

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

MOTIONS SECTION

STANDING ORDER

REVISED AS OF FEB 1, 2024

**PLEASE SEE SEC. 2.a RE FULLY BRIEFED MOTIONS
PREVIOUSLY TAKEN UNDER ADVISEMENT**

MOTIONS SECTION – CALENDAR R

JUDGE MICHAEL F. OTTO

Richard J. Daley Center, Chicago – Courtroom #2208

Telephone: 312-603-6068 **Law Clerk:** Samuel Young

Calendar R Email Address: Law.CalRcc@cookcountyil.gov

This standing order supplements, and where a conflict exists supersedes, Law Division General Administrative Order 20-9 This Standing Order for Calendar R is subject to revision. Parties should check for an updated Standing Order from time to time to ensure they are following the current order.

1. General Provisions

- a. Unless otherwise specifically ordered, all future court dates in all cases will be conducted in person in Courtroom 2208 at the Daley Center.
- b. At all initial case management conferences, the parties should be prepared to report on service, the type of case before the Court, the injuries, and special damages to date.
- c. Any communications with the Court with respect to Calendar R matters must be submitted to the email address for Calendar R listed above (Law.CalRcc@cookcountyil.gov). Any email correspondence to the Court must copy all parties who have appeared. Such email communication is **strictly limited** to (1) the submission of proposed agreed orders; (2) the submission of routine or agreed motions; (3) submission of courtesy copies for fully-briefed motions; and (4) other email communication expressly permitted by court order. **Counsel,**

parties, and others may not use email for any other purpose. Any such emails will not be answered.

- d. **Requesting Orders/Forms:** Entered orders may be obtained on the Clerk's portal as they are processed. Orders will not be sent 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 HIPAA order from GAO 22-1 can be found at <https://www.cookcountycourt.org/ABOUT-THE-COURT/County-Department/Law-Division>

2. **Motions**

- a. **PENDING FULLY-BRIEFED MOTIONS:** For any parties to cases pending on Calendar R with motions which are already fully-briefed as of February 1, 2024, but as to which no ruling has yet been issued. **Movant must submit a full set of courtesy copies in hard-copy format (paper) no later than March 15, 2024, regardless of whether courtesy copies have previously been submitted in any format.** Failure to do so will be considered abandonment of the motion, which may result in its summary denial. Courtesy copies must include (all printed double-sided if possible):
- **All Briefs on the motion**
 - **All Exhibits, tabbed for identification (depositions printed in miniscript format)**
 - **Any transcripts of argument which has previously been heard on the motion, if a court reporter was present**
 - **All orders previously entered relating to the motion (including briefing schedule orders, and any orders setting the matter for ruling or continuing the matter for ruling)**
 - **Most recent order entered in the case**
 - **Current Case Management Order**
 - **Cover letter noting (i) trial date and (ii) any other future dates in 2005**

b. Routine and Agreed Motions: Motions and orders presented by agreement, marked agreed, may be submitted by email, cc'ing all parties, or at any scheduled case management conference. GAO 20-9 §3.6(B) defines routine motions.

Common examples include motions to/for:

1) enter agreed HIPAA orders <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, except as noted immediately below (wrongful death/survival/minor cases). 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 R only. This Court is not authorized to strike any dates set in Courtroom 2005, however, and such language should not be included. (Upon dismissal, 2005 dates will be stricken administratively.)

- **Parties shall not submit as routine or agreed any orders dismissing wrongful death, survival, or minors' cases, INCLUDING partial dismissals pursuant to settlement with some but not all defendants.** For Petitions to Approve settlement and dismissal of such matters, see **Section 4** below.
- If any party objects to a routine motion, the movant must spindle it for presentment per 2(b) below.
- Movant must include a proposed order with their motion or it will not be ruled on.

c. Contested Motions: Parties may “piggy-back” motions to previously-scheduled court dates so long as they give all parties proper notice and provide the court with a courtesy copy. Unless piggy-backing, parties **MUST** obtain a date and time for presentment of contested motions by spindling the motion through the Odyssey system.

- Parties must provide the court a physical courtesy copy of any motions scheduled for initial presentment at least 3 court days in advance. For motions attacking a pleading (motions to dismiss, to strike, for bill of particulars, etc.), the courtesy copy should include the pleading at issue.
 - All parties should be prepared to address the motion at the time of presentment; a briefing schedule is not guaranteed, especially for non-dispositive motions.
- d. Courtesy Copies:** Other than the copy provided to the court for presentment (see 2(b) above), Parties should not submit copies of any briefs relating to contested motions until all briefing is complete. The following guidelines apply:
- Courtesy copies should be one complete set sent electronically to the Calendar R email, and one complete set of physical courtesy copies delivered to Room 2208. In the physical copy all exhibits must be tabbed and all materials must be printed double-sided.
 - All briefs shall be: (1) double-spaced with numbered pages; (2) typed in 12-point font; (3) with 1-inch margins. Absent leave of court the following page limits apply:
 - Initial brief (and memorandum in support, if separately filed): 15 pages total (exclusive of exhibits)
 - Opposition brief: 15 pages (exclusive of exhibits)
 - Reply brief: 7 pages
 - Courtesy copies should include briefs and exhibits, if any. Case law should not be provided unless unavailable through LEXIS. Deposition transcripts should be submitted in mini-script format (four pages per side). Submit only **one** copy of any exhibit, pleading, or deposition.
 - Motions to Strike briefs, or portions thereof, will be taken with the motion.
- e. Emergency Motions** with a proposed Order must be submitted by 10:00 AM via email and include an introductory paragraph stating the grounds for the emergency. The movant must have an appearance on file and must give notice of the emergency motion to opposing parties according to circuit court rules. See GAO 20-9 § 3.5(A) for what constitutes an emergency motion. If the Court

determines that the matter is not an emergency the motion will be stricken but may be spindled. 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. Otherwise the court will set a prompt date for presentment. The movant must provide notice to all other parties.

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.
- Requests for staggered expert disclosures must be made when the initial Case Management Order is entered. The presumption is in favor of simultaneous disclosures in all cases except medical malpractice cases. In medical malpractice cases, the presumption is in favor of staggered disclosures
- 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 include 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. Interim CMCs shall be in person.

4. 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 in hard copy by placing the **unfiled petition** in the basket outside of Courtroom 2208. Petitions must not be filed until approved by the Court.
- b. Petitions shall include: (1) an itemized descriptive list of costs; (2) a copy of the fee agreement or counsel's representation as to the contingency percentage; (3) a description of all lien claims, even if the lien does not attach to the proceeds; and (4) appropriate language where further probate proceedings are required.
- c. 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. [PROCEDURES CONCERNING SETTLEMENT OF \(cookcountycourt.org\)](https://www.cookcountycourt.org)

5. Pre-Trial Conferences

- a. Judge Otto is available for pre-trial settlement conferences of any matter, whether or not pending on Calendar R. (Parties may transfer a matter to Judge Otto for pre-trial *instanter* in Courtroom 2005 through the form Order available there.) Parties may request a pre-trial conference through email or in person with the clerk in Courtroom 2208. Once a pre-trial conference is scheduled, each party should deliver to the court at least two days before the pre-trial conference an unfiled pre-trial memorandum of five pages or less containing (1) a summary of the allegations, defenses, facts, claimed injuries, and damages, and (2) the last demand, offer, and policy limits.

6. 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.

7. Supreme Court Rule 304(a) Language

- a. No ISCR 304(a) language may be included in any order without direct express advance judicial authorization.

So Ordered

Effective Date: February 1, 2024

Hon. Michael F. Otto_____

Judge