

II. CIVIL PROCEEDINGS

ARTICLE 6: CONFERENCES, PLEADINGS, AND MOTIONS

6.00 RESERVED

6.01 CASE MANAGEMENT AND SETTLEMENT CONFERENCES

(a) Case Management Conference

(1) In all cases designated L (\$50,000 & above), AR (\$10,000 to 50,000), LM (\$0 to \$50,000), SC (up to \$10,000), CH, MR, TX, MC, or ED, the Clerk of the Court shall, on the date of filing, assign an automatic case management conference date on the call of the Judge assigned to the case within 90 days from the date of filing. The Clerk shall affix notice of said date to the original pleading and to copies of said pleading to be served on the opposing party.

(2) In the event an automatic case management conference falls on a date when the Court is not in session, the case will be set for the next court date.

(3) Failure of the parties or their counsel to appear on an automatic case management conference date may result in dismissal for want of prosecution, default and/or other sanctions.

(4) In all cases subject to Supreme Court Rule 218, the attorneys for the parties with the responsibility for trial of the case, shall, prior to the automatic case management conference and each conference thereafter, confer regarding matters set forth in Supreme Court Rule 218.

(5) Failure to comply with Supreme Court Rule 218, local rules, or court orders pertaining to case management may result in sanctions being imposed against a party and/or attorney.

(b) Initial Case Management Exemptions

(1) The following case categories are excepted from the “Initial Case Management Conference” requirement under Supreme Court Rule 218(a):

- (a) Adoption (AD)
- (b) Arbitration (AR) – non-jury
- (c) Family (F)
- (d) Mental Health (MH)
- (e) Miscellaneous Remedy (MR)
- (f) Municipal Corporation (MC)
- (g) Order of Protection (OP)

- (h) Ordinance Violation (OV)
- (i) Probate (P)
- (j) Small Claims (SC)
- (k) Tax (TX)

(2) In jury cases requiring arbitration (AR), a case management conference need not be held unless and until a rejection of the arbitration award is filed pursuant to Supreme Court Rule 93. A case management conference shall be held within 45 days of the rejection filing date.

(3) The party rejecting the award shall notice the case before the Court not more than 14 days after the rejection for the purpose of setting a case management conference.

(4) This rule shall not preclude the Court on its own motion from setting a case management conference on a case that is subject to arbitration.

(c) Settlement Conference

(1) In the event a settlement conference is held, the attorney for the plaintiff and the attorney for the defendant shall prepare a pretrial memorandum and shall deliver a copy to the Judge and to counsel of record at the time of the settlement conference. At the settlement conference the attorneys present shall:

- (a) be familiar with the case; and
- (b) be authorized to act in furtherance of the settlement conference; and
- (c) have ascertained in advance the extent of authority given by their client to act in furtherance of settlement.

(2) Failure to abide by this Rule may result in sanctions.

Amend. by Gen. Order 01-11, eff. June 20, 2001; Gen. Order 08-04, eff. May 5th, 2008

6.02 CLERK'S NOTICE: DISMISSAL FOR WANT OF PROSECUTION

(a) Within 10 days of the entry of an order of dismissal for want of prosecution the Clerk of the Court shall, in deference to all pro se parties and all attorneys of record, send notice of the dismissal to the last known address indicated in the file by regular mail and place of record a certificate of mailing.

Amend. by Gen. Order 01-11, eff. June 20, 2001; Gen. Order 08-04, eff. May 5th, 2008

6.03 DISMISSAL FOR LACK OF ACTIVITY

(a) If a case assigned to the Civil Trial Division or the Chancery and Miscellaneous Division has no order entered for a period of 9 months and has no future date, the Clerk of the Court shall notify the attorneys of record together with any person who has filed an appearance and given an address that the case will be called on a date certain at which time it will be dismissed except for good cause shown.

Amend. by Gen. Order 01-11, eff. June 20, 2001; Gen. Order 08-04, eff. May 5th, 2008

6.04 PLEADINGS TO BE READILY COMPREHENSIBLE

(a) If a pleading contains multiple counts or affirmative defenses, each count or defense shall bear a concise title stating the theory of liability or defense. If the pleading is filed on behalf of or against multiple parties and all such parties are not asserting the same claims or defenses as to all opposing parties, the title of each count or defense shall also concisely designate the subgroup of parties to which it pertains.

(b) If incorporation of facts by reference to another pleading or to another part of the same pleading permitted by Supreme Court Rule 134 will render a pleading not readily comprehensible, the facts shall be re-alleged verbatim.

(c) Where necessary, the Judge assigned the case may order consolidation of the pleadings into one finished comprehensible set.

(d) Nothing in Rule 6.04 shall be applied in such a manner as to abridge or conflict with 735 ILCS 5/2-603 Code of Civil Procedure.

(e) All pleadings wherein money damages are requested for matters other than injury to the person shall be specific as to the dollar amount claimed. (735 ILCS 5/2-604, eff. 7/25/03).

Amend. by UCCR 4, May 4, 1976 ; 90-10, eff. Dec. 21, 1990 ; Gen. Order 01-11, eff. June 20, 2001; Gen. Order 08-04, eff. May 5th, 2008

6.05 MOTIONS GENERALLY

(a) Every motion shall identify in its title or introductory paragraph the particular relief sought together with the section of the Code of Civil Procedure pursuant to which the motion is brought.

(b) Pleading motions shall not be combined with fact motions except as permitted by 735 ILCS 5/2-619.1 of the Code of Civil Procedure. Improperly combined motions may be stricken by the court without hearing.

(c) No motion may be heard unless previously scheduled for hearing on the Court's calendar. This rule does not apply to genuine emergency motions.

(d) The notice of hearing shall designate the Judge to whom the motion will be presented, state the title and case number of the action, and set forth the date and time the motion will be presented and the courtroom in which it will be presented. A copy of the motion, any papers to be presented with the motion, and proof of service shall be served with the notice.

(e) The following times of notice shall be observed:

- (1) Notice by personal service shall be made by 4:00 p.m. at least two court days before the scheduled hearing.
- (2) Notice by mail shall be deposited in a U.S. Post Office at least five court days before the scheduled hearing.
- (3) Notice by fax shall be completed by 4:00 p.m. at least three court days before the scheduled hearing.

(f) Service by fax will be effective only if at the presentation of the motion the movant produces an affidavit setting forth the date and time of service, the telephone number to which the notice was transmitted, a statement that the receipt was confirmed, and an assertion that Supreme Court Rules 131(d), 11, or 12 pertaining to fax service was followed. Fax notice and transmissions will not be considered valid or permitted where the opposing party/counsel does not have a fax machine.

(g) The burden of calling for hearing/setting any motion previously filed is on the party making the motion.

(h) Any motion not called for hearing/setting within 60 days from the date it was filed may be stricken without notice. Any motion not presented or supported by the moving party when called for hearing upon notice may be denied.

Amend. by Gen. Order 01-11, eff. June 20, 2001; Gen. Order 08-04, eff. May 5th, 2008

6.06 PARTICULAR MOTIONS

(a) All case or claim dispositive motions, other than those arising during trial, will be filed and noticed for setting no later than 120 days before the designated trial date except by leave of court upon good cause shown.

(b) All motions for leave to file counterclaims, actions over, contribution actions and third party complaints must be filed no later than 60 days before the designated trial date. No such filing will be construed to compel the court to continue the trial date or impair the Court's authority to sever such actions.

Amend. by Gen. Order 01-11, eff. June 20, 2001; Gen. Order 08-04, eff. May 5th, 2008

6.07 CONTESTED MOTIONS

(a) Any motion which is opposed may be heard at the end of the Court's call or at such other time designated by the Court.

(b) Any writing in support of or in opposition to a motion will be filed and served upon the opposing party.

(c) No writing in support of or in opposition to a motion will exceed 10 pages in length except by prior leave of court.

Amend. by Gen. Order 01-11, eff. June 20, 2001; Gen. Order 08-04, eff. May 5th, 2008

6.08 MOTIONS FOR SUBSTITUTION OF JUDGE

(a) Motions for substitution of a Judge as a matter of right in civil cases [735 ILCS 5/2-1001(a)(2)] will be filed with and heard by the Judge to whom the case is assigned.

(b) Motions for substitution of a Judge as a matter of right must be filed not later than 60 days before the designated trial date except where the Judge to whom the case was originally assigned is succeeded by another Judge within 60 days of trial.

(c) Motions for substitution of a Judge for cause in civil cases [735 ILCS 5/2-1001(a)(3)] will be filed with the Judge to whom the case is assigned, but transferred to the Presiding Judge of the Division or to the Chief Judge for assignment to another Judge for the sole purpose of hearing the motion to substitute for cause.

Amend. by Gen. Order 01-11, eff. June 20, 2001; Gen. Order 08-04, eff. May 5th, 2008

6.09 MOTIONS FOR CONSOLIDATION OF CASES

(a) Motions for consolidation of cases will be brought on notice to all parties of record in all cases involved in the proposed consolidation.

(b) If the cases proposed for consolidation are within the same Division of the Court, the motion will be presented to the Judge to whom the oldest numbered case is assigned.

(c) If cases proposed for consolidation are in different Divisions of the Court, the motion will be presented to the assigned Judge in the Division being requested to receive the consolidated cases.

(d) Unless good cause is shown, cases will be consolidated into the oldest case.

Amend. by Gen. Order 01-11, eff. June 20, 2001; Gen. Order 08-04, eff. May 5th, 2008

6.10 EMERGENCY MOTIONS AND EMERGENCY RELIEF

(a) Application for Emergency Relief. If genuine emergency relief is required, application will be made to the assigned Judge. If the assigned Judge is unavailable, application will be made to any Judge assigned to the Division in which the case is filed. If no Judge in the Division is available, then application will be made to the Chief Judge or to a Judge designated by the Chief Judge.

(b) Ex Parte and Emergency Motions. Every complaint or petition brought during court hours requesting an ex parte order for the appointment of a receiver, temporary restraint, preliminary injunction, or any other emergency relief will be filed in the Office of the Circuit Clerk before application to the Court.

(c) Notice after Hearing. If an ex parte or emergency motion is heard without prior notice, a copy of the order granting or denying the motion will be entered. The party presenting the motion will serve a copy of the order personally or by U.S. Mail upon all persons having an interest who have not yet been served with a summons and upon all parties of record not found by the Court to be in default. The party presenting the motion will file with the Clerk of the Court, within 2 days of hearing, proof of service of a copy of the order entered.

(d) Counsel will use every reasonable effort to notify opposing counsel or parties unless otherwise provided by law.

Amend. by Gen. Order 01-11, eff. June 20, 2001; Gen. Order 08-04, eff. May 5th, 2008