

**In The Circuit Court of Cook County, Illinois
County Department, Chancery Division
Mortgage Foreclosure / Mechanics Lien Section**

General Standing Order
Judge Lloyd James Brooks
Calendar 57
Courtroom 2809

Judicial Law Clerk:

Emily Boozer 312.603.3908
Emily.boozer@cookcountyil.gov (email preferred)

Administrative Assistant:

Gisele Cravens-Brown
Gisele.cravensbrown@cookcountyil.gov

Courtesy Copies Email:

ccc.mfmlcalendar57@cookcountyil.gov

Zoom Information:

Meeting ID: 966 5421 6984
Passcode: 816216
Dial In Number: (312) 626-6799

IT IS HEREBY ORDERED:

Regular Zoom Hearing Court Calls

Judge Brooks' regular court calls take place via Zoom on the following days and times:

Emergency and Contested Motions Call: 9:45 A.M., Monday, Tuesday, Wednesday, Friday

Case Management/ Default Motion Call: 2:00 P.M., Monday, Tuesday, Wednesday, Friday

In the event a litigant or attorney is unable to connect to Judge Brooks' Zoom hearing call, please IMMEDIATELY call (312) 603-3908 and/or email ccc.mfmlcalendar57@cookcountyil.gov to let the Court know of your difficulty in connecting with the Zoom call.

All parties should familiarize themselves with Ill. Sup. Ct. Rule 45, Circuit Court of Cook County General Administrative Order 2023-03, and Chancery Division General Administrative Order No. 2023-05 which govern how and when a party may appear for court via Zoom and/or in person.

1. **Standing Order.** This Calendar 57 Standing order serves as a supplement to and not a replacement of the Mortgage Foreclosure Courtroom Procedures, which Procedures apply to all applicable cases on this Calendar. All parties are subject to this Standing Order.
2. **Scheduling Motions.** Contested motions are heard on Monday, Tuesday, Wednesday, and Friday at 9:45 a.m. Contested motions are any motions filed by a party brought after an answer has been filed by any defendant. Default motions and case management conferences are heard on Monday, Tuesday, Wednesday, and Friday at 2:00 p.m. All motions must be set for hearing in the Clerk's office, Room 802. Motions that are not properly set on the correct call will not be heard. For more instructions on motions see the Mortgage Foreclosure Courtroom Procedures. The Court's Electronic Filing rules and procedures apply to all motions, except as provided for Emergency Motions at Paragraph 4 below.
3. **Piggy-backing Motions.** Unless otherwise consented to in advance by Judge Brooks, every motion must be set for hearing pursuant to the procedures followed by the Clerk of the Circuit Court, Chancery Division, in room 802. So long as the motion has been set, and courtesy copies have been provided ten (10) court days in advance of the hearing, the Judge will hear the matter. See Cook County Circuit Court Rules 1.1 and 2.1. If any matter has been set for hearing, any

party to the case may present a “piggy-backed” motion on that date, if courtesy copies of that motion are provided ten (10) court days in advance of the hearing.

4. **Emergency Motions.** Emergency motions are only heard on the contested call on the days indicated at Paragraph 2, and if allowed to be heard, will be scheduled only at 9:45 a.m. (To emphasize, no emergency motions will be heard on Thursdays.) Due to the high volume of cases on Calendar 57, what constitutes an EMERGENCY motion is limited to:

- Motion to Stay Judicial Sale
(must include the date of sale in the motion, along with a request for a stay in the prayer for relief)
- Motion to Stay Possession
(must include date of possession in motion)
- Motion to Appoint Receiver / Mortgagee in Possession only when the verified petition alleges an immediate threat of health or safety. The receiver seeking appointment MUST be present when the motion is scheduled to be heard. Additionally, the order appointing receiver will NOT become effective until a bond by an authorized surety has been submitted to chambers, signed, and approved by Judge Brooks.

The procedures for having emergency motions filed, scheduled, and heard are set forth at Chancery Division General Administrative Order No. 2018-5 and apply in full. Emergency motions are scheduled with the Judge’s law clerk. A party who seeks to have an emergency motion heard on the next court day must present the emergency motion for scheduling no later than 3:30 p.m. on the preceding day, or earlier if General Administrative Order No. 2018-5 so requires, or if the “preceding day” is a Wednesday, as no motions will be scheduled for Thursday hearing. A copy of the notice of motion (with date and time left blank) and the emergency motion must be presented at that time. If the motion is deemed an emergency, the moving party must have an appearance on file and must transmit a notice of motion to the opposing party by a means reasonably calculated to reach the opposing party in sufficient time for the opposing party to appear at the hearing. See Cook County Circuit Court Rule 2.2 and Chancery Division General Administrative Order No. 2018-5 for additional procedures, all of which must be followed in order for the emergency motion to be presented and heard. If any of the foregoing conflicts with General Administrative Order No. 2018-5, then General Administrative Order No. 2018-5 shall govern, except that no hearing will be scheduled on any Thursday.

5. **Routine Motions.** (need not be presented in court). The following motions may be heard as routine or “off call” motions. All such motions must comply with the form for courtesy copies set forth in Paragraph 8 below.

- Motions to appoint a special process server
- Motions to dismiss the case presented by plaintiff (as provided for in the courtroom procedures)

6. **Receiver’s Motions.** Motions to Appoint Receiver or Mortgagee in Possession can be scheduled with the Judge’s law clerk via email to the Calendar 57 email, upon request of the movant. These motions are heard on Tuesdays, Wednesdays, and Fridays at 10:30am. The receiver MUST be present in court when the motion is scheduled to be heard. Please see Judge Brooks’ Standing Order for Receivers for more information. The form order for appointment of a receiver is available on the internet at www.cookcountycourt.org.

7. Courtesy Copies. The moving party shall provide courtesy copies of all briefs, motions and/or petitions and their respective exhibits to the court and all named parties who have filed an appearance or their counsel, if counsel has filed an appearance, TEN COURT DAYS prior to presentation or hearing of said motion and/or petition. If the motion under consideration concerns or attacking any pleading in the case, a full copy of the pleading must be included in the courtesy copies; e.g. a motion to dismiss a complaint must include a copy of the complaint with the courtesy copies. If courtesy copies are not provided in advance, the matter may not be heard. For all cases set over on a briefing schedule, the entire courtesy copy package must be provided with each new hearing date. The Court does not keep any courtesy copies or notes.

Unless excused by the Judge, courtesy copies of briefs are to be sent via email to Calendar 57's dedicated email address (ccc.mfmlcalendar57@cookcountyil.gov) as a single file with PDF attachments that are clearly labeled with identifying names and are digitally tabbed for exhibits and documents. Courtesy copies shall NOT be delivered to the 28th floor reception area, as had been the custom in the past.

Courtesy copies which are not submitted in a SINGLE email, in a neatly organized fashion, and as a SINGLE, tabbed PDF document with a SEPARATE SINGLE PDF document containing ALL proposed orders will NOT be considered by the Court.

Exceptions will be made for voluminous courtesy copies exceeding 25 MBs. If multiple PDFs are required, they MUST be labeled in the following fashion: (e.g. 1 of 4, 2 Of 4, etc.). To decrease the risk of lost courtesy copy emails, DO NOT send multiple courtesy copy emails for the same matter.

Due to the risk of computer files, DropBox or ShareFile links will NOT be accepted.

All proposed orders shall be emailed to the Calendar 57's dedicated email address **in PDF format** unless Word format is requested. The Court will not enter any order that has space for the Judge's signature standing alone on a separate page.

All proposed orders shall include the Court's contact information:

Email: ccc.mfmlcalendar57@cookcountyil.gov

Phone: (312) 603-3908

Due to the increasing volume and complexity of cases on the docket, the Court's law clerk will no longer be providing copies of signed and entered orders to litigants. Please either contact the Clerk of the Circuit Court of Cook County directly or contact the Court's administrative assistant (contact information on page 1) directly to obtain a copy of any previously signed and entered order. Please DO NOT email or carbon copy the generally calendar email address with such requests.

When emailing courtesy copies, parties must strictly adhere to the following guidelines:

- The subject line of the email must include only the case number, the case name, and the court date (e.g., 20 CH 0001 PNC v Martin 12/30/2020). For routine motions, please indicate "off-call" instead of the court date.
- The body of the email must include the case number, court date, and a brief description of the matter. (e.g., Attached are courtesy copies for December 30, 2020, for 20 CH 0001 (PNC v. Martin) up on Case Management/Judgment Motions/Order Approving Sale/Status on _____/Plaintiff's or Defendant's Motion to _____/etc.)
- Please do not include any "internal" file numbers of the law firm submitting the courtesy copies.

8. **Proposed Orders.** Proposed orders are due to the Calendar 57 email NO LATER than 48 hours after the hearing. Any order not received within 48 hours must be re-noticed. Late dismissals may be submitted off call.

9. **Continuances.** The judge does not continue cases over the phone. See Cook County Circuit Court Rule 17.1.

10. **Virtual Appearances.** For virtual appearances, unless excused by the Judge in advance of the hearing, all attorneys shall appear with the video on and no person may appear while in a moving vehicle.

11. **Supreme Court Rule 304(a) Language.** No SCR 304(a) language may be added to non-final orders without first petitioning the court by separate motion for such language to be added.

12. **Withdrawing Motions Set for Hearing.** If a briefing schedule has been entered and a hearing date has been set, but the movant will be withdrawing or continuing its motion, the movant shall so notify the law clerk at the Calendar 57 email address. Correspondence indicating such a withdrawal may be delivered to the law clerk in lieu of a phone call if timely delivered.

13. **Order Requests.** Please allow 7-10 business days to receive an order from the Clerk's automated email system. If an order has not been received, order requests should be sent to the Calendar 57 email. If more than one order is missing, please send ONE email with a list of all orders. Order requests should include: (1) case number; (2) hearing date; and (3) defendant last name.

14. **Court Orders.** All court orders drafted by counsel must state the basis for the court's ruling. For example, when a motion is withdrawn, the order must state the reason it is being withdrawn.

15. **Interpreter.** If a case or hearing requires the services of an interpreter, please let the courtroom clerk know as far in advance of the hearing as possible. Plaintiffs are obliged to make such requests as instructed above if the plaintiff knows the adverse party requires an interpreter. The only interpreters allowed will be ones provided by the court. Interpreters will not be provided by the court for trials if the party needing an interpreter is represented by counsel.

16. **Affidavits.** All affidavits submitted to the court for consideration must include all required exhibits. The court will not consider affidavits containing a stand-alone signature page or notary page.

17. **Service by Publication Affidavit.** All affidavits for service by publication must be accompanied by a sworn affidavit and in compliance with Cook County Circuit Court Rule 7.3.

18. **Order Approving Sale.** All Order Approving Sale (OAS) packets seeking an *In Personam* deficiency should include the following:

- Complaint, including Mortgage and Note
- Judgment of Foreclosure
- Proof of Service for each Defendant against whom a personal deficiency judgment is sought
- Compliance with GAO 2021-09 if applicable.
- Memorandum of Judgment (if any)

Please note: If the Memorandum of Judgment is not included in the OAS packet at the time the Motion to Confirm Sale is entered, then Judge Brooks will not sign the Memorandum of Judgment off-call. The Memorandum should be set in the normal course, as per Paragraph 2 above.

19. **Memorandum of Judgment.** All Memoranda of Judgment that are set for hearing should include the Order Confirming Sale, Complaint, Judgment of Foreclosure and Proof of Service.

20. **Service of Process upon Corporations in Default Judgment Packets.** Where a corporation or a limited liability company has been served through the Secretary of State, the Affidavit of Compliance for Service on Secretary of State must be included in the courtesy copy packet.

21. **Discovery Schedule.** The Illinois Supreme Court has established new standards for disposition of mortgage foreclosure cases within specific timeframes. The period set forth is three (3) years from the date of institution of the case; therefore, effective for cases instituted on or after July 1, 2022, the following timeline shall be followed for discovery and filing of dispositive motions.

- Upon entry of an order striking the case from case management (4331), the Court will simultaneously enter a pre-trial timeline in which the parties shall have:
 - 8 months to complete written discovery;
 - 14 months to complete oral discovery;
 - 15 months to complete disclosure of expert witnesses; and
 - 17 months to complete expert witness discovery.
- The parties may file dispositive motions at any point after the entry of the order striking the case from case management (4331); however, ALL dispositive motions from ALL parties shall be filed on or before the sixtieth day after the close of oral discovery.
- The parties may use the time for discovery to conduct loss mitigation and settlement discussions if the case is “on loss mitigation hold,” but the timeline will continue to run and will not be tolled or stayed unless a briefing schedule has been entered on a dispositive motion or upon a motion of a party.
- The Court reserves the right to reset the discovery timeline of a case depending on motions that have been filed, rulings on motions presented to the Court, the procedural history and posture of the case, or upon a party’s motion to reset the discovery timeline.
- Failure to strictly follow this timeline may result in the case being dismissed *sua sponte* for want of prosecution.
- Any deliberate and obvious attempt by a party to delay the prosecution of the case by filing frivolous motions will subject the motion to being facially stricken and potentially subject the movant to appropriate sanctions, at the Court’s discretion.
- Dispositive motions brought pursuant to Illinois Code of Civil Procedure sections 2-1005, 2-619, and 2-301(b) will be screened for Rule 113 and/or Rule 191 compliance. A party seeking discovery before responding **must** provide *on the presentment day* an affidavit in strict compliance with Rule 191(b). Failure to do so may waive all discovery prior to a response.

22. **Compliance with Chancery GAO No. 2021-09.** Pursuant to GAO No. 2021-09 any plaintiff that is:

- (1) seeking a default judgment of foreclosure or an order approving sale,
- (2) where service was had on the mortgagor(s) over two years prior to the filing of such motion, and
- (3) where the mortgagor(s) has/have not filed an appearance

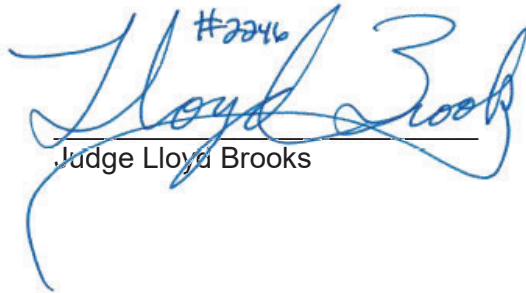
shall include as an exhibit to such motion an affidavit of compliance showing that (i) the address whereupon service was had is still the mortgagor(s) current address and (ii) the mortgagor(s) is not deceased.

Judge Lloyd James Brooks

May 18 2023

Circuit Court - 2246

Entered:

#2246


Judge Lloyd Brooks