

UNIFORM STANDING ORDER FOR ALL COMMERCIAL CALENDARS

(Effective May 31, 2022)

Purpose

The purpose of this uniform standing order is to establish consistent procedures in the Commercial Calendar Section. This order provides guidance in addition to the existing General Administrative Orders entered in response to the COVID -19 pandemic.

Civility and Attorney Conduct in the Commercial Calendar Section

Zealous advocacy is the lawyer's professional obligation, but Commercial Calendar Section judges will not tolerate incivility of any kind. Any attorney appearing before a Judge in the Commercial Calendar is required to know the relevant details of the case.

Motion Times and Trial Procedures Specific to a Judge

This standing order is effective in all Commercial Calendar Courtrooms. To obtain *actual dates* and *specific times* when a Judge will hear certain motions, other filing information particular to a Judge, or to learn a specific Judge's trial procedures, including jury selection, one should consult that Judge's specific information found on the circuit court website www.cookcountycourt.org and in the *Chicago Daily Law Bulletin*.

All written communications with court staff must list the case name and docket number. All parties and attorneys of record must be copied on written communications with court staff.

Self- Represented Litigants

A party appearing without counsel (other than a corporation which must appear by counsel) receives no special status and is required to comply with the Court's rules and procedures, with the Illinois Code of Civil Procedure, the Supreme Court Rules, and with the relevant case law decisions. A judge may make

reasonable efforts, consistent with the law and court rules, to facilitate the ability of self-represented litigants to be fairly heard.

Scheduling

Delays in a litigated matter result in absent witnesses, failed memories and added cost. Therefore, in the interest of justice, Judges in the Commercial Calendar Section work to promptly dispose of the cases pending before them. Litigants must know that the dates set for discovery, motions, hearings, trial and other such dates, absent exigent circumstances, will not be extended or continued.

Zoom Appearances

1. You should test your equipment in advance of appearing on Zoom. List your name and the party you represent upon joining your Zoom hearing.
2. Appearing by Zoom is the same as appearing in a court room. Your dress and background should be professional, eliminate background noises, remain stationary (not driving in a car, riding on a train or walking), and mute your microphone when not speaking. You must activate your camera when joining a hearing by Zoom.
3. You are expected to know the many features available by Zoom, especially the Share Screen feature.
4. You are required to deliver to the Court an order memorializing the Court's ruling not later than 1:00 p.m. on the day of your hearing.

I. MOTIONS

A. Courtesy Copies.

1. Your delivery of courtesy copies is imperative to the timely operation of the Court and is required of all motions: Regular Motions, Routine Motions and Emergency Motions.
2. The moving party is required to deliver to the Court courtesy copies no later than 1 business day after the motion is filed. Courtesy copies must be delivered in electronic form and must be immediately printable, without passcode or security restriction. No Zip files or Drop-Box type of links are permissible, unless otherwise allowed by your judge.
3. If the motion (not exceeding 15 pages) and accompanying exhibits are in excess of 25 pages, you may be required to also deliver a paper copy to the Court, please ask the judge for his/her preference. Please note that FedEx, UPS and

other common commercial carriers are often not timely delivered to the judge's chambers.

4. When final courtesy copy sets are delivered electronically:
 - a. Each document (i.e. motion, response, reply, relevant pleadings and case law) must be separately attached.
 - b. Lengthy materials must be delivered in paper format, unless otherwise ordered by the Court.
5. The eFile service may permit "courtesy copy" emails to be sent. **DO NOT USE THIS OPTION.**
6. You must include a notice of motion and certificate of service in all courtesy copies.

B. Regular Motion Call

1. Motions must be e-filed on the Clerk's Office Electronic filing system. Motions that are not properly filed and scheduled on the call will not be heard. Attorneys are not allowed to select their own dates and times for presentation of motions (other than piggy-backing as discussed below).
2. Motions must be served on all parties who have filed an appearance and a courtesy copy delivered to the Judge's chambers by emailing the courtesy copies to the assigned calendar's dedicated email address no less than 7 days prior to presentment. If a motion attacks a pleading, the courtesy copy must include the pleading attacked.
3. Presentment dates must be obtained from the Judge's case coordinator; however, notices of motions must comply with court rules.
4. On the date a motion is presented, the Court may rule on the motion or set a briefing schedule. Be prepared to address the substance of all motions at presentation.
5. "Piggy-backed" motions may be brought at any regularly set date for the case and will be heard by the Judge if proper notice has been given to all parties who have filed an appearance. Courtesy copies of all "piggy-backed" motions must be delivered no less than 7 days prior to presentment.

C. Emergency Motions

1. Notice of emergency motions must comply, with local Rule 2.2 and a copy of the motion must first be presented to Court's staff for approval before being scheduled for hearing.
2. True emergencies are rare and limited to a *situation that could lead to irreparable injury if relief is not granted before Movant can be heard on*

*the Court's regular motion call. **Motions to compel discovery are usually not considered emergencies.***

3. Once an emergency motion is scheduled, the movant must provide immediate notice to (i) all parties served and not in default and (ii) all persons who may be affected by the relief sought and not appearing in the case. Email addresses of parties receiving notice of the motion must be provided to the Court upon service to parties entitled to notice.
4. If the Court finds the motion is not an emergency it will be stricken.

D. Routine Motions

1. Routine Motions must be e-filed and must be scheduled for ruling no sooner than 5 days after notice is served upon parties entitled to notice. All routine motions must include a proposed order.
2. The Court hears Routine Motions off-call and no party may appear at the time set in the Notice of Routine Motion.
3. A party opposing a Routine Motion must object to it before the scheduled hearing date. Objections shall be made in a writing transmitted to the Court or in person. An objection need not state the basis for objection. Any routine motion that receives an objection will not be heard nor an order entered until it is re-scheduled with the Court as required for Regular Motions.
4. If a Routine Motion is proper and if no objection is made, the Court Clerk will enter an order granting the Routine Motion.
5. Cases set for trial are not eligible for Routine Motions, except motions for voluntary dismissal.
6. Routine Motions are:
 - a) Vacate technical default;
 - b) Leave to file appearance;
 - c) Leave to file answer, *instanter*;
 - d) Leave to file first amended complaint or counterclaim;
 - e) Leave to appear as additional counsel or to substitute attorneys by agreement (a motion to withdraw as counsel without a substitute attorney is not a Routine Motion);
 - f) Appoint a special process server (the server's license number must be included);

- g) Voluntary dismissal of complaint or counterclaim; stipulations to dismiss all or any part of a case (except wrongful death and minors' settlements); and
- h) Petition for the issuance of subpoena to be served outside Illinois (specific documentation required).

E. Motions for Default –Required Documents

1. Default Motions must entirely comply with this Order or they will not be heard.
2. Default Motions must be scheduled for presentment on a date certain at least 3 weeks in advance of the presentment date. The date certain may be the case's previously scheduled status date, or a date scheduled with the Court's case coordinator on the Judge's regular motion call.
3. Five court days prior to the date set for the motion, copies of the documents listed and of all other required documents must be provided to the Court.
4. Required Documents
 - a) Notice. Movant must provide notice to all parties who have been served, even if they have not filed an appearance. (See: *Motion Judges Rule 2.1*).
 - b) Original notice of motion and motion;
 - c) Face of summons;
 - d) Return of summons;
 - e) Order appointing a special process server (if appropriate) or allowing service under 735 ILCS 5/2-203.1;
 - f) Attorney certificate that counsel examined the court file and the clerk's computer within 10 business days prior to the hearing date and determined defendant's appearance or answer was not on file;
 - g) Affidavit of military service (if an individual is in default);
 - h) Copy of the verified complaint and/or Movant's affidavit verifying the judgment amount;
 - i) Affidavit detailing costs requested;
 - j) Affidavit detailing attorneys' fees, if authorized by statute or contract;
 - k) Proposed Judgment Order.

F. Supreme Court Rule 304 (a).

Supreme Court Rule 304(a) language may not be included in an order without prior approval of the Court. All requests for 304(a) must be made in writing.

G. Agreed Orders.

1. All agreed orders must contain the signatures of all parties in the case.
2. Agreed dismissal orders must strike all future Court dates.

H. Motions to Continue a Trial.

1. Motions to continue a trial are strongly disfavored. All motions seeking to continue a trial date must comply with Illinois Supreme Court Rule 231. Affidavits of engagement must include the case caption, docket number and trial judge.
2. If a material witness is unavailable, a copy of the subpoena must be included with the motion to continue.

II. PRE-TRIAL SETTLEMENT CONFERENCE

- A. Before a Settlement Conference, the parties are required to exchange good faith offers and demands in writing.
- B. A Settlement Memorandum must be submitted five business days prior to the Conference by each party and must contain:
 1. Date and amount of last offer/demand by each party;
 2. Primary reason or the main points why the case has failed to settle;
 3. A summary of plaintiffs' and defendants' evidence and primary legal issues;
- C. Clients must attend the Settlement Conference in person or by video conference as ordered by the Court.
- D. The Judges in the Commercial Calendar encourage good faith mediation of disputes and may order any contested matter to mediation by Order of Referral (Circuit Court of Cook County Rule 20).

III. BRIEFS AND CITATIONS

- A. Opening briefs and response briefs cannot exceed 15 pages, without leave of Court. Should a party elect to file a motion and separate Memorandum of Law, they are limited to no more than a TOTAL of 15 pages. Reply briefs cannot exceed 7 pages.
- B. Briefs must contain customary 12 point font, one inch margins and be double-spaced. Briefs filed in excess of these limitations will not be accepted or considered without leave of Court upon written motion containing good cause.
- C. **The parties are to hyperlink, within the body of the brief, to their attached exhibits and to the Lexis cite of cited cases. Citations to Westlaw are prohibited because the Court does not have access to Westlaw.**
- D. The movant is obligated to deliver copies of all the briefs, pleadings, relevant documents and the most recent complaint, with an accompanying cover letter containing the case number, date and time of the hearing. *Some Judges require two copies of these materials.*

IV. COMMERCIAL ARBITRATION

- A. The Commercial Calendar judges participate in the Law Division's arbitration program. Your case may be assigned to commercial arbitration. Please review the Law Division's arbitration rules on the Chief Judge's [website](#) (the rules differ in important ways from the Illinois Supreme Court Rules).
- B. In general, commercial cases valued at \$75,000 or less are suitable for commercial arbitration. The judge has discretion to send cases of larger value to commercial arbitration if the judge believes the circumstances are appropriate.

V. MATERIALS REQUIRED PRIOR TO TRIAL

- A. Jury Trials
 - 1. Concise statement of the case to be read to the jury in *voir dire*;
 - 2. Estimate of the number of trial days;
 - 3. Witness list to be read to the jury in *voir dire*;
 - 4. Statement that the party will/will not stipulate to a unanimous verdict of 10 or more jurors;
 - 5. Motions *in limine*;
 - 6. Trial briefs;
 - 7. Jury instructions with I.P.I. numbers (each instruction marked "Agreed" or "Objected To") and compliance with Supreme Court Rule 239(c);

8. Parties' exhibit lists indicating each exhibit number and noting objections to exhibits. Failure to submit and note objections may cause the objections to be waived;
9. Requests to Produce at Trial (Supreme Court Rule 237) must be prepared and delivered to the Court seven days before the final pre-trial conference;
10. Evidence depositions,
11. Rule 213(f)(1-3) disclosures, and
12. Final pleadings, including: the complaint, answer, counterclaims, affirmative defenses, answers to requests to admit and other relevant pleadings.

B. Bench Trials

Trial Counsel shall deliver the same materials listed above, excluding numbers 1, 4 and 7.

C. Both Jury and Bench Trial

1. 45 days prior to the trial date, or other specific date set by the Court, the parties must confer and exchange the above materials as well as all their trial exhibits and demonstrative evidence. Not later than 35 days before the trial date, parties may file responses opposing any motions *in limine*.
2. The Court may schedule a final pre-trial date.
3. If the Court's schedule prevents trial on the date set, the case will be transferred *instanter* to the Presiding Judge and will be assigned to another Judge for immediate trial.
4. Parties shall deliver previously exchanged trial materials and copies of all exhibits that may be used at the trial to the Court 14 days before the final pre-trial conference (and if no final pre-trial conference is scheduled, then 14 days before the trial date).
5. Motions *in limine* will be ruled on prior to trial.
6. Jury instructions may be discussed and ruled upon at the pretrial conference prior to trial.