

Judge John A. Simon
Law Motions, Calendar C
Standing Order

1. Pursuant to Supreme Court Rule 218, counsel familiar with the case and authorized to act shall appear at case management with a discovery plan. This means that opposing counsel MUST confer with each other prior to the initial case management conference.
2. At the initial case management conference, Plaintiffs attorney must present a detailed list of specials for case valuation. Failure to do so will result in transfer to the First Municipal Division.
3. At all subsequent case management dates, all parties MUST appear with a copy of previous orders. If an attorney cannot attend, that attorney MUST confer with opposing counsel so that the judge may be informed about the status of discovery. The attorneys must be prepared. You must have knowledge of previous orders and have a plan for future discovery.
4. A new discovery schedule means the parties have set firm deposition dates.
5. F(3) witnesses disclosure means that you have tendered the expert's written report and have offered three dates for the deposition within 45 days of the disclosure date.
6. The failure of any party to appear at a case management conference will be noted in the case management order. A party who fails to appear at case management may be sanctioned on the court's own motion.
7. Service on all motions requires five complete business days by mail, or two complete business days by personal delivery, fax, or email.
8. For proof of service by fax or email, provide the fax transmittal sheet or a printout of the email.
9. Bring routine motions to the court clerk between 8:45 a.m. and 9:15 a.m. Your routine motion and notice of motion must be e-filed before you appear. Bring 3 copies of the order, the e-filed routine motion, and e-filed notice of motion.
10. Motions for withdrawal of attorney, without a substituting attorney, are NOT routine motions.
11. Motions for default judgment are NOT routine motions.

12. For emergency motions, bring an e-filed courtesy copy of the motion to the court clerk before 11:00 a.m. When you e-file the emergency motion, do not request a hearing time from the Clerk of Court. Emergency motions are heard at 11:30 a.m. on a daily basis.
13. All motions and notices of motion must be e-filed. If you want the court to read the motion before its presentation, the movant must drop off a courtesy copy of the e-filed motion in Room 2203 at least five days before the hearing.
14. Piggy backing motions on case management dates is acceptable if you are seeking to extend deadlines, or if you expect the court to enter a briefing schedule without further discussion. Other motions that are piggy-backed will be entered but not heard. When you piggy-back a motion, do NOT request a hearing time from the Clerk of Court.
15. The court will screen motions for summary judgment, *forum non conveniens*, and § 2-619 motions for Rule 191 discovery, and personal jurisdiction motions for Rule 201(1) discovery. If such discovery is needed, the matter will be continued to the next case management conference and no briefing schedule will be entered.
16. When a briefing schedule is entered, it will culminate in a status hearing approximately one week after the reply brief is due. At clerk status, a definitive hearing date will be set, and the movant shall produce a full set of briefs, including a copy of the complaint, to the court.
17. There will be no reply brief for § 2-615 and § 2-622 motions. The movant shall succinctly describe alleged deficiencies in the complaint, the § 2-622 affidavit or the § 2-622 report, and shall provide a copy of the pleadings for the court's review. Upon request, the respondent will be allowed to submit a written response. The court will hear oral argument and rule only after it has had sufficient time to review the pleadings.
18. At hearings on motions, the court will entertain oral argument and will generally rule from the bench. It is the responsibility of the litigants to obtain a court reporter to make an official record of the proceedings.
19. The court will **NOT** entertain oral argument on *forum non conveniens* motions, but will enter a written order based on the briefs.

20. Do **NOT** bring motions to bar evidence or testimony at trial, unless you are bringing your motion as a Rule 219 sanction for violation of a discovery order. This court will defer questions on the admissibility of evidence to the discretion of the trial judge, through motions *in limine*.
21. All motions and orders giving leave to amend complaints, file counterclaims or third-party complaints must state what is being amended in the complaint (name of parties to be added, amended counts, etc.).
22. On motions to appoint a special process server, the name and license number of the process server must be in the motion and the order. You must also state, in the motion and order, the name of the person you are trying to serve. If you are issuing an alias summons, the motion and order must state when the alias summons is being issued and identify the person upon whom it is being issued.
23. On motions for a HIPAA protective order, Plaintiff shall use the standard form order approved by Judge Flannery, available on this court's webpage. Only Plaintiffs counsel can enter a HIPAA order. Bring the HIPAA order on a routine motion before the initial case management conference.
24. On petitions to approve settlement in minors' and disabled persons' personal injury cases, and in wrongful death cases, bring a copy of the proposed petition, with itemized costs, and three copies of the proposed order to court for review. The court scrutinizes costs and excludes overhead, including postage, local travel, sign-up fees, and legal research fees. The court may request amendments to the petition and order. Wait until the petition has been approved before e-filing it.
25. All orders must be written with calendar dates. For example, "on September 27, 2018," **NOT** "in 14 days."
26. The name of the attorney who is signing any official pleading should be printed on the signature page. Ambiguous identifications, such as "one of his attorney's," do not satisfy the requirements of Rule 137. Failure to comply may be subject to sanctions.
27. No order will be entered that indicates "*status* on completion of a deposition." The order **MUST** state "*completion* of a specific deposition by a specific party."

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Practice Information

1. Section 2-615 motions attack the sufficiency of the pleadings. There should be one, and only one, exhibit to a § 2-615 motion: the complaint or counterclaim under attack.
2. If you need to attach an affidavit to your motion to dismiss, you should probably be bringing a motion under § 2-619(a)(9).
3. Summary judgment motions should have at least two exhibits: the complaint and the answer to the complaint.
4. When deposition testimony is attached as an exhibit, provide a complete copy of the deposition transcript, including all exhibits to the deposition.
5. For motions with multiple exhibits, please provide a summary of the exhibits attached.
6. For motions with multiple exhibits, the exhibits must be tabbed.
7. When a motion requires evidentiary support, cite to the supporting exhibits with specificity. Do not cite to your own statement of facts.
8. Briefs should be double-spaced, one-inch margins, 12-point font or larger.
 - The pages should be consecutively numbered, with the number centered at the bottom of the page.
9. The page limit on all motions is 15 pages. Do not submit a brief in excess of 15 pages without prior leave of court.
10. Quotations longer than three lines should be single-spaced, with an additional one-half inch indentation on each side. Block quotes should be used sparingly.
11. When citing to Illinois cases, please cite to official Illinois reporters (Ill. 2d, Ill App. 3d, and the electronic format for more recent cases). There is no need to cite to a regional reporter (N.E. 2d), to unofficial reporters (Ill. Dec.), or to parallel cite.
12. The electronic citation format is easy to use. An example of a pin cite follows: 2013IL App (1st) 122987, ¶ 21. No parenthetical is necessary.

13. When citing to U.S. Supreme Court cases, please cite to the U.S. reporter only.
14. The court uses Lexis, not West Law. If you are pin citing an unpublished case on West, please provide a courtesy copy of the case to the court.
15. Courtesy letters should identify the documents you are submitting to the court as well as the date and time the matter will be heard. Remember to copy all counsel of record.
16. When submitting documents for *in camera* inspection, your courtesy letter should briefly describe the reason for inspection.
17. In pleading, catch-all allegations of negligence are vague and improper. Do not allege that the defendant "was otherwise careless or negligent." The court may strike such allegations on its own motion.
18. In pleading, the phrase "including but not limited to" is vague and archaic. The word "including" is sufficient. When you learn through discovery of other examples of the conduct complained of, bring a motion to amend your pleadings to add the additional allegations.
19. When requesting or producing electronically stored information (ESI), always request or produce the ESI in its native format.
20. When you ask the opposing party for a list, you are asking for information, not documents. Requests for lists should be the subject of a Rule 213 interrogatory.
21. Take the time to write your orders clearly. All written orders MUST be printed and legible. Where there are multiple plaintiffs or defendants, the order should identify the concerned parties with specificity. Remember, the order is part of the permanent record of your case.