

Judge Toya T. Harvey
Case Management Standing Order
June 25, 2021

This Case Management Standing Order applies to all cases initially assigned to Judge Toya T. Harvey for case management, as well as motions, subsequent pretrial conferences and trials.

IT IS HEREBY ORDERED:

I. Video Case Management Hearings and Communication

Unless otherwise ordered, all hearings will be conducted via Zoom. Unless otherwise ordered, other communications with the Court shall be via email.

Video Case Management Requirements

Zoom Hearing Sign In Information

Go to www.zoom.us. Click “Join a Meeting” and enter the following credentials:

Zoom Session ID: 983-8877-2807
Zoom Password: 957575
Zoom Conference Call Number: 13126266799

A. Initial Case Assignment

Upon the assignment of a case to the Court, counsel for the Plaintiff shall email the Court a service list of ALL parties of record, including; the responsible attorney, firm name, address, telephone number, email and party represented.

B. Most recent substantive or CMC order and Initial Status Report

At least three business days prior to the initial case management hearing date, counsel for the parties shall email the Court the most recent substantive or CMC Order and an Initial Status Report (ISR). The ISR shall include the following:

1. A concise statement of the case, including identification of the parties, causes of action and affirmative defenses;
2. Status of completed and outstanding written and oral discovery, including Supreme Court Rule 213 f(1), f(2) and f(3) disclosures and depositions;
3. Identification of pending motions and status of briefing schedules;
4. Anticipated future discovery and future motions.
5. The parties are encouraged to submit a joint Initial Status Report but each party may otherwise submit an Initial Status Report.

C. Continued Status Report

At least three business days prior to any subsequent case management hearing date, counsel for the parties shall email the Court a Status Report, including the following:

1. Status of completed and outstanding written and oral discovery, including Supreme Court Rule 213 f(1), f(2) and f(3) disclosures and depositions;
2. Identification of pending motions and status of briefing schedules;
3. Anticipated future discovery and future motions.

D. Proposed CMC Order

The parties are directed to confer and send to the Court a proposed CMC Order (use the Law Division Active Case Management Order form) at least three business days before the scheduled hearing.

1. The subject line of the email shall be "Case Name & No: Proposed CMC Order."
2. Agreed proposed CMC Orders are encouraged and preferred.
3. Dates and deadlines in the proposed Order should reflect the expectation that the case shall be ready for certification for trial by the designated date.

II. Email Requirements

- A. The Court's email address is: Toya.Harvey@cookcountyl.gov
Any email communication to the Court, shall also be sent to all parties of record except confidential pretrial memorandum. In the case of self-represented litigants, alternative service may be required.)
- B. All emails shall contain/comply with the following:
 1. The subject line must contain the type of motion (e.g. Emergency, Routine, Regular) and the case name and court number;
 2. Description of the substance of the motion (e.g. special process server, vacate defaults, leave to appear, amend a pleading (with the specifics of what is being amended; counts, adding parties, etc.) ;
 3. Each document submitted as a separate attachment (i.e. not included as an exhibit to the motion), and identified (special process server order, vacate default order, amended complaint order, voluntary dismissal order, etc.).

III. Motion Practice

A. Emergency Motions

Emergency Motions will be presented Monday through Friday at 11:00 a.m. Counsel for movant shall email the Court the efiled Emergency Motion and

Notice of Motion as soon as possible but no later than 9:30 a.m. on the date noticed for presentment. The Court shall advise the parties if the Court considers the motion an emergency and will set a Zoom hearing date and time accordingly. Emergency motions shall include, but not be limited to:

1. Adding parties or filing pleadings (e.g. additional party complaints), prior to the expiration of an impending statute of limitation;
2. Request for protective orders for preservation of evidence;
3. Request for relief, which, if not granted, will cause irreparable harm.

B. Routine Motions

Routine Motions are motions generally considered as “routine” in the Law Division for which a hearing is not desired. Routine Motions shall be noticed for any business day 9:30 a.m. The movant shall email any Motion, Notice of Motion and proposed Order to the Court at least three business days prior to the noticed date. A party objecting to the Routine Motion shall email the Court, so advising, at least two business days prior to the noticed date and a hearing date will be set.

If the Court considers the motion as “Routine,” the Court will enter the proposed order if there is no objection filed. Routine Motions will be entered within 2 business days of submission.

“Routine Motions” shall include, but not be limited to:

1. Appointment of special process server;
2. Leave to vacate technical defaults;
3. Leave to appear, answer, plead;
4. Entry of fully executed HIPAA order;
5. Amending a pleading (adding parties, adding counts, adding allegations, etc.);
6. Leave to intervene on behalf of a worker’s compensation carrier or public body claiming a lien;
7. Voluntary dismissal of certain parties [“partial”] or the entire case;
8. Dismissal orders for settlements not involving those subject to the Joint Memorandum on Settlement Procedures.

C. Regular Motions

Regular Motions will be noticed Monday thru Thursday at 9:30 a.m. “Regular Motions” shall include but not be limited to:

1. Motion addressing jurisdiction;
2. Motions challenging validity and/or diligence of service of process;
3. Motions addressing the sufficiency of pleadings and exhibits;
4. Motion regarding discovery;
5. Motions addressing involuntary dismissal;
6. Motions addressing objections, privileges, in camera inspections, etc.

The movant shall email any Motion and Notice of Motion to the Court and opposing counsel at least five business days prior to the proposed noticed date. Regular motions may be e-filed and submitted to the judge at any time, with proper notice provided.

All regular motions will be screened by the judge for the need for a briefing schedule. If no briefing schedule is needed, the judge will notify all parties and will enter an order ruling on the motion or notify the parties of a date and time when an oral ruling will issue.

D. Contested Motions

A party desiring a briefing schedule shall notify the Court of that request at least three days prior to the requested hearing date. If the parties agree to a briefing schedule, include the proposed scheduling order. The Court will advise the parties if a briefing schedule will be allowed and if a briefing schedule order will be entered. If the Court requires a hearing on that issue, a Zoom hearing date and time will be set.

A party seeking discovery prior to briefing shall confer with opposing counsel prior to initial presentment of the motion to determine whether there is an agreement to conduct such discovery, and if it is so determined, the party shall submit an agreed order providing a description of the discovery needed, and the time required to complete said discovery. If counsels do not agree, the Court shall set a hearing date and time on that issue. A briefing schedule will be set at that time.

The Court may rule on contested motions without a hearing. If the Court conducts a hearing, all parties shall be notified of the date and time of the hearing which will be conducted by Zoom in accordance with approved remote proceedings.

The movant shall email the Court courtesy copies of the motion, responses, replies, exhibits and memoranda at least 10 business days prior to the set hearing date. Courtesy copies may be delivered to the Court with **prior** approval.

The movant's brief and the respondent's response brief are limited to 15 pages each. Reply briefs are limited to 8 pages.

IV. Procedures for Approval of Settlements

- A. All petitions for settlement under the Wrongful Death Act, Survival Act, for Minor and Disabled Persons, must comply with the "Settlement Procedures," located on the Law Division Home Page, Settlement Procedures, at www.cookcountycourt.org.
- B. The petitions for approval of settlements and proposed orders must NOT be e-filed prior to submission and must be submitted in draft form.

- C. A proposed order shall be submitted along with the Petition. If the Court finds the petition adequate, the Petition shall be efiled.
- D. Notice of the submission of petitions for approval settlement shall be provided to all counsel of record, with email address of counsel included.

V. Trials (Bench and Jury)

- A. Short statement of the case. If a jury, this statement will be read to the jury in voir dire;
- B. Estimate number of trial days;
- C. Witness list with city of residence or office. In the case of experts, it shall list the employer. If a jury, this statement will be read to the jury in voir dire;
- D. Statement that the party will/will not stipulate to a unanimous verdict of 10 or more jurors to eliminate the need for alternates;
- E. Motions in limine;
- F. Trial briefs;
- G. Jury Instructions – One set bearing I.P.I number or authority and marked whether said instruction is Agreed or Objected to and a second set clean of any markings; and
- H. Parties' exhibit lists.