

# CIRCUIT COURT OF COOK COUNTY

DOMESTIC RELATIONS DIVISION

INDIVIDUAL CALENDAR 63-ROOM 2002

Judge Matthew Link

Court Coordinator: Roxanne DeJulius (312) 603-5913

## **STANDING ORDER**

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### **1. GENERAL**

- a. The purpose of this order is to set out general courtroom procedures for cases assigned to Calendar 63. The court reserves the right to modify these procedures when appropriate.
- b. In the event of any inconsistency between this Standing Order and any order entered in a particular case, the order in the case controls to the extent of the inconsistency.
- c. All persons and attorneys litigating in the Domestic Relations Division should be familiar with Part 13 of the Rules of the Circuit Court of Cook County.
- d. In general, draft orders should include the following:
  - The reason the matter is before the court;
  - Whether the order is being entered by agreement of the parties;
  - The relevant individuals present in court;
  - A brief findings section;
  - All of the court's orders in the decretal portion of the order; and

- The name of the individual who drafted the order, not simply the firm or agency name.

2. **STRUCTURE OF DAILY CALL**

8:30 a.m.....	Pre-Trial Conferences, Case Management Conferences
9:00 a.m.....	Prove-ups
9:30 a.m.....	Emergency Motions, Status Reports Routine Motions, Agreed Orders State’s Atty. Cases (2 <sup>nd</sup> and 4 <sup>th</sup> Tuesdays and 3 <sup>rd</sup> Friday)
10:00 a.m.....	Motions Spindled
10:30 a.m. to 5:00 p.m.....	Set Hearings, Trials
1:30 p.m. to 5:00 p.m.....	Pre-Trial Conferences
1:45 p.m. (Wednesdays only).....	Postcard Status Call

3. **COURTESY COPY RULE**

Courtesy copies of any filings are required at least three (3) business days before the scheduled hearing date. Failure to comply with this rule may result in the matter being stricken from the call.

4. **CHECK-IN WITH CLERK**

Upon arrival in the courtroom, parties and counsel are asked to check-in with the court clerk. The case will be called when both parties are present.

5. **COURT REPORTERS**

Court reporters are not assigned to Calendar 63 on a daily basis. If a party requires a court reporter, it is generally the responsibility of that party to provide a court reporter.

6. **MOTIONS**

- Routine Motions such as appointment of a special process server, for approval of notice by publication, and applications to sue or defend as an indigent person may be presented at any time that court is in session.
- All pleadings shall have the name of the handling attorney typed or legibly printed on the signature line of the pleading. Stating the name of the law firm alone does not comply with this rule.
- Contested motions shall be scheduled with the Clerk of the Circuit Court in Room 802 unless otherwise ordered by the court. The Clerk of the Circuit Court has ten motion slots available per day for Calendar 63. The court will set a briefing schedule and status date prior to scheduling a hearing or pretrial date. Please be prepared to inform the Court as to the amount of time necessary to present and hear the matter.
- Notice of Motions must be given pursuant to Circuit Court Rule 2.1. See also Supreme Court Rule 11 and Supreme Court Rule 12.

- e. File stamped courtesy copies must be delivered to the court at least three (3) business days before the hearing date by the movant. Courtesy copies must include the motion, response, reply, pertinent pleadings, exhibits, relevant orders and other necessary materials.

**7. EMERGENCY MOTIONS**

Emergency motions shall be noticed for 9:30 a.m. A courtesy copy of the emergency motion must be provided to the clerk upon check-in if not previously provided. Facts identifying the nature of the sudden or unforeseen circumstances which give rise to the emergency and the reason why the matter should take precedence shall be stated with particularity in an affidavit or verification in support of the emergency motion. If an emergency motion is being presented on an ex-parte basis without notice to the opposing side, and the applicable statute does not specifically provide for an ex-parte hearing, then the motion should set forth those facts that set forth the reason why the matter should be heard without notice.

**8. AGREED ORDERS**

Agreed Orders may be submitted between 9:30 a.m. and 10:00 a.m. any day when court is in session. The proposed order must be captioned as agreed and signed by the parties or their counsel. Parties or counsel shall check in with the clerk to have the case called. Agreed Orders may be presented on any day court is in session as add-ons to the call. Unless approved by the court, no Agreed Order shall be entered modifying or continuing a trial date.

**9. PROVE-UPS**

Unless scheduled by the court, uncontested or default prove-ups must be scheduled by the Clerk of the Circuit Court in Room 802. All prove-ups by default must have a court reporter. Default or uncontested prove-ups may be reassigned if the court does not have a court reporter assigned for that day. In the case of a prove-up by stipulation, the proposed Judgment for Dissolution of Marriage and/or the Marital Settlement Agreement must be signed by both parties. In cases involving minor children, please be prepared to advise the court whether the parties have completed Focus on Children. If the parties have not completed Focus on Children, an order will be entered requiring the parties' attendance after the prove-up.

**10. DEFAULT PROVE-UPS**

- a. In order to proceed by default, the Movant must file a Certificate and Motion for Default with the Clerk of the Circuit Court. A file-stamped copy of the Notice of Motion and Motion for Default must be mailed to the respondent at the address at which service was obtained (for personal or substitute service) or at the respondent's last known address (for service by publication). A copy of the proposed Judgment for Dissolution of Marriage must be included with the Motion for Default. In certain cases, the court may require that the movant send the documents by certified and regular mail, return receipt requested.
- b. Counsel should be prepared to elicit testimony and present an evidentiary basis for any relief requested. Petitioner must present his or her 13.3.1 Financial Disclosure Statement at the default hearing. The court reserves the right to specially set a default prove-up hearing in those cases which, due to the amount of assets involved, or the nature of the relief requested,

will require extensive court time. In those instances, the movant shall be responsible for providing a private court reporter.

- c. The Code of Civil Procedure allows counsel to publish notice in a case without leave of court. However, the court subscribes to the holding in Bell Federal S & L v. Horton 59 Ill. App. 3d 923, 376 N.E. 2d 1029 (5<sup>th</sup> Dist. 1978) that "...every defendant in any action filed against him in the State of Illinois is entitled to receive the best possible notice of the pending suit and it is only where personal service of summons cannot be had, that substituted or constructive service may be permitted." Counsel must meet the due diligence requirements of the Rules by eliciting testimony of the efforts made to locate and serve the respondent.
- d. Pursuant to Circuit Court Rule 13.7(a), a transcript of proceedings must be filed when a Judgment for Dissolution of Marriage is entered by default.

#### **11. CONTESTED MOTIONS**

The court will set a briefing schedule and status date prior to scheduling a hearing or pretrial date. Parties or their counsel should be prepared to advise the court as to the amount of time it will take to present and hear your matter.

Hearing dates are firm. Motions to continue a set hearing (even if agreed) must be in writing with notice to the opposing party. Good cause must be shown in order to continue a set hearing.

#### **12. PRE-TRIAL/CASE MANAGEMENT CONFERENCES**

The court will schedule pre-trial and case management conferences. Counsel should be prepared to advise the court as to the expected length of the conference, whether the parties should be present or available by telephone, and whether you will request to waive a pre-trial memorandum. Pre-Trial Memoranda, or the relevant pleadings and Disclosure Statements, must be submitted three business days before the conference. At the court's discretion, failure to comply may result in the matter being rescheduled. Counsel familiar with the case are expected to attend.

#### **13. TRIALS AND LONGER EVIDENTIARY HEARINGS**

- a. The court requires that a Trial Order be entered when a case is set for trial. The form Trial Order will be available in the courtroom.
- b. When your case is set for trial, counsel must provide the following:
  1. Trial Order;
  2. Copies of pending file-stamped pleadings or motions;
  3. List of potential witnesses;
  4. List of exhibits;
  5. A complete set of pre-marked exhibits the parties may introduce;
  6. Any stipulations between the parties; and
  7. Copies of relevant orders.
- c. Trials and longer evidentiary hearings will generally be scheduled to begin at 10:30 a.m. to 12:30 p.m. and 2:00 p.m. to 5:00 p.m. The court will set the date(s) for trial and longer evidentiary hearings. When scheduling a trial or longer matter, please be prepared to provide the court with a realistic assessment of how long the matter will take to try. Pursuant to Circuit Court Rule 13.5 and to the extent the court's schedule permits, trials and longer hearings will be heard on a consecutive day basis until conclusion with priority to custody

cases. Therefore, counsel should be prepared to be present on a daily basis through the conclusion of the trial.

- d. Trial dates are firm. Motions to continue a trial (even if agreed) must be in writing with notice to the opposing party. Good cause must be shown in order to continue a trial.

ENTER:

Entered: February 4, 2019

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JUDGE