



IN THE CIRCUIT COURT OF COOK COUNTY
CHANCERY DIVISION, MORTGAGE FORECLOSURE / MECHANIC'S LIEN SECTION

LEWIS M. NIXON
SUPERVISING JUDGE

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INTERIM STANDING ORDER

EFFECTIVE SEPTEMBER 1, 2023

BY THE JUDGE

THIS MEMORANDUM supplements the current General Orders of the Mortgage Foreclosure / Mechanic's Lien Section and provides the general procedures for conducting a case in Calendar 53.

Distribution of Interim Order

The Secretary sends this interim order to plaintiffs' counsel before initial-case-management-conference dates. Upon receipt of it, counsel should send it to any other counsel who has appeared as soon as practicable.

Initial Case-Management Conferences, Status Updates, and Written Status Reports

There are currently no hearings in-person or on Zoom for initial case-management conferences or status updates. Calendar 53 uses written status reports instead. Written status reports should be submitted to the Calendar 53 e-mail address. They need not be filed with the Clerk of the Court (the "Clerk's

Office”), for they are neither pleadings nor under oath. Only counsel who have appeared may submit written status reports jointly or severally. Counsel may submit their own versions of a status report if they cannot agree to its contents.

The Clerk’s Office assigns initial-case-management-conference dates. Counsel must send a written status report to advise the Court about the current status of the case by the initial-case-management-conference date. Counsel must then submit written status reports every sixty days.

Court Business

Court business includes status updates, routine motions, emergency motions, contested motions, and miscellaneous matters.

Routine motions are all motions that nonmovants do not contest or that are not reasonably expected to be contested if movants were to confer with nonmovants in advance. All agreed-to motions thus are routine motions. Routine motions also include motions to default and motions for default judgment, if the nonmovants thus far have not participated in the cases. Motions to withdraw are also generally treated as routine motions.

An emergency is a “sudden unexpected happening; an unforeseen occurrence or condition; perplexing contingency or complication of circumstances; a sudden or unexpected occasion for action; exigency; pressing necessity. [It] is an unforeseen combination of circumstances that calls for immediate action without time for full deliberation.” *Nagel v. Gerald Dennen & Co.*, 272 Ill. App. 3d 516, 520 (1st Dist. 1995) (quoting Black’s Law Dictionary) (internal quotation marks omitted). Emergency motions must satisfy that requirement and any other requirements under applicable law.

Contested motions are all motions that are not routine motions or emergency motions. Contested motions are either substantive or procedural.

Miscellaneous matters involve specific issues that a party finds not to be sufficient to discuss in a written status report and that are not otherwise presented in motions. For example, sometimes parties will want to know how to proceed after a settlement conference has failed.

Disposition of Court Business

The Court may dispose of court business as off-call matters, at hearings, or by the Contested-Motions Procedures. Court business governed by the Contested-Motions Procedures have no presentment hearing dates.

A party or petitioner should call or e-mail the Law Clerk to determine which mechanism governs which court business. The following summarizes that:

- A status update is treated as an off-call matter as discussed *supra*;¹
- An agreed-to motion is treated as an off-call matter;²
- A motion to default is heard;
- A motion for default judgment is treated as an off-call matter or is heard;
- A motion to withdraw is heard;
- Any other routine motion may be treated as an off-call matter or be heard;
- An emergency motion is heard;
- A procedural contested motion is heard;
- A substantive contested motion relating to intervention is heard;
- A substantive contested motion relating to discovery may be heard or governed by the Contested-Motions Procedures; and
- Any other substantive contested motion is governed by the Contested-Motions Procedures, unless the movant insists the issues need not be fully briefed, and the Court agrees.

Scheduling Hearings and Courtesy Copies

A party or petitioner must schedule a hearing for eligible court business by calling or e-mailing the Law Clerk. Scheduling a motion through the Clerk's Office is insufficient. The Law Clerk knows the schedule of the Judge. That party or petitioner should prepare and send notices to all other parties once the Law Clerk assigns the date and time for a hearing.

A party or petitioner should e-mail file-stamped courtesy copies a week or two before a scheduled hearing to the Calendar 53 e-mail address for any eligible court business other than an emergency motion. Courtesy copies for an emergency motion should be sent as soon as practicable.

¹ If a written status report describes an issue, the Court may decide to set up a status hearing to discuss it *sua sponte*. If so, the Law Clerk will e-mail the parties to schedule the hearing.

² The Court may decide to hear an agreed-to motion *sua sponte*, but this rarely happens. If it does happen, the Law Clerk will e-mail the movant, with all other parties copied, to schedule the hearing.

Off-Call Matters

A party must send file-stamped courtesy copies of any off-call matter and a proposed order to the Calendar 53 e-mail address.

SPS Orders

SPS Orders should be sent to ccc.mfmlspsorders@cookcountyl.gov. A party should call or e-mail the Secretary for any questions regarding them.

Ex Parte Communications

A party e-mailing the Court for any reason should copy all other parties who have appeared to avoid *ex parte* communications to the extent feasible.

Distribution of Orders and Opinions

The Clerk's Office sends courtesy copies of orders and opinions at its discretion. The Court does not provide courtesy copies. Orders and opinions may be obtained through the Clerk's Office or its Odyssey system. Questions or concerns should be directed to Ms. Janet Hunter of the Clerk's Office by e-mailing her at jmhunter@cookcountycourt.com.

Effective September 1, 2023.