

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

MOTIONS SECTION

STANDING ORDER

MOTIONS SECTION – CALENDAR A

JUDGE THOMAS M. CUSHING

Richard J. Daley Center, Chicago – Courtroom #2206

Telephone: 312-603-6348 Law Clerk: Collin Gill

Calendar A Email Address: law.calacc@cookcountyil.gov

Calendar A Zoom Information:

Zoom ID: 811 9576 3750

Password: 134562

This standing order supplements, and where a conflict exists supersedes, the Law Division General Administrative Order 20-9 found on the Court website at

<https://www.cookcountycourt.org/Portals/0/Law%20Divison/General%20Administrative%20Orders/12-21-20%20GAO%2020-9.pdf?ver=BvViGZCOTCoXEz-4Dl8Zw%3d%3d>

This Standing Order for Calendar A is subject to revision, to be superseded by any subsequent Standing Order entered after the date hereof. Parties should check for an updated Standing Order from time to time to ensure they are following the current order.

1. Generally

- a. Until further notice, attorneys and parties should attend any session of court that has been scheduled to be held via Zoom or via email report by those means, Zoom or email. Future court dates scheduled by the Court on Calendar A will be conducted in person in Courtroom 2206 at the Daley Center. The daily court call begins at 10:00 AM.
- b. At all initial case management conferences on Calendar A, the parties should be prepared to report on the type of case before the Court, the injuries, and special

damages to date. Attorneys must have all prior case management orders and shall report any trial date or trial certification date that has been set.

- c. Any permitted communications with the Court with respect to Calendar A matters will be submitted to the email address for Calendar A listed above. All email correspondence to the Court must copy all parties. Such email communication is **strictly limited** to (1) the submission of orders; (2) the submission of routine or agreed motions; (3) the submission of Notices of Motion for matters set on the Court's 9:00 AM motion call. (4) any other email communication expressly permitted by this order. **Counsel, parties, or others may not use email for any other purpose. Those emails will not be answered.**
- d. **Email Addresses:** Pursuant to ISCR 11(b), an attorney must include on the appearance and on all pleadings and briefs filed in court an email address to which documents and notices will be served in conformity with Rule 131(d). A self-represented litigant who has an email address must also include the email address on the appearance and on all pleadings and briefs filed in court to which documents and notices will be served in conformity with Rule 131(d). If email is not available for any litigant, any party may call the Law Clerk at the phone number listed above for further instructions on how to proceed.
- e. **Requesting Orders/Forms:** Entered orders may be obtained on the Clerk's portal as they are processed. Orders may not be obtained by email, fax, or pick-up from the court clerks. The portal is found at <https://cccportal.cookcountyclerkofcourt.org/CCCPortal/>. Blank order forms may be found at <https://services.cookcountyclerkofcourt.org/Forms/> - apply the filter for the Law Division. The suggested sample HIPPA order from GAO 22-1 which can be found at <https://www.cookcountycourt.org/ABOUT-THE-COURT/County-Department/Law-Division>.

2. Motions

- a. **Routine and Agreed Motions:** Motions and orders presented by agreement, marked agreed, shall be submitted by email no later than 9:30 AM Monday

through Thursday, with notice to all parties, or at any scheduled case management conference. See §3.6(B) of GAO 20-9 for what constitutes a routine motion.

Most frequently, they are: 1) agreed HIPAA orders

[https://www.cookcountycourt.org/ABOUT-THE-COURT/County-](https://www.cookcountycourt.org/ABOUT-THE-COURT/County-Department/Law-Division)

[Department/Law-Division](https://www.cookcountycourt.org/ABOUT-THE-COURT/County-Department/Law-Division); 2) leave to appoint special process servers; 3) leave to vacate technical defaults and for time to plead; 4) sec. 2-1009 voluntary dismissals; and, 5) dismissals pursuant to settlement. Any order dismissing a case pursuant to settlement must include a statement specifying whether voluntary mediation was or was not utilized in arriving at the settlement. Include language in any dismissal orders specifically striking any future court dates in Calendar A only. Routine and Agreed orders should be entered within two court days.

Agreed motions to modify a Case Management Order must be noticed for an in-person hearing at 9:00 AM Monday through Wednesday (following the procedure set out in 2.e. below) if it seeks to change the Trial Certification date. If the proposed order simply adjusts certain discovery deadlines and the matter is agreed, parties may submit an agreed order, marked "Agreed." The motion judge is not authorized to strike any date in courtroom 2005. That will be done internally once a dismissal order is entered.

- b. Parties shall not submit as routine or agreed any orders dismissing wrongful death, survival or minors' cases. For Petitions to Approve settlements and dismissal of those cases, see section 5 below.
- c. A party may object to a routine motion by notifying the Court of the objection via email by 12:00 noon, with notice to all parties at the address listed above along with the basis of the objection. If there is an objection to the motion, the motion must be re-noticed for hearing according to 2(e) below.
- d. All documents for routine motions, including notices, motions, exhibits, affidavits, and orders, must be served on all parties prior to entry of the order. The notice of motion must state the specific motion being presented, and must include proof of service and a draft order.
- e. **Contested Motions:** Parties should set contested motions in Calendar A for any Monday, Tuesday, or Wednesday at 9:00 AM, in person in Courtroom 2206, for

status. Parties need not sign up for or spindle the date in advance, but rather send a notice of motion to all parties and email a copy to the court at the Calendar A email address above. If the parties agree on a briefing schedule without the court's input, they may schedule the status for a date after the last date on the briefing schedule. If they require the court's assistance with briefing, schedule the status date at the parties' earliest convenience. Parties may also present a motion at any scheduled case management conference.

- The movant should set a status date on motions pursuant to § 2-615, 2-619, or 2-622 and motions to compel discovery, before a briefing schedule has been set. If briefing is necessary on such motions, the court will not entertain reply briefs without specific leave of court. For 2-615 or 2-622 motions, the movant shall succinctly describe alleged deficiencies in the complaint, or the §2-622 Affidavit/report, and shall provide a copy of the pleadings for the Court's review at the status. Upon request at the status hearing, the respondent will be allowed to submit a written response.
 - If all briefs have been filed by the motion status date, the movant should bring courtesy copies to court.
- f. **Courtesy Copies:** Parties should not submit written copies of contested motions to the Court until any briefing is complete. The submission of any courtesy copies should adhere to the following:
- All briefs shall be: (1) double-spaced with numbered pages; (2) typed in 12-point font with 1-inch margins; and (3) double-Sided. Briefs shall not exceed 15 pages unless specifically allowed by the Court. Depositions, four to a page. Submit only **one** copy of any exhibit, pleading, or deposition. Motions to Strike briefs, or portions thereof, will be taken with the motion.
 - Courtesy copies include briefs, exhibits, and copies of any substantive case law relied upon by either side. Parties need not provide the cases relied upon simply for language setting out the standards applicable to the motion. All copies are to be double-sided. Any deposition transcripts should be four pages per side. All photos, graphs, reports, etc., reproduced

in original format (i.e., color, black and white, etc.). All videos produced on a flash drive without any passwords required to view.

- g. **Emergency Motions** with a proposed Order must be submitted by 9:30 AM via email and include an introductory paragraph stating the grounds for the emergency. If the Court, in its discretion, determines that the matter is not an emergency the motion will be denied. If the Court finds an emergency and finds a hearing is not necessary, the Court will either grant or deny the motion and advise the parties by email. See § 3.5(A) of GAO 20-9 for what constitutes an emergency motion. The movant must have an appearance on file and must give notice of the emergency motion to opposing parties according to circuit court rules. For all contested motions, emergency or not, follow the procedure set out at 2(b) above, although a party may present a true emergency on a Thursday or Friday morning at 9:00 AM if the emergency circumstances require.
- h. **Premature Motions:** Please only send or deliver motions to the Court on the date of presentment.
- i. **Requests for Staggered F3:** These will be granted in Category I cases only if there are no objections. In Category II cases, the policy in Calendar A is for simultaneous disclosure of f(3) witnesses and reports, followed by Plaintiff's f(3) depositions, followed by Defendant's f(3) depositions, subject to modification at the Court's discretion.

3. Case Management Conferences

a. **Initial Case Management**

- Newly filed cases will comply with the ISCR 218 initial case management process in the Law Division Motion Section. Electronic notices/post cards will be sent to all attorneys and self-represented parties of record for the initial CMC date, 60 days from the date of filing of the Complaint.
- Litigants must use the Motion Calendar Section Form Case Management Orders for Category 1 and Category 2 Case Types located at <https://www.cookcountycourt.org/ABOUT-THE-COURT/County-Department/Law-Division>, and also are available in the motion court rooms.

- Category 1 case types include noncomplex cases such as auto accidents and premises liability actions and will have a 15-month order. Category 2 case types include complex cases such as professional malpractice and product liability actions and will have a 26-month order.
- At any case management conference, parties should be prepared to address: 1) whether the case is a re-filing; 2) whether all parties have been served, and; 3) the known injuries and special damages at that point. The Court will enter a Case Management Order on the earliest practical date.
- Attorneys shall present to the judge all prior case management orders at any case management conference.
- Cases will be screened at any CMC for transfer to First Municipal or referral to Law Division Arbitration based on case type and value. The Law Division arbitration program is described at Part 25 of the Local Cook County Rules on the Court's website.

b. Interim CMC Hearing Procedures

- All current CMC orders have a date for an interim CMC hearing. The purpose of the interim CMC hearing date is to determine whether discovery is proceeding according to the deadlines in the CMC and whether the case can be transferred to the Law Division Arbitration Program or the First Municipal Department.

4. Mandatory Arbitration

- a. Mandatory Arbitration will be held in those commercial and personal injury cases assigned to the Law Division, including cases with self-represented or pro se litigants, with special damages of up to \$75,000 and no retained expert witness as defined in ISCR 213(f)(3). The Court has discretion to refer cases to Mandatory Arbitration when the special damages exceed \$75,000 if the Court finds that, due to the complexity of the case, it is suited to arbitration, and if it is not otherwise excluded.
- b. The arbitration hearings will take place at the Cook County Mandatory Arbitration Center, 222 N. LaSalle Street, Chicago, Illinois.

- c. Personal injury cases not subject to mandatory arbitration are: asbestos, construction, medical malpractice, nursing home and product liability cases, unless the parties agree to arbitration.

5. Petitions to Approve Settlement

- a. Petitions to settle cases involving minors, disabled persons and survival and wrongful death claims shall be presented to the Court electronically by emailing the **unfiled petition** to the email listed above. Petitions must not be filed until approved by the Court.
- b. Follow the requirements set out in Local Rules 6.4 and 6.5 and in FINAL PROCEDURES CONCERNING SETTLEMENT, MINORS' AND DISABLED PERSONS, PERSONAL INJURY CASES AND WRONGFUL DEATH CASES WITH SAMPLE ORDERS (March 2023), which can be found on the Court's website. Settlement Memo March 2023.pdf (cookcountycourt.org)

6. Pre-Trial Conferences

- a. Judge Cushing is available for pre-trial settlement conferences of Calendar A cases. Parties may appear by agreement at 9:00 AM any Monday, Tuesday, or Wednesday to present request a pre-trial date. Each party should deliver to the court at least two days before the pre-trial conference an unfiled pre-trial memorandum by email containing (1) a summary of the allegations, defenses, facts, claimed injuries and damages, and; (2) the last demand, offer, and policy limits.

7. Self-Represented Litigants

- a. Legal assistance can often be found via www.legalaidchicago.org or the Chicago Legal Clinic at (312) 726-2938 (24-hour Intake number) or via their website: www.clclaw.org.
- b. Self-represented or pro se litigants must comply with the relevant provisions of the Illinois Code of Civil Procedure, Illinois Supreme Court Rules, and Circuit Court of Cook County Rules. These rules can be found online at the following websites: www.ilga.gov and www.state.il.us/court/SupremeCourtRules.

Dated: _____

Thomas M. Cushing

Judge Thomas M. Cushing

ENTERED
Judge Thomas Cushing-2258

JUN 29 2023

IRIS Y. MARTINEZ
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL
DEPUTY CLERK