

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

STANDING ORDER
ASSIGNMENT ROOM – ROOM 2005
JUDGE JAMES P. FLANNERY, JR.

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Court Calls in Courtroom 2005 (IN-PERSON)

I. ASSIGNMENT CALL (10:00 AM, MONDAY-FRIDAY)

- Prove-up Call
 - Parties should appear in Courtroom 2005 on the day the Prove-Up is scheduled and be prepared to Prove-Up the case. The case will be randomly assigned to a judge for Prove-Up.
- Trial Assignment Call
 - Parties should appear in Courtroom 2005 on the day of trial. The case will be randomly assigned to a judge for trial (unless the case has already been assigned a judge pursuant to the 5 Judge Assignment Process).
 - Procedure for 5 Judge Assignment:
 - (1) Receive confirmation from 5 Law Division judges of your choice that they are available on the assigned trial date and for the entire length of the trial to try the case
 - (2) Email the names of the 5 judges along with the estimated length of the trial to law.cal2005cc@cookcountyil.gov
 - (3) One of the five selected judges will be randomly assigned to try the case
 - (4) On the date of trial, do not come to Room 2005 – appear before the assigned trial judge. If the assigned judge is not available on the trial date, the parties must return to Room 2005 on the following day to be assigned another judge at random
 - **Note:** Participating in the 5 Judge Assignment Process waives right to an SOJ as a matter of right
- Trial Setting Call

II. ADMINISTRATIVE MOTION CALL (10:30 AM, MONDAY-THURSDAY)

- Motion to set trial, advance for trial, for immediate trial, or continue trial
- Motion for Preference in Trial Setting (motion to advance for trial pursuant to 735 ILCS 5/2-1007.1 based on age of a party)
- Motion to set or continue prove-ups
- Motion to consolidate or reassign cases, pursuant to Circuit Court General Orders 12 or 22 (**See Section III below**)
- Motion to remove cases from any Law Division Stay Calendar
- Motion to vacate dismissal for want of prosecution entered in Courtroom 2005
- Motion to vacate orders entered in Courtroom 2005
- Motion to withdraw as attorney for cases certified for trial
- Motion to adjudicate liens for cases dismissed in Courtroom 2005
- Motion to enforce settlements of cases dismissed in Courtroom 2005
- Motion affecting final judgments entered by judges no longer in the Law Division
- **NOTE:** Motions regarding case management, discovery matters, or dispositive motions are NOT heard in Courtroom 2005. They are heard by the assigned motion judge.
 - *Motion judges cannot extend discovery past the assigned trial date
- **Procedure for Scheduling Administrative Motions:**
 - E-filing is now mandatory in the Circuit Court of Cook County. To file your motion electronically, go to the Clerk of the Circuit Court website.
 - Pursuant to General Administrative Order 22-3, schedule the motion using the E-File/Odyssey System for **Calendar M1**.
 - Administrative Motions are heard **in-person** at 10:30am Monday through Thursday.

III. MOTIONS TO CONSOLIDATE / TRANSFER AS RELATED

- Pursuant to Circuit Court General Orders 12.1 and 22.3, Judge Flannery hears motions for the consolidation of actions pending in: (a) different departments of the Court; (b) different divisions of the County Department; and (c) the Law Division.
- Pursuant to Circuit Court General Order 22.2, upon motion of any party or upon the court's own motion, Judge Flannery may assign or reassign related cases to a single judge wherever it serves the convenience of interested parties and the court.
- Motions should include: (1) each case number, (2) where each case is pending and the Judge each case is before, (3) the calendar where each case is pending; (4) all upcoming dates.
- Please attach as exhibits the most recent complaints in each case you are seeking to consolidate or transfer.
- To schedule a hearing date, follow the procedure in Section II for scheduling administrative motions.

IV. EMERGENCY MOTION CALL (10:30 AM, MONDAY-FRIDAY)

- Emergency motions are those in which irreparable harm will be caused if not addressed immediately
- Emergency motions are heard in-person at 10:30am.
- Notice of Emergency Motion Requirements:
 - Do not put a date for a hearing
 - On [DATE] at [TIME] I shall electronically submit the attached [EMERGENCY MOTION] to the Honorable James P. Flannery via email address: law.cal2005cc@cookcountyil.gov
- **Procedure for Scheduling Emergency Motions:**
 - File motion electronically through the E-File/Odyssey system. Be sure to specify that the motion is an emergency in order to get an immediate hearing date.
 - Select the “DO NOT SCHEDULE” option. **At this time, you are not able to schedule/spindle emergency motions.**
 - Email the file stamped copy of the Notice of Motion and the Motion to law.cal2005cc@cookcountyil.gov with all parties of record copied on the email by
 - Send email **no later than 3:00pm** in order for the motion to be heard the following day at 10:30am
 - Judge Flannery’s law clerk will confirm the hearing.
 - Courtesy copies may be emailed to law.cal2005cc@cookcountyil.gov or delivered to Room 2003.

V. ROUTINE MOTIONS

- Supreme Court Rule 298 fee waiver petitions (See Section A below)
- Pre-suit Appointment of Special Administrator (See Section B below)
- Pre-suit motions to file under seal or with a fictitious name (See Section C below)
- Petitions to Disburse Funds to a minor who has attained the age of majority or removal of disability (See Section D below)

A. Procedure for 298 Fee Waiver Petitions

- Applicants must electronically file all required documents OR obtain an e-filing waiver.
- Applicants may file in-person in Room 801, or may file elsewhere using the e-filing system.
- Applicants will have **14 days** from the date of filing in which to present their fee waiver petition.
 - Applicants may present their petitions by emailing the file stamped copy to law.cal2005cc@cookcountyil.gov or by delivering the file stamped copy to Room 2003.

- After 14 days, if the petition has not been emailed or delivered, the Court will administratively dismiss the case or strike the appearance. Applicant may refile for a fee waiver.
- **Procedure:** Bring copies of the: (1) “principal document” [complaint, appearance, answer, or responsive pleading] with an e-file stamp; and (2) fee waiver petition with an e-file stamp to Room 2003.

B. Procedure for Appointment of Special Administrator/Special Representative

Judge Flannery accepts pre-suit petitions to appoint a special administrator to prosecute Wrongful Death actions on behalf of the deceased individual’s next-of-kin. A special administrator can prosecute/defend only Wrongful Death actions. Complaints alleging any other causes of action, including survival actions, must go to the Probate Division for the appointment of an appropriate representative. Survival Act counts, Nursing Home Care Act counts, and any other count that could have been brought by the decedent are assets of the decedent’s estate. An estate must be opened in Probate Court for these cases.

Judge Flannery also accepts motions to appoint a special representative pursuant to 735 ILCS 5/2-1008 (a party to a lawsuit passes away during the pendency of case), and 735 ILCS 5/13-209(a) and (b) (a potential plaintiff or defendant has passed away before a lawsuit has been commenced).

- **Procedure:** Email the following documents to law.cal2005cc@cookcountyil.gov: (1) Petition to Appoint a Special Administrator/Special Representative; (2) Proposed Complaint; and (3) Proposed Order in a Word Document.
 - **Refer to Judge Flannery’s Standing Orders for the specific requirements at <https://www.cookcountycourt.org/Judges-Pages/Flannery-Jr-James-P>**
- If approved, Judge Flannery’s law clerk will email Petitioner a copy of the Order. Petitioners shall then file their Complaint and Petition electronically. A copy of the signed order appointing the special administrator must be attached as an exhibit to the complaint.

C. Procedure to File Under Seal or With a Fictitious Name

Judge Flannery accepts pre-suit motions to file under seal, file with redactions, or to file with a fictitious name.

- **Procedure:** Email the following documents to law.cal2005cc@cookcountyil.gov: (1) Motion; (2) Proposed Order in a Word Document; and (3) Proposed Complaint with name redacted.
 - **See Judge Flannery’s Standing Order, Filing a Case Under Seal or Under a Fictitious Name, for the specific requirements and a**

sample order at <https://www.cookcountycourt.org/Judges-Pages/Flannery-Jr-James-P>

- If approved, Judge Flannery's law clerk will email Movant a copy of the Order. Movants shall then file their Complaint and Motion electronically. A copy of the signed order allowing the case to be filed under seal/with a fictitious name must be attached as an exhibit to the complaint.

D. Procedure for Petition to Disburse Funds to a Minor or Disabled Person

- Only applies to cases that have **not** been transferred to the Probate Division for estate administration (the amount distributable to the minor/disabled person is \$10,000 or less).
- Review the joint memorandum of Final Procedures Concerning Settlement of Minors' and Disabled Persons' Personal Injury Cases and Wrongful Death Cases for guidance.
https://www.cookcountycourt.org/Portals/0/Law%20Divison/Law_Division_Settlement_Procedures_May_2019.pdf?ver=pKo4dUOW3-QA6BHQBKJqVw%3d%3d
- Email the Petition to the law.cal2005cc@cookcountyil.gov
- Judge Flannery's law clerk will respond with a date for an in-person hearing.

VI. AGREED ORDERS

The following Agreed Orders can be emailed to law.cal2005cc@cookcountyil.gov or dropped off in Courtroom 2005:

- Agreed Orders for Pre-Trials before a particular judge
 - Agreed Transfer for Pretrial Order:
https://services.cookcountyclerkofcourt.org/Forms/Forms/pdf_files/CCL0008.pdf
- Agreed Orders for Dismissal of cases
- Distribution Orders for cases approved for settlement in Courtroom 2005
- Agreed Orders for Satisfaction and Release of Judgment when the Judge who entered the original order is no longer sitting in the Law Division

VII. SETTLEMENT AND DISTRIBUTION PETITIONS

Petitions to approve settlement and distribution in Wrongful Death, Survival Actions, and certain personal injury cases can be heard by either Judge Flannery or the judge to which the case was assigned.

- **Procedure:** Email all petitions to law.cal2005cc@cookcountyil.gov .
- Do not spindle on M1 *unless* an objection has been raised
- Review the joint memorandum of Final Procedures Concerning Settlement of Minors' and Disabled Persons' Personal Injury Cases and Wrongful Death Cases for guidance.
https://www.cookcountycourt.org/Portals/0/Law%20Divison/Law_Division_S

VIII. CASES TRANSFERRED TO THE LAW DIVISION

- Cases transferred into the Law Division from another divisions will be reviewed by the court.
- Based on that review, a random assignment will be made to the appropriate section of the Law Division. The assigned judge will be notified of the assignment, so an initial case management date can be scheduled by the assigned judge with notice to all parties of record.
- Parties of record can retrieve the order with the assignment from the CCC Portal upon entry.

IX. MISECELLANEOUS

A. Notice of Motion Requirements

- All notices of motion must be e-filed prior to submission.
- If spindled on M1 call, fill in Notice with date of scheduled hearing.
- All notices of motion must contain email addresses of counsel of record, parties not yet held in default, and self-represented parties (or alternate service methods, if required).
- Notices of filing should NOT be submitted, as the filing date is already contained on the documents.
- Note: For Emergency Motions, follow procedure listed above (IV. Emergency Motion Call).

B. Withdrawing a Motion

- To withdraw a motion that has been scheduled for an in-person hearing in Room 2005, the Court requires an order striking the hearing date. Email the proposed order in a Word document to law.cal2005cc@cookcountyil.gov
 - Please call Judge Flannery's law clerk at 312-603-6343 if the order withdrawing the motion has not been entered as of the date of the scheduled hearing.
- To withdraw a contested motion with a briefing schedule, the Court requires an order striking the motion. Email the proposed order in a Word document to law.cal2005cc@cookcountyil.gov

C. Courtesy Copies

- Please email courtesy copies to law.cal2005cc@cookcountyil.gov
- For courtesy copies over 15 pages, please hand-deliver to Room 2003.