

**JUDGE James, T. Derico, Jr.
CALENDAR 56, Courtroom 2804**

Telephone: 312/603-3904

Email: ccc.mfmlcalendar56@cookcountyil.gov

JUDICIAL LAW CLERK:

David Wilkerson - 312/603-3904

COURT CALLS

Contested Motions 10:30 A.M. - Mon., Tues., Wed., Fri.

Default Motions 2:30 P.M. - Mon., Tues., Wed., Fri.

STANDING ORDER

Effective October 1, 2023

This Order is effective October 1, 2023, and amends and restates all prior standing orders for Calendar 56. This Standing Order serves as a supplement to the Mortgage Foreclosure/Mechanic's Lien Section ("MF/ML") Courtroom Procedures which you may obtain online. As we attempt to craft a new process that is fair, logical, efficient and safe for staff, parties and the public, new processes will be implemented and invariably revised and modified. Please check the Standing Orders regularly to keep abreast of those revisions.

Zoom Videoconferencing Information

Until further Order of the Court, all proceedings will be conducted by Zoom Videoconferencing; however, parties are free to appear in person in Courtroom 2804.

Parties may join Zoom free of any cost by going to <https://zoom.us> and using the following:

Meeting ID: 952 2965 4132

Passcode: 699279

For those unable to join Zoom online, you can join by dialing:

+1 312 626 6799 US (Chicago)

+1 301 715 8592 US (Washington D.C)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

In the event a litigant or attorney is unable to connect to Judge Lyle's Zoom hearing call, please immediately call (312) 603-3904 and/or email ccc.mfmlcalendar56@cookcountyil.gov for further assistance.

In order to provide notice to all parties of the remote video proceeding, **moving parties shall** include the above information in their notices of motion.

Once connected, those joining the call by video **should type their name onto the screen identifying themselves. Attorneys should type their name/office and the case number for which they are**

appearing (if more than one case, one case number will suffice). All participants to Zoom should remain muted until the Judge calls their case.

Recording Prohibited by Law. Any video or audio recording, photographing and/or reproducing of the livestream is strictly prohibited by Illinois Supreme Court Rule 63 (A)(8).

“Pro Se”/ Self-Represented Litigants

Self-represented or pro se litigants must comply with the relevant Illinois Code of Civil Procedure, the Illinois Mortgage Foreclosure Act, Illinois Supreme Court Rules, and Circuit Court of Cook County Rules.

These rules can be found on-line at the following websites: www.ilga.gov;
www.state.il.us/court/SupremeCourtRules

Self-Represented litigants can also receive free legal help at <https://chicagobarfoundation.org>;
<https://www.illinoislegalaid.org>

Chicago Volunteer Legal Services
(312) 332-2624
www.cvls.org/get-legalhelp/COVID-19

Legal Aid Chicago
(312) 341-1070
www.legalaidchicago.org

Chicago Legal Clinic (312)
726-2938 www.clclaw.org

JusticeCorp
(872) 529-1903
www.cookcountycourt.org

No ex parte communication with the court will be allowed over email!

SCHEDULING AND NOTICES

Except for Emergency Motions, each party shall file his/her/its submission electronically with the Clerk of the Circuit Court. For information about filing electronically, contact the Clerk of the Court at <http://www.cookcountyclerkofcourt.org/NewWebsite/efile-Information-Portal.aspx>. All pleadings submitted to the Court must contain the Clerk’s stamp showing previous electronic filing and are required to be sent to every other party to this litigation in the same manner and form. The party requesting relief from the Court (the Movant) is required to send Notice of all matters scheduled to be heard by the Court to all parties of record. The Notice of Motion must be accompanied by a copy of the pleadings the Movant seeks to present to the Court. Failure to provide the required Notices will prevent the Court from hearing the case.

All pleadings must contain the entire case caption, calendar number, and property address. All service notices must include each attorney or pro se litigant’s address, telephone number, and email address.

Pursuant to Illinois Supreme Court Rule 11(b), a self-represented litigant who has an email address must designate a single email address to which service may be directed and include that email address on all court documents and correspondence.

COURTESY COPIES

Form:

Unless expressly requested by the Court, no paper courtesy copies will be accepted until further order of court.

The Movant must send **via email** copies of all relevant pleadings and exhibits to the Court for its review. In addition to all pleadings and exhibits, Movant **must submit a Proposed Order** indicating the relief sought.

Courtesy copies shall be submitted in .pdf format. If attachments are too large to be attached in one email, parties are encouraged to send the courtesy copies in a Zipped file, a Dropbox Link, or a Google Drive link. If none of the options are feasible, multiple emails are acceptable if labeled properly (as “part 1,” “part 2,” etc.).

Proposed orders must be submitted in a separate .pdf file labeled “proposed Order(s).” Multiple orders should be submitted in one .pdf attachment.

The subject line of the email containing courtesy copies should be as follows: Court date; Case number; Case name.

DO NOT USE YOUR FIRM’S INTERNAL FILE NUMBER in the email subject line

Proposed Orders shall contain the court’s email address and phone number as well as its Zoom information on the final page.

All parties who have filed an appearance must be copied on courtesy copies emails. Failure to copy parties who have filed an appearance and provided an email address may result in striking of the motion.

No ex parte communication with the court will be allowed over email!

Schedule:

Movants shall email courtesy copies with all exhibits to the Court at ccc.mfmlcalendar56@cookcountyil.gov **no earlier than two (2) weeks** prior to the date, and **no later than seven (7) days or five (5) business days** prior to the Court date. All pleadings, along with exhibits and supporting documents shall be emailed in one tabbed .pdf file labeling each tab clearly (Motion, Complaint, Notice of Motion, etc.).

Documents considered to be Courtesy Copies transmitted to ccc.mfmlcalendar56@cookcountyil.gov after 5:00 p.m. will be considered received on the following BUSINESS DAY.

Should courtesy copies not be delivered timely, the movant shall expect the case to be continued and not heard on the scheduled date.

EMERGENCY MOTIONS

Emergency Motions must involve some circumstance which could lead to irreparable damage to a party if relief is not obtained before the party can be heard on the regular motion call. See *Nagel v. Gerald Dennen & Co.*, 272 Ill. App. 3d 516, 519-20, 650 N.E.2d 547, 550 (1st Dist. 1995), defining emergencies. Emergency motions must be brought in conformance with Circuit Court Rule 2.2.

Emergency motions brought with less than 24-hour notice to opposing counsel will be denied outright absent highly compelling reasons. The movant must comply with the General Administrative Order No. 2018-05 regarding Mortgage Foreclosure Emergency Motion Procedures and Notice to all parties given.

Emergency motions must be scheduled by contacting the Clerk at **312/603-3904**. The law clerk will provide the date and time the emergency motion will be heard, depending on the availability of the Judge.

Pleadings and Notices must be emailed to ccc.mfmlcalendar56@cookcountyil.gov no later than 1 day prior to the hearing date and received before 4:00 p.m.

Emergency motions to stay a judicial sale must include the sale date and time and must indicate whether the party previously sought a stay. A party seeking to stay judicial sale based on a purchase contract or a short sale contract must provide the court with a pre-approval letter for the buyer, or any proof of funds if the sale contract does not contain a mortgage contingency provision. A party seeking to stay judicial sale based on a completed loss mitigation application must provide the court with proof that an application was submitted to the lender and/or that the lender has acknowledged receipt of a completed loss mitigation application.

Emergency motions to stay possession must include the final judgment date, the possession expiration date, and whether the party previously sought a stay.

Emergency motions to appoint a receiver or mortgagee in possession may be brought only if the verified petition contains factual allegations indicating an immediate health or safety threat.

CASE MANAGEMENT STATUS

Plaintiff will provide the Court with a Case Management Status sheet and notice to the Respondent. Plaintiff must provide a Proposed Case Management Order leaving the disposition portion blank awaiting the disposition pronounced by the Court. **No pre-checked Case Management Orders will be signed by the Judge.**

No Default Judgments may be entered prior to case management being stricken by the court. This shall apply to residential and commercial properties. Noticing up motions for judgment prior to continued case management is strictly prohibited. Contested motions may not be presented at a case management conference, and no motions may be piggy-backed on to a case management conference.

ROUTINE MOTIONS OR OFF CALL MOTIONS

Routine motions generally will not require a Court appearance in person or remotely. These matters may be disposed of “Off Call.”

The following matters can be heard “Off-Call”:

- Voluntary Dismissals as provided for in the MF/ML Courtroom Procedures
- Motions to Substitute Counsel
- Motions for Entry of a Consent Judgment
- Agreed Briefing Schedules upon presentment of a party’s motion
- Agreed Motions:
 - to Amend Pleadings to Substitute Parties
 - to Add or Dismiss a Party
 - to continue the case
- Allowing Withdrawal of Counsel (with 21 days for the filing of a substitute Appearance included in the Order)
- Agreed First Motions for Extension of Time to Answer or Otherwise Plead
- Motions to Appoint a Special Process Server
- Orders allowing the Setting of a Receiver's Bond
- Any other matter upon which an Agreement can be reached

When submitting these orders indicate in the subject of the email that this is an “Off Call” matter. Also include in the Order a sentence striking any previously set Court date where applicable.

DISCOVERY MOTIONS

Motions pertaining to discovery must contain a detailed statement as to the efforts taken by both parties, per Illinois Supreme Court Rule 201 (k) to resolve differences. Attached to the pleadings should be exhibits containing the relevant interrogatories, production requests, requests to admit and the responses to each as are relevant to the relief requested, and copies of all correspondence seeking compliance.

MOTIONS FOR DEFAULT

All parties who have been served shall be given notice as provided by Circuit Court Rule 2.1. Motions for Default **must contain a copy of the actual affidavit of the Deputy Cook County Sheriff or Special Process Service attesting to the facts of how he/she achieved service.**

CONTESTED MOTIONS

Litigants with motions for initial presentment (newly filed motions) are encouraged to contact all parties of record and prepare an Agreed Briefing Schedule. An **Agreed Briefing Schedule** may be submitted “Off Call” alleviating the need for the parties to appear to be given a Briefing Schedule by the Court. Generally, the Briefing Schedule should provide:

- Motion to be filed instanter or within 7 days
- Responsive pleading to be filed within 28/35 days
- Reply to be filed 14/21 days
- Date for hearing or ruling

Litigants **must** contact the Court at ccc.mfmlcalendar56@cookcountyil.gov to obtain the ruling or hearing date. Ultimately all rulings are based upon the pleadings. Thus oral arguments will not be scheduled until requested by the parties and agreed to by the Court.

Briefs in support of and in response to a motion shall not exceed 15 pages. Reply briefs shall not exceed 8 pages. Briefs shall be submitted typed, double spaced in 12 pt. font with 1 inch margins.

HEARINGS

The parties should be prepared to present a status to the court during the remote video conference, indicating the following: service of all parties; appearances filed; discovery commenced/contemplated; loan modification efforts ongoing/completed; settlement negotiations underway/completed; motions pending or completed or ready for dispositive motion.

During the hearings for Motions for Summary Judgment, Judgment of Foreclosure and Confirmation of Sale, Counsel should be prepared to answer any questions the Court may have regarding amounts sought by Plaintiff, including but not limited to post-judgment fees, advances and expenses.

Oral arguments will be had solely at the discretion of the Court.

GENERAL

No party may appear without having previously filed an appearance (Ill. S.Ct. Rule 13(c)), except when filing a Petition to Intervene.

Citations to discover assets are heard in the Law Division (Tax Section). In order to properly transfer matters to the Law Division, Judge Derico will sign a transfer order upon presentation of proper motion. A hearing date may be obtained from the clerk's office in room 802, and proper notice of hearing must be sent to all parties of record and courtesy copies should be provided to the court. Transfer requests will not be approved or entered Off Call.

Hon. James T. Derico, Jr.
Cal 56 Room 2804
Richard J. Daley Center
Chicago, Illinois 60602 312/603-
3904

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