

Honorable Clare Elizabeth McWilliams
Supervising Judge of the "J1" Asbestos Litigation Calendar
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Denise Aloisio, Clerk of the Circuit Court of Cook County
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Email Address for the "J1" Asbestos Litigation Calendar
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Richard J. Daley Center
50 West Washington Street, Suite 2310
Chicago, Illinois 60602



**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

)	
)	Case No. 2009-L-000000
)	
IN RE: ALL ASBESTOS LITIGATION)	IN RE: ASBESTOS LITIGATION
)	
MASTER FILE)	Hon. Clare E. McWilliams
)	
)	Calendar: "J1"
)	

STANDING ORDER (effective June 27, 2022)

The purpose of this standing order is (1) to establish consistent procedures for (a) those matters assigned to the "J1" Asbestos Litigation Calendar, and (b) those matters assigned or transferred to the Honorable Clare E. McWilliams; and (2) to provide some additional guidance regarding (a) the Court's ongoing response to the COVID-19 and related coronavirus pandemic, and (b) the standards for the Court's virtual or remote proceedings.

A. REQUIREMENTS FOR VIRTUAL CORRESPONDENCE WITH THE COURT

1. Email Address: asbestos@cookcountyil.gov

- i. Any correspondence to the Court concerning any case on the "J1" Asbestos Litigation Calendar shall be relayed to **asbestos@cookcountyil.gov**, the official email address for the Court's calendar.
- ii. Any email relayed to an email address previously utilized by the Court will neither be processed nor addressed.
- iii. Any documents, including proposed Orders, shall be submitted to the Court in **.pdf** format, unless otherwise directed by the Court.

2. Requirements for Any Emails Directed to the Court

- i. **Subject Line:** Any email relayed to the Court must contain the following information within the subject line of the email: (1) the type of motion or petition (e.g., REGULAR

MOTION, EMERGENCY MOTION, ROUTINE MOTION, etc.) or the type of request being made to the Court (e.g., AGREED ORDER(S) TO PROCESS); and (2) the last name of the Plaintiff and/or Decedent and Circuit Court of Cook County-assigned case number, unless the email concerns more than one case.

- ii. **Examples** of appropriate subject lines would **only** include the following items:
 - 1. ROUTINE MOTION: Rodriguez, 2022L000123
 - 2. AGREED ORDER TO PROCESS: Rodriguez, 2022L000123
 - 3. AGREED ORDERS TO PROCESS
- iii. The case name and Circuit Court of Cook County-assigned case number must be included within the body of the email.
- iv. The email addresses of any relevant counsel of record must be copied (or “CC’d”) to any communication with the Court.

3. **Emails that do not comply with the above requirements will be rejected.**

B. MOTIONS: The Asbestos Motion Call is conducted (virtually) every Tuesday at 1:30 PM CT, unless otherwise directed by the Court.

1. General Requirements

- i. All motions (e.g., motions slated for presentment or hearing during one of the Court’s Asbestos Motion Calls, emergency motions, routine motions) and corresponding notices of motion **must** be (1) electronically-filed with the Clerk of the Circuit Court of Cook County, prior to their submission to the Court; and (2) served on all parties who have filed an appearance.
- ii. **Notice:** It is widely understood and agreed by members of the “J1” Asbestos Litigation bar that certain electronic service providers (e.g., File&ServeXpress, LexisNexis, PohlmanUSA, etc.) provide forms of electronic notice by and between the parties, and this practice is acceptable to the Court, so long as all the parties agree. Any parties that have opted out of using these services must be served with documents via the traditional means required by the applicable rules.

2. Asbestos Motion Call

- i. While the use of virtual or remote proceedings remains in effect, the Court’s Asbestos Motion Calls will be conducted online through the use of Zoom Video Communications, Inc. every **Tuesday**, at **1:30 PM CT**.
- ii. Litigants may access the schedules for the Court’s Asbestos Motion Calls by visiting the following link: <http://bit.ly/asbestosmotioncalls>. (See **Exhibit A** for information regarding those steps that must be complied with in order to have a motion presented at one of the Court’s Asbestos Motion Calls). The responsibility for editing those schedules formulated online remains with the parties, **not** the Court. Therefore, once you have edited the appropriate schedule and selected a hearing date, the motion will

be heard, unless as otherwise notified by the Court. If you should choose to withdraw a motion or cancel a scheduled hearing date, then you must update the schedule online accordingly.

- iii. Since courtesy copies will be uploaded pursuant to Exhibit A, there is no need to email courtesy copies to the Court. The Court receives neither notice nor a copy of those documents that have been electronically-filed with the Clerk of the Circuit Court of Cook County. **Furthermore, it is mandated that any relevant courtesy copies be uploaded to a schedule online at least three (3) business days before the hearing on any given matter.**
- iv. As noted within section (B)(1) of this Standing Order, all motions must be served on all parties who have filed an appearance.

3. Emergency Motions

- i. Notice for an emergency motion must comply with those provisions of Local Rule 2.2, and an electronically-filed copy of the emergency motion must be relayed to **asbestos@cookcountyil.gov** for the Court's consideration, prior to being scheduled for a hearing.
- ii. True emergencies are generally rare and limited to those situations wherein irreparable damages or injury may occur if relief is not granted before the movant can be heard during one of the Court's regularly-scheduled Asbestos Motion Calls. If the Court finds that the motion has failed to articulate a true emergency, then the motion will be stricken.
- iii. Once an emergency motion has been scheduled for hearing, the movant must provide immediate notice to (1) all counsel of record, including counsel for those parties not yet held in default and self-represented litigants; and (2) all persons that may be affected by the type of relief requested (and have yet to appear in the case). See section (A)(2)(iv) of this Standing Order for additional information regarding the Court's requirements for any emails relayed to the Court.

4. Asbestos Dependency Hearings

- i. While the use of virtual or remote proceedings remains in effect, dependency hearings will be conducted online through the use of Zoom Video Communications, Inc. on Wednesdays, at 10:00 AM CT, and an electronically-filed copy of the petition, and any related documents, must be relayed to **asbestos@cookcountyil.gov** for the Court's consideration, prior to being scheduled for a hearing.
- ii. Any requests to schedule a dependency hearing must be relayed to **asbestos@cookcountyil.gov**, and the movant must indicate whether all interested parties have agreed to a proposed allocation.

5. Routine Motions

- i. Routine motions must be (1) electronically-filed; (2) scheduled for ruling no sooner than five (5) business days after notice has been served upon those parties entitled to notice; and (3) relayed to **asbestos@cookcountyil.gov** (with a copy of a proposed Order) for the Court's consideration at least three (3) business days beforehand.
- ii. Routine motions are addressed "off-call" without the necessity of any appearances by counsel, and no party may appear at the time designated within the relevant notice.
- iii. **Objections:** Any party intending on objecting to a routine motion must object to the motion before the scheduled hearing date. Objections shall be made in writing, via an email transmitted to the Court with a subject line akin to the following: "OBJECTION to ROUTINE MOTION: [Plaintiff and/or Decedent's Last Name], [Case Number]." An objection relayed to the Court need not state the basis for the objection. In the event the Court receives an objection to a routine motion, an Order will not be entered, and the movant will be asked to "re-notice" their routine motion for presentment during one of the Court's regularly-scheduled Asbestos Motion Calls.
- iv. If a routine motion is properly relayed to the Court and no objection is made, then the movant's proposed Order will be processed. Effective June 27, 2022, copies of entered Orders will no longer be returned to the parties via email from a member of our staff. Rather, Illinois-licensed attorneys may retrieve copies of entered Orders from the CCC Portal maintained by the office of the Clerk of the Circuit Court of Cook County, by visiting the following link: <https://bit.ly/cookcountyclerkofcourtportal>. Upon arriving at the CCC Portal webpage, Illinois-licensed attorneys must register for a CCC Portal account and, further, request access to those features accessible to attorneys by furnishing their (active) IARDC number. (See **Exhibit B** for additional information regarding the CCC Portal).
- v. Examples of routine motions would include, but are not limited to, the following:
 1. Motions for a finding of good faith settlement;
 2. Motions to appoint a special process server;
 - a. Note: The special process server's license number must be included within the motion.
 3. Motions to issue a summons or an alias summons;
 4. Motions for leave to file an appearance, answer, affirmative defense, counterclaim, or third-party complaint;
 5. Motions to vacate any and all technical defaults and to file an appearance, motion, or answer;
 6. Motions for leave to file an amended complaint, counterclaim, or third-party complaint;

7. Motions for leave to appear as additional counsel or withdraw and substitute attorneys by agreement;
 - a. Note: A motion to withdraw as counsel without a substitute attorney is not considered a routine motion. Any motions (and proposed Orders) to withdraw and substitute attorneys by agreement must include the Cook County firm identification numbers for each firm, and a motion must be electronically-filed within each matter involving a particular party.
8. Motions for voluntary dismissal of certain parties, a complaint, a counterclaim, or a third-party complaint;
 - a. Note: Stipulations to dismiss a case (in whole or in part) or a party must be electronically-filed and accompanied by a corresponding Order.
9. Motions for the issuance of a subpoena to be served outside Illinois.
 - a. Note: Specific documentation must be included with the motion.

C. TRIALS

1. Asbestos Trial Calls

- i. While the use of virtual or remote proceedings remains in effect, the Court's Asbestos Trial Calls will be conducted online through the use of Zoom Video Communications, Inc. on both the first and second Tuesday of the month at 10:00 AM CT, in addition to any other trial settings that have been specially-set for any other day of the month.
- ii. Plaintiffs' counsel is hereby required to provide the Court with a complete list of those cases pending on any given Asbestos Trial Call at least one day before trial (at a minimum), which shall include the names of any remaining defendants on each case and, further, be updated from time-to-time over the course of any status hearings, as required by the Court. Accordingly, Plaintiffs' counsel should be prepared to share their list via the "share my screen" feature on Zoom.
- iii. Courtesy copies pertaining to any motions slated to be addressed over the course of an Asbestos Trial Call must be relayed to the following email address: **McWilliamsCourtCall@gmail.com**. Examples of relevant motions would include the following: (1) (pending) dispositive motions; (2) motions *in limine*; (3) motions raised over the course of trial, etc.

D. PRE-TRIAL SETTLEMENT CONFERENCES

1. Cases Assigned to the "J1" Asbestos Litigation Calendar

- i. Any requests for a (virtual) pre-trial settlement conference must be directed to **asbestos@cookcountyil.gov** – at which point in time, the conference will be scheduled, contingent on the Court's availability. Once a date has been finalized for

a pre-trial settlement conference, the parties must provide the Court with an Agreed Order (1) memorializing the date and time of the pre-trial settlement conference; and (2) noting that any memoranda (confidential or otherwise) must be transmitted to the following email address at least three (3) business days beforehand: **McWilliamsCourtCall@gmail.com**.

2. Cases Not Assigned to the “J1” Asbestos Litigation Calendar

- i. Any requests for a (virtual) pre-trial settlement conference must be directed to **asbestos@cookcountyil.gov** – at which point in time, the conference will be scheduled, contingent on the Court’s availability. However, prior to relaying your request, please ensure that the parties are permitted to conduct the pre-trial before any other judge in the Law Division, in accordance with, *inter alia*, those provisions of Law Division General Administrative Order 20-8 (entered Oct. 9, 2020).
- ii. In the event any of those dates and times provided by the Court are agreeable to the parties, the parties must see to the entry of an Agreed Transfer for Pretrial Order by Judge James P. Flannery, Jr., Presiding Judge of the Law Division. Following the entry of the Agreed Transfer for Pretrial Order, the parties must provide the Court with an Agreed Order (1) memorializing the date and time of the pre-trial settlement conference; and (2) noting that any memoranda (confidential or otherwise) must be transmitted to the following email address at least three (3) business days beforehand: **McWilliamsCourtCall@gmail.com**.

E. COURTESY COPIES

1. *With the exception of any courtesy copies related to those motions slated for hearing during an Asbestos Motion Call*, all relevant courtesy copies shall be transmitted to **asbestos@cookcountyil.gov**, at least three (3) business days before the hearing on any given matter. A failure to abide by this requirement may result in the motion being continued to a later date.
2. **Briefs and Citations:** No brief shall exceed fifteen (15) pages in length, doubled-spaced and exclusive of any corresponding exhibits. Additionally, briefs must utilize a customary twelve-point (12) font and one (1) inch margins, and any citations must be made to official reporters. Briefs filed in violation of these requirements will neither be accepted nor considered without leave of Court.

F. ENTRY OF PROPOSED ORDERS

1. Any (proposed) Orders must be transmitted to **asbestos@cookcountyil.gov** in **.pdf** format for the Court’s review and entry, unless otherwise directed by the Court. Proof of electronic-filing must accompany those (proposed) Orders that correspond to either routine motions or stipulations to dismiss.

2. After hearings, the parties are required to deliver to the Court an Order in **.pdf** format memorializing the Court's ruling no later than 5:00 PM CT on the day of your hearing, unless otherwise directed by the Court.
3. **Agreed Orders:** Agreed Orders (1) shall be marked "agreed" within the title of the Order, unless an agreement as between the parties is referenced within the email containing the proposed Order; and (2) must strike any future hearing dates, if applicable.
4. **Receipt of Entered Orders:** Effective June 27, 2022, copies of entered Orders will no longer be returned to the parties via email from a member of our staff. Rather, Illinois-licensed attorneys may retrieve copies of entered Orders from the CCC Portal maintained by the office of the Clerk of the Circuit Court of Cook County, by visiting the following link: <https://bit.ly/cookcountyclerkofcourtportal>. Upon arriving at the CCC Portal webpage, Illinois-licensed attorneys must register for a CCC Portal account and, further, request access to those features accessible to attorneys by furnishing their (active) IARDC number. (See **Exhibit B** for additional information regarding the CCC Portal).
5. **Notice:** Once a party responsible for drafting and submitting an Order has retrieved said Order from the CCC Portal, it is incumbent upon that party to disseminate the Order to all counsel of record in the case.

G. COURT REPORTERS

1. The Circuit Court of Cook County does not provide an official court reporter for those proceedings on the "J1" Asbestos Litigation Calendar. Accordingly, it is incumbent upon the parties to formally retain the services of a court reporter, should one be deemed necessary.

H. CIVILITY AND ATTORNEY CONDUCT

1. As officers of the Court, attorneys have an obligation to conduct themselves in a professional manner when interacting with their clients, opposing parties and their counsel, the Court, and the general public. As such, attorneys on the "J1" Asbestos Litigation Calendar must uphold a sense of civility, professional integrity, personal dignity, candor, diligence, respect, courtesy, and cooperation, when practicing before this Court.

I. VIRTUAL PROCEEDINGS AND ADDITIONAL INFORMATION

1. Zoom Video Communications, Inc.

- i. **Video Attendance:** In order to attend all proceedings occurring on the "J1" Asbestos Litigation Calendar, and all other court business as designated, please refer to the following information:

1. Please visit the following link: <http://bit.ly/courtroom2310zoom>
2. Meeting ID: 992 5804 3343
3. Passcode: 134801

ii. **Audio Attendance:** In order to attend all proceedings occurring on the “J1” Asbestos Litigation Calendar (by phone), and all other court business as designated, please refer to the following information:

1. Please dial-in to the following number: +1 (312) 626-6799
2. Meeting ID: 992 5804 3343
3. Passcode: 134801

iii. **Standards for Virtual Appearances:**

1. Individuals attending our proceedings should test their technology prior to appearing on Zoom and must have their full name listed on their screen.
2. Appearing for a virtual hearing carries the same weight as if appearing for a hearing in-person. Accordingly, your dress and background (virtual or otherwise) should be professional. You should eliminate any background noise, mute your microphone when you are not speaking, and remain stationary over the course of your appearance (*i.e.*, you should not be driving your car, riding on a train, or walking). Additionally, you must activate your camera when attending a virtual hearing.
3. You are expected to be acquainted with various features on the Zoom platform, including the “share my screen” feature.
4. See section (F)(2) of this Standing Order for the Court’s deadline for those Orders memorializing the Court’s rulings.

2. YouTube Channel

- i. In the Court’s discretion, various proceedings will occasionally be live-streamed to a YouTube channel (available at the following link: <http://bit.ly/courtroom2310youtube>), in accordance with both Illinois Supreme Court Rule 63(A)(8) and the Illinois Supreme Court’s guidance regarding remote court proceedings.

3. Cook County Court Webpage

- i. For all the latest information regarding the Court’s protocols and procedures, please visit the following link: <http://bit.ly/honorableclareemcwilliams>.

IT IS SO ORDERED.

DATE: June 27, 2022

ENTERED:

Hon. Clare E. McWilliams

EXHIBIT A

Scheduling Motions on the Court's Asbestos Motion Calls (conducted Tuesdays at 1:30 PM CT)

1. Visit the following link (<http://bit.ly/asbestosmotioncalls>) and select your desired schedule.
2. Enter the requested information within the list of available items (*i.e.*, items one through forty): “[Name of Attorney] [Firm of Office] [Case Name] [Case Number] [Motion].”
3. Click on the hyperlink associated with the following text located at the top of your desired schedule: “Courtesy copies (in the form of .pdf documents) must be deposited at the hyperlink associated with this text, at least three (3) business days beforehand.”
4. Once the hyperlink loads, right-click on a space within the folder, which will contain a name akin to “2022-07-05 Asbestos Motion Call,” and upload your courtesy copies (in the form of .pdf documents) utilizing the “File upload” feature.
5. All courtesy copies deposited with the Court in this manner must be electronically-filed (*i.e.*, bear the file-stamp of the Clerk of the Circuit Court of Cook County), and, if applicable, contain the following: (1) the Notice of Motion; (2) Motion itself; and (3) a proposed Order.

EXHIBIT B

**Information Regarding the CCC Portal Maintained by
the Office of the Clerk of the Circuit Court of Cook County**

1. **Case Records:** Illinois-licensed attorneys may obtain copies of case documents at no charge at CCC Portal (<https://bit.ly/cookcountyclerkofcourtportal>). Also, in the near future, the Clerk's Office will join **re:SearchIL**, the PACER-type system selected by the Illinois Supreme Court for all Illinois Circuit Court Clerk records throughout the State. You may read more about **re:SearchIL** at the following link: <http://research.illinoiscourts.gov/>.
2. **Court Forms:** Effective September 1, 2021, Illinois Circuit Court Clerks are directed to distribute only the approved standardized statewide court forms in the following categories: Answer, Appearance, Summons, Citation to Discover Assets to Debtor, Citation to Discover Assets to Debtor's Bank, Citation to Discover Assets to Debtor's Employer, Fee Waiver for Civil Cases, Interpreter Request, Limited Scope Appearance, Motion, Motion to Appoint Special Process Server, Proof of Delivery, and others. These statewide forms may be found on the Clerk's Office website or at the following link: <https://www.illinoiscourts.gov/documents-and-forms/approved-forms/>.