the motion may be stricken.
- d. If the respondent fails to file a written brief in response to the motion, the respondent will be deemed to have waived oral argument.

X. HEARINGS

All hearing dates and times will be set by the Court. Hearing dates are firm. Any request to continue a hearing date (unless agreed) must be made by written motion in advance of the hearing.

XI. SETTLEMENT CONFERENCES

- a. Parties may request a settlement conference. A settlement conference is set pursuant to the parties' agreement that anything done or said at the settlement conference shall not serve as the basis for any motion for substitution of judge pursuant to 735 ILCS 5/2-1001(a)(2) and/or (a)(3), and that they agree to participate in the settlement conference in good faith.
- b. At least seven (7) days prior to the settlement conference, each party must submit to the Court, and exchange with opposing counsel, a brief memorandum advising the Court of the nature of the claims and defenses, as well as the most recent settlement demand and offer. Failure to do so may result in the settlement conference being stricken.
- c. Counsel is expected to have authority to settle the case. Client(s) must be present for the settlement conference unless excused by the Court.

XII. TRIALS

Trial materials – The parties’ trial materials (listed below) must be brought to pre-trial. If no pre-trial is set, trial materials must be delivered to Chambers not less than ten (10) calendar days before the trial date. Failure to comply with this requirement may result in dismissal, default or other appropriate order. The parties are strongly encouraged to submit joint or agreed trial materials to the extent possible. To the extent that separate trial materials are submitted, they must be accompanied by a statement detailing the good faith efforts of the parties to agree on a joint submission. Trial materials include:

1. A joint short statement of the nature of the case;
2. A joint statement of agreed facts;
3. A list of all potential witnesses;
4. A complete list of all exhibits each party intends to use, including the nature of any objections raised by any party to their admission. Note: when there is no objection to an exhibit, the exhibit should be marked “stipulated into evidence”;
5. Copies of any Supreme Court Rule 216 requests to admit and any responses which a party anticipates using at trial;
6. Copies of all motions *in limine* and supporting and opposing memoranda. Note: motions *in limine* must be discussed between and among counsel in advance of the final pretrial conference to ensure that the motions remaining are those that the parties in good faith cannot resolve before trial;
7. An affidavit of compliance with all Supreme Court Rule 237 notices and a statement of all outstanding disputes regarding such notices;
8. Parties expecting to offer opinion testimony shall make available, but not tender, any responses to Supreme Court Rule 213 interrogatories (with any supplements) and/or deposition testimony that will support the opinion testimony being offered at trial. The Court will request these responses be tendered if it deems such information necessary. If testimony is challenged at trial as not being in compliance with Rule 213, the proponent will ordinarily be expected to promptly locate the previous disclosure demonstrating compliance with the Rule’s requirements; and
9. Copies of evidence depositions, if there are objections requiring rulings.

XIII. COURT REPORTERS

Counsel should be aware that there are no official court reporters assigned to Chancery Division courtrooms. Any party desiring a transcript of proceedings of any matter heard on Calendar 8 is responsible for providing a private court reporter.

ENTERED: July 26, 2021

/s/ Michael T. Mullen
Judge Michael T. Mullen