

**CIRCUIT COURT OF COOK COUNTY, CHANCERY DIVISION  
RICHARD J. DALEY CENTER, COURTROOM 2601 - 312.603.5415  
CHICAGO, IL 60602  
CALENDAR 2 - JUDGE JOEL CHUPACK  
AMENDED STANDING ORDER  
Effective– July 19, 2023**

**Court’s Phone Number: 312.603.5415**

**Court’s Email address: [ccc.chancerycalendar2@cookcountyil.gov](mailto:ccc.chancerycalendar2@cookcountyil.gov)**

**For remote access to the courtroom:**

**Zoom Meeting ID: 940 2104 4687 Password: 296476**

**Call-in Phone No.: +1 312.626.6799**

Calendar 2 procedures set out in this order must be followed unless a signed order provides otherwise. Suggestions to improve these procedures are welcome. The Standing Order has been changed when an “amended” date is provided.

**MOTIONS WHICH DO NOT REQUIRE A COURT APPEARANCE**

**1. ROUTINE MOTIONS**

Routine motions are to be scheduled with the Chancery Clerk for 10:00 a.m. on Mondays through Thursdays, but **do not** require an appearance in open court. Motions captioned “Routine” must be accompanied by draft orders in Word format. Courtesy copies must be submitted four (4) court days in advance of the scheduling date.

A party objecting to a motion filed as “Routine” must give notice to the movant, either orally or in writing, before the date of presentment. Upon timely notice of an objection, the movant of the motion labeled routine must spindle the motion. If a routine motion is granted in the face of a timely objection, the opposing party must spindle an appropriate motion, which may include a request for sanctions.

The following motions are considered “routine” for the purposes of this Standing Order:

- to vacate a technical default and for leave to file an appearance and responsive pleading.
- for leave to file instanter or within 28 days an answer or other pleading after the time provided by law unless a court-ordered deadline already exists.
- to amend a complaint to add a new defendant with summons to issue.
- for leave to file an appearance.

- to substitute one attorney for another by agreement. A motion to withdraw without substituting another attorney is not a routine motion.
- to voluntary non-suit by a plaintiff (may also be presented off call).
- petitions for the issuance of subpoena in out-of-state cases.
- agreed briefing schedules for motions to strike or dismiss, motions for judgment on the pleadings, motions for summary judgment, or cases on administrative review.
- to file a record on administrative review under seal.

Entered orders will be emailed to counsel of record by the Clerk of the Circuit Court.

## **2. OFF CALL -- MOTIONS TO VOLUNTARILY DISMISS AND AGREED ORDERS**

Motions to Voluntarily Dismiss an action, **Motions to Appoint Special Process Servers, Stipulations to Dismiss all or any part of a case, except class actions** and Agreed Orders may be submitted “off call” (i.e., no scheduling with the Chancery Clerk is required) by email. The subject line of the email must include the case number and name, and the title of the order to be entered. All counsel of record must be copied on the email. The email must include as an attachment (i) the filed motion and (ii) the proposed order. If it is an agreed order, then the order must be signed by counsel of record or by the party, if that party is self-represented.

### **MOTIONS OR MATTERS WHICH DO REQUIRE A COURT APPEARANCE**

## **3. EMERGENCY MOTIONS/REQUESTS FOR TEMPORARY RESTRAINING ORDERS – Date and Time To Be Set by Court**

Emergency Motions and requests for Temporary Restraining Orders must be emailed to the court on the day of its filing to obtain a prompt hearing date. The court’s law clerk will set a hearing date and time to permit adequate notice to the opposing party, unless movant can demonstrate immediate harm and injury will result before notice can be given. Motions claiming to be an “emergency” will be scrutinized. An emergency is usually something not reasonably foreseeable or avertable from which irreparable harm will result if relief is not provided. An impending due date or court date is rarely an emergency. See SCR 183, which permits the court to extend time, upon good cause, for “the doing of any act, which is required by the rules to be done within a limited period, either before or after the expiration of the time.” A motion improperly labeled an “Emergency” may trigger award of costs, including attorney fees, to the opposing party.

## **4. REGULAR MOTIONS - 10:15 a.m. (Mon. through Thur.)**

Regular Motions must be spindled through the Chancery Clerk’s office. Notice of motion must be provided as mandated by SCR 11(b)(4) and Cook County Circuit Court Rule 2.1(c)(i). Regular motions are not heard on Fridays, which are reserved for set matters. Courtesy copies must be submitted at least four (4) court days in advance of the scheduling date.

## **5. MOTIONS FOR DEFAULT AND MOTIONS FOR PROVE-UP - 10:15 a.m. (Mon. through Thur.)**

Motions for Default and Motions for Prove-Up are not routine motions. Counsel should follow the procedures for a Regular Motion, as supplemented below. Typically, this is a two-stage process. First, a motion for entry of default order is to be granted before setting or scheduling a date to present a motion for prove-up..

Each of these motions should proceed by way of affidavits. The following documents are to be submitted for the court to consider a motion for entry of a default order:

- a. Movant must provide notice to all parties who have been served, even if they have not filed an appearance. (Circuit Court Rule 2.1).
- b. Notice of Motion, Certificate of Service and Motion for Entry of Default Order;
- c. Face of Summons;
- d. Affidavit of Return of Service whether by special process server or Deputy Cook County Sheriff;
- e. Order appointing a special process server or order allowing service under 735 ILCS 5/2-203.1, if applicable;
- f. If service under 735 ILCS 5/2-203.1 was granted, counsel shall also submit proofs of the type of service required under the order;
- g. Attorney Certificate that counsel examined the court docket on Odyssey within 10 days prior to the hearing date and averring that no appearance or answer was on file;
- h. Affidavit of Military Service (if an individual is in default); and
- i. Proposed Order of Default.

To warrant relief, materials submitted must establish a *prima facie* case entitling the party to affirmative relief. *See* 735 ILCS 5/2-1301(d). The following documents are to be submitted for the court to consider a motion for prove-up:

- a. Movant must provide new notice to all parties who have been served, even if they have not filed an appearance. (Circuit Court Rule 2.1).
- b. Notice of Motion, Certificate of Service and Motion for Prove-Up;
- c. Copy of entered order of default;
- d. Copy of the filed Complaint and affidavit verifying the judgment amount;
- e. Affidavit detailing costs requested;
- f. Affidavit detailing attorneys' fees requested, if authorized by statute or contract; and
- g. Proposed Judgment Order, specifying the precise relief awarded.

## **6. CASE MANAGEMENT CALL - 10:00 a.m. (Thursday Only)**

Pursuant to SCR 218, the court holds case management conferences. The initial case management conference is approximately four months after the filing of the complaint. Whether set by court order or by "postcard" sent by the Clerk of the Circuit Court, counsel or the self-represented litigant must appear at each CMC. Cases remain subject to SCR 218 until a trial date is set. Failure of counsel or the self-represented litigant to appear may result

in the dismissal of the case for want of prosecution, the default of the absent party, and/or other sanction.

### CONTESTED MOTIONS

***Courtesy Copies.*** Movant is responsible for emailing to the court a *complete set of courtesy copies* including the motion and all related briefing, transcripts, and pleadings including all exhibits to the pleading. Courtesy copies must be emailed to the court within 24 hours of filing of the reply brief. Should the court desire a hard copy, the parties will be so notified.

***Length of Briefs and Motions.*** No motion, movant's brief or response brief shall exceed *fifteen (15) double-spaced pages with 12 pt. font and 1-inch margins* (exclusive of exhibits). No reply brief shall exceed *seven (7) pages*. Oversized briefs are disfavored and require leave of court. No sur-replies will be permitted unless ordered by the court.

***Proper Citations and Format.*** All motions, whether routine or contested, must include proper citation format. All litigants must cite to the official reporter. Briefs that contain improper citations may be rejected by the court and will require resubmission with corrected citations.

***Tabbing.*** All submissions shall be tabbed so that the court can easily navigate amongst the sections of the document. If it is not, then the court will ask counsel to resend a sufficiently tabbed document. For security purposes, the parties should avoid submitting courtesy copies via a link to a document site (such as Dropbox).

***Binding and Voluminous Exhibits.*** If a hard copy is requested, the papers must be securely fastened by a staple or binding on the left side. Binder clips are not acceptable. Exhibits exceeding 80 pages in length should be bound separately from the brief or motion.

***Ruling Date.*** If after reviewing the briefing, the judge determines that a hearing would be helpful, the court will set a hearing date for oral argument in consultation with counsel. Scheduling will typically be done by email. Many, if not most, motions are able to be disposed of by written order without a hearing, in which case the court will email counsel a copy of the order by the Ruling Date. On occasion, the Court may extend the Ruling Date based on its workload or other factors.

***Modification to Briefing Schedule.*** The Court will grant a reasonable request to extend a briefing schedule provided that the proposed modification does not affect a scheduled trial date. To the extent possible, the parties should confer and agree on a proposed modified schedule. If the modified schedule is agreed, the parties must advise the Court's law clerk by phone and submit a proposed order as an email attachment. This order will need to leave a blank for the insertion of a new Ruling Date.

The subject line of the email must include the case number and name, and the title of the order that is proposed. All orders must be submitted in Word format. All counsel of record and self-represented litigants must be copied on the email.

In those rare instances when the parties are unable to agree on a modified schedule, the party requiring the extension will need to spindle a motion.

### DISCOVERY MATTERS

**Discovery Disputes.** Generally, motions regarding discovery disputes must be presented at the Regular Motion call. Counsel should keep in mind that discovery rules “contemplate that discovery will generally proceed without judicial intervention,” with most discovery disputes “resolved by counsel themselves.” *Williams v. A.E. Staley Mfg. Co.*, 83 Ill.2d 559, 563 (1981). SCR 201(k) requires that “[E]very motion with respect to discovery shall incorporate a statement that counsel responsible for the trial of the case after personal consultation and reasonable attempts to resolve differences have been unable to reach an accord or that opposing counsel made himself or herself unavailable for personal consultation or was unreasonable in attempts to resolve differences.” Accordingly, trial counsel is required to present or oppose any contested discovery motion. If a party’s position regarding a discovery dispute is found to be unreasonable, the court will ordinarily order the offending party to pay the costs of the motion. *See* SCR 219(c). Privilege claims in opposing discovery must be supported by a privilege log. *See* SCR 201(n). “The burden of establishing the applicability of a discovery privilege rests with the party seeking to invoke the privilege.” *Chicago Trust Co. v. Cook County Hospital*, 298 Ill. App. 3d 396, 401 (1998). Claims of privilege not in compliance with SCR 201(n) may trigger a sanction. *See* SCR 219(c).

**Rule 216 Requests for Admission of Facts.** “[R]equests to admit must be limited to questions of fact.” *P.R.S. Int’l v. Shred-Pax Corp.*, 184 Ill.2d 224, 237 (1998). “[T]he purpose of admissions is \*\*\* to establish some of the material facts in a case without the necessity of formal proof at trial. Requests to admit are a device by which to separate the wheat from the chaff and are intended to circumscribe contested factual issues in the case so that issues [that] are disputed might be clearly and succinctly presented to the trier of facts.” *Id.* (internal quotation marks omitted). As has been observed, a Rule 216 request to admit is not an efficient first-wave discovery tool. Stipulations are favored over proof of facts admitted under Rule 216.

### DISPOSITIVE MOTIONS

**Affidavits in Support of Dispositive Motions.** An affidavit must be grounded on the personal knowledge of the affiant, supported by material facts, particularly set out in the affidavit, and admissible in evidence by the affiant’s testimony. Documents submitted in support of a dispositive motion must be sworn to or certified. “If all of the facts to be shown are not within the personal knowledge of one person, two or more affidavits shall be used.” SCR 191.

**Timing.** Unless otherwise specified by order, dispositive motions shall be *presented* no later than 90 days before the trial date.

### TRIALS & EVIDENTIARY HEARINGS

**Trial Dates.** Trial dates are firm. Requests for continuances are disfavored. *See* SCR 231. Continuances will rarely be granted and only for good cause -- usually involving the serious

illness (or death) of counsel, a party, or necessary witness. A motion for continuance should be brought as early as possible and should be supported by an affidavit.

**Settlements.** If your case should settle after a trial date has been set, please advise the court by email at your earliest convenience.

**Trial Materials.** The parties must exchange proposed trial materials at least 14 days before the trial date. Each party must submit trial materials to the court not less than 7 days before the trial date.

Trial materials must include:

- (1) an exhibit list, which identifies each exhibit and whether there is a stipulation as to its foundation;
- (2) a submission of stipulated facts or SCR 216 admitted facts;
- (3) a list of contested factual questions and legal issues;
- (4) any motions *in limine* (such motions will be taken up on the first day of trial unless an earlier ruling on a crucial motion might assist the parties in settling the case);
- (5) full transcripts of any evidence depositions, with each marked to identify portions that will be offered at trial;
- (6) a witness list; and
- (7) discovery responses of any opinion witness, which satisfy the proponent's burden that the proposed testimony complies with SCR 213.

#### SETTLEMENT CONFERENCES

Requests for a pretrial/settlement conference may be made by the parties upon motion or orally at a status date. Before a pretrial conference is held, each party must exchange written demands and offers and submit a short memorandum setting forth the nature of the claims or defenses. The court has a form settlement conference order which is available upon request. At the pretrial conference, the court may also entertain matters in preparation for trial, including setting a firm trial date. Failure to appear at a pretrial conference may result in dismissal for want of prosecution, an order of default, and/or any other appropriate sanction. Counsel appearing at a settlement conference are expected to have authority to settle the case and have the client present in court or be available by telephone. Unless the court approves otherwise, all settlements must be reduced to writing at the time of the conference.

#### MOTIONS TO RECONSIDER

Motions to reconsider are not favored. "The intended purpose of a petition to reconsider is to bring to the court's attention (1) newly discovered evidence which was not available at the time of the first hearing, (2) changes in the law, or (3) errors in the court's previous application of existing law." *Gardner v. Navistar Int'l Transportation Corp.*, 213 Ill.App.3d 242, 248-49 (1991). A motion to reconsider is not a second bite at the evidentiary apple and usually does not provide a separate and distinct issue, from the original ruling, for review by the appellate court. *See Farley Metals v. Barber Coleman Co.*, 269 Ill.App.3d 104, 116 (1994).

### ZOOM PROTOCOL

Unless otherwise specified by the court, proceedings will be conducted over Zoom. The access numbers are listed on the first page of this order. All participants shall sign into the Zoom with their name and case number. Participants may not access Zoom from a vehicle, whether they are driving or not and whether the vehicle is moving or not. The reasons for this rule are (i) it is not safe for the participant or others on the road, (ii) all participants in the Zoom room would be subject to being a potential witness if there was a car crash or other vehicle related issue, (iii) connectivity and interference is often an issue, and (iv) it is unprofessional.

**Courtroom 2601 now has the capacity to hold hybrid hearings. Any attorney or party may now appear in person if they so wish. Said attorney or party shall notify the court in advance to ensure that the hybrid setup is complete. There is also a General Administrative Order that contains more information on in-person protocol. For reference, please consult Chancery GAO 2023-05.**

### COURT REPORTERS

Please note that the court does not provide a court reporter. Therefore, the party wanting a court reporter is responsible for ordering one.

### INTERPRETERS/TRANSLATORS

Except as provided below, any party who requires an interpreter must provide one at their own expense. Any indigent party who cannot afford an interpreter shall, at least five (5) days prior to the hearing, contact the court about scheduling an interpreter. In a remote proceeding conducted over Zoom, the court has the ability to enable language interpretation to designate a participant as the interpreter in the proceeding.

ENTERED:

*/s/ Joel Chupack*

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Judge Joel Chupack