

CIRCUIT COURT OF COOK COUNTY, ILLINOIS
CHANCERY DIVISION, MORTGAGE FORECLOSURE/MECHANICS LIEN SECTION
STANDING ORDER, CALENDAR 59
JUDGE EDWARD N. ROBLES

Courtroom 2801
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This Standing Order supersedes all prior Standing Orders regarding pending cases assigned to Calendar 59 in Room 2801 of the Richard J. Daley Center, Chicago. All prior Standing Orders of this Calendar are hereby vacated. This Standing Order serves as a supplement to the Mortgage Foreclosure/Mechanic's Lien Section ("MF/ML") Courtroom Procedures. Parties should obtain a copy of the MF/ML Courtroom Procedures from the reception desk on the 28th floor.

1 Scheduling Motions, Generally:

Motions must be spindled and filed with the Clerk's office in room 802. Motions piggybacked *with* leave of court, motions to appoint a receiver or mortgagee in possession, and emergency motions must be filed with the clerk's office but need not be spindled.

1.1 Motions in Default Cases:

Motions in Default cases are heard M, T, W and Th. at 10:00 a.m. Default cases are those cases where no defendants have appeared, except junior lienholders not contesting priority. The MF/ML Courtroom Procedures provides a list of motions allowed on the default call. In addition to those, if no objections are anticipated, then (1) a motion to substitute counsel, (2) a motion to substitute a party, or (3) a motion to voluntarily dismiss a claim, may also be scheduled on the default call.

1.2 Case Management Conferences:

The Clerk of the Circuit Court sets Case Management Conferences (CMCs) and sends postcards to the parties indicating the date and time that it will be heard. CMCs are scheduled on the Default Call. Motions are not to be noticed or Piggy-backed onto the CMC. CMC forms are available on the clerk of court's website: <http://www.cookcountyclerkofcourt.org/?Section=FormsPage&FormsPage=3800&FO RMNAME=&TITLE=&Submit=Submit>.

1.3 Motions in Contested Cases:

Contested cases are spindled for presentment on M, T, W and Th. at 2:00 p.m. Parties should come prepared to argue motions at first presentment. The court will only request briefing on motions where briefs would be beneficial to the court; generally, the court does not require briefing of 2-615 or 2-619 motions.

1.4 "Piggybacked" Motions:

"Piggybacking" a motion onto a previously-scheduled court date in the same case, is *only* allowed with prior leave of court. Parties may request leave to piggyback a

motion while in court for a hearing, or by calling chambers at least five court days in advance of the requested date. Generally, motions to substitute a party or attorney, motions to withdraw as counsel, and motions for extension of time may be piggybacked on to existing motion dates. No piggybacking is permitted on case management conferences or motions to appoint receiver.

2 Scheduling Emergency Motions:

The movant must comply with the General Administrative Order NO. 2018-05 regarding Mortgage Foreclosure Emergency Motion Procedures. Emergency motions are heard Monday through Thursday at 10:00 a.m. in Room 2801.

2.1 Emergency Motions Defined:

Emergency motions must involve some circumstance which could lead to irreparable damage to a party if relief is not obtained before the party can be heard on the regular motion call. See *Nagel v. Gerald Dennen & Co.*, 272 Ill. App. 3d 516, 519-20, 650 N.E.2d 547, 550 (1st Dist. 1995), defining emergencies. The most common emergency motions are:

- 2.1.1 Motions to Stay Judicial Sale, which should fully inform the court of all relevant facts and circumstances, including: when the case was filed, the date(s) defendants were served, when the foreclosure order was entered, the originally-scheduled sale date, and whether any previous stays were entered. All documents relevant to the request must be attached to the Motion, e.g. short sale contracts, loan modifications, etc.;
- 2.1.2 Motions to Stay Possession, which must include date of possession in motion; and
- 2.1.3 Motions to Appoint Receiver/Mortgagee in Possession, which will only be entertained when the motion alleges an immediate health or safety threat.

Motions to Appoint Receiver that are not emergencies are also scheduled through Chambers on the Court's Receivership Call, see below.

2.2 To Schedule an Emergency Motion:

A copy of the proposed emergency motion must be brought to the reception area of the 28th floor no later than 3:30 p.m. the day before desired presentment (but preferably several days before). Emergency Motions will not be scheduled over the phone nor will the court entertain oral emergency motions. Court staff will determine if the motion will be placed on the emergency call. No notice of an emergency motion should be sent to any opposing party until the motion has been cleared for placement on the emergency call by the judge's office. Movant must have an appearance on file before presenting their emergency to the Law Clerk. Parties must bring a file-stamped copy of their appearance to court on the presentment date of their motion.

2.3 Once Scheduled:

If the motion is placed on the emergency call, the moving party must then file the motion in Room 802 and deliver a file-stamped copy to the reception area of the 28th floor. Further, a notice of motion listing the presentment time and date, and the motion must be sent to the opposing attorney/party by means reasonably calculated to reach the opposing side in time for him/her to attend the scheduled time such as fax or hand-delivery; at the latest, opposing counsel must *receive* notice no later than 4:00pm the day before presentment.

3 Motions to Appoint a Receiver or Mortgagee in Possession:

3.1 Scheduling A Motion to Appoint:

The court entertains motions for appointment of a receiver or mortgagee in possession on Mondays through Thursdays at 2:00 p.m. After the motion has been filed, a date may be obtained from chambers either by phone or in person through the 28th floor reception desk.

3.2 Courtesy Copy Contents:

A motion to appoint a receiver must be accompanied, by:

- a copy of the complaint with the mortgage(s), and note(s);
- the resume or curriculum vitae of the proposed receiver;
- the receiver's fee schedule;
- proof of service of process on all Defendants, particularly those whose possessory interest may be affected by the receivership, as required by section 15-1706(d) of the Illinois Mortgage Foreclosure Law;
- Calendar 59's form order for the appointment of a receiver is available in Courtroom 2801, as well as in electronic form through the Circuit Court of Cook County's website at:

<http://www.cookcountycourt.org/Portals/0/Chancery%20Division/Forms/Form%202020%20-%20Model%20Receiver%20Order.pdf>

3.3 Receiver's Presence Required:

The Court requires that either the receiver or a representative from his or her office be present for the motion to appoint him or her and all future court dates relating to the receivership. Furthermore, the receiver must comply with the Instructions for Receivers in Foreclosure Cases. A copy of the instructions is available in Courtroom 2801 as well as in electronic form through the Circuit Court of Cook County's website at:

<http://www.cookcountycourt.org/Portals/0/Chancery%20Division/Forms/Form%2021%20-%20Receiver%20Instructions.pdf>

The court requires strict compliance with the Instructions for Receivers in Foreclosure Cases.

3.4 Receiver's Bonds.

The order appointing the receiver will not become effective until the Court has approved the bond. The bond must be issued by a court-approved surety and signed by a court-approved "attorney-in-fact" for that surety. See Ill. R. Cir. Ct. Cook Co.,

R 9.2. The bond must have: (1) a raised seal, (2) the signature of the receiver, and (3) a signature block for the judge. Further, the bond must be dropped off for court approval at the reception desk on the 28th floor and not filed in Room 802. To expedite approval of the bond, the court requires a copy of the order appointing the receiver, the original bond plus 2 extra copies, and the receiver's contact information.

4 Off-Call Orders (need not be presented in court):

The following routine motions need not be presented in open court:

- Motions to appoint a special process server
- motions to dismiss as provided for in the MF/ML Courtroom Procedures
- Receiver's bonds.

Motions should be clearly marked "Off Call." Parties may pick up completed orders from the reception desk on the 28th floor. Off-call orders are generally completed within one week of receipt.

5 Parties Representing Themselves ("Pro Se" Litigants):

A party who participates in the case without an attorney must comply with established rules of court procedure, including the rules on how to prepare pleadings found in the Illinois Code of Civil Procedure and Illinois Supreme Court rules in the same manner as required of licensed attorneys. These rules are on the internet at www.ilga.gov and www.state.il.us/court/SupremeCourt/Rules and are available in book form in the Cook County Law Library on the 29th floor of the Daley Center. The Chancery Division Help Desk in room CL-16 of the Daley Center also provides advice to self-represented parties. Note that a "pro se" litigant classification provides no special legal status.

6 Court Reporters and Interpreters.

Parties are responsible for court reporting services. The court requires that parties provide a court reporter for evidentiary hearings. The Daley Center provides Spanish and Polish Interpreters when needed. Interpreters for other languages can be obtained with prior notice to court staff by calling (312) 603-3893. Please provide several weeks' notice if your case will require an interpreter.

7 Courtesy Copy Requirements:

The moving party must provide copies of all briefs and motions to the court (7) seven court days prior to presentation or hearing of the motion so that the court can review them. **If courtesy copies are not provided to the court in advance, the matter will not be heard.** Due to the high volume of cases and limited filing space, the court disfavors receiving courtesy copies more than three weeks in advance.

All notices of motion, motions, and orders submitted for the court's review must include the case's full caption, with the names of all parties and the subject property's common address.

7.1 Judgment of Foreclosure (JOF) Packet Contents

The court requires that courtesy copy packets that include a motion for Judgment of Foreclosure include the following:

- Notice of Motion;
- Complaint, with all exhibits including Mortgage(s) and Note(s);
- Assignments, if any, and merger/successor documents, if any;
- Certificate of Service of Process, with proof of service on all defendants;
- All other Motions;
- Bank Affidavit (unless it is attached to a motion);
- Attorney Affidavit of fees and costs, if sought—including detailed billing if fees exceed \$2,700;
- Military Affidavit (as required by the Service-member’s Civil Relief Act)

Any previously-filed documents that the court would need to review in order to grant the motions should be included in the courtesy copies. The court does not retain courtesy copies when a motion is continued.

7.2 Order of Approving Sale (OAS) Packet Contents

The court requires that courtesy copy packets that include a motion for Order Approving Sale include the following documents:

- Notice of motion
- Report of sale
- Motion for order
- Motion for immediate possession (if any)
- Receipt of sale
- Certificate of sale
- Notice of sale
- Proposed order approving report of sale and possession.

If the plaintiff is seeking a personal deficiency judgment the court requires the following additional documents:

- Complaint with all exhibits;
- Judgment of Foreclosure;
- Affidavit of service of process on defendants claimed personally liable;
- Broker’s Price Opinion (“BPO”) or Appraisal;
 - A broker’s price opinion (BPO) or appraisal of the value of the property prepared and executed by a disinterested third-party professional not greater than 60 days prior to the date of the judicial sale, unless otherwise ordered by Judge Robles.
- Memorandum of Judgment (if any)

As with all items delivered to the court, copies of all these documents, including the BPO, must be filed with the clerk of court and communicated to all parties.

8 Appearance Required.

Except for a petition to intervene, no motion, including emergency motions, may be presented unless the movant has filed an Appearance with the Clerk of the Court in Room 802. See Ill. Sup. Ct. R., 13(c)(1); Ill. R. Cir. Ct. Cook Co., R 1.4(a).

9 Citation to Discover Assets:

Citations to discover assets are heard in the Law Division (Tax Section). In order to properly transfer matters to the Law Division, Judge Robles will sign a transfer order upon presentation of proper motion. A hearing date may be obtained from the clerk's office in room 802, and proper notice of hearing must be sent to all parties of record and courtesy copies should be provided to the court. Transfer requests **will not** be approved or entered off-call.

10 Courtesy Call to Chambers:

As a courtesy to the court, please contact chambers staff at 312-603-4283 if any fully-briefed matter has been resolved and will not be heard.