



State of Illinois
Circuit Court of Cook County

**JUDGE THOMAS MORE DONNELLY
STANDING ORDER**

Law Division Commercial Calendar W
Courtroom 1912
Effective April 10, 2023

Official Zoom Videoconferencing Information:
Meeting ID: 921 0771 7798
Password: 881 878

Court E-mail address: law.calwcc@cookcountyil.gov

Attorney Jerry Shen	Judicial Law Clerk	312-603-4001
Mrs. Christine Marinakis	Case Coordinator	312-603-5940

(Preferred method of contact is via email at law.calwcc@cookcountyil.gov)

IMPORTANT: This standing order is inclusive of and expressly incorporates the Uniform Standing Order for All Commercial Calendars. All attorneys are **required** to read the Commercial Section Uniform Standing Order in conjunction with the Calendar W Standing Order.

COURT SCHEDULE

Court is in session from 9:00 AM until 4:30 PM on regular business days.

Court holidays are available at <http://www.cookcountycourt.org/ABOUTTHECOURT/LegalCourtHolidays.aspx>.

Emergency Motions:	Daily at 9:00 AM. Preapproval to appear must be obtained from chambers by submitting a copy of the emergency motion <u>via email</u> for review no later than 3:30 PM the day prior.
Routine Motions:	Daily with a proposed order to accompany the filed motion and request for entry <u>via email</u> . Review the Uniform Standing Order for All Commercial Calendars to see what constitutes a Routine Motion.
Case Management:	Daily between 9:00 AM and 10:00 AM as scheduled except for Thursdays.
Clerk Status:	Tuesdays at 8:45 AM No In Person Appearance
Initial Intake:	Wednesdays at 9:00 AM.
Motions:	Thursdays at 9:00 AM as scheduled through Odyssey with courtesy copies to the court <u>via email</u> and hard copies placed in the bin outside Courtroom 1912. Or noticed on the next court date with electronic courtesy copies in <u>text-searchable PDF format with bookmarks</u> tendered to the court <u>via email</u> and hard copies be placed in the bin outside Courtroom 1912.
Default Judgment/Prove-Ups	Fridays at 9:30 AM. Tender prove-up documents to the court in <u>text-searchable PDF format with bookmarks</u> via email and hard copies placed in the bin outside Courtroom 1912. Please refer to the instructions below for more information.
Contested Motions:	Mondays through Fridays as scheduled.
Settlement/Trial Conferences:	As scheduled by the Court, commencing at 2:00 PM, except Fridays. Pre-trial memorandum courtesy copies shall be sent to the court in <u>text-searchable PDF format with bookmarks</u> <u>via email</u> and hard copies placed in the bin outside Courtroom 1912. Contact Chambers for instructions on Confidential Memoranda.
Trials:	As scheduled by the Court, commencing at 10:30 AM. Counsel should correspond with the court's personnel via email to schedule set-up of any equipment (e.g., projectors, screens, computer monitors) that will be used at trial.

VIDEOCONFERENCING PROTOCOL

- **Before the Videoconference:**
 - **Test any audio-visual equipment at least 24 hours before.** Adjust the camera so participants' head and shoulders are shown. Avoid low light or too much backlight (e.g., windows in the background); poor lighting may obscure the participant's appearance.
- **Joining the Videoconference:**
 - In the username, attorneys should include first and last name, party designation, and case number:
 - John Doe (P)- 20L3456
 - Jane Smith (D) 20L3456
- **During the Videoconference**
 - The videoconference is a physical extension of the court. Dress and behave appropriately. Avoid unnecessary background noise. (Cellphones should be turned off, doors to rooms closed, and disruptions minimized.)
 - Participants must be stationary in an appropriate environment, and not in a vehicle unless permitted by the court.
 - Participants should "mute" when not speaking.
 - The court will turn off your video at the start of the call.
 - When your case is called, please unmute yourself and let the court know you are here and we will allow you to start your video.
 - Communicating with Court Staff: For substantive questions, email law.calwcc@cookcountyil.gov. For limited communication to confirm appearance when needed, "chat" may be used.
 - Ex Parte Communications: All participants are prohibited from sending private, direct messages to the Court.

CALENDAR W AFFIDAVITS FOR PROVE UP OF DAMAGES – DEFAULT JUDGMENT

To obtain a default judgment, the plaintiff shall prove damages.¹ Because a verified complaint may not suffice,² affidavits or live testimony may be offered to prove up damages. In collection cases, the plaintiff shall submit a ledger accompanied by an affidavit establishing that it is a business record. All electronic courtesy copies shall be in **text-searchable PDF format with bookmarks**. Plaintiff shall also comply with the following:

- 1. Basis.** An affidavit shall state whether it is grounded upon personal knowledge, attached documents, or both. They shall explain how the affiant knows the facts.
- 2. Foundation.** It shall set forth the foundation for any document attached. If the affiant offers a document for its truth, the affiant shall establish it is a business record.³
- 3. Calculation.** It shall explain how the damages, including interest and late charges, were calculated. It shall cite pertinent provisions of the contract regarding interest, late fees, attorney fees, etc.
- 4. Attorney's Fees.** Attorney's fees may be recovered pursuant to statute or contract. An affidavit shall establish the reasonableness of the amount sought. It must include: (1) the skill and standing of the attorneys, (2) the nature of the case and the novelty and/or difficulty of the issues and work involved, (3) the value and importance of the matter, (4) the degree of responsibility required, (5) the usual and customary charges for comparable services, (6) the benefit to the client, and (7) whether there is a reasonable connection between the fees and the amount involved in the litigation. Timekeeping records shall be attached. The records must provide detailed billing entry descriptions specifying the services performed, who performed it, how long it took, and the hourly rate charged using facts based on contemporaneous time records.
- 5. Costs.** The court shall award "costs" without a stating a dollar amount because more costs may accrue post judgment; *e.g.*, "The court enters a default judgement in favor of Acme, Inc., and against Jones, Inc., in the amount of \$222,222.00 plus costs."⁴

¹ Section 2-610(b) of the Code of Civil Procedure provides that failure to deny an allegation of the Complaint constitutes an admission of the allegation "except allegations of damages." 735 ILCS 5/2-610(b).

² Section 2-605(a) of the Code of Civil Procedure provides "Verified allegations [of pleadings] do not constitute evidence except by way of admission." 735 ILCS 5/2-605(a).

³ A record of regularly conducted shall be accompanied by a certification that it (1) was made at or near the time of the occurrence of the matters set forth by a person with knowledge of these matters, (2) the document was kept in the regular course of business, and (3) was made regularly. Ill. Rs. Evid. 803(6), 902(11) (eff. Sept. 28, 2018).

⁴ The clerk of the court shall "tax and subscribe all bills of costs." 735 ILCS 5/5-121.