

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
FIFTH MUNICIPAL DISTRICT**

JUDGE MATTHEW J. CARMODY

10220 South 76th Avenue, Bridgeview, Illinois 60455
Room 203 Zoom I.D. 967-5745-8317 Password: 729614
Office of the Presiding Judge Staff: (708) 974-6290

STANDING ORDER – effective 01/01/2023

1. GENERAL MATTERS

A. Appearance and Communications

Each Defendant served must have an Appearance on file with the Clerk of the Court or that Defendant shall be in default and will not be permitted to address the Court on any motions, trials or other critical stage of the proceedings. All communications with the court should be by filed pleading, motion, brief or proposed orders, etc. Communications with the presiding judge's staff or the court clerk are allowed only on administrative, procedural or scheduling matters. All communications with the court, court personnel, opposing counsel, parties or witnesses shall be presented in a civil and courteous manner.

B. Orders

ALL ORDERS MUST BE EMAILED TO:

D5CRT203ORDERS@COOKCOUNTYCOURT.COM

ON THE DATE THE SUBJECT CASE IS ON THE CALL

Failure to submit an order to the court on the date the subject case was on the call may result in the case being involuntarily dismissed for want of prosecution. **(i.e. DWP)**

The following draft orders may be emailed to the Clerk **ON THE DATE THE SUBJECT CASE IS ON THE CALL**, without notice, and appearance before the Court is not required.

- (i) Orders to issue alias summons and/or appoint special process server on cases where the Cook County Sheriff has attempted service at least one time. Return dates on alias summons must remain on the same day of week at the same time as originally scheduled.
- (ii) Settlement orders where all relevant parties have affixed signature to the order.
- (iii) Voluntary dismissal orders by plaintiff where there is no pending counterclaim, hearing, or trial date set and no dispositive motion has been filed.

C. Courtesy Copies

E-filing pleadings, motions, affidavits and case related documentation with the Clerk's electronic filing procedure (i.e. ODYSSEY) does not constitute submission of courtesy copies for the court. An electronic PDF format courtesy copy of any motion, prove-up documentation, trial exhibits must be delivered to the court by email **not less than 5 days before hearing** to:

CCC.BridgeviewCR203@CookCountyIL.Gov

D. Default Motions and Prove-Up Requirements

On **ALL** motions for default judgment and prove up, the moving party must e-file the following documents **AND** deliver a courtesy copy to the court as set forth in paragraph "C".

- (i) Eviction Cases: Notice of Termination of Tenancy served upon tenant(s).
- (ii) Proof of Service Affidavit from the deputy sheriff or special process server for each defendant in default. (*Sheriff's Internet / Online / Website record is not acceptable*)
Constructive Service (5/9-107): Affidavit as set forth in statute and Posting or Publication affidavit from sheriff or publication service.
- (iii) Affidavit as to military service. Clerk Form CCG 0004 & Dept. of Defense status report. ***www.servicememberscivilreliefact.com***
- (iv) * Verified Complaint (if only seeking damages set forth on complaint); **OR,**

** Prove-Up Affidavit setting forth the facts supporting damages thru date of possession and judgment and statement that Plaintiff has NOT accepted any payment of rent in excess of the amount set forth in the 5-day notice; **OR,**

*** Sworn testimony supporting damages thru date of possession and judgment, including testimony that plaintiff has NOT accepted any payment of rent in excess of the amount set forth in the 5-day notice. Presentation of testimony via ZOOM is permitted for default judgment and prove-up matters only.
- (v) Proof of Notice of Default Motion/Hearing Date - **See Circuit Court Rule 2.1**
On all motions for default judgment, all parties who have been served shall be given notice as provided in CCR 2.1, without regard to whether an appearance has been filed.
- (vi) Petition for Attorney's Fees – on applicable cases only. (Commercial & Condo)

E. AGREED ORDERS: Non-Compliance Prove-Up Requirements

On ALL motions for an eviction order of possession and / or money judgment based on the non-compliance of a party on an agreed order, the plaintiff must submit either an affidavit in support of the required elements of proof for judgment **OR** sworn testimony of a witness in support of the required elements of proof for judgment to be entered. Attorneys may not seek an order of possession or money judgment based upon an attorney's oral representation to the court. Notice of a Non-Compliance Prove – Up must be provided to each defendant unless the compliance court date was set forth in the agreed order.

F. Trials

ALL TRIALS are conducted “**IN PERSON**” in **Room 203** at the Bridgeview Courthouse unless otherwise authorized by court order for extraordinary reasons set forth in a pre-trial motion. Trial dates are firm and will not be typically re-scheduled absent compelling circumstances. A request for a continuance for trial must be in writing and supported by a detailed, compelling affidavit and heard as soon as possible or at least 5 business days preceding trial unless emergency and exigent circumstances are the basis for the requested continuance. Each party must provide a courtesy copy of all trial exhibits to the court not less than 5 days prior to trial date.

G. Regular Motions

All regular motions are initially set for 9:30 a.m., Monday through Thursday on dates scheduled with the Clerk of the Court Odyssey e-filing assignment. Movants are allowed and encouraged to schedule and notice additional motions onto previously scheduled motion dates or status dates without obtaining the date from the Clerk's e-filing assignment program.

H. Contested Motions

Briefing Schedule / Briefs: The Court may set a briefing schedule on contested motions. All briefs should be double-spaced with 12-point font and 1 inch margins. Briefs in support and in response to a motion shall not exceed ten (10) pages unless permission is granted from the Court to exceed this limit. **The moving party shall supply the Court with the courtesy copies of all materials in compliance with paragraph “C”.** Hearing dates shall not be changed, except by court order. A party seeking to modify the briefing schedule must move to do so before its brief is due.

I. Emergency Motions

Procedure: 9:30 a.m. Monday through Thursday
Movants should contact a staff member at the Office of the Presiding Judge at (708) 974-6290 to schedule any Emergency Motion and provide a courtesy copy of the filed Motion and proof of service to the court no later than 4:00 p.m. on the day preceding presentment. Emergency motions must set forth a verifiable **EMERGENCY** with extraordinary circumstances.

J. SETTLEMENTS:

As a courtesy to the Court and other litigants, please email Judge Carmody's court clerk at d5crt203orders@cookcountycourt.com if any scheduled matter (i.e. fully briefed motion; trial, etc.) has been resolved and no longer requires the hearing/trial date.

K. VOLUNTARY DISMISSALS – with or without Prejudice

Motions to vacate a voluntary dismissal must be filed within 30 days of the date of dismissal or a new action must be filed by plaintiff, UNLESS, an agreed order of dismissal is signed by both plaintiff and defendant and the order specifically states that leave to reinstate is granted and the court retains jurisdiction. See 735 ILCS 5/2-1203(a) and *Eighner v. Tiernan, 2021 L 126101, Supreme Court of Illinois*.

L. APPLICABLE RULES & STATUTES – STRICT COMPLIANCE REQUIRED

General Order No. 1.2, 2.3 – Municipal Department

(d) Place of Filing – Civil Proceedings

(2) The district in which the transaction or some part thereof occurred out of which the cause of action arose. Actions of attachment, distress for rent, **forcible entry and detainer**, and for the recovery of property may be filed in the district **where the property is located**.

Supreme Court Rule 139. Practice and Procedure in Eviction Cases

(b) Supporting Documents for Eviction Complaints.

Supreme Court Order M.R. 30370 (dated 09/13/21)

Notice regarding the Court-Based Rental Assistance Program.

735 ILCS 5/9-107. Constructive Service.

Please review applicable statute and case law for DUE DILIGENCE & DUE INQUIRY requirements: *Equity Residential Prop. Mgmt. Corp. v. Nasolo; 364 Ill. App. 3d 26 (2006)*
Corlis v. Edelberg; 2018 IL App 1st, 170049 (2018)

735 ILCS 9-109.6 Residential Eviction Order; form.

A standardized residential eviction order form, as determined by the Supreme Court, shall be used statewide.

*** *Litigants are encouraged to utilize all approved Supreme Court forms for Eviction cases****

Cook County Residential Tenant Landlord Ordinance – effective 06/01/2021 (29 pages)

Illinois Rules of Evidence – Rule 803 (6); Rule 901 and Rule 902 (11) – admissibility of records kept in the regular course of business activity.

(First Amended Standing Order = effective date 01/01/2023)