

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT – CHANCERY DIVISION

STANDING ORDER

November 2023

JUDGE DAVID B. ATKINS

NOV 14 2023

Circuit Court-1879

Judge David B. Atkins
General Chancery Calendar 16
Courtroom 2102, Richard J. Daley Center, Chicago
Telephone: (312) 603-6039 / (312) 603-3419
Email: ccc.chancerycalendar16@cookcountyil.gov

This Standing Order supersedes all prior Standing Orders regarding cases assigned to Calendar 16. All prior Standing Orders of this calendar are hereby vacated. **Failure to comply with this court's Standing Order may result in dismissal, default, vacatur of trial dates, striking of pending motions, or other appropriate sanctions.** If a matter before the court is subject to exceptional circumstances that warrant modification to the procedures outlined in this order, such cases will be handled individually according to the specific needs presented.

The purpose of this Standing Order is to establish general pre-trial and trial procedures to aid in the timely resolution of matters assigned to this calendar. Topics specifically addressed herein include the court's daily call schedule, case management conferences, pretrial motion practice, and briefing guidelines. The court may issue Supplemental Standing Orders from time to time addressing specific procedures and issues.

It is the court's intention that all personnel, including the judge, be of assistance to all attorneys and litigants who have business before the court. If you have questions concerning the requirements of this order or its supplements, the scheduling of matters before the court, or other matters with which we are permitted to be of assistance, please do not hesitate to ask. The judge's law clerks can be contacted by email at ccc.chancerycalendar16@cookcountyil.gov, or by telephone at (312) 603-6039 or (312) 603-3419.

1. GENERALLY

1.1. Hybrid Operations. In light of the need for continued social distancing practices due to Covid-19, and in compliance with Illinois Supreme Court Rule 45 and Chancery Division General Administrative Order 2023-01, this calendar will continue to utilize Hybrid Proceedings. A "Hybrid Proceeding" is defined as a courtroom proceeding that is a combination of remote and in-person presence, where some participants to a proceeding appear in-person in the courtroom and some participants appear by videoconference for the same proceeding. Each party may determine if they wish to appear for the Calendar 16 Routine/Regular Motion & Status in-person or by Zoom. All Motion Hearings and Pre-Trial Conferences will be conducted via Zoom only, unless otherwise ordered by the court.

1.2. Courtesy Copies. Except where otherwise authorized, all courtesy copies are to be submitted to the Calendar 16 email. All parties for whom an appearance has been filed

must be cc'd on all email communications with the court. For some contested motions, the court may request hardcopies be delivered to courtroom 2102.

- 1.3. **Agreed and Proposed Orders.** Any and all proposed orders submitted to the court via the Calendar 16 email should contain email contacts for all litigants or attorneys of record (Email Service List). Proposed orders submitted on the court's request **should be emailed to the court by 2:30 P.M. that same day for entry.**
- 1.4. **How the Court Will Provide Entered Orders.** For all orders signed and entered by the Court, the Court will attempt to email stamped copies to all parties included on the submitted Email Service List within three (3) days of the order being entered. If the parties know an order has been entered, but does not receive a copy of the order via email within three (3) days of the order being entered, please contact the Calendar 16 email.

2. DAILY CALL

Unless and until otherwise ordered by the court, Clerk Status dates (Section 3.6.4. of this Standing Order), Motion Presentments (Sec. 3.), Case Management Conferences (Sec. 2.), Contested Motion Hearings (Sec. 3.6.), Pre-Trial Settlement Conferences (Sec. 5.3.), and Trials (Sec. 5.3.) are scheduled Monday through Thursday according to the following schedule:

9:30 A.M.....Clerk Status (conducted via email only)
10:00 A.M.....Routine and Regular Motion Call, Case Management
10:30 A.M.Routine and Regular Motion Call, Case Management
11:30 A.M & 2:00 P.M.....Motion Hearings, Pre-trial Conferences, Trials

3. CASE MANAGEMENT

- 3.1. **Generally.** Cases will be set for case management conferences from time to time by order of the court. Case management conferences may relate to progression of a case toward trial, settlement, mediation, or other ultimate disposition.
- 3.2. **Initial Case Management Conferences.** An Initial Case Management Conference is held approximately 180 days after the initial filing date of each case. Notice of the Initial Case Management Conference will be mailed by the clerk of the court. At the parties' first case management conference, the court will commence its supervision of service of process upon all named parties, the discovery process, settlement, and other litigation matters. Counsel familiar with the case and any *pro se* litigants must appear via Zoom. Plaintiff's failure to attend the Initial Case Management may result in dismissal of the case for want of prosecution. All parties must be prepared to inform the court of all contemplated discovery, both written and oral, and the length of time that each party estimates will be necessary for the completion of discovery. The parties should also be prepared to report the status of the pleadings, any pending or contemplated pre-trial motions, and other matters mandated by Supreme Court Rule 218. If the parties appear before the court prior to the initial case management conference, the date set for initial case management is superseded by any new dates set by the court, unless otherwise ordered.

- 3.3. Continued Case Management.** Cases will be continued from time to time for further case management conferences to: (1) afford the court an opportunity to monitor the status of all matters, (2) enable the court to enter such orders as it deems appropriate, and (3) facilitate proper discovery and pre-trial motion practice with a view to the expeditious and reasonable preparation of cases for trial or for other disposition.
- 3.4. Attendance Mandatory.** Repeated failure to attend scheduled case management conferences may result in the entry of an order dismissing the case for want of prosecution, an order of default, or other appropriate sanctions pursuant to Supreme Court Rules 218 and 219.
- 3.5. Case Management Conference via Hybrid Operations.** Daily case management conferences for Calendar 16 will be conducted via Zoom or in-person (*see* Sect. 1.1 of this Standing Order). Case management conferences will continue to be set for 10:30 A.M. unless otherwise stated by Court Order. If scheduled for a case management conference, parties may appear in-person in Courtroom 2102 or join the Calendar 16 Zoom meeting (entitled “Routine/Regular Motion & Status”) at 10:30 A.M. using the following Meeting ID and password:

Meeting ID: 925 5932 0340
Password: 209408

All participants to the Zoom-based Routine/Regular Motion & Status should remain muted until the Judge calls their case. At that time, the **participants in the called case** may unmute themselves and begin interacting with the court. Once the court has completed addressing their case, participants should mute themselves if they are not immediately exiting the Zoom-based Routine/Regular Motion & Status.

4. MOTION PRACTICE

- 4.1. Generally.** Except as otherwise specified herein with respect to Routine Motions and Orders (Sec. 4.6 of this Standing Order) and Emergency Motions (Sec. 4.7), all motions must be filed electronically and courtesy copies submitted to the Calendar 16 email: ccc.chancerycalendar16@cookcountyil.gov. If a motion is not “piggy-backed” onto an already-set case management conference, regular motion call, or pre-trial conference (*see* Sec. 4.5), the motion should be electronically scheduled for a regular motion call. Proper notice to counsel for each party who has appeared and to any *pro se* parties is required.
- 4.2. Inter-Party Communications.** Following the filing of a motion, but prior to the date on which the movant has noticed the motion for presentment, parties should communicate with one another to determine whether the filed motion is to be contested or not. *See* Sections 4.8 and 4.9 of this Standing Order.
- 4.3. Courtesy Copies of Regular Motions.** Courtesy copies of motions noticed for presentment during the Regular Motion Call should be provided to the court via the Calendar 16 email **on the same day the motion is filed.**

- 4.4. **Regular Motion Call.** Daily regular motion presentments for Calendar 16 will be conducted in-person or via Zoom video conferencing. The regular motion call will continue to be set for 10:00 A.M. unless otherwise stated by Court Order. If scheduled for a motion presentment, parties may appear in person in courtroom 2102 or join the Calendar 16 Zoom meeting (entitled “Routine/Regular Motion & Status”) at 10:00 A.M. using the following Meeting ID and Password:

Meeting ID: 925 5932 0340
Password: 209408

All participants to the Zoom-based Routine/Regular Motion & Status should remain muted until the Judge calls their case. At that time, the **participants in the called case** may unmute themselves and begin interacting with the court. Once the court has completed addressing their case, participants should mute themselves if they are not immediately exiting the Zoom-based Routine/Regular Motion & Status.

Cook County Circuit Court Rule 2.1 regarding notice of motions shall apply. Courtesy copies of motions noticed for presentment during the Regular Motion Call should be provided to the court **on the same day the motion is filed.**

- 4.5. **“Piggy-Backed” Motions.** With proper notice to counsel for all parties who have appeared and to any *pro se* parties, motions may be brought before the court, or “piggy-backed,” at any regularly set Case Management Conference, Motion Hearing, or Pre-Trial Conference. The court must be provided with courtesy copies, of all “piggy-backed” motions, submitted to ccc.chancerycalendar16@cookcountyil.gov **at least seven (7) days prior** to the presentation date of the motion.

- 4.6. **Routine Motions/Orders.** Routine Motions and Orders will submitted to ccc.chancerycalendar16@cookcountyil.gov. Parties also have the option to notice Routine Motions for Judge Atkins’ Regular Motion Call. Only the following four matters will be considered by the court as routine or “off call,” unless otherwise authorized.

4.6.1. **Rescheduling Orders.** Agreed Orders to modify briefing schedules and/or reset Case Management Conferences and Motion Hearings must be coordinated with Judge Atkins’ law clerks by emailing ccc.chancerycalendar16@cookcountyil.gov. The court may, from time to time, notify the parties and/or counsel prior to a pre-set Case Management Conference or Motion Hearing of a scheduling conflict and request that the parties collaborate in the drafting of an Agreed Order striking the previously set date and setting a new one according to specifications provided by the law clerks. It is the responsibility of the parties to submit the requested Agreed Order to the Calendar 16 email **within two (2) days** of such rescheduling request. Failure to meet this deadline may result in the court striking a pending motion or setting a new date without input from the parties and/or counsel.

4.6.2. **Special Process Servers.** Motions to Appoint a Special Process Server may be submitted directly to ccc.chancerycalendar16@cookcountyil.gov. Where service is sought in Cook County, Motions for the Appointment of a Special Process

Server must include a statement that service was attempted through the Sherriff's Office.

- 4.6.3. Voluntary Dismissals. Agreed Orders to Dismiss cases in their entirety should be submitted via email to ccc.chancerycalendar16@cookcountyil.gov, and accompanied by a Stipulation to Dismiss signed by all parties and/or their counsel. Voluntary Dismissals of entire cases will also be accepted as routine motions. Partial dismissals, disposing of only part of a case or dismissing selected parties, must be noticed for presentment.
- 4.6.4. Substitution of Judge as of Right. Motions for Substitution of Judge pursuant to 735 ILCS 5/2-1001(a)(2) may be submitted to ccc.chancerycalendar16@cookcountyil.gov with notice to all parties. If contested, however, the motion must be noticed for presentment.

4.7. Emergency Motions and Temporary Restraining Orders.

- 4.7.1. Presentment and Hearing. Any party seeking to be heard by the court on an Emergency Motion must contact Judge Atkins' chambers via email (ccc.chancerycalendar16@cookcountyil.gov) or by telephone (at (312) 603-6039 or (312) 603-3419), to speak with the law clerks about obtaining a hearing date and time. Hearings on Emergency Motions, unlike regular motions and trials, may be scheduled Monday through Friday. **ANY PERSON who contacts the court to schedule an emergency motion must be prepared to explain the nature of the emergency to the Court. Emergency hearings will not be scheduled unless such a hearing is warranted due to a genuine emergency.** After a hearing date has been set, Notice of Emergency Motion must be electronically filed with the Emergency Motion.
- 4.7.2. Courtesy Copies. After speaking with one of the law clerks to obtain a hearing date, a **file-stamped courtesy copy** of the Notice of Emergency Motion, the Emergency Motion, and all supporting documents, including proof of service, **must be submitted to the court via email NO LATER THAN 2:00 P.M. of the day before such motion is to be heard.** Any motion delivered to chambers after 2:00 P.M. will not be eligible for hearing the following day. **No exceptions.**
- 4.7.3. Genuine Emergency. All Emergency Motions must contain a separately designated paragraph, ideally on the first page, which details the emergency nature of the motion. An emergency or exigent circumstance is a situation that demands unusual or immediate action due to some circumstance that could lead to irreparable harm to a party if relief is not obtained prior to the time the party could be heard on the court's regular motion call or at the next scheduled case management conference. A motion brought within 120 days of a set trial date may be brought as an emergency motion in order to protect the set trial date. **Matters that have become urgent by reason of a party's failure to seek timely relief do NOT constitute emergencies.** A motion seeking an extension of time generally does not constitute an emergency. Such motions should be noticed up and may be brought after a deadline has passed pursuant to Supreme Court Rule

183. A motion to extend the discovery cut-off deadline that is filed prior to the cut-off date and noticed for hearing at the next scheduled court appearance is sufficient to show the court that the movant has done everything possible to comply with the discovery cut-off date. Therefore, it is not necessary to appear in court on an emergency basis to extend discovery. A motion to file a brief in excess of twenty (20) pages is not an emergency, and a motion filed with the court and noticed for hearing at the next regularly scheduled court date is sufficient. Unless otherwise ordered by the court, **any Emergency Motion that fails to set forth an emergency basis will NOT be scheduled for hearing before the next regularly scheduled court date.**

4.7.4. Temporary Restraining Orders (TRO). A motion for TRO is an Emergency Motion and, as such, must adhere to all guidelines for Emergency Motions set forth in this Standing Order. Failure to do so may result in the court striking the motion or postponing a hearing until the next regularly scheduled court date. In addition, TRO Motions **must be accompanied by a Verified Complaint.** The Movant must notify all other parties of the date and time of the TRO hearing unless the motion for TRO is brought *ex parte* and it **clearly** appears from the specific facts shown by Affidavit or contained in the Verified Complaint that immediate and irreparable injury, loss, or damage will result to the applicant before notice can be served and a hearing had thereon. *See* 735 ILCS 5/11-101.

4.8. Uncontested Motions. Where a filed motion is not contested by any parties, the court requests that a proposed agreed order be submitted at **least two (2) days prior** to the presentment date of the motion.

4.9. Contested Motions and Motion Hearings

4.9.1. General Briefing Schedule Deadlines. Generally, the respondent to a contested motion that has been noticed for presentment to the court shall have **twenty-one (21) days** to file a responsive brief after the date of presentment, unless otherwise ordered by the court. The movant shall generally have **fourteen (14) days** thereafter to file any reply, unless otherwise ordered by the court. For additional briefing guidelines, see Section 5 of this Standing Order.

4.9.2. Briefing Deadlines and Extensions. Unless otherwise ordered by the court, **any brief filed after a briefing deadline may be stricken.** However, a good faith motion for extension of briefing deadlines may be filed after a briefing deadline but before the Clerk Status date. If the parties do not agree to a briefing extension, a motion for extension must be filed with the court and a courtesy copy of the motion must be submitted to the court, via email, **at least two (2) days prior** to the courtesy copy due date. For Agreed Orders, see Section 4.6.1 of this Standing Order.

4.9.3. Supplemental Briefing. The parties will be permitted to file a Sur-Response and Sur-Reply only if a request is made by written motion and the court deems additional briefing necessary. Alternatively, the court may ask the parties to prepare and file additional briefings on specific and contentious issues not fully

or satisfactorily addressed in the parties' previously filed briefings. In such case, the parties are restricted to discussing only the questions posited by the court.

- 4.9.4. Clerk Status. At such time as the court enters a briefing schedule on a motion that has been or is to be filed, the court may then continue the pending motion for Clerk Status. Clerk Status dates are scheduled Monday through Thursday at 9:30 A.M. **to be conducted via email.** The parties shall provide courtesy copies of all briefs and relevant pleadings to the Calendar 16 email and indicate whether they request oral argument at or before the Clerk Status. The court will then review the briefs to make a preliminary determination of whether the motion will be set for a hearing. At Clerk Status, the court will issue an Advisement Order informing the parties whether the matter is to be set for a hearing or is taken under advisement at that time for the court to rule on the briefs alone. The court may continue any motion that is not fully briefed for subsequent status or choose to decide the motion only on the briefs prepared and/or provided to the law clerk as of the status date.
- 4.9.5. Appearance at Motion Hearings. Each movant and respondent must appear at each set Motion Hearing, either in person/Zoom or through counsel. If a motion is set for oral argument and a *pro se* litigant or counsel for the parties does not appear, the court may rule based on the written briefs submitted or, at the court's option, strike or deny the motion.
- 4.9.6. Documents. If a party plans to present any documents to the court during a Motion Hearing that is proceeding via Zoom, hard copies of those documents must be delivered to Courtroom 2102 **at least two (2) days before** the Motion Hearing is scheduled to occur.
- 4.9.7. Rulings on Written Briefs Alone. The court may rule on any pending motion(s) based solely upon the written briefs submitted, without oral argument. If the court determines that oral argument is necessary to better understand the substance of the motion or arguments of counsel, then oral argument will be requested and/or permitted. Please note that the court always reserves the right to rule solely based on the written submissions, including those times where the court previously scheduled a hearing at Clerk Status.
- 4.9.8. Motions to Reconsider. Counsel or *pro se* litigants contemplating a Motion to Reconsider should have in mind the pertinent standard. The court will accept any Motion to Reconsider and response thereto. Generally, **no oral argument will be heard**, unless deemed necessary by the court. Upon presentment, the court will schedule a due date for submitting courtesy copies.

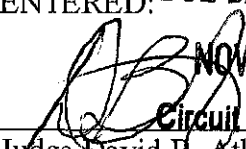
5. BRIEF AND CITATION GUIDELINES

- 5.1. Brief Length and Format. No brief shall exceed **twenty (20) double-spaced pages** exclusive of exhibits. Any brief filed in excess of twenty (20) pages requires leave of court. All briefs should be double-spaced with 12-point font and at least 1-inch margins. All Exhibits should be tabbed (located easily) and page-numbered, whenever possible.

- 5.2. **Pleadings and Previously-Filed Exhibits.** Parties filing a brief that cites or discuss pleadings or prior-filed motions and/or exhibits should not assume that the court has copies of such documents. The Clerk of the Circuit Court of Cook County keeps copies of all pleadings, but the judge hearing the case does not usually have the court file in chambers. Therefore, the movant must supply courtesy copies of all relevant pleadings, briefings, orders, and prior-filed exhibits. If in doubt, please ask the law clerks whether copies of specific documents are required.
- 5.3. **Citations and Submission of Cases as Exhibits.** Citations shall adhere to the requirements of Illinois Supreme Court Rule 6, as amended May 31, 2011. Accurate pinpoint citations shall be included where appropriate. If cited authority is available only via LexisNexis and Westlaw, the LexisNexis citation is preferred. Parties may submit hardcopies of only **significant** cases cited in their briefs (i.e. those cases relied on other than for general propositions).

6. STANDING ORDER CONSIDERATIONS

- 6.1. **Applicability and Inconsistency.** Unless the court orders otherwise (either generally or in a particular circumstance), this Standing Order applies in every case. In the event of any inconsistency between this Standing Order and any order entered in a case, the order entered in the case controls to the extent of the inconsistency.
- 6.2. **Modification.** The court may modify this Standing Order at any time. Copies of Judge Atkins' most recent Standing Order are available in courtroom 2102 and can be found online at www.cookcountycourt.org/JudgesPages/AtkinsDavidB.aspx.
- 6.3. **Supplemental Standing Orders.** The court may issue Supplemental Standing Orders addressing narrow issues of court procedures and requirements. Supplemental Standing Orders are issued as addenda to this Standing Order and, to the extent that any Supplemental Standing Order conflicts with any Section herein, this Standing Order shall supersede. Topics addressed by Supplemental Standing Orders may include the following: (1) Default and Default Judgments; (2) Discovery Disputes; (3) Pretrial Settlement Conferences; (4) Mediation; (5) Pretrial Procedures for Non-Jury/Bench Trials; and (6) Trial Scheduling and Procedures. Copies of Supplemental Standing Orders are available in courtroom 2102 and online. Any party unsure of the court's required procedures relevant to any specific motion or stage of litigation should contact one of Judge Atkins' law clerks at ccc.chancerycalendar16@cookcountyil.gov.

ENTERED: JUDGE DAVID B. ATKINS

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Circuit Court-1879
Judge David B. Atkins

The Court.