

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
MUNICIPAL DEPARTMENT - FIRST DISTRICT

AMENDED STANDING ORDER
Courtroom 1501

Issued: December 15, 2016

Effective immediately, the following calls and procedures will be followed in all cases assigned to Courtroom 1501. This order is issued to regulate the docket, calendar, and business of cases assigned to this courtroom, for the efficient administration of justice and convenience of the parties appearing in court, 735 ILCS 5/1-104 (b).

Parties are advised to consult the Illinois Supreme Court Rules, the Rules of the Circuit Court of Cook County, the General Orders of the Circuit Court of Cook County, the General Orders of the First Municipal Department, and the Illinois Code of Civil Procedure. This order is supplementary to those provisions. To the extent that this order may conflict with them, those Rules or Orders control, 735 ILCS 5/1-104(a), 735 ILCS 5/1-108.

Unless a contrary meaning is indicated, whenever used in this order the term "plaintiff" includes counterclaimants and third-party plaintiffs, and the term "defendant" includes third-party defendants and parties against whom relief is sought by counterclaim, 735 ILCS 5/2-401 (d).

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ORDER OF CALLS

Cases shall be set on the Court call by the Clerk of the Circuit Court or by a movant based on the status of the case or the nature of the relief being sought:

8:45 a.m.	Monday - Friday	Routine Motions
9:00 a.m.	Monday - Friday	Emergency Motions
9:00 a.m.	Monday - Wednesday	Judgment on Award
9:30 a.m.	Monday - Thursday	Status Call
9:30 a.m.	Friday	Progress Call
10:30 a.m.	Monday - Friday	Motions of Course
11:00 a.m.	Monday - Friday	Motions of Course
1:15 p.m.	Monday - Friday	Motions to Continue Arbitrations
1:30 p.m.	Monday - Thursday	Contested Motions
2:00 p.m.	Monday - Thursday	Contested Motions

I. ROUTINE MOTION CALL

Parties may spindle matters to be heard on the Routine Motion Call.

All Routine Motions must be labeled "Routine Motion" and spindled with the Clerk in Room 601 for hearing on the 8:45 a.m. Routine Motion call. Three (3) copies of the proposed draft order must be submitted. Any request to file a pleading or other document must seek leave to file *instante* and the pleading or document must be attached to the motion.

If there is an objection to a routine motion the motion will be continued for two (2) weeks to the Motions of Course call. Objection to a routine motion may be made by informing the Clerk in 1501 and by presenting a draft order to the Clerk continuing the motion to a Motions of Course call.

Routine Motions include:

A. Motion for Default: for failure to appear or answer, in cases where the *ad damnum* exceeds \$10,000. The motion must include proof of service of the summons on the defendant. The plaintiff's proposed order must indicate that the defendant is found in default and that the plaintiff may prove damages at the scheduled arbitration hearing. The plaintiff must give the defendant notice of the date and time of the arbitration.

If the defendant has filed an appearance but has not filed an answer, the plaintiff may not seek default as a Routine Motion.

B. Motion for Leave to Appear.

C. Motion for Substitution of Attorney: with the stipulation of the client party. The motion must include a stipulation consenting to the substitution signed by the attorney, the client, and the substituting counsel of record and a draft order. The draft order must indicate that

all ADC (All Discovery Closed) and Arbitration hearing dates previously set shall stand and include the name, address, and attorney code of all withdrawing and substituting counsel.

- D. Motion to File SCR 222 Disclosure Affidavit: if timely.
- E. Motion to Vacate Technical Default, Appear, Answer and File a Jury Demand: if filed and spindled thirty (30) days or more prior to any previously set ADC (All Discovery Closed) date.
- F. Motion to Appoint Special Process Server: the motion must be filed on Circuit Court Form 0044, or its equivalent, with paragraphs 2 or 3 completely filed in. The order must provide the name of one process server and order must state that he/she is qualified under the statute to act as Special Process Server.
- G. Motion for Voluntary Dismissal: if the draft order dismisses all claims and parties, and provides that the movant will pay the other party's costs on re-filing. The draft order must also strike any pending arbitration, status or ADC dates. The precise dates being stricken must be included in the order.

If any respondent has filed a potentially dispositive motion prior to the movant's Motion for Voluntary Dismissal the movant may not seek voluntary dismissal as a Routine Motion but may do so as a regular Motion of Course.
- H. Motion for Dismissal by Agreement: (i) if supported by Stipulation to Dismiss the draft order must also strike any pending arbitration, status or ADC (All Discovery Closed) dates; and (ii) the precise date being stricken must be included in the order. Language such as "all future dates shall be stricken" will not be accepted.

- I. Motion for Release and Satisfaction of Judgment: movant shall include a printout of the Clerk's record of the case or a copy of the judgment order. The motion shall be supported by affidavit or certification of the attorney of record, must state that there are no pending motions, that the judgment has not yet been vacated, and that the judgment has been satisfied. The specific date of the judgment and amount of the judgment must be set out in the order (Circuit Court Form Number CCG 0008 or CCG 0500).
- J. Motion to Amend the Complaint to correct a misnomer.
- K. Motion to Excuse Insurance Adjuster at Arbitration, noticed to appear pursuant to Supreme Court Rule SCR 237: the motion must state that the claim is for property damage only and the repair bill is paid. The draft order must also state that the driver of the subrogee's vehicle must appear at the Arbitration Hearing pursuant to SCR 237 in lieu of the adjuster. Motions to excuse an insurance adjuster at Arbitration for Total Loss Claims for damage to a vehicle may not be spindled as Routine Motions.
- L. Motion for Entry of Installment and Dismissal: the motion must include an agreement signed by all the parties.

NOTE: Motions to Amend the Complaint by increasing the *ad damnum*, Motions to File a Third - Party Complaint, Motions to File a Counterclaim, requests for Memoranda of Judgment, and Motions for Alternative Service pursuant to 735 ILCS 5/203.1 may not be filed as Routine Motions.

II EMERGENCY MOTION CALL

Parties may schedule matters to be heard on the Emergency Motion Call.

A motion which must be heard as an emergency basis for good cause shown, which cannot be scheduled as a regular Motion of Course due to an imminent court deadline, may be filed as an Emergency Motion.

A Motion to Strike and Reset an Arbitration may be filed as an Emergency Motion. Motions to Extend ADC (All Discovery Closure) Date or Motions to Compel Discovery may not be filed as Emergency Motions.

Notice of an Emergency Motion must be given in compliance with the Rules of the Circuit Court of Cook County, Rules 2.1 and 2.2. Movants on an Emergency Motion shall inform the Court of the nature and extent of their efforts to advise the other parties of the hearing and are expected to exercise diligence and courtesy toward their opponents in that effort.

All Emergency Motions must be labeled "Emergency Motion" and be presented to the Clerk in Room 1501 before 9:00 a.m. on the day of the hearing. It is recommended that the movant also spindle a copy of the motion in Room 601. Emergency Motions to continue arbitrations will also be heard at 1:15 p.m..

III. JUDGMENT ON AWARD (JOA) CALL

Parties may not schedule matters to be heard on the JOA Call. Matters are set on this call by the Clerk of the Circuit Court pursuant to an award and issued by Clerk and the Cook County Mandatory Arbitration Program or by Order of Court. A JOA date is set for Courtroom 1501 at 9:00 a.m. approximately 60 days after the arbitration hearing. The JOA date is specified on the arbitration award issued at the arbitration hearing.

Before each JOA Call, the Clerk shall post the docket on the bulletin boards in the corridor outside Courtroom 1501. Parties are required to review the posted docket and be aware of the Clerk's notations regarding status, proposed courtroom assignments, and proposed court dates.

- A. If a party believes the notation on the posted docket is inaccurate or incomplete, such as an indication of JOA where the party believes a timely rejection has been filed, the party shall ask the Clerk to have the case called before the Court.
- B. ANS/CALL: If the posted docket indicates ANS/CALL the parties shall check in with the Clerk and the case will be called before the Court.
- C. If there has been a timely Rejection of Award the posted docket will indicate a Courtroom assignment and intake date. The plaintiff shall prepare and submit a Trial Assignment Intake Order (pink order form) indicating the intake date and trial room assignment listed on the posted docket.
- D. JOA: if no Rejection of Award has been filed the posted docket will indicate JOA. The prevailing party shall prepare and submit to the Clerk a Judgment on Award order (Circuit Court Form Number CCM 0634).
- E. Failure to appear and present an order for a case set on this call will result in the matter being dismissed for want of prosecution, irrespective of in whose favor the arbitration award was entered.
- F. Once a case has been assigned to a trial courtroom all proceedings and motions, except Motion to Debar the Rejection, must be spindled in that courtroom. Motions to Debar Rejection of Arbitration Award must be spindled as a regular Motion of Course in Courtroom 1501.

IV. STATUS CALL

A. Assignment to the Status Call

Parties may not spindle matters to be heard on the Status Call. Matters are set on the Status Call by the Clerk of the Circuit Court or an order of court pursuant to nature and status of the case.

In a newly filed First Municipal District personal injury action, the Clerk of Court will assign the Status Call date and send a post-card indicating this date to all counsel or parties of record at that time. The Status Call will be approximately 60 days after the return date.

If a defendant files a timely Jury Demand in an 11th Floor Courtroom case, the matter will be transferred to Room 1501 and set on the Status Call approximately four (4) weeks thereafter by order of court in the bench-trial courtroom.

If the defendant files a jury demand after the return date on motion in an 11th Floor Courtroom, the defendant must enter an order transferring the case to Room 1501 at 9:30 a.m. four (4) weeks from the date of the order in the 11th Floor Courtroom. If the Jury Demand does not appear on the electronic docket before the status date, the defendant or party who filed the Jury Demand must appear in Room 1501 on the Status Call date with the Jury Demand and a receipt for Jury Demand fee.

If a case is transferred from the Law or Chancery Divisions, another Municipal District or court jurisdiction to the First Municipal District, the case will be assigned a Status Call date in Room 1501 by order of court, Courtroom 1301, in a *pro forma* proceeding at which the parties are not expected to appear. The Clerk of Court will send a post-card indicating this date to all counsel or parties of record at that time. The Status Call will be approximately 21 to 28 days after the date in Courtroom 1301.

B. The Posted Docket and Recommended Orders.

On each Status Call date, the Clerk shall post the docket on the bulletin boards in the corridor outside Courtroom 1501. Parties are required to review the posted docket and be aware of the Clerk's notations regarding status, proposed orders, and court dates. If a party believes the notation on the posted docket is inaccurate or incomplete, such NS/PC when the party has proof of service, the party shall ask the Clerk to have the case called before the Court.

1) NS/PC: if the posted docket indicates NS/PC the Clerk has determined that not all defendants have been served with summons of the Complaint. The plaintiff shall prepare and submit a Progress Call Order (blue order form) indicating the Progress Call date listed on the posted docket. The matter will be continued to the Progress Call by that order to determine that status of service at that time.

2) ADC: in cases regarding tort, contract, or statutory causes of action, if all defendants have been served, the Plaintiff shall submit an ADC (All Discovery Closed) order including the ADC date listed on the posted docket. Parties generally do not need to be heard by the Court to enter an ADC order. Generally, the ADC shall be:

<i>Ad damnum</i>	All Discovery Closed
\$10,000 or less	Date of Status (No discovery without Leave of Court, pursuant to SCR 287)
\$10,001 to \$20,000	90 Days (approximately)
\$20,000 or greater	120 days (approximately)

3) The requirements of Supreme Court Rules 281 – 287 apply to all small claims (*ad damnum* \$10,000 or less). A party may seek leave to initiate discovery or file motions

other than those indicated in SCR 287 when the case is on the Status Call or through filing a regular Motion of Course.

- 4) For purposes of case management and discovery deadlines, requests to admit facts pursuant to Supreme Court Rule 216 are considered discovery.
- 5) **ANS. CALL:** the posted docket indicates **ANS. CALL** if the case has been transferred from the Law Division, Chancery Divisions, another Municipal District, or another court from the First Municipal District. The parties shall appear before the Court to discuss the status of discovery and general status of the case.

The JOA Orders, ADC, and Progress Call Orders can be filled out and presented to the Clerks in Room 1501 until 10:00 a.m. If no order has been presented to the Clerk before 10:00 a.m. the case will be dismissed for want of prosecution.

NOTE: After the ADC date, the Clerk of Circuit Court will assign the arbitration hearing. The Clerk will mail a post-card to all attorneys and parties of record notifying them of the date and time of the arbitration hearing. The arbitration hearing shall take place at the Circuit Court of Cook County Arbitration Center and not in Courtroom 1501.

V. PROGRESS CALL

Parties may not spindle matters to be heard on the Progress Call. Matters are set on this call by the Clerk of the Circuit Court or by an order of court pursuant to nature and status of the case.

Before each Progress Call the Clerk shall post the docket on the bulletin boards in the corridor outside Courtroom 1501. Parties are required to review the posted docket and be aware of the Clerk's notations regarding status, proposed orders, and court dates. If a party believes the notation on the posted docket is inaccurate or incomplete, such NS/PC when the party has proof of service, the party shall ask the Clerk to have the case called before the Court.

- A. If all defendants have been served, the plaintiff shall submit a proposed order consistent with the procedures for a matter appearing on the Status Call (Section IV. above). Affidavit of Service must be filed.
- B. If all defendants have not been served the plaintiff shall appear before the Court and report as to the status of service and diligence to obtain service, SCR 103(b). The plaintiff may be required to submit an affidavit of diligence.

If due diligence is found, the case will be continued to the next Progress Call. Failure to show due diligence by the plaintiff will cause either the non-served parties or the entire matter to be dismissed for want of prosecution.

VI. MOTIONS OF COURSE

Parties may spindle matters to be heard at any of the two (2) Motions of Course calls held each court day. Motions must be spindled with the Clerk in Room 601 for hearing on either the 10:30 a.m. or 11:00 a.m. Motions of Course calls. Proof of service of the motion and notice must be signed and filed with the Clerk in Room 601.

A. Order of the Call.

Agreed motions, where all parties agree to the disposition of the motion, shall be called first. Parties shall present an Agreed Order to the Clerk immediately before the call begins. Motions to extend discovery or change the ADC date may not be presented as agreed motions. Motions to change previously entered briefing schedules and contested hearing dates may not be presented as an agreed motion.

Contested motions will be called in the order in which they were filed. A party may ask the Clerk to hold a motion until later in the call. The court will then recall the motion at the end of the call, at which time the court will call the motion even if the party has not returned.

Motions to Continue the Arbitration must be spindled on the Arbitration Calendar at 1:15 p.m. and will not be heard on the regular Motions of Course calls.

A Motion to Compel Discovery or to extend the ADC date must be filed before the ADC date:

If the parties wish to respond to the motion in writing or if the argument is extensive the matter will be continued to the Contested Motion Call (Section VIII herein).

A Motion to place a matter on the Military Calendar must be supported by affidavit and comply with Service Members Civil Relief Act, 50 USC Appx Section 522, or other motion to place a matter on the Stayed Matters Calendar.

VII. ARBITRATION CALENDAR

Parties may spindle a Motion to Continue an Arbitration on the Arbitration Calendar at 1:15 p.m. each court day. Motions must be spindled with the Clerk in Room 601. Proof of service of the motion and notice must be signed and filed with the Clerk in Room 601.

Notice of an Emergency Motion to Continue Arbitration must be given in compliance with the Rules of the Circuit Court of Cook County, Rules 2.1 and 2.2. In addition movants shall inform the Court of the nature and extent of their efforts to advise the other parties of the hearing and are expected to exercise diligence and courtesy toward their opponents in that effort.

All such motions must be labeled "Emergency Motion to Continue Arbitration" and be presented to the Clerk in Room 1501 before 1:15 p.m. on the day of the hearing. It is recommended that the movant spindle a copy of the motion in Room 601, but this is not required.

VIII. CONTESTED MOTIONS CALLS

Parties may not spindle matters to be heard on the Contested Motion Call. Matters are set on this call by an order of court setting the case for hearing. Parties must comply with the requirements of the briefing schedule order setting the hearing. The movant shall deliver courtesy copies of all relevant pleadings to the Clerk in Courtroom 1501 no less than five (5) court days prior to the hearing. Briefs in excess of 15 pages will not be accepted absent leave of court.

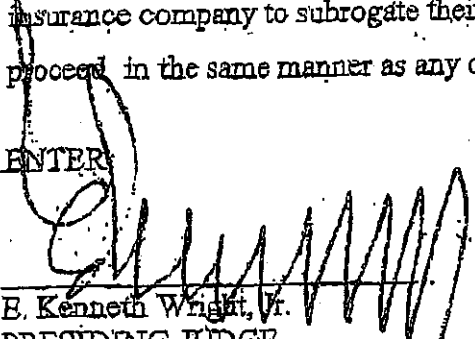
IX. STAYED MATTERS CALL

Parties may not spindle matters to be heard the Stayed Matters Call. Matters are set on this call by an order of court pursuant to nature and status of the case. Typical cases set on this call are cases where the Court has stayed litigation pursuant to the pendency of a bankruptcy proceeding, declaratory action or interlocutory appeal, or cases where a defendant party is on active military status covered by the Service Members Civil Relief Act, *50 U.S.C. Appx. Sec. 5501 et seq.* These calls are heard on the third (3rd) Wednesday of each April, August, and December.

The parties shall appear and advise the Court of the current status of the matter. Depending on the status, the case will be continued on the Stayed Matters Calendar or be returned to the regular course of litigation. If the plaintiff fails to appear on any matter set on this calendar, the case will be dismissed for want of prosecution.

There is no Insurance Calendar. A case filed to preserve the subrogation right of the party's insurance company to subrogate their underinsurance or uninsured motorist payments shall proceed in the same manner as any other personal injury case.

ENTER


E. Kenneth Wright, Jr.
PRESIDING JUDGE
FIRST MUNICIPAL DISTRICT

Presiding Judge
E. Kenneth Wright, Jr.

DEC 15 2016

Circuit Court - 1624