

13th Annual Symposium

JUDGES

WITH THE

Wednesday, November 30th, 2022 | 1-5PM



Hon. Timothy C. Evans
Chief Judge



Hon. Janet Adams Brosnahan
Trial Section



Hon. Elizabeth M. Budzinski
Trial Section



Hon. Kathy M. Flanagan
Supervising Judge,
Motion Section



Hon. James P. Flannery, Jr.
Presiding Judge,
Law Division



Hon. Bridget Jane Hughes
Trial Section

FROM THE CIRCUIT COURT OF COOK COUNTY



Hon. Thomas V. Lyons II
Trial Section



Hon. Thomas More Donnelly
Trial Section



Hon. Brendan A. O'Brien
Motion Section



Hon. James O'Hara
Motion Section



Hon. Robert E. Senechalle Jr.
Trial Section



Hon. Daniel A. Trevino
Motion Section

DISCUSSION LEADERS



Lou Cairo
Managing Partner,
GWC Injury Lawyers LLC



Stacy Cischke
Shareholder,
Johnson & Bell Ltd



Robert A. Clifford
Founder and Senior Partner,
Clifford Law Offices



John Patton
Managing Partner,
Patton & Ryan LLC

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Chicago Daily Law Bulletin
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Chicago Daily Law Bulletin
Publication Date: 11/18/2019
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JONES MECHAELA VS CHICAGO TRANSIT AUTHORITY
Filed Date: 11/13/2019
IL Cook-Law
Case Type: PREMISES LIABILITY COMPLAINT FILED
Attorney: NANCY HIRSCH LLC
Fees Paid: \$388.00
Amount: \$50,000.00
Motion Call: F

Matched Alert:
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American Freedom Ins Co VS Edwards;Vernon
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IL Cook-Chancery
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13th Annual
Symposium **JUDGES**
WITH THE
Wednesday, November 30th, 2022

Welcome to the 13th Annual Symposium with the Judges, hosted by Law Bulletin Seminars, a division of Law Bulletin Media. Today's program provides 3 MCLE credits to Illinois attorneys, and we are honored that you have chosen our program among the many options available to you to meet your MCLE requirements.

This Symposium is a unique program coordinated with the bench and trial bar. Sitting judges from the Circuit Court of Cook County are assembled to share their wisdom and provide advice for effectively managing your case, and those insights remain critical as the Court continues to communicate electronically and conduct matters virtually. As panelists, the judges will offer candid advice and provide valuable advocacy tips.

Chief Judge Timothy C. Evans has been a supporter of the Symposium since its inception, and we are pleased that he again will be on hand to present opening remarks.

We wish to extend a special thank-you to our exceptional faculty of Law Division judges and trial attorneys, as well as members of the Law Bulletin Seminars team, whose efforts are essential to the success of this annual gathering. Our seminar program is fortunate to receive underwriter support from the legal community, and we would like to thank and acknowledge: Clifford Law Offices, GWC Injury Lawyers, LLC, Johnson & Bell, Ltd, Patton & Ryan, LLC, the Jury Verdict Reporter, and Lawyerport.

Finally, we would like to recognize the Illinois Institute of Continuing Legal Education for their essential assistance in producing this year's Symposium, leveraging their state of the art online CLE platform.

Law Bulletin Media has been serving the Chicago legal community for 168 years. We hope you enjoy this event and encourage you to check out our new website, www.LawBulletinMedia.com, for future events. If you have any questions, comments, or suggestions, please contact us. Your comments have helped improve our products and services over the years, and we will continue to solicit and act upon your feedback.

Thank you again for attending today's Symposium with the Judges.



President, Law Bulletin Media

13th Annual
Symposium **JUDGES**
WITH THE
Wednesday, November 30th, 2022

AGENDA

1:00 - 1:10pm

OPENING REMARKS

Hon. Timothy C. Evans, Chief Judge, Circuit Court of Cook County

1:15 - 2:00pm

SESSION 1 - STATE OF THE LAW DIVISION

Return to trials and other procedural updates

Hon. James P. Flannery, Jr., Presiding Judge, Law Division

Hon. Brendan A. O'Brien, Motion Section

Discussion Leader: Robert A. Clifford, Founder and Senior Partner, Clifford Law Offices

Topics

- The progress of trials and courtroom logistics
- Trial setting call
- Other procedural or administrative updates

2:05 - 2:50pm

SESSION 2 - MOTION SECTION

Keeping things moving

Hon. Kathy M. Flanagan, Supervising Judge, Motion Section

Hon. James O'Hara, Motion Section

Hon. Daniel A. Trevino, Motion Section

Discussion Leader: Stacey Cischke, Shareholder, Johnson & Bell Ltd

Topics

- Case management changes
- Tips for resolving discovery disputes
- Settlement process and use of mandatory arbitration

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AGENDA

3:05 - 3:50pm

SESSION 3 - TRIAL SECTION I

Up until trial

Hon. Bridget Jane Hughes, Trial Section

Hon. Thomas V. Lyons II, Trial Section

Hon. Robert E. Senechalle Jr., Trial Section

Discussion Leader: John Patton, Managing Partner, Patton & Ryan LLC

Topics

- Continuances Rule 231
- Settlement conferences
- The impact of Illinois Supreme Court timelines on discovery
- Motions in limine
- Jury selection – strategies, questionnaires, COVID effect on jury pools

4:00 - 4:45pm

SESSION 4 - TRIAL SECTION II

Getting trial done

Hon. Elizabeth M. Budzinski, Trial Section

Hon. Janet Adams Brosnahan, Trial Section

Hon. Thomas More Donnelly, Trial Section

Discussion Leader: Lou Cairo, Managing Partner, GWC Injury Lawyers LLC

Topics

- Evidentiary Objections
- Objections to the Use of Demonstrative Exhibits
- Jury Instructions
- Use of Special Interrogatories
- Technology in the Courtroom
- Resolving Unexpected Situations in the Courtroom
- Supreme Court Rule 213 objections
- Time Limits or No Time Limits During Trial
- The Use and Challenges to the *Reptile Theory of Trial*

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1:00 - 1:10pm

OPENING REMARKS

Hon. Timothy C. Evans, Chief Judge, Circuit Court of Cook County



Chief Judge Evans has served as the Chief Judge of the Circuit Court of Cook County for eight consecutive 3-year terms, beginning in 2001 and the most recent in 2022. He joined the court in 1992 and has served in the 1st Municipal District, then Domestic Relations where he served as the presiding judge and briefly as the presiding judge of Law Division prior to becoming the chief judge.

In recent years, Chief Judge Evans has implemented a series of groundbreaking initiatives, including enabling victims to secure emergency orders of protection after hours in the Domestic Violence Division and signing an order to assign public and private defense attorneys to represent arrestees while they are still in custody at the police station. He also changed the cash-bail process to provide that monetary bail should be set in an amount that a defendant can afford.

Prior to joining the bench, Chief Judge Evans was an assistant corporation counsel for the City of Chicago and practiced law as a sole practitioner. He also served as the floor leader for Mayor Harold Washington and was a Chicago Alderman for the 4th Ward.

Among his many honors and awards, he became the first judge from Illinois to receive the William H. Rehnquist Award for Judicial Excellence from the National Center for State Courts, he was recognized for the Harold Sullivan Award from the Illinois Judges Association, and he was recognized as the 2019 Person of the Year by Chicago Lawyer magazine. In 2022, Judge Evans was honored with the Howard T. Markey Award by the University of Illinois Chicago School of Law and inducted into the National Civil Rights Hall of Fame by the National Civil Rights Library.

1:15 - 2:00pm

**SESSION 1 - STATE OF THE LAW DIVISION:
Return to trials and other procedural updates**

Hon. James P. Flannery, Jr., Presiding Judge, Law Division

Hon. Brendan A. O'Brien, Motion Section

Discussion Leader: **Robert A. Clifford**, Founder and Senior Partner,
Clifford Law Offices

Topics

- The progress of trials and courtroom logistics
- Trial setting call
- Other procedural or administrative updates



Hon. James P. Flannery, Jr., Presiding Judge

Judge Flannery is the presiding judge of the Law Division of the Circuit Court of Cook County. Judge Flannery became a judge in 1988 and was previously assigned to the Criminal Division, the Fourth Municipal Division, and the First Municipal Division. He has presided over more than 75 felony and 300 civil jury trials. In 2017, Flannery was appointed a member of the Illinois Supreme Court Commission on Pretrial Practices. He also was appointed chairperson of the Legislative Committee of the Supreme Court of Illinois.

Before joining the bench, Judge Flannery practiced law with the firm of Murphy, Preston and Jaffe, the Office of the Illinois Attorney General, and the Office of the Corporation Counsel for the City of Chicago. He was an adjunct professor at the DePaul University College of Law as well as a frequent lecturer and author.



Hon. Brendan A. O'Brien, Motion Section

Judge O'Brien was elected to serve as a judge in the Circuit Court of Cook County in 2016, filling the vacancy created by the retirement of Judge Noreen Valeria Love. Initially assigned to the Traffic Center, he was reassigned in May 2017 to the 1st Municipal District, where he presided in a jury trial courtroom. In 2018, Judge O'Brien was transferred to the Law Division, where he presided over Call X in the Motion Section and in January 2022, he was assigned to the Trial Section of Law Division.

Judge O'Brien began his legal career as an associate with the Chicago Office of Connelly & Schroeder, where he was engaged in insurance defense, toxic tort litigation, and railroad defense. Immediately prior to being elected a judge, Judge O'Brien had been affiliated with Hinshaw & Culbertson in Chicago, where he had been a partner since 2002. His practice focused on construction and medical malpractice injury cases, along with coverage cases.

Outside his courtroom, Judge O'Brien has been involved in a number of organizations and initiatives including, serving as a member of the Cook County Committee on Mandatory Arbitration in Commercial Law Division Cases and the Cook County Judicial Retention Committee. He also has served as the vice chairman of the Unity Bar Association Dinner and member of the Unity Bar Association Planning Committee.

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WITH THE
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Robert A. Clifford, Founder and Senior Partner, Clifford Law Offices

Robert A. Clifford is the founder and senior partner of Clifford Law Offices in Chicago, an internationally recognized plaintiffs' trial firm that concentrates in aviation, transportation, personal injury, medical negligence, product liability law, mass torts and class actions. Bob has represented those injured or killed in every major commercial airline crash in the U.S. in the last four decades and is currently Lead Counsel on behalf of families of the victims onboard the tragic Boeing crash of a 737 MAX-8 in Ethiopia in 2019, representing 70 people on board. Bob also served as the liaison counsel for the subrogation and business property damage claims that resulted from the tragic September 11, 2001 crashes at the World Trade Center in New York.



Bob has consistently been recognized as one of the top trial lawyers in America. The National Law Journal has awarded him the Elite Trial Lawyers' Award. He has the distinction of being selected by Super Lawyers, a peer-review organization, as the number one lawyer in Illinois. He was named by Chicago Magazine as one of the 100 Most Powerful Chicagoans and was named the 2012 Chicago Lawyer Person of the Year by Law Bulletin Media. The Seventh Circuit Court of Appeals gave him its Professionalism Award in 2014. The Chicago Bar Association gave him the Justice John Paul Stevens Award in 2017, its highest honor. Also that year, he received the Unity Award by the Diversity Scholarship Foundation. The National Trial Lawyers named Bob Clifford the Class Action Trial Lawyer of 2018 and he has been listed in Best Lawyers from its inception, decades ago, including being the top in the Chicago metropolitan area in certain plaintiffs' practice areas. In 2019, the Illinois Trial Lawyers' Association honored Mr. Clifford with the Leonard Ring Lifetime Achievement Award. He also was among those honored in 2019 by Public Justice's Trial Lawyer of the Year Award.

In addition to practicing law, Bob is dedicated to the furtherance of the legal profession and has been actively involved and held leadership roles with the American Bar Association (Chair of the Section of Litigation and Chair of the ABA's charitable arm, the Fund for Justice and Education), Chicago Bar Association (President), Chicago Inn of Court (President), American College of Trial Lawyers and Illinois Trial Lawyers Association (President). He is also a member of the American Law Institute, the Inner Circle of Advocates and serves on the Board of Directors for the RAND Institute for Civil Justice. For more than 25 years, he has sponsored the Annual Clifford Tort Symposium on Tort Law and Civil Justice at DePaul University College of Law and he founded the Clifford Scholar in Residence Program at DePaul University College of Law. Bob also served as Chair of the Board of Trustees of the Naples Children & Education Foundation, a charitable organization and host of the Naples Winter Wine Festival, which benefits more than 200,000 at-risk and underprivileged children in Southwest Florida.

IN THE
SUPREME COURT OF ILLINOIS

In re: Time Standards for Case Closure)
in Illinois Trial Courts) M.R. 31228
)
)

ORDER

In October 2018, the Illinois Supreme Court amended Supreme Court Rule 41 to reconstitute the Illinois Judicial Conference. The amended rule provides that “[t]here shall be a Judicial Conference to consider the work of the courts and to suggest improvements in the administration of justice. The Judicial Conference shall be the body to strategically plan for the Illinois judicial branch.” The Conference subsequently created the Court Data & Performance Measures Task Force (“Task Force”) charged with “developing accurate and uniform data collection for every circuit and based on those data points, establishing time standards for all case types.”

The Task Force was divided into three subgroups - domestic relations & juvenile, criminal, and civil. Each subgroup considered information from the National Center for State Courts, American Bar Association Standards, Conference of State Court Administrators, Conference of Chief Justices, data from individual states, and the few existing time standards in Illinois circuits, all of which was reviewed by members with years of institutional knowledge and experience in Illinois courts.

The Task Force released its Report and Recommendations in October 2021. The Report and Recommendation were reviewed with the Justices of the Illinois Supreme Court in December 2021.

The developed time standards represent the time during which the court exercises control over and is accountable for the progress and timely closure of a case. A case is closed by entry of the final order as prescribed by the 2022 Manual on Recordkeeping (“MRK”). Time to case closure is the standard for efficient use of court time and resources, cost-effective litigation in both private and public sectors, and access to a full and fair hearing with procedural due process. Implementing time standards establishes a statewide expectation for judges, litigants, and attorneys. These time standards require each court to evaluate its actual performance compared to a statewide expectation. They provide a management tool that allows the courts to regularly evaluate their operations and enhance their delivery of services.

The Task Force adopted interim benchmarks for time to case closure at 75%, 90%, and 98% of total cases. By including only 98% of cases rather than 100%, the Time Standards inherently acknowledge that there will always be outlier cases. Further, the 2022 MRK mandates new case types, imposes strict case status criteria for open, inactive, reinstated, and closed cases, and, most importantly, requires that all circuits henceforth uniformly collect and submit data in conformity with the 2022 MRK. Therefore, it was

proposed that Time Standards apply prospectively only on cases filed on or after January 1, 2022.

Additionally, the Task Force stressed that the purpose of the Time Standards is to assist the courts in meeting their fundamental obligation to resolve disputes fully, fairly, and promptly, and are not to be used as the sole means for judicial discipline.

THEREFORE, IT IS ORDERED that:

Effective July 1, 2022, the *Time Standards for Case Closure in the Illinois Trial Courts* are hereby established for cases filed on or after January 1, 2022. The Administrative Director of the Illinois Courts has the authority to amend the *Standards* as is necessary and appropriate.

IT IS FURTHER ORDERED that the Circuit Clerks shall provide the statistical reporting required pursuant the 2022 MRK; and

IT IS FURTHER ORDERED that training for judges and justice system stakeholders shall be overseen by the Administrative Office of the Illinois Courts; and

IT IS FURTHER ORDERED that the *Time Standards for Case Closure in the Illinois Trial Courts* shall not be used as the sole means for judicial discipline.

Order entered by the Court.

FILED
March 25, 2022
SUPREME COURT
CLERK

**Time Standards for Case Closure in the Illinois Trial Courts
Effective July 1, 2022**

Family/Juvenile Categories

<u>Case Type/Category</u>	<u>% Complete</u>	<u>Time in Months to Completion</u>	<u>Time in Days to Completion</u>	<u>Notes</u>
DC	75%	9 Months	274 Days	Date of Filing to Final Order/Judgment (Case Closed per 1/1/22 RKM)
	90%	15 Months	457 Days	
	98%	18 Months	548 Days	
DN	75%	9 Months	274 Days	Date of Filing to Final Order/Judgment (Case Closed per 1/1/22 RKM)
	90%	12 Months	365 Days	
	98%	15 Months	457 Days	
JD	90%	3 Months	91 Days	Date of Filing to Disposition (Case Closed per 1/1/22 RKM)
	98%	6 Months	183 Days	
JA	75%	6 Months	183 Days	Date of Filing of the TPR or Final Order/Judgment (Case Closed per 1/1/22 RKM)
	90%	15 Months	457 Days	
	98%	24 Months	731 Days	
FA	75%	9 Months	274 Days	Custody & Paternity; Date of Filing to Final Order/Judgment (Case Closed per 1/1/22 RKM)
	90%	15 Months	457 Days	
	98%	18 Months	548 Days	
JV	75%	9 Months	274 Days	Date of Filing to Final Order/Judgment (Case Closed per 1/1/22 RKM)
	90%	15 Months	457 Days	
	98%	18 Months	548 Days	
AD	75%	9 Months	274 Days	Date of Filing to Final Order/Judgment (Case Closed per 1/1/22 RKM)
	90%	15 Months	457 Days	
	98%	18 Months	548 Days	

Criminal/Quasi Criminal Categories

<u>Case Type/Category</u>	<u>% Complete</u>	<u>Time in Months to Completion</u>	<u>Time in Days to Completion</u>	<u>Notes</u>
CF	75%	18 Months	548 Days	Date of Filing to Sentencing/Dismissal (Case Closed per 1/1/22 RKM)
	90%	24 Months	731 Days	
	98%	30 Months	913 Days	
CM DV	75%	6 Months	183 Days	Date of Filing to Sentencing/Dismissal (Case Closed per 1/1/22 RKM)
	90%	9 Months	274 Days	
	98%	12 Months	365 Days	
DT MT	75%	9 Months	274 Days	Date of Filing to Sentencing/Dismissal (Case Closed per 1/1/22 RKM)
	90%	12 Months	365 Days	
	98%	15 Months	457 Days	
TR OV QC CV	75%	3 Months	91 Days	Date of Filing to Sentencing/Dismissal (Case Closed per 1/1/22 RKM)
	98%	6 Months	183 Days	

Time Standards for Case Closure in the Illinois Trial Courts
Effective July 1, 2022

Civil Case Categories

<u>Case Type/Category</u>	<u>% Complete</u>	<u>Time in Months to Completion</u>	<u>Time in Days to Completion</u>	<u>Notes</u>
Complex: ED FC LA CH PR	75%	18 Months	548 Days	Date of Filing to Final Order/Judgment (Case Closed per 1/1/22 RKM)
	90%	24 Months	731 Days	
	98%	36 Months	1096 Days	
General: AR GC LM MR	75%	12 Months	365 Days	Date of Filing to Final Order/Judgment (Case Closed per 1/1/22 RKM)
	90%	18 Months	548 Days	
	98%	24 Months	731 Days	
Summary: EV MH SC TX	75%	6 Months	183 Days	Date of Filing to Final Order/Judgment (Case Closed per 1/1/22 RKM)
	98%	12 Months	365 Days	
GR	75%	6 Months	183 Days	Date of Filing to Appointment of Guardian (Case Closed per 1/1/22 RKM)
	98%	12 Months	365 Days	

Other Case Categories

<u>Case Type/Category</u>	<u>% Complete</u>	<u>Time in Months to Completion</u>	<u>Time in Days to Completion</u>	<u>Notes</u>
CC	75%	6 Months	183 Days	Date of Filing to Final Order/Judgment (Case Closed per 1/1/22 RKM)
	98%	12 Months	365 Days	
OP*	98%	3 Months	91 Days	Date of Filing to Order/Judgment (Case Closed per 1/1/22 RKM)
CL	75%	3 Months	91 Days	Date of Filing to Final Order/Judgment (Case Closed per 1/1/22 RKM)
	98%	6 Months	183 Days	
MX	75%	9 Months	274 Days	Date of Filing to Final Order/Judgment (Case Closed per 1/1/22 RKM)
	90%	12 Months	365 Days	
	98%	15 Months	457 Days	

*There is an assumption the majority of Order of Protection cases are initiated by a petition for an emergency order. The case is closed upon entry of the first order in the case. If the first order is for an emergency order of protection, any further interim or plenary proceedings are post-judgment.

Time Standards for Case Closure in the Illinois Trial Courts
Effective July 1, 2022
Case Category Descriptions

Family & Juvenile:

<u>Category Code</u>	<u>Category Title</u>	<u>Category Description</u>
DC	Dissolution with Children	Dissolution of marriage or civil union, declaration of invalidity (annulment), petitions for legal separation, or separate maintenance as defined in 750 ILCS 5/303 when at the time of filing there are minor children
DN	Dissolution without Children	Dissolution of marriage or civil union, declaration of invalidity (annulment), petition for legal separation, or separate maintenance as defined in 750 ILCS 5/303 when at the time of filing there are no minor children
JD	Juvenile Delinquent	Addicted minors as defined by the Substance Use Disorder Act (20 ILCS 301/1-1 et seq.) in the Juvenile Court Act of 1987 (705 ILCS 405/4-1 et seq.) or delinquent minors as defined by the Juvenile Court Act of 1987 (705 ILCS 405/5-101 et seq.)
JA	Juvenile Abuse & Neglect	Dependent, neglected or abused minor as defined by 705 ILCS 405/2-1, et seq. of the Juvenile Court Act of 1987
JV	Juvenile	Minors requiring authoritative intervention as defined by 705 ILCS 405/3-1 et seq. of the Juvenile Court Act of 1987 or to any other proceedings initiated under 705 ILCS 405/1-1 et seq. of the Juvenile Court Act of 1987
FA	Family	Proceedings to establish the parent-child relationship; notice to putative fathers, and certain actions relating to child support
AD	Adoption	Cases filed pursuant to 750 ILCS 50/0.01 et seq

Criminal & Quasi-Criminal:

<u>Category Code</u>	<u>Category Title</u>	<u>Category Description</u>
CF	Criminal Felony	Complaint, information or indictment is filed in which at least one count charges a felony as defined in the Unified Code of Corrections (730 ILCS 5/5-1 et seq.) (Class M, X, 1, 2, 3, or 4)
CM	Criminal Misdemeanor	most serious charge carries a penalty of less than one-year imprisonment, limited to Class A, B or C offenses as defined in the Unified Code of Corrections (730 ILCS 5/5-1 et seq.)
DV	Domestic Violence	Violation of domestic battery under Section 12-3.2 of the Criminal Code (720 ILCS 5/12-3.2).
DT	Driving Under the Influence (DUI)	charging a violation of a statute, ordinance, or regulation governing driving or operating under the influence of alcohol, other drug, or combination thereof under Section 11-501 of the Illinois Vehicle Code (625 ILCS 5/11-501), Section 5-7 of the Snowmobile Registration and Safety Act (625 ILCS 40/5-7), and Section 5-16 of the Boat Registration and Safety Act (625 ILCS 45/5-16) and not classified as a felony
MT	Major Traffic	Class A, B, or C as defined by Supreme Court Rule 501(f)(1)(i), except DUI cases.
TR	Minor Traffic	Class P or B as defined by Supreme Court Rule 501(f)(1)(ii)
OV	Ordinance Violation	violation of a local ordinance is charged, other than a traffic ordinance
QC	Quasi-Criminal	Any offense classified as Petty or Business as defined in the Unified Code of Corrections (730 ILCS 5/5-1 et seq.), which is not otherwise defined as a DT, MT, TR, or CV case
CV	Conservation	As defined by Supreme Court Rule 501(c)

**Time Standards for Case Closure in the Illinois Trial Courts
Effective July 1, 2022**

Civil:

<u>Category Code</u>	<u>Category Title</u>	<u>Category Description</u>
ED	Eminent Domain	Proceedings involving compensation to an owner for property taken for public use
FC	Foreclosure	Residential or commercial foreclosure proceedings
LA	Law	Tort, contract, and a variety of other actions in which the damages sought are greater than \$50,000
CH	Chancery	Complaints for equitable relief in matters such as contract actions, trusts, and title to real property
PR	Probate	Estates of decedents and missing persons
AR	Arbitration	Arbitration-eligible cases are defined by Supreme Court Rules 86 - 95
GC	Governmental Corporation	Petition seeking consideration by the court on new matters not included in the permanent case containing such matters as organization, appointment of officers, approval of bonds, and routine orders confirming annexation
LM	Law Magistrate	Tort, contract, and a variety of other actions in which the damages sought are \$50,000 or less
MR	Miscellaneous Remedy	Review of administrative decisions (other than of a tax commission) and a variety of other actions that include change of name, demolition, and corporation dissolution
EV	Eviction	Commercial or residential eviction proceedings and for any proceeding for ejection
MH	Mental Health	Proceedings involving hospitalization, discharge, or restoration to legal status
SC	Small Claims	Tort or contract for money not in excess of \$10,000, exclusive of interest and costs (defined in Supreme Court Rule 281)
TX	Tax	Annual tax sale, petitions for tax deed, objections, and a variety of other actions relating to the collection of taxes
GR	Guardianship	Guardianship of a minor, person with a disability, or an estate of any person under the Probate Act of 1975, as amended

Other:

<u>Category Code</u>	<u>Category Title</u>	<u>Category Description</u>
CC	Contempt of Court	Direct or indirect contempt of court, for charges initiated against a person who is not a party to the action in which the contemptuous conduct allegedly occurred, including a juror who has been impaneled
OP	Order of Protection	Any petition for an order of protection, petition for stalking no contact order, firearms restraining order, or civil no contact order
CL	Civil Law	Civil law violations as defined in Supreme Court Rule 585
MX	Miscellaneous Criminal	Variety of actions for civil processes relating to criminal proceedings such as search warrants, grand jury proceedings, statutory summary suspensions (when no DT case exists), probationer transfers, eavesdropping, seized property, sealing and expungement petitions (when no criminal case exists), habeas corpus and administrative subpoenas

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
LAW DIVISION

GENERAL ADMINISTRATIVE ORDER 21-2

Resumption of Trial Setting and Trial Calls and the expansion of Jury Trials.

This order amends and supersedes Sections 1 and 2 of Law Division General Administrative Order 20-9:

IT IS HEREBY ORDERED:

1.1 Pursuant to Circuit Court General Administrative Order 2020-07:

Court proceedings may be conducted in person, remotely or in a hybrid of the two. Conducting proceedings with all persons physically present shall be preferred, with the understanding that each impending court proceeding may be evaluated to determine whether it is appropriate for some or all participants to appear remotely.

1.2 Cases With Self-Represented Litigants:

The court will identify all pending cases involving self-represented litigants. In each case, the self-represented litigants will be contacted and provided with the relevant procedure pursuant to Section 1.1 of this order.

1.3 Jury Cases Set For Trial:

All Jury Trial dates originally set from March 17, 2020 through March 31, 2022 are converted to "Trial Setting" dates.

1.4 Resumption of Setting Jury Trial Dates:

On or before September 20, 2021, the Jury Trial Setting Call shall resume. The court will begin the Jury Trial Setting process with pending cases originally set for trial on or after March 17, 2020. Cases will be set on the Jury Trial Setting Call in chronological order

based on the original trial date.

Example (March 2020 cases shall appear on the Jury Trial Setting Call before the April 2020 cases etc.)

The expectation is that cases will be set for trial as expeditiously as possible.

All parties and counsel of record will receive electronic or postcard notice of the date, time and manner of the Jury Trial Setting Call.

**1.5 Motions to Advance Cases for Trial Pursuant to 735 ILCS 5/2 – 1007.1
“Preference in Trial Setting”:**

The court will entertain motions to advance for trial based on the age of a party, financial hardship, extending and improving quality of life and medical care for the seriously ill.

1.6 Expanded Resumption of Jury Trials:

On or after September 20, 2021, Jury Trials may proceed in all sections of the Law Division.

The manner in which the Jury Trial will be conducted will be at the discretion of the Trial Judge pursuant to Section 1.1 of this order.

1.7 Non-Jury Cases Set for Trial:

Non-Jury cases may proceed to trial as the discretion of the assigned judge pursuant to Section 1.1 of this order and shall be in chronological order based on the original trial date, if applicable.

1.8 Other Court Dates (All Sections):

All case management and status court dates shall be scheduled pursuant to Section 1.1 of this order.

The assigned judge will determine the method of court proceeding.

All case management and status dates currently scheduled by the assigned judge shall stand.

1.9 Discovery (All Sections):

Case management will continue for all cases pending in the Law Division. Case Management procedures for cases in each Section shall be governed by the relevant procedures, set forth in the relevant sections of this order (Administrative, Motion, Commercial, Tax and Miscellaneous Remedies, Individual and Trial).

This order does not reopen discovery for any case in which *discovery* was closed by court order. Any motion to reopen discovery or to address discovery issues shall be brought before the assigned judge in the manner set forth in the relevant sections of this order.

1.10 Initial Case Management Dates (All Sections):

Initial case management dates currently scheduled and those scheduled in the future shall be conducted pursuant to Section 1.1 of this order.

The assigned judge will determine the method of proceeding.

This order does not limit the assigned judge's discretion to reschedule Initial Case Management for any case to a different date.

1.11 Newly Filed Motions (All Sections):

Please note that all motions presented to the court must be filed electronically with the Clerk of the Circuit Court using the "DO NOT SCHEDULE" option and emailed to the assigned judge, and copies must be provided to all parties of record.

Litigants shall comply with the motion procedures of the assigned judge, as set forth in the relevant sections of this order, and in compliance with the assigned judge's standing orders.

This order does not limit the assigned judge's discretion to order the scheduling of motions electronically with the Clerk of the Circuit Court.

1.12 Emergency Motions (All Sections):

Litigants shall comply with the emergency motion procedures of the assigned judge, as set forth in the relevant sections of this order, and in compliance with the assigned judge's standing orders.

1.13 Pre Trial and Mediation of Cases:

(This section updates and supersedes Law Division General Administrative Order 20-7 entered on August 26, 2020)

Pursuant to Circuit Court General Administrative Order 2020-07, Section n(ii) and n(iii)

There shall be mandatory pre-trial conference for all cases that were ready for trial but were not permitted to proceed due to the COVID-19 pandemic, including every case that had a jury trial date on or after March 17, 2020.

The above paragraph means that every case that had a jury trial date on or after March 17, 2020, is subject to a mandatory pre-trial conference.

Mediation of cases by an agreement of the parties is an alternative to pre-trial of cases provided in the provision above, if the mediation is completed prior to the discovery completion date reflected in Section 7.2 of this order.

Any case previously set for trial that had been transferred for pre-trial prior to August 26, 2020, shall remain before the agreed upon judge for the pre-trial conference only.

For pending cases that have not been set for trial, the parties may agree to the transfer of their case for pre-trial to any Law Division Judge, provided the agreed upon judge is willing to conduct the pre-trial.

The transfer order shall be submitted to the Presiding Judge pursuant to Section 2.11 of this order, and shall be for pre-trial only.

Proceedings shall be conducted pursuant to Section 1.1 of this order.

1.14 Law Division Standing Order for Participation in Court Proceedings by Videoconference or Telephone:

[http://www.cookcountycourt.org/Portals/0/Law%20Divison/General%20Administrative%20Orders/20-06/Video%20Protocols%20\(GAO%2020-6%20LAW%20DIVISION\).pdf?ver=2020-07-07-152102-527](http://www.cookcountycourt.org/Portals/0/Law%20Divison/General%20Administrative%20Orders/20-06/Video%20Protocols%20(GAO%2020-6%20LAW%20DIVISION).pdf?ver=2020-07-07-152102-527)

Nothing in this portion of the order would limit the assigned judge's discretion to conduct remote proceedings in the manner they determine.

Section 2: Administrative Section
Courtrooms 2005 & 2006

2.1 Jury Trials and Jury Trial Setting Dates for Courtroom 2005:

All jury trial dates, set between March 17, 2020 and March 31, 2022, are converted to "Trial Setting" dates.

On or before September 20, 2021, the Courtroom 2005 Jury Trial Setting Call shall resume, and Jury Cases shall be set for trial pursuant to Section 1.4 of this order.

All parties and counsel of record will receive electronic or postcard notice of the date, time and manner of the Jury Trial Setting Call.

On or after September 20, 2021 the Courtroom 2005 Trial Assignment Call shall resume and, all Jury Cases answering ready for trial shall be randomly assigned to a judge for immediate trial.

2.2 Non-Jury Trials and Non-Jury Trial Setting Dates for Courtroom 2005:

On or before September 20, 2021, the Courtroom 2005 Non-Jury Trial Setting Call shall resume, and Non-Jury Cases shall be set for trial pursuant to Section 1.4 of this order.

All parties and counsel of record will receive electronic or postcard notice of the date, time and manner of the Non-Jury Trial Setting Call.

On or after September 20, 2021, the Courtroom 2005 Trial Assignment Call shall resume and all Non-Jury Cases answering ready for trial shall be randomly assigned to a judge

for immediate trial.

2.3 Trial Setting Call-Courtroom 2006:

The Trial Setting Call in Courtroom 2006 shall remain suspended until all cases originally set for trial from March 17, 2020 through March 31, 2022 are reset for trial and all cases certified ready for trial that did not originally have a trial date receive one.

2.4 Prove-up Assignment Call-Courtroom 2005:

On or after September 20, 2021, cases set for Prove-Up in Courtroom 2005 shall appear on the Prove-Up call and will be randomly assigned to an available judge for Prove-Up.

Parties should appear in Courtroom 2005 at 10:00 a.m. on the day the Prove-Up is scheduled and be prepared to Prove-Up the case

2.5 Call of Cases Transferred To Law Division-Courtroom 2005:

Cases transferred into the Law Division from other divisions, will be reviewed by the court, commencing with cases transferred in as of March 18, 2020.

Based on that review, a random assignment will be made to the appropriate section of the Law Division. All parties of record and the assigned judge will be notified of the assignment, so an initial case management date can be scheduled by the assigned judge with notice to all parties of record.

2.6 Administrative Motions-Courtroom 2005:

Administrative motions include, but are not limited to: (1) *motions to extend the discovery completion deadline for cases assigned for Active Case Management* * (2) motions to set or continue jury trials; (3) motions to set or continue prove ups; (4) motions to set or continue non-jury trials; (5) motions to consolidate or reassign cases, pursuant to Circuit Court General Orders 12 or 22; (6) motions to reassign pursuant to Law Division General Administrative Order 16-2; (7) motions to remove cases from any Law Division Stay Calendar and (8) motions to advance for trial.

**** Please note that motions to extend the discovery completion deadline shall contain the name of the assigned Active Case Management Judge when presented. The Presiding Judge will only rule on extending the discovery completion deadline. Specific discovery deadlines will be addressed by the assigned Active Case Management Judge. The Presiding Judge will not enter a***

specific discovery schedule.

All motions shall be emailed to law.cal2005cc@cookcountyil.gov with copies emailed to all parties of record. Upon receipt of the motion, the court will determine if the motion can be ruled on summarily or will require briefing.

If briefing is required, the parties can agree to a briefing schedule, or the court will enter one. The court will determine if oral argument is needed, and if needed, the court will schedule a remote hearing using video or teleconference platforms. Notice to all parties and counsel of record and public access information shall be provided by the court.

Proceedings shall be conducted pursuant to Section 1.1 of this order.

2.7 Emergency Motions: Courtroom 2005:

“Emergency motions” are those in which irreparable harm will be caused if not addressed immediately. No other emergency motions should be filed.

- Please note that discovery motions for cases assigned to other sections of the Law Division should not be presented in Courtroom 2005, and should be presented before the assigned judge or designated emergency judge, as detailed in the relevant sections of this order.

2.8 Scheduling Emergency Motions-Courtroom 2005:

The movant shall email a copy of the emergency motion and notice to the Presiding Judge’s Law Clerk at: law.cal2005cc@cookcountyil.gov

Proceedings shall be conducted pursuant to Section 1.1 of this order.

If the court determines the motion is not a valid emergency, the court will inform the movant, and will instruct the movant to notify all parties that the motion will not be heard.

Based upon volume and changes in circumstances, these procedures may change. Any changes will be posted on the Law Division Section of the Chief Judge’s website.

2.9 Notice of Emergency Motions- Courtroom 2005:

All emergency motions should be noticed for 11:00 A.M. For a remote hearing, a minimum of twenty-four (24) hours should be provided in advance of the hearing, except for good cause shown.

2.10 Routine Motions-Courtroom 2005:

Routine motions include, but are not limited to: (1) Petitions to Appoint a Wrongful Death Special Administrator; (2) Supreme Court Rule 298 Petitions for Fee Waivers; (3) Petitions to File Under a Fictitious Name; (4) Petitions to Disburse Funds to a minor who has attained the age of majority.

Routine motions shall be emailed to: the Presiding Judge's Law Clerk at law.cal2005cc@cookcountyil.gov, with notice provided to all counsel of record

2.11 Agreed Dismissal and Pre-Trial Transfer Orders: Courtroom 2005:

Copies of the agreed order dismissing or transferring a case for pre-trial should be emailed to the Presiding Judges Law Clerk at law.cal2005cc@cookcountyil.gov, with notice provided to all counsel.

2.12 Contact Information:

Courtroom 2005: (312) 603-6343
Courtroom 2006: (312) 603-5923

Please leave a detailed voicemail message if there is no answer. All calls will be returned as promptly as possible.

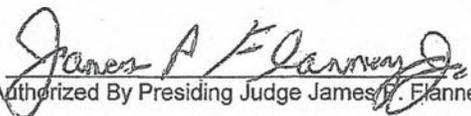
This order shall take effect immediately.

ENTERED

SEP 09 2021

JUDGE Flannery

ENTERED:


(Signature Authorized By Presiding Judge James P. Flannery, Jr.)

Honorable James P. Flannery, Jr.
Presiding Judge, Law Division

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
LAW DIVISION

GENERAL ADMINISTRATIVE ORDER 22-3
Amendment to Law Division General Administrative Order 21-2, Section 1.11
Newly Filed Motions (All Sections):
(Change to procedures for scheduling (spindling) motions)

IT IS HEREBY ORDERED:

Effective August 29, 2022: All Administrative Motions to be heard in Courtroom 2005 as defined in Law Division General Administrative Order 21-2, Section 2.6 shall be filed with the Clerk of the Circuit Court and scheduled using the E-File/Odyssey System for Calendar M1 and shall be heard **In Person** at 10:30 a.m. in Courtroom 2005.

Effective August 29, 2022: All newly filed motions as defined in Law Division General Administrative Order 20-9, Section 4.1 shall be filed with the Clerk of the Circuit Court and scheduled using the E-File/Odyssey System and heard **via Zoom** for the following **Commercial Calendars** on the schedule listed below

<u>Judge</u>	<u>Calendar</u>	<u>Motion Day</u>	<u>Zoom Information</u>
			Zoom ID/Password
Curry	I	Tues., Wed., Thurs.	911 3870 7020/035427
Roberts	N	Tues.	972 4167 2936/9090953
Sherlock	Q	Thurs.	994 2739 7392/2007
Esrig	S	Tues.	950 5322 1634/335113
Kubasiak	T	Wed.	913 6588 1682/894316
Otto	U	Tues., Thurs.	768 225 2047/902018
Donnelly	W	Thurs.	921 0771 7798/881878
Snyder	Y	Wed., Thurs.	999 8063 6139/645477

Effective August 29, 2022: All newly filed motions as defined in Law Division General Administrative Order 20-9, Section 6.4 shall be filed with the Clerk of the Circuit Court and scheduled using the E-File/Odyssey System and heard via Zoom for Calendar "J" on the schedule listed below

<u>Judge</u>	<u>Calendar</u>	<u>Motion Day</u>	<u>Zoom Information</u>
			Zoom ID/Password
Bartkowicz	J	Tues., Wed., Thurs.	418 896 0633/805052

Effective September 5, 2022: All regular motions as defined in Law Division General Administrative Order 20-9, Section 3.7 shall be filed with the Clerk of the Circuit Court and scheduled using the E-File/Odyssey System and heard via Zoom for the following **Motion Calendars ONLY**

<u>Judge</u>	<u>Calendar</u>	<u>Motion Day</u>	<u>Zoom Information</u>
			Zoom ID/Password
Durkin	C	Mon., Wed., Thur., Fri.	922 9776 9842/184216
Schneider	D	Mon., Wed., Thur., Fri.	646 673 2549/231739
Ehrlich	H	Mon., Tue., Wed., Fri.	839 5421 9186/373619
O'Malley	Z	Mon., Tue., Wed., Thur., Fri.	915 8674 8536/751001

- ❖ Please refer to the "Motion Section Calendars C,D,H and Z procedures for Remote Proceedings" published in the Chicago Daily Law Bulletin and listed on the Law Division web page at the Chief Judges website www.cookcountycourt.org

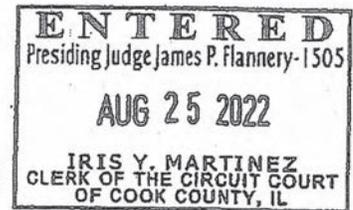
Motion Calendars A, B, E, F, R and X shall continue to operate by email submission pursuant to Law Division General Administrative Order 20-9, Section 3.

Tax and Miscellaneous Remedies calendars 1, 3 and 5 shall continue to operate pursuant to Law Division General Administrative Order 20-9, Section 5.

All newly filed motions in cases assigned to the Trial Section for Mandatory Pre-Trials and Active Case Management pursuant to Law Division General Administrative Order 20-9, Section 7.2 shall continue to be presented in the manner determined by the assigned Active Case Management Judge.

Asbestos Calendar J1 shall continue to operate pursuant to General Administrative Order 20-9, Section 8

Nothing in this order will limit the inherent power and discretion of any judge to enter an order the judge feels appropriate.



ENTERED:

James P. Flannery, Jr. 1505
Honorable James P. Flannery, Jr.
Presiding Judge, Law Division

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

STANDING ORDER
ASSIGNMENT ROOM – ROOM 2005
JUDGE JAMES P. FLANNERY, JR.

Courtroom Clerk - Gene – (312) 603-5907
Phyllis – (312) 603-5908

Court Calls in Courtroom 2005 (IN-PERSON)

I. ASSIGNMENT CALL (10:00 AM, MONDAY-FRIDAY)

- Prove-up Call
 - Parties should appear in Courtroom 2005 on the day the Prove-Up is scheduled and be prepared to Prove-Up the case. The case will be randomly assigned to a judge for Prove-Up.
- Trial Assignment Call
 - Parties should appear in Courtroom 2005 on the day of trial. The case will be randomly assigned to a judge for trial (unless the case has already been assigned a judge pursuant to the 5 Judge Assignment Process).
 - Procedure for 5 Judge Assignment:
 - (1) Receive confirmation from 5 Law Division judges of your choice that they are available on the assigned trial date and for the entire length of the trial to try the case
 - (2) Email the names of the 5 judges along with the estimated length of the trial to law.cal2005cc@cookcountyil.gov
 - (3) One of the five selected judges will be randomly assigned to try the case
 - (4) On the date of trial, do not come to Room 2005 – appear before the assigned trial judge. If the assigned judge is not available on the trial date, the parties must return to Room 2005 on the following day to be assigned another judge at random
 - **Note:** Participating in the 5 Judge Assignment Process waives right to an SOJ as a matter of right
- Trial Setting Call

II. ADMINISTRATIVE MOTION CALL (10:30 AM, MONDAY-THURSDAY)

- Motion to set trial, advance for trial, for immediate trial, or continue trial
- Motion for Preference in Trial Setting (motion to advance for trial pursuant to 735 ILCS 5/2-1007.1 based on age of a party)

- Motion to set or continue prove-ups
- Motion to consolidate or reassign cases, pursuant to Circuit Court General Orders 12 or 22 (**See Section III below**)
- Motion to remove cases from any Law Division Stay Calendar
- Motion to vacate dismissal for want of prosecution entered in Courtroom 2005
- Motion to vacate orders entered in Courtroom 2005
- Motion to withdraw as attorney for cases certified for trial
- Motion to adjudicate liens for cases dismissed in Courtroom 2005
- Motion to enforce settlements of cases dismissed in Courtroom 2005
- Motion affecting final judgments entered by judges no longer in the Law Division
- **NOTE:** Motions regarding case management, discovery matters, or dispositive motions are NOT heard in Courtroom 2005. They are heard by the assigned motion judge.
 - *Motion judges cannot extend discovery past the assigned trial date
- **Procedure for Scheduling Administrative Motions:**
 - E-filing is now mandatory in the Circuit Court of Cook County. To file your motion electronically, go to the Clerk of the Circuit Court website.
 - Pursuant to General Administrative Order 22-3, schedule the motion using the E-File/Odyssey System for **Calendar M1**.
 - Administrative Motions are heard **in-person** at 10:30am Monday through Thursday.

III. MOTIONS TO CONSOLIDATE / TRANSFER AS RELATED

- Pursuant to Circuit Court General Orders 12.1 and 22.3, Judge Flannery hears motions for the consolidation of actions pending in: (a) different departments of the Court; (b) different divisions of the County Department; and (c) the Law Division.
- Pursuant to Circuit Court General Order 22.2, upon motion of any party or upon the court's own motion, Judge Flannery may assign or reassign related cases to a single judge wherever it serves the convenience of interested parties and the court.
- Motions should include: (1) each case number, (2) where each case is pending and the Judge each case is before, (3) the calendar where each case is pending; (4) all upcoming dates.
- Please attach as exhibits the most recent complaints in each case you are seeking to consolidate or transfer.
- To schedule a hearing date, follow the procedure in Section II for scheduling administrative motions.

IV. EMERGENCY MOTION CALL (10:30 AM, MONDAY-FRIDAY)

- Emergency motions are those in which irreparable harm will be caused if not addressed immediately
- Emergency motions are heard in-person at 10:30am.

- Notice of Emergency Motion Requirements:
 - Do not put a date for a hearing
 - On [DATE] at [TIME] I shall electronically submit the attached [EMERGENCY MOTION] to the Honorable James P. Flannery via email address: law.cal2005cc@cookcountyil.gov
- **Procedure for Scheduling Emergency Motions:**
 - File motion electronically through the E-File/Odyssey system. Be sure to specify that the motion is an emergency in order to get an immediate hearing date.
 - Select the “**DO NOT SCHEDULE**” option. **At this time, you are not able to schedule/spindle emergency motions.**
 - Email the file stamped copy of the Notice of Motion and the Motion to law.cal2005cc@cookcountyil.gov with all parties of record copied on the email by
 - Send email **no later than 3:00pm** in order for the motion to be heard the following day at 10:30am
 - Judge Flannery’s law clerk will confirm the hearing.
 - Courtesy copies may be emailed to law.cal2005cc@cookcountyil.gov or delivered to Room 2003.

V. **ROUTINE MOTIONS**

- Supreme Court Rule 298 fee waiver petitions (See Section A below)
- Pre-suit Appointment of Special Administrator (See Section B below)
- Pre-suit motions to file under seal or with a fictitious name (See Section C below)
- Petitions to Disburse Funds to a minor who has attained the age of majority or removal of disability (See Section D below)

A. Procedure for 298 Fee Waiver Petitions

- Applicants must electronically file all required documents OR obtain an e-filing waiver.
- Applicants may file in-person in Room 801, or may file elsewhere using the e-filing system.
- Applicants will have **14 days** from the date of filing in which to present their fee waiver petition.
 - Applicants may present their petitions by emailing the file stamped copy to law.cal2005cc@cookcountyil.gov or by delivering the file stamped copy to Room 2003.
- After 14 days, if the petition has not been emailed or delivered, the Court will administratively dismiss the case or strike the appearance. Applicant may refile for a fee waiver.

- **Procedure:** Bring copies of the: (1) “principal document” [complaint, appearance, answer, or responsive pleading] with an e-file stamp; and (2) fee waiver petition with an e-file stamp to Room 2003.

B. Procedure for Appointment of Special Administrator/Special Representative

Judge Flannery accepts pre-suit petitions to appoint a special administrator to prosecute Wrongful Death actions on behalf of the deceased individual’s next-of-kin. A special administrator can prosecute/defend only Wrongful Death actions. Complaints alleging any other causes of action, including survival actions, must go to the Probate Division for the appointment of an appropriate representative. Survival Act counts, Nursing Home Care Act counts, and any other count that could have been brought by the decedent are assets of the decedent’s estate. An estate must be opened in Probate Court for these cases.

Judge Flannery also accepts motions to appoint a special representative pursuant to 735 ILCS 5/2-1008 (a party to a lawsuit passes away during the pendency of case), and 735 ILCS 5/13-209(a) and (b) (a potential plaintiff or defendant has passed away before a lawsuit has been commenced).

- **Procedure:** Email the following documents to law.cal2005cc@cookcountyil.gov: (1) Petition to Appoint a Special Administrator/Special Representative; (2) Proposed Complaint; and (3) Proposed Order in a Word Document.
 - **Refer to Judge Flannery’s Standing Orders for the specific requirements at** <https://www.cookcountycourt.org/Judges-Pages/Flannery-Jr-James-P>
- If approved, Judge Flannery’s law clerk will email Petitioner a copy of the Order. Petitioners shall then file their Complaint and Petition electronically. A copy of the signed order appointing the special administrator must be attached as an exhibit to the complaint.

C. Procedure to File Under Seal or With a Fictitious Name

Judge Flannery accepts pre-suit motions to file under seal, file with redactions, or to file with a fictitious name.

- **Procedure:** Email the following documents to law.cal2005cc@cookcountyil.gov: (1) Motion; (2) Proposed Order in a Word Document; and (3) Proposed Complaint with name redacted.
 - **See Judge Flannery’s Standing Order, Filing a Case Under Seal or Under a Fictitious Name, for the specific requirements and a sample order at** <https://www.cookcountycourt.org/Judges-Pages/Flannery-Jr-James-P>

- If approved, Judge Flannery's law clerk will email Movant a copy of the Order. Movants shall then file their Complaint and Motion electronically. A copy of the signed order allowing the case to be filed under seal/with a fictitious name must be attached as an exhibit to the complaint.

D. Procedure for Petition to Disburse Funds to a Minor or Disabled Person

- Only applies to cases that have **not** been transferred to the Probate Division for estate administration (the amount distributable to the minor/disabled person is \$10,000 or less).
- Review the joint memorandum of Final Procedures Concerning Settlement of Minors' and Disabled Persons' Personal Injury Cases and Wrongful Death Cases for guidance.
https://www.cookcountycourt.org/Portals/0/Law%20Divison/Law_Division_Settlement_Procedures_May_2019.pdf?ver=pKo4dUOW3-QA6BHQBKJqVw%3d%3d
- Email the Petition to the law.cal2005cc@cookcountyl.gov
- Judge Flannery's law clerk will respond with a date for an in-person hearing.

VI. AGREED ORDERS

The following Agreed Orders can be emailed to law.cal2005cc@cookcountyl.gov or dropped off in Courtroom 2005:

- Agreed Orders for Pre-Trials before a particular judge
 - Agreed Transfer for Pretrial Order:
https://services.cookcountyclerkofcourt.org/Forms/Forms/pdf_files/CCL0008.pdf
- Agreed Orders for Dismissal of cases
- Distribution Orders for cases approved for settlement in Courtroom 2005
- Agreed Orders for Satisfaction and Release of Judgment when the Judge who entered the original order is no longer sitting in the Law Division

VII. SETTLEMENT AND DISTRIBUTION PETITIONS

Petitions to approve settlement and distribution in Wrongful Death, Survival Actions, and certain personal injury cases can be heard by either Judge Flannery or the judge to which the case was assigned.

- **Procedure:** Email all petitions to law.cal2005cc@cookcountyl.gov.
- Do not spindle on M1 *unless* an objection has been raised
- Review the joint memorandum of Final Procedures Concerning Settlement of Minors' and Disabled Persons' Personal Injury Cases and Wrongful Death Cases for guidance.
https://www.cookcountycourt.org/Portals/0/Law%20Divison/Law_Division_Settlement_Procedures_May_2019.pdf?ver=pKo4dUOW3-QA6BHQBKJqVw%3d%3d

VIII. CASES TRANSFERRED TO THE LAW DIVISION

- Cases transferred into the Law Division from another divisions will be reviewed by the court.
- Based on that review, a random assignment will be made to the appropriate section of the Law Division. The assigned judge will be notified of the assignment, so an initial case management date can be scheduled by the assigned judge with notice to all parties of record.
- Parties of record can retrieve the order with the assignment from the CCC Portal upon entry.

IX. MISECELLANEOUS

A. Notice of Motion Requirements

- All notices of motion must be e-filed prior to submission.
- If spindled on M1 call, fill in Notice with date of scheduled hearing.
- All notices of motion must contain email addresses of counsel of record, parties not yet held in default, and self-represented parties (or alternate service methods, if required).
- Notices of filing should NOT be submitted, as the filing date is already contained on the documents.
- Note: For Emergency Motions, follow procedure listed above (IV. Emergency Motion Call).

B. Withdrawing a Motion

- To withdraw a motion that has been scheduled for an in-person hearing in Room 2005, the Court requires an order striking the hearing date. Email the proposed order in a Word document to law.cal2005cc@cookcountyil.gov
 - Please call Judge Flannery's law clerk at 312-603-6343 if the order withdrawing the motion has not been entered as of the date of the scheduled hearing.
- To withdraw a contested motion with a briefing schedule, the Court requires an order striking the motion. Email the proposed order in a Word document to law.cal2005cc@cookcountyil.gov

C. Courtesy Copies

- Please email courtesy copies to law.cal2005cc@cookcountyil.gov
- For courtesy copies over 15 pages, please hand-deliver to Room 2003.

STATS

OF PENDING CASES JAN.1, 2022: 24,787
#OF PENDING CASES OCT 31, 2022: 23,521
REDUCTION IN NUMBER OF PENDIG CASES: 1266 (5%)
CLEARANCE RATE FOR THE YEAR (2022): 110%
JURY VERDICTS MAY 2021 THRU NOV.15, 2022: 300
JURY VERDICTS JAN 1, 2019 THRU OCT. 31, 2019: 275
JURY VERDICTS JAN 1, 2022 THRU OCT. 31, 2022: 230

RESUMPTION OF TRIAL SETTING CALL JANUARY 2023

- APPROX 8700 CASES THAT SHOULD HAVE RECEIVED TRIAL DATES HAD TRIAL SETTING CALL BEEN OPERATIONAL
- CALL WILL BEGIN WITH 1200 OLDEST CASES AND WILL COMMENCE IN PERSON WITH 60 CASES CALLED UP PER DAY – 300 PER WEEK
- ALL PARTIES OF RECORD WILL GET AT LEAST 2 WEEKS NOTICE OF TRIAL SETTING CALL
- PARTES SHOULD EXPECT TRIAL DATES WITHIN 6 MONTHS OF TRIAL SETTING DATE
- ASSIGNMENT/TRIAL SETTING JUDGE MAY STRIKE CURRENT CASE MANAGEMENT ORDERS
- CASES WILL BE RETURNED TO ASSIGNED MOTION JUDGE FOR IN-PERSON FOCUSED CASE MANAGEMENT FOR DISCOVERY COMPLETION PRIOR TO THE ASSIGNED TRIAL DATE.

TRIAL SECTION

LAW DIVISION
 JAMES P. FLANNERY JR., PRESIDING JUDGE
 ROOM 2005 (312) 603-6343

CODE	JUDGE	ROOM	PHONE
1821	BOYLE, MAURA SLATTERY	2504	6014
1847	BROSNAHAN, JANET ADAMS	2404	6017
1875	BUDZINSKI, ELIZABETH	2110	5932
2000	COLLINS-DOLE, ANN	2309	6482
1903	DESIERTO, ISRAEL A.	2103	4183
2192	HARVEY, TOYA T.	2105	4550
1738	HUBBARD, ARNETTE R.	2101	5910
1955	HUGHES, BRIDGET J.	2603	6414
1766	KIRBY, JOHN P.	2106	3388
1853	LEWIS, CASANDRA	2812	3915
1986	LYONS, THOMAS V. II	2501	7991
1889	McWILLIAMS, CLARE ELIZABETH	2310	6054
1912	MINELLA, MARY R.	1604	4824
2133	MITCHELL, BRIDGET	1606	4829
2175	O'BRIEN, BRENDAN A.	2304	6044
1924	POWELL, JOAN E.	2506	6005
2032	PROPES, LORNA E.	2104	3384
1964	QUINN, MARGUERITE ANN	1610	4834
2053	RAMOS, SANDRA	2401	4811
2136	SHEAHAN, PATRICIA	2811	7551
1915	SENECHALLE, ROBERT E.	2407	6037
239	SOLGANICK, IRWIN J.	2605	6551
1643	VARGA, JAMES M.	2406	6020
1716	WOJKOWSKI, GREGORY J.	2306	6048
		1907A	6343
		1910A	6343
		2001	5915
		2003	5907
		2006	5923
		2101A	5905
		2303	3386
		2501C	7991
		2606	4206

MOTION SECTION

11/01/22

CODE	JUDGE	CAL	ROOM	PHONE
1983	O'HARA, JAMES N.	"A"	2206	6348
2147	CLEARY, GERALD V.	"B"	2202	4643
2110	DURKIN, MELISSA A.	"C"	2203	6062
2180	SCHNEIDER, CATHERINE A.	"D"	2207	6058
267	FLANAGAN, KATHY M., S.J.	"E"	2210	6066
1836	JOHNSON, MOIRA S.	"F"	2201	6064
2075	EHRlich, JOHN H.	"H"	2209	6056
2220	TREVINO, DANIEL	"R"	2208	6068
2206	JONES, PRESTON	"X"	2205	6094
2086	O'MALLEY, KAREN L.	"Z"	2204	4646

INDIVIDUAL GENERAL CALENDAR SECTION

CODE	JUDGE	CAL	ROOM	PHONE
193	BARTKOWICZ, RONALD F.	"J"	2609	7834

COMMERCIAL CALENDAR SECTION

CODE	JUDGE	CAL	ROOM	PHONE
2126	CURRY, JOHN J. JR	"I"	1906	5935
1937	ROBERTS, MARY COLLEEN	"N"	2010	4804
1942	SHERLOCK, PATRICK J.	"Q"	2007	5902
2101	ESRIG, JERRY A.	"S"	2006	5923
2072	KUBASIAK, DANIEL J.	"T"	1904	5930
2065	OTTO, MICHAEL F.	"U"	1907	5941
1803	DONNELLY, THOMAS M.	"W"	1912	5940
1970	SNYDER, JAMES E.	"Y"	2004	5918

TAX & MISC. SECTION

CODE	JUDGE	CAL	ROOM	PHONE
2103	DUFFY, DANIEL	1	2574	4467
		3	2505	4347
2155	HENEGHAN, PATRICK J.	5	2505	5533
			2571/2505	6334

FILING A CASE UNDER SEAL OR UNDER A FICTITIOUS NAME

Petitions to file a case under seal or using a fictitious name may be emailed to Judge Flannery’s law clerk at law.cal2005cc@cookcountyil.gov.

1. Filing Under Seal

To file a case under seal, email law.cal2005cc@cookcountyil.gov.

2. Filing Under a Fictitious Name

The movant must provide the Court with:

- 1 Petition with name redacted
- 1 Complaint with name redacted
 - Note that the movant will be required to provide the unredacted Complaint to the Clerk’s Office upon filing.
- 1 Order emailed in a Microsoft Word document using the EXACT language in the Sample Order below

Note: the Order and the Petition MUST state the compelling reason for filing under a fictitious name/under seal.

Sample Order

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

JANE DOE,)	
	)	No.
Plaintiff,)	
)	
v.)	
ABC CORP.)	
)	
Defendant.)	

ORDER

This matter coming to be heard on Plaintiff’s Petition to Proceed under a Fictitious Name, the Court being fully advised finds as follows:

Pursuant to *In re Marriage of Johnson*, 232 Ill. App. 3d 1068 (4th Dist. 1992), the Court has balanced Plaintiff’s right to privacy against the public’s right of access to open court proceedings. Plaintiff contends there is a compelling interest because **[insert reason for fictitious name here]**.

The Court finds there is a compelling interest that favors Plaintiff’s right to privacy in keeping her name from the public and such right is superior to the public’s right of access to an open proceeding. *See Doe v. Doe*, 282, Ill App. 3d 1078, 1088 (1st Dist. 1996).

The Court further finds that the privacy issue involved shall be protected in the least restrictive way possible. The Court finds that the least restrictive way to protect the privacy of Plaintiff is by proceeding **[under a fictitious name]**.

This order may be reconsidered if Plaintiff takes any steps to make Plaintiff’s name known to the public and shall be reconsidered by the trial judge at the time of jury selection.

Plaintiff shall file a copy of the Complaint with Plaintiff’s actual name under seal with the Clerk of the Court and to remain under seal until further order of the Court.

ENTERED: _____

**FINAL PROCEDURES CONCERNING DISPOSITION OF
MINORS' AND DISABLED PERSONS'
PERSONAL INJURY CASES, SURVIVAL ACTIONS, AND WRONGFUL
DEATH CASES
WITH
SAMPLE ORDERS**

May 2019

**TO: ALL JUDGES OF THE LAW AND PROBATE DIVISIONS,
AND MUNICIPAL DEPARTMENT**

**FROM: MARY ELLEN COGLAN, PRESIDING JUDGE, PROBATE DIVISION
JAMES P. FLANNERY, JR., PRESIDING JUDGE, LAW DIVISION
E. KENNETH WRIGHT, PRESIDING JUDGE, FIRST MUNICIPAL DISTRICT**

This memorandum, outlining procedures to be followed in handling minors' and disabled persons' personal injury cases, actions which survive a plaintiff's death, and actions brought under the Wrongful Death Act 740 ILCS 180/0.01 et seq., supersedes all prior memoranda relating to these procedures.

I. INTRODUCTION.

Pursuant to Cook County Circuit Court Rules 6.4 and 6.5, the judges of the Law Division and Municipal Department hearing a minor's or disabled person's personal injury action, an action brought under the Wrongful Death Act, or an action which survives a plaintiff's death, shall rule on the fairness and reasonableness of a proposed settlement, fix the attorneys' fees and expenses attributable to the litigation, adjudicate liens, and find the degree of dependency where appropriate. Additionally, where there is recovery for wrongful death, the court shall determine the net amount distributable to those persons entitled. Such matters shall not be referred to the Probate Division.

Once the Law or Municipal judge makes these determinations, pursuant to Cook County Circuit Court Rule 12.15, the judges of the Probate Division are responsible for the appointment of guardians or other representatives, setting and approval of bonds, authorizing the settlement distribution of proceeds and approval of vouchers, and the administration of the estate in cases where the amount involved requires administration.

II. REQUIREMENTS.

A. Submission of Verdict or Settlement Petition and Proposed Order of Distribution.

Any attorney seeking approval of a settlement in an action involving: (1) a minor's or disabled person's personal injury case; (2) an action brought under the Wrongful Death Act; or (3) an action which survives a plaintiff's death shall, in a written form, submit a petition and proposed order of distribution to the judge presiding over the matter at the time of settlement.

B. Fair and Reasonable.

The judge reviewing the aforementioned settlement petition shall decide whether the settlement is "fair and reasonable." Such a determination shall be based upon the totality of the known facts. Factors that are considered include, but are not limited to: (1) the severity of the injury; (2) the difficulty in proving liability against the defendant(s); (3) whether the case was settled pursuant to arbitration, mediation or pre-trial proceedings; and (4) in wrongful death cases, the alleged level of the defendant's culpability may also be considered.

Recitation of Known Facts in Petition: In order to make a finding that the settlement is "fair and reasonable," the Petition must include a brief recitation of the case's known facts.

Fair and Reasonable Language in Order: The settlement order must contain the following language: "*The settlement amount is fair and reasonable.*"

C. Proceedings Transferred to Probate for Estate Administration.

Amount distributable in excess of \$10,000.00: In any action in which the net amount distributable after deducting fees, expenses, and liens from the total settlement amount to a minor or disabled person is in excess of \$10,000.00, a proceeding must be instituted in the Probate Division in the county where the minor or disabled person resides. In such instances, the order of distribution must contain the following language:

"The settlement amount approved herein shall be paid only to a guardian appointed by the probate division where the minor or disabled person resides and this order shall be effective only after the entry in the probate division or circuit court of an order approving the bond or other security required to administer the settlement and distribution provided for in this order."

The order shall not contain language which appoints a guardian, designates a depository or purports to waive a bond. Further, the order shall not direct the execution of releases by the

parent, next friend or guardian. Said language would allow settlement without bond and without reference to the Probate Division.

Amount distributable \$10,000.00 or less: If the minor or disabled person is to receive an amount \$10,000.00 or less, the settling judge has the discretion to order that all or part of the funds be: 1) distributed to and controlled by the parent, next friend, or guardian for the sole benefit of the minor or disabled person until the minor reaches the age of majority and/or disability is removed, and/or 2) distributed to the parent, next friend, or guardian to be placed in an interest-bearing bank account and held therein until the minor reaches the age of majority and/or the disability is removed. In any case, the order of distribution must indicate to whom the funds will be distributed, how they will be used and protected (bank account, money market account, etc), whether said account will be taxed, and who will be administering the account.

1. Actions brought by a Personal Representative.

In wrongful death/survival actions brought by a personal representative appointed by the Probate Division, the distributable amount is administered in the Probate Division.

Upon the settlement or disposition of a wrongful death cause of action, the law division or other judge shall determine the allocation of the wrongful death proceeds based upon the degrees of dependency of the next of kin. Further, prior to distribution of the proceeds, the Law Division or other judge disposing of the wrongful death case shall consider appointing a guardian ad litem to represent the interests of any minor or disabled person solely for the purpose of distribution. The necessity for appointment of a guardian ad litem usually arises in circumstances in which the proposed distribution allocates a disproportionately low amount to the minor or disabled person. The fees of the guardian ad litem shall be paid out of the gross estate rather than the distributive share of the minor.

The order approving the settlement or entering the judgment in such actions shall provide that the amount distributable, based on dependency, shall be accounted for and administered in the Probate Division. Upon the entry of the order, the representative shall file a petition in the Probate Division requesting the entry of an order authorizing the representative to accept the distributable amount and fixing and approving the bond, unless waived by the Probate Division, or other security required pursuant to the settlement or judgment. A copy of the order entered in Law Division must be attached to the petition.

2. Actions brought by a Special Administrator.

In wrongful death actions brought by a special administrator appointed pursuant to 740 ILCS 180/2, the order entering judgment or approving the settlement shall provide that the court in which the action is heard shall distribute the amount recovered in any such action. However, if proceeds in excess of \$10,000.00 are distributable to a minor or disabled person, the order of distribution shall be administered and distributed under the supervision of the Probate Division.

3. Structured Settlements.

Structured settlements require formulating procedures and/or payment schedules to safeguard settling minors and disabled persons in personal injury cases. Any structured settlement proposal is subject to the approval of the court in accordance with the guidelines set forth in this memorandum.

D. Attorney's Fees For Settlement of Minors' and Disabled Persons' Personal Injury and Wrongful Death cases.

Pursuant to Cook County Circuit Court Rule 6.4(b):

Except as otherwise limited by rule or statute, attorneys' compensation shall not exceed one-third of the recovery if the case is disposed of in the trial court by settlement or trial. If an appeal is perfected, the compensation to be paid to the attorney shall not in any event exceed one half of the recovery.

Contingent Fees for Attorneys in Medical Malpractice Actions Filed before January 18, 2013:

Under the former provisions of 735 ILCS 5/2-1114, "In all medical malpractice actions the total contingent fee for plaintiff's attorney or attorneys shall not exceed the following amounts:

- 33 1/3 of the first \$150,000.00 recovered;
- 25% of the next \$850,000.00 recovered, and
- 20% of any amount recovered over \$1,000,000.00 of the sum recovered."

According to the former provisions of 735 ILCS 5/2-1114(c): "In special circumstances, where an attorney performs extraordinary services involving more than usual participation in time and effort the attorney may apply to the court for approval of additional compensation." Thus, the court has the discretion to consider an "enhanced

fee” in medical malpractice actions filed before January 18, 2013. (See also Clay v. County of Cook, 325 Ill. App. 3d 893, 902 (1st Dist. 2001).)

Contingent Fees for Attorneys in Medical Malpractice Actions Filed on or after January 18, 2013:

Under the provisions of 735 ILCS 5/2-1114, effective January 18, 2013, “In all medical malpractice actions the total contingent fee for plaintiff’s attorney or attorneys shall not exceed 33 1/3% of all sums recovered.”

Structured Settlements: When structured payment settlements are utilized, the attorney’s compensation shall not exceed 33 1/3% (or that allowable by statute) of the “Present Cash Value” of the total settlement.

E. Attorney’s Expenses.

Every petition and order of distribution must include a detailed itemization of all expenses claimed and the party seeking to recover attorney’s fees bears the burden of presenting sufficient evidence to support the claim. GMAC Mortgage Corp. v. Larson, 232 Ill. App. 3d 697, 703 (3rd Dist. 1992). Strict judicial scrutiny of these items is to be expected pursuant to the applicable case law. It is within the discretion of the reviewing court to determine whether said expenses are recoverable. In any case where more than one petition is submitted (i.e., where parties settle at different times during the litigation), only those expenses attributable to the parties involved in the particular settlement shall be included in each respective petition.

Overhead Expenses: An attorney cannot separately itemize and charge to the client expenses properly designated as overhead. Overhead expenses include general office expenses, such as photocopying, legal newspaper subscriptions, telephone and delivery services, telecopier and computer research (i.e. Westlaw), and other similar expenses. Harris Trust and Sav. Bank v. Am. Nat’l Bank and Trust Co. of Chicago, 230 Ill. App. 3d 591, 599-600 (1st Dist. 1992).

Ambiguous Charges: Expenses that that are indistinct in terms of the task performed, its purposes, or the time spent on the task are considered “ambiguous” and unrecoverable. Mercado v. Calumet Fed. Sav. & Loan Ass’n, 196 Ill. App. 3d 483, 494 (1st Dist. 1990).

Excessive or Duplicative Billing: The court shall exclude from any distribution order deductions for expenses that are “excessive, redundant, duplicative, or otherwise unnecessary.” Berlak v. Villa Scalabrini Home for the Aged, 284 Ill. App. 3d 231, 244 (1st Dist. 1996).

Medical Expenses: See Section G below for guidance regarding when deductions for medical expenses are and are not permitted.

Prospective Expenses: Expenses that are prospective, such as expenses to be paid by the attorney subsequent to the entry of the settlement and distribution order, Probate filing fees, bond fees, etc., are not recoverable in the Law Division or the 1st Municipal Division. However, to ensure recovery of said expenses the attorney may include the following language in the order:

“The Probate expense(s) claimed herein appear reasonable, however, reimbursement of the same must be obtained from the Probate estate.”

F. Vouchers

In all settlements where the distribution of the proceeds is not supervised by the Probate Division, the plaintiff’s attorney must, within 60 days of entry, file and submit to the settling judge vouchers evidencing that: 1) the funds have been distributed and received in accordance with the settlement order and 2) the attorney expenses claimed in the settlement order are consistent with costs actually paid. Failure to file vouchers within this designated period could result in the issuance of a rule to show cause.

G. Liens and Reimbursements for Medical Expenses

Health Care Services Lien Act. A valid primary lien under the Health Care Services Lien Act, 770 ILCS 23/1 *et seq.*, shall be satisfied from any award, even if the award is in favor of a minor or disabled person, and even if the award does not specifically incorporate recovery for medical expenses incurred or paid, Manago v. County of Cook, 2017 IL 121078 ¶23. There is no inherent conflict between the application of the Family Expense Act and the Lien Act. *Id.* at ¶ 33.

Insurance subrogation claims. Inasmuch as it is the parents of the minor who receive a benefit from the payment of medical expenses by an insurer, the insurer may not recover those expense from the minor’s estate. Estate of Aimone v. State Health Benefit Plan/ Equicor, 248 Ill. App. 3d 882, 884 (3d Dist. 1993). See also, In Re Estate of Hammond, 141 Ill. App. 3d 963, 965 (1st Dist. 1986); Klem v. Mann, 279 Ill. App. 3d 735, 738-739 (1st Dist. 1996); Estate of Woodring v. Liberty Mutual Fire Ins. Co., 71 Ill. App. 3d 158 (2nd Dist. 1979). However, where the trial court explicitly finds that the dependent of an insured was a third-party beneficiary of the insurance contract, an insurer’s subrogation claim against the minor’s recovery may be allowed. See, e.g., Sosin v. Hayes, 258 Ill. App. 3d 949, 952 (1st Dist. 1994) (The injured minor was named as a covered dependent under his father’s health plan and would continue to receive

benefits arising out of the accident after reaching the age of majority; the minor's mother assigned her rights to reimbursement for medical expenses to him; and the minor's father executed the unambiguous reimbursement agreement for medical expenses with insurer on behalf of himself and on behalf of his minor son, so minor was deemed a direct contract beneficiary and subrogation was allowed from minor's settlement.)

ERISA Plan's reimbursement rights. If a self-funded ERISA plan requires reimbursement by all plan beneficiaries who receive benefits thereunder, such contractual terms can be enforced to require reimbursement from a minor's settlement and state anti-subrogation statutes are preempted. FMC Corp. V. Holiday, 498 U.S. 52 (1990); See also Board of Trustees v. Adams, 1998 WL 259543 (N.D. Ill).

Illinois Department of Healthcare and Family Services liens. The Illinois Public Aid Code provides that the Illinois Department of Healthcare and Family Services has a charge upon all claims, demands, and causes of action for injuries to someone who received or has applied for financial aid, including health care benefits. 305 ILCS 5/11-22. Additionally, this right of reimbursement "take[s] priority over all other liens and charges existing under the laws of the State of Illinois with the exception of the attorney's lien." *Id.* Distribution of settlement proceeds is within the trial court's powers. McKim v. S. Ill. Hosp. Servs., 2016 IL App (5th) 140405, ¶ 17.

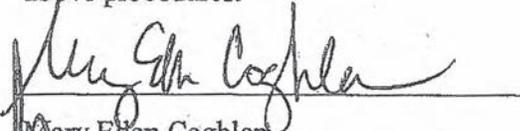
Medicare liens. Under the Medicare Secondary Payer Act, Medicare does not pay for medical services in cases where an injury or illness was caused by another party or in situations where payment can be made by liability insurance. 42 U.S.C. § 1395y(b)(2)(A)(ii) (2012). If Medicare pays for medical care under such circumstances, the payment is construed as a "conditional payment." 42 U.S.C. § 1395y(b)(2)(B)(i) (2012); C.F.R. § 411.52 (2012). Medicare has a direct right to recover the entire amount of the bills paid from the entity responsible to make the primary payment, or alternatively from the individual or entity that received payment from the responsibly party. 42 U.S.C. § 1395y(b)(2)(B)(iii) (2012). McKim v. S. Ill. Hospital. Servs., 2016 Il App (5th) 140405, ¶ 22.

III. CONCLUSION.

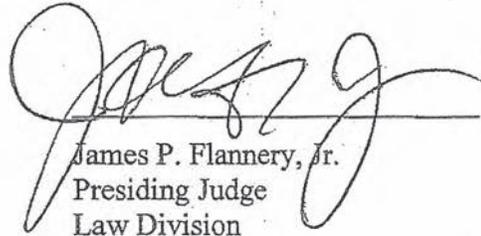
The provisions of this memorandum apply equally to minors' and disabled persons' personal injury cases, wrongful death and survival actions. The objective of the procedures described above is to permit the total disposition by the Law Division or Municipal Department of any case in which appropriate Próbate Division action is not necessary while, at the same

time, ensuring that appropriate Probate Division involvement is not eliminated by reason of an overly broad Law Division or Municipal Department order.

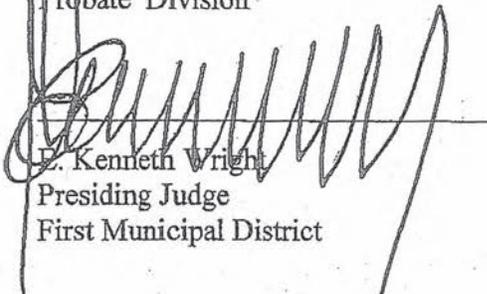
It is to be noted that while the following forms would handle the great majority of cases, they may not deal with those which go to verdict and judgment as opposed to settlement. In those cases, orders must be tailored to suit the particular circumstances bearing in mind the above procedures.



Mary Ellen Coghlan
Presiding Judge
Probate Division



James P. Flannery, Jr.
Presiding Judge
Law Division



E. Kenneth Wright
Presiding Judge
First Municipal District

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

v.

No. _____

SETTLEMENT ORDER (Personal Injury – the Injured Party is a minor or a person with a legal disability)

UPON THE MOTION OF THE PARTIES through their respective attorneys and pursuant to Cook Co. Cir. Ct. R. 6.5 and 12.15 and the Final Procedures Concerning Settlement of Minors' and Disabled Persons' Personal Injury Cases and Wrongful Death Cases Memorandum issued by the Presiding Judges of the Probate, Law, and Municipal Divisions (May 2019) for the entry of an order approving the _____ settlement with the
(partial) (total)
Defendant(s) listed on **Exhibit A**, the Court having been advised that:

1. The cause of action against the Defendant(s) is a personal injury action brought on behalf of _____,
(name of injured party) (a minor) (a person with a legal disability)
2. Attached as **Exhibit A** is the Distribution Summary Worksheet detailing the Defendant(s)'s settlement offer(s), the attorney(s)'s fees, case expenses submitted for reimbursement, and the liens that will be paid.
3. The _____ settlement amount of \$ _____ is fair and reasonable
(partial) (total)
for the reasons set forth in the Plaintiff's Settlement Petition.
4. The Plaintiff's attorney(s) is/are entitled to fees in the amount of \$ _____, and the fees are within the limits of Cook Co. Cir. Ct. R. 6.4(b).
5. The Plaintiff's attorney(s) is/are entitled to reimbursement in the amount of \$ _____ for case expenses as detailed on **Exhibit A**.
6. Liens in the amount of \$ _____ shall be paid as detailed on **Exhibit A**.

IT IS HEREBY ORDERED THAT:

- A. In accordance with Cook Co. Cir. Ct. R. 6.4 and 12.15, if the proceeds distributable to a minor or person under a legal disability are in excess of \$10,000, no settlement funds shall be disbursed until the Probate Division enters an order authorizing the guardian of the estate for each minor or person with a disability to receive the distributable amount and approving the bond or other security required (Guardianship Order).
- B. Once the Probate Division has entered the order(s) referenced above, the Guardian of the Estate shall make disbursements from the settlement funds in accordance with **Exhibit A** as summarized below:

Exh. A	Payee	Amount
2.	Plaintiff's Attorney(s)'s Fees	
3.	Reimbursement of Case Expenses	
4.	Payment of Liens	
7D	Net Proceeds Disbursed by Cash	
7E	Net Proceeds used to Purchase Structured Settlement	
Total		

- C. The net proceeds shall be distributed in accordance with **Exhibit A**. These distributions shall be accounted for and administered in the Probate Division. If any portion of the net proceeds are proposed to be used to purchase a structured settlement, the structured settlement shall be described on **Exhibit B**.

ENTERED:

Judge

Attorney Number _____

Name _____

Firm Name _____

Attorneys for the Plaintiff

Address _____

City/State/Zip _____

Email _____

Telephone _____

Exhibit A
Distribution Summary Worksheet

1. Defendant(s)'s Settlement Offer(s)

Name	Amount
Total Settlement Offers	

2. Plaintiff's Attorney(s)'s Fees

Name	Amount
Total Plaintiff's Attorney(s)'s Fees	

3. Case Expenses

	Payee	Purpose	Amount
a.			
b.			
c.			
d.			
e.			
f.			
g.			
Total Plaintiff's Case Expenses			

4. Liens

	Payee	Amount
a.		
b.		
c.		
d.		
Total Liens to be Paid		

5. Calculation of Amount Distributable

a.	Settlement Amount		
b.	Less: Plaintiff's Attorney(s)'s Fees		
c.	Less: Reimbursement for Case Expenses		
d.	Less: Liens Paid		
e.	Amount Distributable		

6. Allocation of Amount Distributed

e.	Amount Distributable		
f.	Less: Amount to be Used to Purchase Structured Settlement (See Exhibit B for terms of Structured Settlement)		
g.	Amount Distributable to Guardian of the Estate		

8. Required Vouchers – List of Disbursement Checks

A. Attorney Fees **Amount**

#.	Payee	Amount

B. Case Expenses

#.	Payee	Amount

C. Liens Paid

#.	Payee	Amount

D. Amount Distributable (Structured Settlement and Cash to Guardian of Estate)

#.	Payee	Amount

Total of Disbursements

Exhibit B
Description of Proposed Structured Settlement

Amount Needed to Fund Annuity: _____

Company Issuing Annuity: _____

Rating of Company Issuing Annuity: _____

Name of Company Issuing Rating: _____

Name of Annuitant: _____

Proposed First Annuity Payment will be disbursed on: _____

Proposed Payment Amount: _____

Proposed Frequency of payments: _____

Proposed Final Annuity Payment will be disbursed on: _____

If Annuitant is a Minor, What is the Total Projected Annuity Payments to be Disbursed Prior to the Minor Reaching Majority: _____

***IN NO EVENT SHOULD THE STRUCTURED SETTLEMENT BE PURCHASED PRIOR TO AN ORDER ENTERED IN THE PROBATE DIVISION AUTHORIZING THE GUARDIAN OF ESTATE FOR THE MINOR OR PERSON WITH A DISABILITY TO RECEIVE THE DISTRIBUTABLE AMOUNT AND APPROVING THE BOND OR OTHER SECURITY REQUIRED.**

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

v.

No. _____

SETTLEMENT ORDER (Survival Action Only)

UPON THE MOTION OF THE PARTIES through their respective attorneys and pursuant to Cook Co. Cir. Ct. R. 6.5 and 12.15 and the Final Procedures Concerning Settlement of Minors' and Disabled Persons' Personal Injury Cases and Wrongful Death Cases Memorandum issued by the Presiding Judges of the Probate, Law, and Municipal Divisions (May 2019) for the entry of an order approving the _____ settlement with the Defendant(s) listed on **Exhibit A**, the Court having been advised that:

(partial) (total)

1. _____ ("Decedent") had a cause of action ("Survival Action") against the Defendant(s).
2. The Plaintiff was appointed the representative of the Decedent's Estate by the Probate Division.
3. The Plaintiff has filed or has been substituted as the plaintiff in this action against the Defendant(s).
4. Attached as **Exhibit A** is the Distribution Summary Worksheet detailing the Defendant(s)'s settlement offer(s), the attorney(s)'s fees, case expenses submitted for reimbursement, and the liens that will be paid.
5. Plaintiff's attorney(s) has/have represented in the Plaintiff's Settlement Petition that the settlement is fair and reasonable.
6. The _____ settlement amount of \$ _____ is fair and reasonable.
(partial) (total)
7. The Plaintiff's attorney(s) is/are entitled to fees in the amount of \$ _____, and the fees are within the limits of Cook Co. Cir. Ct. R. 6.5(1)(d).
8. The Plaintiff's attorney(s) is/are entitled to reimbursement in the amount of \$ _____ for case expenses as detailed on **Exhibit A**.
9. Liens in the amount of \$ _____ shall be paid as detailed on **Exhibit A**.

IT IS HEREBY ORDERED THAT:

- A. In accordance with Cook Co. Cir. Ct. R. 6.5 and 12.15, no settlement funds shall be disbursed until the Probate Division enters an order authorizing the Decedent's representative to receive the distributable amount and approving the bond or other security required.
- B. Once the Probate Division has entered the order referenced in Paragraph A above, the Decedent's representative shall make disbursements from the settlement funds in accordance with **Exhibit A** as summarized below:

Exh. A	Payee	Amount
2.	Plaintiff's Attorney(s)'s Fees	
3.	Reimbursement of Case Expenses	
4.	Payment of Liens	
5.	Net Survival Action Proceeds	
Total		

- C. The net survival action proceeds will be distributed to the representative as an asset of the decedent's estate. As an estate asset, these funds shall be distributed according to the Probate Act.

ENTERED:

Judge

Attorney Number _____

Name _____

Firm Name _____

Attorneys for the Plaintiff _____

Address _____

City/State/Zip _____

Email _____

Telephone _____

Exhibit A
Distribution Summary Worksheet

1. Defendant(s)'s Settlement Offer(s)

Name	Amount
Total Settlement Offers	

2. Plaintiff's Attorney(s)'s Fees

Name	Amount
Total Plaintiff's Attorney(s)'s Fees	

3. Case Expenses

	Payee	Purpose	Amount
a.			
b.			
c.			
d.			
e.			
f.			
g.			
Total Plaintiff's Case Expenses			

4. Liens

	Payee	Amount
a.		
b.		
c.		
d.		
Total Liens to be Paid		

5. Calculation of Net Survival Action Proceeds

a.	Settlement Amount	
b.	Less: Plaintiff's Attorney(s)'s Fees	
c.	Less: Reimbursement for Case Expenses	
d.	Less: Liens Paid	
e.	Net Survival Action Proceeds	

9. Required Vouchers – List of Disbursement Checks

A. Attorney Fees

#.	Payee	Amount

B. Case Expenses

#.	Payee	Amount

C. Liens Paid

#.	Payee	

D. Net Survival Action Proceeds Paid to Estate

#.	Payee	

Total of Disbursements

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

v.

No. _____

SETTLEMENT ORDER (Wrongful Death and Survival)

UPON THE MOTION OF THE PARTIES through their respective attorneys and pursuant to Cook Co. Cir. Ct. R. 6.5 and 12.15 and the Final Procedures Concerning Settlement of Minors' and Disabled Persons' Personal Injury Cases and Wrongful Death Cases Memorandum issued by the Presiding Judges of the Probate, Law, and Municipal Divisions (May 2019) for the entry of an order approving the _____ settlement with the
(partial) (total)

Defendant(s) listed on **Exhibit A**, the Court having been advised that:

1. The Plaintiff has a cause of action against the Defendant(s) for causing the death of _____ ("Decedent") ("Wrongful Death Action") and for other actions that survive the Decedent's death ("Survival Action").
2. The Plaintiff was appointed the representative of the Decedent's Estate by the Probate Division.
3. Attached as **Exhibit A** is the Distribution Summary Worksheet detailing the Defendant(s)'s settlement offer(s), the attorney(s)'s fees, case expenses submitted for reimbursement, the liens that will be paid, the allocation of settlement proceeds between the Wrongful Death Action and the Survival Action, and the division of the Wrongful Death Action proceeds pursuant to the order of dependency.
4. Plaintiff's attorney(s) has/have represented in the Plaintiff's Settlement Petition that the settlement is fair and reasonable.
5. The _____ settlement amount of \$ _____ is fair and reasonable.
(partial) (total)
6. _____% of the settlement proceeds of the action are allocated to the Survival Action.
7. _____% of the settlement proceeds of the action are allocated to the Wrongful Death Action.
8. The Plaintiff's attorney(s) is/are entitled to fees in the amount of \$ _____, and the fees are within the limits of Cook Co. Cir. Ct. R. 6.5(1)(d).
9. The Plaintiff's attorney(s) is/are entitled to reimbursement in the amount of \$ _____ for case expenses as detailed on **Exhibit A**.
10. Liens in the amount of \$ _____ shall be paid as detailed on **Exhibit A**.

IT IS HEREBY ORDERED THAT:

- A. In accordance with Cook Co. Cir. Ct. R. 6.5 and 12.15, no settlement funds shall be disbursed until the Probate Division enters an order authorizing the Decedent's representative to receive the distributable amount and approving the bond or other security required.

B. Once the Probate Division has entered the order referenced in Paragraph A above, the Decedent's representative shall make disbursements from the settlement funds in accordance with **Exhibit A** as summarized below:

Exh. A	Payee.	Amount
3.	Plaintiff's Attorney(s)'s Fees	
4.	Reimbursement of Case Expenses	
5.	Payment of Liens	
6.	Net Survival Action Proceeds	
8D	Net Wrongful Death Action Proceeds Disbursed by Cash	
8E	Net Wrongful Death Action Proceeds used to Purchase Structured Settlement	
Total		

- C. The net Survival Action proceeds will be distributed to the representative as an asset of the decedent's estate. As an estate asset, these funds shall be distributed according to the Probate Act.
- D. The net Wrongful Death Action proceeds shall be distributed in accordance with **Exhibit A**. These distributions shall be accounted for and administered in the Probate Division. If any portion of the net wrongful death proceeds are used to purchase a structured settlement, the structured settlement shall be described on **Exhibit B**.

ENTERED:

Judge

Attorney Number _____

Name _____

Firm Name _____

Attorneys for the Plaintiff

Address _____

City/State/Zip _____

Email _____

Telephone _____

Exhibit A
Distribution Summary Worksheet

1. Defendant(s)'s Settlement Offer(s)

Name	Amount
Total Settlement Offers	

2. Allocation of Total Settlement Proceeds between Wrongful Death and Survival

a.	Total Settlement Proceeds	
b.	Less: Amount Allocated to Survival Action (___ %)	
c.	Amount Allocated to Wrongful Death Action (___ %)	

3. Plaintiff's Attorney(s)'s Fees

Name	Amount
Total Plaintiff's Attorney(s)'s Fees	

4. Case Expenses

	Payee	Purpose	Amount
a.			
b.			
c.			
d.			
e.			
f.			
g.			
Total Plaintiff's Case Expenses			

5. Liens

	Payee	Amount
a.		
b.		
c.		
d.		
Total Liens to be Paid		

6. Calculation of Net Settlement Proceeds of Wrongful Death and Survival Actions

	A	B	C
	Wrongful Death _____ %	Survivor Action _____ %	Total of Column A & B
a.	Allocated Settlement Amount		
b.	Less: Plaintiff's Attorney(s)'s Fees		
c.	Less: Reimbursement for Case Expenses		
d.	Less: Liens Paid		
	Net Settlement Proceeds		

7. Distribution of Wrongful Death According to Dependency

A	B	C	D
Name of Next of Kin	Minor (M) Disabled (D)	Percentage of Dependency	Net Wrongful Death Proceeds Allocated
(1)			
(2)			
(3)			
(4)			
(5)			
(6)			
(7)			
(8)			
Total			

8. Allocation of Net Wrongful Death Proceeds Between Cash and Structured Settlement

A	B	C	D	E
Initials	Minor (M) Disabled (D)	Net Wrongful Death Proceeds Allocated (Same as 7(D))	Less: Amount to be Paid in Cash	Amount Used to Purchase Structured Settlement
(1)				
(2)				
(3)				
(4)				
(5)				
(6)				
(7)				
(8)				
Total				

9. Required Vouchers – List of Disbursement Checks

A. Attorney Fees **Amount**

#.	Payee	Amount

B. Case Expenses

#.	Payee	Amount

C. Liens Paid Prior to Allocation

#.	Payee	Amount

Exhibit B
Description of Proposed Structured Settlement

Amount Needed to Fund Annuity: _____

Company Issuing Annuity: _____

Rating of Company Issuing Annuity: _____

Name of Company Issuing Rating: _____

Name of Annuitant: _____

Proposed First Annuity Payment will be disbursed on: _____

Proposed Payment Amount: _____

Proposed Frequency of payments: _____

Proposed Final Annuity Payment will be disbursed on: _____

If Annuitant is a Minor, What is the Total Projected Annuity Payments to be Disbursed Prior to the Minor Reaching Majority: _____

***IN NO EVENT SHOULD THE STRUCTURED SETTLEMENT BE PURCHASED PRIOR TO AN ORDER ENTERED IN THE PROBATE DIVISION AUTHORIZING THE DECEDENT'S REPRESENTATIVE TO RECEIVE THE DISTRIBUTABLE AMOUNT AND APPROVING THE BOND OR OTHER SECURITY REQUIRED.**

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

v.

No. _____

SETTLEMENT ORDER (Wrongful Death Only; Plaintiff is Special Administrator)

UPON THE MOTION OF THE PARTIES through their respective attorneys and pursuant to Cook Co. Cir. Ct. R. 6.5 and 12.15 and the Final Procedures Concerning Settlement of Minors' and Disabled Persons' Personal Injury Cases and Wrongful Death Cases Memorandum issued by the Presiding Judges of the Probate, Law, and Municipal Divisions (May 2019) for the entry of an order approving the _____ settlement with the Defendant(s) listed on **Exhibit A**, the Court having been advised that:

1. The Plaintiff has a cause of action against the Defendant(s) for causing the death of _____ ("Decedent") ("Wrongful Death Action").
2. The Plaintiff was appointed Special Administrator by the Law Division.
3. Attached as **Exhibit A** is the Distribution Summary Worksheet detailing the Defendant(s)'s settlement offer(s), the attorney(s)'s fees, case expenses submitted for reimbursement, the liens that will be paid, and the division of the Wrongful Death Action proceeds pursuant to the order of dependency.
4. Plaintiff's attorney(s) has/have represented in the Plaintiff's Settlement Petition that the settlement is fair and reasonable.
5. The _____ settlement amount of \$ _____ is fair and reasonable.
(partial) (total)
6. The Plaintiff's attorney(s) is/are entitled to fees in the amount of \$ _____, and the fees are within the limits of Cook Co. Cir. Ct. R. 6.5(1)(d).
7. The Plaintiff's attorney(s) is/are entitled to reimbursement in the amount of \$ _____ for case expenses as detailed on **Exhibit A**.
8. Liens in the amount of \$ _____ shall be paid as detailed on **Exhibit A**.

IT IS HEREBY ORDERED THAT:

- A. The Plaintiff shall make disbursements from the settlement funds in accordance with **Exhibit A** as summarized below:

Exh. A	Payee	Amount
2.	Plaintiff's Attorney(s)'s Fees	
3.	Reimbursement of Case Expenses	
4.	Payment of Liens	
7D	Net Wrongful Death Proceeds Disbursed by Cash	
7E	Net Wrongful Death Action Proceeds used to Purchase Structured Settlement	
Total		

- B. The net wrongful death proceeds shall be distributed in accordance with **Exhibit A**. These distributions shall be accounted for and administered in the Law Division, except that if proceeds in excess of \$10,000 are distributable to a minor or person under legal disability, the distribution shall be administered and distributed under the supervision of the Probate Division in accordance with Cook Co. Cir. Ct. R. 6.5(2). If any portion of the net wrongful death proceeds are proposed to be used to purchase a structured settlement, the structured settlement shall be described on **Exhibit B**.
- C. The Plaintiff _____ required to post a surety bond _____
(shall be) (shall not be) [in the amount of \$ _____.] [.]
- D. The Plaintiff shall present vouchers on _____ at _____ m in Room _____.
[hearing date] [hearing time]

ENTERED:

 Judge

Attorney Number _____

Name _____

Firm Name _____

Attorneys for the Plaintiff

Address _____

City/State/Zip _____

Email _____

Telephone _____

Exhibit A
Distribution Summary Worksheet

1. Defendant(s)'s Settlement Offer(s)

Name	Amount
Total Settlement Offers	

2. Plaintiff's Attorney(s)'s Fees

Name	Amount
Total Plaintiff's Attorney(s)'s Fees	

3. Case Expenses

	Payee	Purpose	Amount
a.			
b.			
c.			
d.			
e.			
f.			
g.			
Total Plaintiff's Case Expenses			

4. Liens

	Payee	Amount
a.		
b.		
c.		
Total Liens to be Paid		

5. Calculation of Net Proceeds of the Action

a.	Settlement Amount		
b.	Less: Plaintiff's Attorney(s)'s Fees		
c.	Less: Reimbursement for Case Expenses		
d.	Less: Liens Paid		
e.	Net Proceeds of the Action		

6. Distribution of Wrongful Death According to Dependency

A	B	C	D
Name of Next of Kin	Minor (M) Disabled (D)	Percentage of Dependency	Net Wrongful Death Proceeds Allocated
(1)			
(2)			
(3)			
(4)			
(5)			
(6)			
(7)			
(8)			
Total			

7. Allocation of Net Wrongful Death Proceeds Between Cash and Structured Settlement

A	B	C	D	E
Initials	Minor (M) Disabled (D)	Net Wrongful Death Proceeds Allocated (Same as 7(D))	Less: Amount to be Paid in Cash	Amount Used to Purchase Structured Settlement
(1)				
(2)				
(3)				
(4)				
(5)				
(6)				
(7)				
(8)				
Total				

Exhibit B
Description of Proposed Structured Settlement

Amount Needed to Fund Annuity: _____

Company Issuing Annuity: _____

Rating of Company Issuing Annuity: _____

Name of Company Issuing Rating: _____

Name of Annuitant: _____

Proposed First Annuity Payment will be disbursed on: _____

Proposed Payment Amount: _____

Proposed Frequency of payments: _____

Proposed Final Annuity Payment will be disbursed on: _____

If Annuitant is a Minor, What is the Total Projected Annuity Payments to be Disbursed Prior to the Minor Reaching Majority: _____

***IN NO EVENT SHOULD THE STRUCTURED SETTLEMENT BE PURCHASED PRIOR TO AN ORDER ENTERED IN THE PROBATE DIVISION AUTHORIZING THE DECEDENT'S REPRESENTATIVE TO RECEIVE THE DISTRIBUTABLE AMOUNT AND APPROVING THE BOND OR OTHER SECURITY REQUIRED.**

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

v.

No. _____

SETTLEMENT ORDER (Wrongful Death; Plaintiff is Probate Division Representative)

UPON THE MOTION OF THE PARTIES through their respective attorneys and pursuant to Cook Co. Cir. Ct. R. 6.5 and 12.15 and the Final Procedures Concerning Settlement of Minors' and Disabled Persons' Personal Injury Cases and Wrongful Death Cases Memorandum issued by the Presiding Judges of the Probate, Law, and Municipal Divisions (May 2019) for the entry of an order approving the _____ settlement with the
(partial) (total)
Defendant(s) listed on **Exhibit A**, the Court having been advised that:

1. The Plaintiff has a cause of action against the Defendant(s) for causing the death of _____ ("Decedent") ("Wrongful Death Action").
2. The Plaintiff was appointed the representative of the Decedent's Estate by the Probate Division.
3. Attached as **Exhibit A** is the Distribution Summary Worksheet detailing the Defendant(s)'s settlement offer(s), the attorney(s)'s fees, case expenses submitted for reimbursement, the liens that will be paid, and the division of the Wrongful Death Action proceeds pursuant to the order of dependency.
4. Plaintiff's attorney(s) has/have represented in the Plaintiff's Settlement Petition that the settlement is fair and reasonable.
5. The _____ settlement amount of \$ _____ is fair and reasonable.
(partial) (total)
6. The Plaintiff's attorney(s) is/are entitled to fees in the amount of \$ _____, and the fees are within the limits of Cook Co. Cir. Ct. R. 6.5(1)(d).
7. The Plaintiff's attorney(s) is/are entitled to reimbursement in the amount of \$ _____ for case expenses as detailed on **Exhibit A**.
8. Liens in the amount of \$ _____ shall be paid as detailed on **Exhibit A**.

IT IS HEREBY ORDERED THAT:

- A. In accordance with Cook Co. Cir. Ct. R. 6.5 and 12.15, no settlement funds shall be disbursed until the Probate Division enters an order authorizing the Decedent's representative to receive the distributable amount and approving the bond or other security required.
- B. Once the Probate Division has entered the order referenced in Paragraph A above, the Decedent's representative shall make disbursements from the settlement funds in accordance with **Exhibit A** as summarized below:

Exh. A	Payee	Amount
2.	Plaintiff's Attorney(s)'s Fees	
3.	Reimbursement of Case Expenses	
4.	Payment of Liens	
7D	Net Wrongful Death Proceeds Disbursed by Cash	
7E	Net Wrongful Death Action Proceeds used to Purchase Structured Settlement	
Total		

C. The net wrongful death proceeds shall be distributed in accordance with **Exhibit A**. These distributions shall be accounted for and administered in the Probate Division. If any portion of the net wrongful death proceeds are used to purchase a structured settlement, the structured settlement shall be described on **Exhibit B**.

ENTERED:

Judge

Attorney Number _____

Name _____

Firm Name _____

Attorneys for the Plaintiff

Address _____

City/State/Zip _____

Email _____

Telephone _____

**Exhibit A
Distribution Summary Worksheet**

1. Defendant(s)'s Settlement Offer(s)

Name	Amount
Total Settlement Offers	

2. Plaintiff's Attorney(s)'s Fees

Name	Amount
Total Plaintiff's Attorney(s)'s Fees	

3. Case Expenses

	Payee	Purpose	Amount
a.			
b.			
c.			
d.			
e.			
f.			
g.			
Total Plaintiff's Case Expenses			

4. Liens

	Payee	Amount
a.		
b.		
c.		
d.		
Total Liens to be Paid		

5. Calculation of Net Wrongful Death Proceeds

a.	Settlement Amount		
b.	Less: Plaintiff's Attorney(s)'s Fees		
c.	Less: Reimbursement for Case Expenses		
d.	Less: Liens Paid		
e.	Net Wrongful Death Proceeds		

6. Distribution of Net Wrongful Death Proceeds According to Dependency

A	B	C	D
Name of Next of Kin	Minor (M) Disabled (D)	Percentage of Dependency	Net Wrongful Death Proceeds Allocated
(1)			
(2)			
(3)			
(4)			
(5)			
(6)			
(7)			
(8)			
Total			

7. Allocation of Net Wrongful Death Proceeds Between Cash and Structured Settlement

A	B	C	D	E
Initials	Minor (M) Disabled (D)	Net Wrongful Death Proceeds Allocated (Same as 7(D))	Less: Amount to be Paid in Cash	Amount Used to Purchase Structured Settlement
(1)				
(2)				
(3)				
(4)				
(5)				
(6)				
(7)				
(8)				
Total				

Exhibit B
Description of Proposed Structured Settlement

Amount Needed to Fund Annuity: _____

Company Issuing Annuity: _____

Rating of Company Issuing Annuity: _____

Name of Company Issuing Rating: _____

Name of Annuitant: _____

Proposed First Annuity Payment will be disbursed on: _____

Proposed Payment Amount: _____

Proposed Frequency of payments: _____

Proposed Final Annuity Payment will be disbursed on: _____

If Annuitant is a Minor, What is the Total Projected Annuity Payments to be Disbursed Prior to the Minor Reaching Majority: _____

***IN NO EVENT SHOULD THE STRUCTURED SETTLEMENT BE PURCHASED PRIOR TO AN ORDER ENTERED IN THE PROBATE DIVISION AUTHORIZING THE DECEDENT'S REPRESENTATIVE TO RECEIVE THE DISTRIBUTABLE AMOUNT AND APPROVING THE BOND OR OTHER SECURITY REQUIRED.**

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
LAW DIVISION

GENERAL ADMINISTRATIVE ORDER 20-9

Amends and Updates Law Division General Administrative Order 20-6, 20-7 & 20-8.

This order amends and updates Law Division General Administrative Orders 20-6, 20-7 & 20-8 and now supersedes those orders.

IT IS HEREBY ORDERED:

Section 1: Provisions Applicable to all Law Division Sections (Administrative, Motion, Commercial, Tax and Miscellaneous Remedies, Individual Calendar and Trials):

1.1 Pursuant to Circuit Court General Administrative Order 2020-07

Except in extraordinary or compelling circumstances, all matters in all Districts and Divisions of the court shall be conducted remotely.

If the assigned judge determines that there are extraordinary or compelling circumstances to justify an in-person hearing, the hearing shall be conducted with the proper social distancing and safety standards applied.

1.2 Cases With Self-Represented Litigants

The court will identify all pending cases involving self-represented litigants. In each case, the self-represented litigants will be contacted and provided with the relevant remote procedures.

In person proceedings shall be conducted pursuant to Section 1.1 of this order.

1.3 Jury Cases Set For Trial:

All jury trial dates, set from March 17, 2020 through **June 30, 2021**, are converted to "Trial Setting" dates. The setting of jury cases for trial is suspended until such time as jury trials can safely resume, given public health directives.

When jury trial settings can safely be resumed, **a minimum of 60-days'** notice will be sent to all parties and counsel of record, providing the date jury trial settings will resume, and the date, time and manner of the court call setting new jury trial dates.

The court will begin the jury trial setting process with cases originally set *for trial* on or after March 17, 2020.

Parties should expect to receive a trial date within 30 days of the trial setting date.

If jury trials resume prior to **June 30, 2021**, the notice provisions set forth above will commence.

1.4 Non- Jury Cases Set for Trial:

Non-jury cases set for trial between March 17, 2020 and July 6, 2020, assigned to the Commercial Calendars, Individual Calendar, or Tax & Miscellaneous Calendars, may be reset for non-jury trial at the discretion of the assigned judges. Any non-jury trials should be conducted remotely, using Zoom or other remote video methods.

Non-jury cases set for trial after July 6, 2020, assigned to the Commercial, Individual or Tax & Miscellaneous Calendars, may be reset for non-jury trial at the discretion of the assigned judges. Any non-jury trials should be conducted remotely, using Zoom or other remote video methods.

Non-jury trials set for trial in Courtroom 2005 on or after March 17, 2020, may be re-set by presenting a motion before the Presiding Judge, pursuant to Section 2.6, below. The case will be randomly assigned to a trial judge. Any non-jury trial should be conducted remotely, using Zoom or other remote video methods.

In person proceedings shall be conducted pursuant to Section 1.1 of this order.

1.5 Court Dates (All Sections):

All case management and status court dates currently scheduled for in-person hearing at the Daley Center are stricken and shall be rescheduled for remote proceeding. All parties of record will receive electronic or postcard notice of the rescheduled remote court dates.

Remote proceedings may be conducted using video, audio or document submission methods.

The assigned judge will determine the method of remote proceeding.

All case management and status court dates currently scheduled for remote proceedings by the assigned judges court order shall stand.

In-person proceedings shall be conducted pursuant to Section 1.1 of this order.

1.6 Discovery (All Sections):

Case management will continue for all cases pending in the Law Division. Case Management procedures for cases in each Section shall be governed by the relevant procedures, set forth in the relevant sections of this order (Administrative, Motion, Commercial, Tax and Miscellaneous Remedies, Individual and Trial).

This order does not reopen discovery for any case in which **discovery** was closed by court order. Any motion to reopen discovery or to address discovery issues shall be brought before the assigned judge in the manner set forth in the relevant sections of this order.

1.7 Initial Case Management Dates (All Sections):

Initial case management dates currently scheduled and those scheduled in the future shall be conducted remotely.

Remote proceedings may be conducted using video, audio or document submission methods.

The assigned judge will determine the method of remote proceeding.

In-person proceedings shall be conducted pursuant to Section 1.1 of this order.

This order does not limit the assigned judge's discretion to reschedule any case for initial cases management to a different date.

1.8 Newly Filed Motions (All Sections):

Please note that all motions presented to the court must be filed electronically with the Clerk of the Circuit Court using the "DO NOT SCHEDULE" option and emailed to the assigned judge with copies to all parties of record.

Litigants shall comply with the motion procedures of the assigned judge, as set forth in the relevant sections of this order, and in compliance with the assigned judge's standing orders.

This order does not limit the assigned judge's discretion to order the scheduling of motions electronically with the Clerk of the Circuit Court.

1.9 Emergency Motions (All Sections):

Litigants shall comply with the emergency motion procedures of the assigned judge, as set forth in the relevant sections of this order, and in compliance with the assigned judge's standing orders.

1.10 Pre Trial and Mediation of Cases:

(This section updates and supersedes Law Division General Administrative Order 20-7 entered on August 26, 2020)

(Pursuant to Circuit Court General Administrative Order 2020-07, Section n(ii) and n(iii))

There shall be mandatory pre-trial of cases that were ready for trial but were not permitted to proceed due to the COVID-19 pandemic.

The above paragraph means that every case that had a jury trial date on or after March 17, 2020, is subject to a mandatory pre-trial conference.

Mediation of cases by an agreement of the parties is an alternative to pre-trial of cases provided in the provision above, as long as the mediation is completed prior to the discovery completion date reflected in Section 7.2 of this order.

Any case previously set for trial that had been transferred for pre-trial prior to August 26, 2020, shall remain before the agreed upon judge for the pre-trial conference only.

For pending cases that have not been set for trial, the parties may agree to the transfer of their case for pre-trial to any Law Division Judge, provided the agreed upon judge is willing to conduct the pre-trial.

The transfer order shall be submitted to the Presiding Judge pursuant to Section 2.11 of this order, and shall be for pre-trial only.

Pre-trials will be conducted remotely using whatever method the judge chooses.

In-person proceedings shall be conducted pursuant to Section 1.1 of this order.

1.11 Law Division Standing Order for Participation in Court Proceedings by Videoconference or Telephone:

LINK TO STANDING ORDER

Nothing in this portion of the order would limit the assigned judge's discretion to conduct remote proceedings in the manner they determine.

1.12 Public Access to Remote Proceedings:

For all remote proceedings, the assigned judge will provide the public access information to the Office of the Chief Judge for publication in the Law Divisions public access section at www.cookcountycourt.org

The public access information shall be provided to the Office of the Chief Judge at least five (5) business days in advance of the remote proceedings, and will be published, unless the remote proceeding constitutes an emergency. In that event, the public access information will be provided and published as far in advance as possible.

The public information will include the judge conducting the hearing, the case number and caption of the case being heard, the type of hearing, the time and date of the hearing and the public access information for the hearing.

Section 2: Administrative Section **Courtrooms 2005 & 2006**

2.1 Jury Trials and Jury Trial Setting Dates for Courtroom 2005:

As previously set forth in Section 1.3, all jury trial dates, set between March 17, 2020 and **June 30, 2021**, are converted to "Trial Setting" dates. The setting of cases for jury trial is suspended, until such time as jury trials can safely resume.

The resumption of jury trials will be done in accordance with section 1.3 of this order.

2.2 Non-Jury Trials and Non-Jury Trial Setting Dates for Courtroom 2005:

Parties should present a motion pursuant to section 1.4 of this order to have a non-jury case randomly assigned to a trial judge for trial.

The assigned trial judge will contact all parties of record to develop procedures for conducting the trial, using Zoom or other video platforms. The assigned trial judge will have the discretion to incorporate in-person elements into the trial, if necessary, to allow access to the court, with proper social distancing and safety standards applied.

The assigned judge will schedule and complete the non-jury trial within 14 days of assignment and will issue a verdict within 7 days of completion of the trial.

2.3 Trial Setting Call-Courtroom 2006:

The Trial Setting Call is suspended until such time as jury trials can safely resume, given public health directives.

When jury trials can safely be resumed, the Trial Setting Call will commence setting trial dates, beginning with those cases originally scheduled for jury trial March 17, 2020. All parties and counsel of record will receive electronic or postcard notice of the date, time and manner of the Trial Setting Call.

2.4 Prove-up Assignment Call-Courtroom 2005:

Once a case is set for prove-up in Courtroom 2005, by either the assigned motion judge or the Presiding Judge of the Law Division, the Presiding Judge will randomly assign the case for prove up to a trial judge so the prove-up can be conducted on the date it was scheduled and noticed. The assigned judge will provide Zoom access information that will provide the necessary instructions for a remote proceeding. The plaintiff will provide this information to the defaulted party or parties so that they have notice of the proceedings.

Cases originally set for prove up between March 17, 2020 and July 6, 2020, can be scheduled for a new date, pursuant to the procedures set for in Section 2.6, below.

In-person proceedings shall be conducted pursuant to Section 1.1 of this order.

2.5 Call of Cases Transferred To Law Division-Courtroom 2005:

Cases transferred into the Law Division from other divisions, will be reviewed by the court, commencing with cases transferred in as of March 18, 2020.

Based on that review, a random assignment will be made to the appropriate section of the Law Division. All parties of record and the assigned judge will be notified of the assignment, so an initial case management date can be scheduled by the assigned judge with notice to all parties of record.

2.6 Administrative Motions-Courtroom 2005:

Administrative motions include, but are not limited to: (1) *motions to extend the discovery completion deadline for cases assigned for Active Case Management* * (2) motions to set or continue jury trials; (3) motions to set or continue prove ups; (4) motions to set or continue non-jury trials; (5) motions to consolidate or reassign cases, pursuant to Circuit Court General Orders 12 or 22; (6) motions to reassign pursuant to Law Division General Administrative Order 16-2; and (7) and motions to remove cases

from any Law Division Stay Calendar.

** Please note that motions to extend the discovery completion deadline shall contain the name of the assigned Active Case Management Judge when presented. The Presiding Judge will only rule on extending the discovery completion deadline. Specific discovery deadlines will be addressed by the assigned Active Case Management Judge. The Presiding Judge will not enter a specific discovery schedule.*

All motions shall be emailed to law.cal2005cc@cookcountyil.gov with copies emailed to all parties of record. Upon receipt of the motion, the court will determine if the motion can be ruled on summarily or will require briefing.

If briefing is required, the parties can agree to a briefing schedule, or the court will enter one. The court will determine if oral argument is needed, and if needed, the court will schedule a remote hearing using video or teleconference platforms. Notice to all parties and counsel of record and public access information shall be provided by the court.

In-person proceedings shall be conducted pursuant to Section 1.1 of this order.

2.7 Emergency Motions: Courtroom 2005:

“Emergency motions” are those in which irreparable harm will be caused if not addressed immediately. No other emergency motions should be filed.

- Please note that discovery motions for cases assigned to other sections of the Law Division should not be presented in Courtroom 2005, and should be presented before the assigned judge or designated emergency judge, as detailed in the relevant sections of this order.

2.8 Scheduling Emergency Motions-Courtroom 2005:

The movant shall email a copy of the emergency motion and notice to the Presiding Judge’s Law Clerk at: law.cal2005cc@cookcountyil.gov

If the court determines a valid emergency exists, a remote hearing will be scheduled within 24 hours using telephone or video platform.

In-person proceedings shall be conducted pursuant to Section 1.1 of this order.

If the court determines the motion is not a valid emergency, the court will inform the movant, and will instruct the movant to notify all parties that the motion will not be heard.

Based upon volume and changes in circumstances, these procedures may change. Any changes will be posted on the Law Division Section of the Chief Judge's website.

2.9 Notice of Emergency Motions- Courtroom 2005:

All emergency motions should be noticed for 11:00 A.M. For a remote hearing, a minimum of twenty-four (24) hours should be provided in advance of the hearing, except for good cause shown.

2.10 Routine Motions-Courtroom 2005:

Routine motions include, but are not limited to: (1) Petitions to Appoint a Wrongful Death Special Administrator; (2) SCR 298 Petitions for Fee Waivers; (3) Petitions to File Under a Fictitious Name; (4) Petitions to Disburse Funds to a minor who has attained the age of majority.

Routine motions shall be emailed to: the Presiding Judge's Law Clerk at law.cal2005cc@cookcountyiil.gov, with notice provided to all counsel of record.

2.11 Agreed Dismissal and Pre-Trial Transfer Orders: Courtroom 2005:

Copies of the agreed order dismissing or transferring a case for pre-trial should be emailed to the Presiding Judges Law Clerk at law.cal2005cc@cookcountyiil.gov, with notice provided to all counsel.

2.12 Contact Information:

Courtroom 2005: (312) 603-6343

Courtroom 2006: (312) 603-5923

Please leave a detailed voicemail message if there is no answer. All calls will be returned as promptly as possible.

SECTION 3: Motion Section Procedures
Motion Calendars: A, B, C, D, E, F, H, R, X and Z

3.1 Email Calendars for Motion Section:

- A. All email directed to any Law Division Motion Calendar shall be submitted at the following email addresses:

Motion Call A: LAW.CALAcc@cookcountyiil.gov
Motion Call B: LAW.CALBcc@cookcountyiil.gov
Motion Call C: LAW.CALCcc@cookcountyiil.gov
Motion Call D: LAW.CALDcc@cookcountyiil.gov
Motion Call E: LAW.CALEcc@cookcountyiil.gov
Motion Call F: LAW.CALFcc@cookcountyiil.gov
Motion Call H: LAW.CALHcc@cookcountyiil.gov
Motion Call R: LAW.CALRcc@cookcountyiil.gov
Motion Call X: LAW.CALXcc@cookcountyiil.gov
Motion Call Z: LAW.CALZcc@cookcountyiil.gov

Backup Motion Judges:

Gerald V. Cleary: Gerald.Cleary@cookcountyiil.gov
Toya T. Harvey: Toya.Harvey@cookcountyiil.gov

- B. Email sent to any previous motion calendar email address will **not** be processed.

3.2 Electronic Format Requirements:

- A. All documents, **other than draft orders** (e.g., motions, notices, exhibits), shall be submitted in **PDF** format for all motion judges;
- B. All orders shall be submitted in **both** Word and PDF format, or any other format as set forth in the respective judges' motion calendar auto-replies, and/or standing orders in the Law Division, Motion Section Home Page: www.cookcountycourt.org

3.3 Emailing Requirements:

- A. **All** emails to any Law Division Motion Calendar **must** contain/comply with the following:
1. Identification of the type of motion (e.g., Emergency, Routine, Regular);
 2. The case name **and** court number;

3. Identification 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.]);
4. Each document submitted as a separate attachment:
 - a) not included as an exhibit to the motion;
 - b) identified (special process server order, vacate default order, amended complaint order, voluntary dismissal order, etc.);
 - c) abbreviations used (NOM, SPS, MTV, MTD, MSJ);
 - d) identification of documents by office file number, court number, or generic description (e.g., "order," or "agreed order") will be rejected;
5. Email addresses of all counsel of record, parties not yet held in default, and self-represented parties (or alternative service methods, if required);
6. **PLEASE NOTE:** Once an email thread/chain has been established on a case, all future emails shall be submitted to the assigned motion judge ONLY VIA THAT THREAD/CHAIN. Future "stand-alone" emails will not be accepted or acknowledged.

B. Emails which do not comply with this section will be rejected.

3.4 Notice and E-filing Requirements:

- A. All motions (emergency, routine, regular) and notices of motion (if required) **must be efiled prior to submission;**
- B. All motions **must include email addresses** of moving counsel of record;
- C. All notices of motion must contain email addresses of all counsel of record, parties not yet held in default, and self-represented parties (or alternate service methods, if required);
- D. Notices of motion must provide the following language:

*On ***** at 9:00 AM, I shall electronically submit the attached: Motion for _____ to the Honorable _____, via email address: Law.CAL**cc@cookcountyil.gov.*

*To respond or object to this Motion, please email response or objection to LAW.CAL**cc@cookcountyil.gov after 10:00 AM on the date set forth above, with a cc to all attorneys of record as listed here: ******

If no response or objection is emailed before 4:00 PM on the date set forth above, the Court will rule on the Motion and enter an order.

E. Proposed orders submitted with any motion **must not be efiled, or attached to the motion as an exhibit**;

F. Proposed pleadings must not be attached to any motion as an exhibit or efiled, until such time as leave of court is granted to do so;

G. Notices of filing must not be submitted, as the filing date is already contained on the documents;

H. Courtesy copies of routine motions shall be submitted **only** on the date selected. Courtesy copies of routine motions submitted **prior** to the date selected, or unfiled, will be disregarded;

I. Motions which do not comply with this section will be rejected.

3.5 Emergency Motions:

A. Emergency motions shall be submitted to the assigned motion judge, between **8:45 AM to 9:30 AM, Monday through Friday**;

B. Emergency motions shall be emailed to the assigned motion judge/emergency judge at the email addresses listed in Paragraph 3.1, *supra*;

C. "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 limitations;
2. Requests for protective order for preservation of evidence;
3. Requests for relief, which, if not granted, will cause irreparable harm.

D. Notice and e-filing of emergency motions must comply with Paragraphs 3.2 and 3.3, *supra*;

E. Emergency motions will be reviewed by the assigned motion judge. Any motion which does not constitute a valid emergency will be stricken;

F. Courtesy copies of emergency motions shall be submitted **only** on the date selected. Courtesy copies of emergency motions submitted **prior** to the date selected, or unfiled, will be disregarded;

G. Motions to extend discovery dates do not constitute valid emergency motions, as per Paragraph 3.6(E), *infra*.

3.6 Routine Motions:

A. Routine motions shall be submitted to the assigned motion judge, between **8:45 AM and 9:30 AM, Monday through Friday**, only, at the email addresses listed in Paragraph 3.1, *supra*;

B. "Routine motions" shall include, but not be limited to:

1. Appointment of special process servers ("SPS");
2. Leave to vacate technical defaults;
3. Leave to appear, answer, plead;
4. Entry of fully executed HIPAA orders;
5. Amending a pleading (adding parties, adding counts, adding allegations, etc.). Motion and order must contain all details of the proposed amendments;
6. Filing any cross-claims, counterclaims, and/or additional party pleadings (e.g. third-party complaint);
7. Leave to intervene on behalf of a worker's compensation carrier or public body claiming a lien;
8. Voluntary dismissal of certain parties ["partial"], or the entire case;
9. Dismissal orders for settlements not involving those subject to the Joint Memorandum on Settlement Procedures;

C. Notice and e-filing of routine motions must comply with Paragraphs 3.2 and 3.3, *supra*;

D. Courtesy copies of routine motions shall be submitted **only** on the date selected. Courtesy copies of routine motions submitted **prior** to the date selected, or unfiled, will be disregarded;

E. Routine motions submitted after 9:30 AM will not be processed until the following business day.

3.7 Regular Motions:

A. The daily motion call ("spindled" motions, first time presentation) is suspended until further order of court, in accordance with public health directives;

B. Regular motions may be efiled and submitted to the assigned motion judge at any time, with proper notice provided. No remote hearings are permitted on the submission of regular motions;

C. The date of presentation/submission of any regular motion is selected solely by moving counsel and not by the assigned motion judge;

D. All regular motions shall be emailed to the assigned motion judge at the email addresses listed in Paragraph 3.1, *supra*;

E. "Regular motions" are all motions, other than "Emergency Motions" or "Routine Motions," as defined in Paragraphs 3.5 and 3.6, *supra*;

F. "Regular motions" shall include, but not be limited to:

1. Motions addressed to jurisdiction;
2. Validity and/or diligence of service of process;
3. Sufficiency of pleadings and exhibits;
4. Discovery motions (compel, ruling on objections, sanctions, *in camera* inspections, modifications of CMC orders;
5. Involuntary dismissal (2-619);
6. Motions to quash subpoenas;
7. Motions for summary judgment (partial or total);
8. Adjudication of liens;

G. All regular motions will be screened by the assigned motion judge for the need for a briefing schedule. If no briefing schedule is needed, the assigned motion judge will so notify all parties and will enter an order ruling on the motion;

H. Courtesy copies of routine motions shall be submitted only on the date selected. Courtesy copies of routine motions submitted prior to the date selected, or unfiled, will be disregarded;

I. If a briefing schedule is needed, then the procedures set forth in Paragraph 3.8, *infra*, must be complied with.

3.8 Contested Motion Procedures:

A. If any discovery is needed, prior to briefing a contested motion, the party requesting the discovery shall confer with opposing counsel, obtain an agreement to conduct such discovery, and shall submit an agreed order, providing a description of the discovery needed, and the time required to complete it;

B. If no discovery is needed prior to briefing a motion, counsel shall confer and submit an agreed briefing schedule order;

C. The standard briefing schedule shall be 28 days for response, and 21 days for reply, or as agreed by the parties, or set by order of court;

D. Courtesy copies shall be submitted by email to the assigned motion judge at the email addresses listed in Paragraph 3.1, *supra*;

E. **PLEASE NOTE:** The assigned motion judge may request hard copies of briefs, exhibits, records, etc., by regular mail or delivery, on a case-by-case basis, or as set forth in their standing orders, at the Law Division, Motion Section Home Page at: www.cookcountycourt.org

F. Courtesy copies, briefs, exhibits, records, etc., shall be submitted in PDF format only, and not encrypted, through drop boxes and/or secure portals;

G. Legal briefs should be streamlined to eliminate unnecessary pages of legal precedent, standards applied for determination of motions;

H. All rulings on contested motions will be by written order, unless otherwise determined by the assigned motion judge;

I. Oral arguments or hearings on contested motions will be conducted by remote electronic procedures, in accordance with approved remote proceeding protocols, and only if the assigned motion judge determines it is appropriate.

3.9 Settlement and Dismissal Orders:

A. Agreed orders for dismissals by settlement (partial or total), voluntary dismissals (partial or total, with no dispositive motions pending), agreed motions for good faith finding), etc., shall be submitted by email to the assigned motion judge at the email addresses set forth in Paragraph 3.1, *supra*;

B. All documents, other than the draft order, must be efiled, prior to submission;

C. "Draft" (not efiled) orders of dismissal must be submitted in both electronic formats to the assigned motion judge, as per Paragraph 3.2, *supra*.

3.10 Petitions for Approval of Settlements:

A. All petitions for settlement under the Wrongful Death Act, Survival Act, for Minors and Disabled Persons, must comply with the provisions of "Settlement Procedures," located on the Law Division Home Page, www.cookcountycourt.org ;

B. Petitions for approval of settlements and proposed orders must **NOT** be efiled prior to submission, must only be submitted in draft form, in the electronic format required by each motion judge in Paragraph 3.2, *supra*;

C. Notice of the submission of petitions for approval of settlement shall be provided to all counsel of record, with email addresses of counsel included;

D. Petitions for approval and/or orders which do not comply with this section will be rejected.

3.11 Case Management Procedures:

A. All previous procedures regarding case management, including high-volume case management court calls, are suspended, until further order of court, in accordance with public health directives;

B. Approved form case management ("CMC") orders will be used in all cases, according to the case type (*i.e.*, Category 1 or Category 2);

C. CMC orders shall **not** be altered in format, time standards, and/or sequence of activities contained therein. Any CMC order created by law firms must conform exactly to the layout, time standards and sequence of activities as in the approved CMC for;

D. The approved fillable CMC orders are located on the Circuit Court Home Page, Law Division, www.cookcountycourt.org

E. New cases (filed **after** July 6, 2020):

1. When all parties have appeared, counsel will meet and confer, and prepare an CMC order, setting dates for all activities contained in the CMC order, in accordance with the time standards set forth;

2. The agreed CMC order shall be submitted to the assigned motion judge, no later than 14 days after all parties have appeared, and no later than 6 months from the date of the filing of the case;

3. If approved, the CMC order will be entered, returned to counsel, and no appearance for any "initial" CMC court date is required;

4. If not approved by the assigned motion judge, or not agreed to by counsel, the assigned motion judge and counsel will conduct an email or remote CMC conference to resolve all CMC issues, at a time and date agreed upon by the assigned motion judge and counsel;

5. On all new cases, the parties must inform the assigned motion judge (in the email submitting the CMC order), of the type of case, the injuries, the total medical and lost time, and any other damages being claimed. Cases which do not satisfy the Law Division case value criteria will be transferred to the Municipal Department;
6. Remote CMC conferences will **not** be conducted, unless the assigned motion judge determines it is necessary;
7. Requests for remote CMC conferences shall be submitted by email to the assigned motion judge, at the email addresses listed in Paragraph 3.1, *supra*. No formal motion is required;
8. All extensions, modifications, and/or compliance with any dates contained in the CMC order, shall be addressed by regular motion, in accordance with Paragraphs 3.3, 3.4, and 3.7, *supra*;
9. **PLEASE NOTE:** The **only** future court date contemplated by the new CMC procedures is the "trial certification date," contained in the CMC order. All activities set forth in any CMC order are expected to be completed by that date;
10. Court dates set by automatic continuance, due to COVID-19 procedures, may remain as the trial certification date, or may be superseded by the trial certification date contained in the CMC order;
12. CMC schedule orders and damages information on "new" cases must be submitted to the assigned motion judge **no later than 6 months** from the date of the filing of the cases;
13. New cases which currently have CMC orders already in place must submit the case value information **no later than 1-31-21**;
14. Failure to submit the required CMC order will result in the case being administratively dismissed by the assigned motion judge;
15. Motions to vacate and reinstate such cases must be submitted with a proposed CMC order to the assigned motion judge.

F. Pending Cases (filed **prior** to July 6, 2020):

1. Any pending case which did not submit a CMC scheduling order by August 15, 2020, as per the July 6, 2020 GAO, must submit a CMC

order to the assigned motion judge, **no later than January 31, 2021**;

2. The CMC order must contain deadlines for all remaining activities to be completed, in accordance with the times standards set forth;

3. If the time standard for completion of any activity has already passed, new dates will be chosen, but counsel will attempt to meet remaining time standards as much as possible;

4. The agreed CMC order will be submitted to the assigned motion judge for approval, and if approved, will be entered and returned to counsel;

5. If not approved by the assigned motion judge, or not agreed to by counsel, the assigned motion judge and counsel will conduct an email or remote CMC conference to resolve all CMC issues, at a time and date agreed upon by the assigned motion judge and counsel;

6. Remote CMC conferences will **not** be conducted, unless the assigned motion judge determines it is necessary;

7. Requests for remote CMC conferences shall be submitted by email to the assigned motion judge at the addresses listed in Paragraph 3.1, *supra*;

8. All extensions, modifications and/or compliance with any dates contained in the CMC order shall be addressed by regular motion, in accordance with Paragraph 3.3, 3.4 and 3.7, *supra*;

9. **PLEASE NOTE:** The **only** future court date contemplated by the new CMC procedures is the "trial certification date," contained in the CMC order. All activities set forth in any CMC order are expected to be completed by that date;

10. Court dates set by automatic continuance, due to COVID-19 procedures, may remain as the trial certification date, or may be superseded by the trial certification date contained in the CMC order

11. Failure to submit the required CMC order will result in the case being administratively dismissed by the assigned motion judge;

12. Motions to vacate and reinstate such cases must be submitted with a proposed CMC order to the assigned motion judge.

G. Any future CMC/trial certification dates reset by automatic COVID continuances will not extend any discovery deadlines already contained in the CMC order.

3.12 Discovery Issues:

A. All discovery (including, but not limited to depositions of parties, and Supreme Court Rule 213[f][1], [f][2] and [f][3] witnesses) will proceed, in telephonic, video conference and/or other electronic means, as per Cook County General Administrative Order 2020-7 (November 23, 2020), and Illinois Supreme Court Order *In Re: Illinois Courts Response to COVID-19 Emergency/Impact on Discovery*, M.R. 30370 (June 4, 2020);

B. If there is no agreement on the taking of, or conditions under which, discovery or evidence depositions are to be taken, including, but not limited to, remotely, the motion judges shall have the discretion pursuant to Supreme Court Rule 201 to determine these issues, upon motion.

3.13 Pre-Trial Conferences:

A. The following motion judges are available for pre-trial conferences, conducted remotely, and can be contacted at the following email addresses:

Motion Call A:	Honorable James N. O'Hara	LAW.CALAcc@cookcountyil.gov
Motion Call B:	Honorable Daniel T. Gillespie	LAW.CALBcc@cookcountyil.gov
Motion Call C:	Honorable Melissa A. Durkin	LAW.CALCcc@cookcountyil.gov
Motion Call D:	Honorable Patricia O. Sheahan	LAW.CALDcc@cookcountyil.gov
Motion Call F:	Honorable Moira S. Johnson	LAW.CALFcc@cookcountyil.gov
Motion Call R:	Honorable Christophe E. Lawler	LAW.CALRcc@cookcountyil.gov
Motion Call X:	Honorable Brendan A. O'Brien	LAW.CALXcc@cookcountyil.gov
Motion Call Z:	Honorable Karen L. O'Malley	LAW.CALZcc@cookcountyil.gov
	Honorable Gerald V. Cleary	Gerald.Cleary@cookcountyil.gov
	Honorable Toya T. Harvey	Toya.Harvey@cookcountyil.gov

3.14 Information Contact:

A. Further information and answers to questions can be obtained by contacting the assigned motion calendar, or Motion Section Coordinator, Brian Robin, at (312) 813-1457. Voice mail messages will be checked regularly, and returned with the requested information, at the earliest possible time.

Section 4: Procedures Applicable to the Commercial Section Calendars I, N, Q, ST, U, W, & Y

Section 4 of General Administrative Order 20-6 is deleted in its entirety and replaced with the following:

4.1 Procedures regarding newly filed motions:

1. The attorneys upon electronically filing the motion will email a file stamped copy of the motion (contested, routine, etc.) to the Calendar's contact individual, either the Court's coordinator or law clerk, at the Calendar's email listed below. The movant should advise the Court if there is any objection to the motion.
2. Upon review of the motion the Court will determine if the motion can be addressed summarily (e.g. routine motions and special process server motions) or will require briefing.
3. If the parties wish a briefing schedule, the parties should include an agreed order consisting of the standard briefing schedule of 28 and 14 days or an agreed modified schedule. An un-filed agreed briefing schedule order should be sent with the initial motion to the coordinator or law clerk.
4. If the court determines it is a matter that does not require briefing, then the court will advise the parties of that determination.
5. The briefing schedule order shall contain a courtesy copy delivery date of 3 court days following the filing of the last brief (usually the reply brief).
6. The movant will provide all the briefs and exhibits to the court via email on the courtesy copy delivery date.
7. The court will provide a ruling or hearing date upon receipt of the full courtesy copy packet.

4.2 Previously Presented Motions:

For motions as to which the court has already entered a briefing schedule and clerk status, the parties should abide by the set schedule. Respondents on motions must email movant a copy of their briefs and exhibits on the date they file it. On the clerk status date, Movant must email copies of all briefs and exhibits to the court's coordinator or law clerk. Please include the following:

1. Subject line of the email should contain the case name, case number, and caption of the motion.

2. Movant must carbon copy (cc) all parties to the case on the email.

3. Attachments:

a. Briefs should be in Microsoft Word format.

b. Exhibits to the Briefs may be in Word format or pdf.

4.3 Agreed Orders:

The Court will enter agreed orders provided the following conditions are met:

If all the parties to a case agree that a particular order by the court will be of assistance in moving the proceedings forward (e.g. an agreed protective order), the parties may email a copy of the proposed order to the email address for the particular Calendar. All parties to the case must be cc'd.

4.4 Emergency Motions:

Any such motion shall be presented in like manner to other newly filed motions with the following additions:

a) The Court's coordinator or law clerk will notify the moving party the dates and times when the Court is available to hear the motion remotely.

b) The moving party shall inform counsel for the non-moving party of the Court's available dates and times. The parties shall coordinate a date and time to present the motion to the Court remotely. Once the parties agree on a date and time to present the emergency motion, the moving party shall immediately communicate to the Court through the coordinator or law clerk the date and time selected by the parties. In no event shall the date and time selected be less than 24 hours from when this information is communicated to the Court.

Any emergency motion must be presented to the Court remotely via telephonic conference call, video conference, Skype, Zoom or similar technology or service.

4.5 Discovery:

Parties must be flexible with regard to discovery. Gamesmanship, sharp practice and hardball tactics will not be tolerated. Parties should recognize that responses to interrogatories will likely be delayed and that social distancing may create difficulties in obtaining documents. The court will not entertain any discovery related motions that do not document full compliance with both the letter and spirit of Supreme Court Rule

201(k). The Court strongly encourages depositions be taken by telephonic or remote video means.

4.6 Remote Video Conferencing and Trials:

The Commercial Calendar Section has established a Uniform Video Conferencing Protocol to be used for bench trials and evidentiary hearings. [Insert link to protocol here]. Parties are encouraged to familiarize themselves with the protocol.

The Commercial Calendar Section has revised its Uniform Standing Order to reflect the changes in Court operations due to the COVID -19 pandemic. Parties and counsel are encouraged to review the revised order.

http://www.cookcountycourt.org/Portals/0/Law%20Divison/General%20Administrative%20Orders/20-06/Commercial_Calendar_Uniform_Order%20-%20GAO%2020-6.pdf?ver=2020-07-08-173206-740

4.7 Communications Directed to the Court:

Email is strongly preferred. Emails should be directed to the respective Commercial Calendar contact at the address listed. The email must cc all attorneys and self-represented litigants. If for some reason email is not an option, attorneys should phone the Commercial Calendar contact individual at the number listed below. Court staff is monitoring the Calendar voice mails.

4.8 Contact Individuals by Calendar:

Judge Margaret Brennan – Calendar N – Wanda Fleming at
LAW.CALncc@cookcountyil.gov or 312-603-4804. Zoom ID: 972-4167-2936

Zoom Password: 909053 Zoom Conference Call # 1-312-626-6799

Judge Thomas Mulroy, Jr. – Calendar I – Brianna Kwasek at
LAW.CALicc@cookcountyil.gov or 312-603-4266. Zoom meeting ID is 840 1630 6411
No password needed

Judge Michael Otto – Calendar U – Mark Miller at LAW.CALucc@cookcountyil.gov or
312-603-5941. Zoom ID: 973 8107 5278 Zoom Password: 386710

Judge Daniel Kubasiak – Calendar T – Annette Aponte at
LAW.CALtcc@cookcountyil.gov or 312-603-5930. Zoom ID: 913 6588 1682 Zoom
Password: 894316

Zoom Conference Call # 1-312-626-6799

Judge James Snyder – Calendar Y – Patricia Wisniewski at
LAW.CALycc@cookcountyil.gov or 312-603-5818. Zoom ID: 999 8063 6139

Zoom Password: 645477 Zoom Conference Call#: 1-312-626-6799

Judge Jerry Esrig – Calendar S – Marianne Meister at LAW.CALscc@cookcountyil.gov
or 312-603-5915. Zoom ID: 950 5322 1634 Zoom Password: 335113

Judge Patrick Sherlock – Calendar Q- Melissa Robbins at
LAW.CALqcc@cookcountyil.gov or 312-603-5902. Contact Melissa Robbins at
Melissa.Robbins@cookcountyil.gov for zoom information.

Judge Diane Shelley – Calendar W – Christine Marinakis at
LAW.CALwcc@cookcountyil.gov or 312-603-5940. Zoom Meeting ID: 921 0771 779
Zoom Password: 881878

Section 5: Procedure Applicable to the Tax & Miscellaneous Remedies Section Calendars 1, 3, and 5

Section 5 of General Administrative Order 20-6 is deleted in its entirety and replaced
with the following:

5.1 Handling Routine Matters Remotely for all Calendars

- a) The following matters are considered to be “Routine Matters.”
- Agreed extension order
 - Agreed briefing schedule order
 - Agreed dismissal order
 - Agreed turnover order
 - Agreed orders on other matters, if appropriate
 - Plaintiff’s motion to voluntarily dismiss or non-suit
 - Motion for leave to appear as attorney of record
 - Motion for substitution of counsel by stipulation
 - Motion to vacate a technical default
 - Motion for leave to add a new party
 - Motion for leave to amend a pleading
 - Motion for leave to file an answer or a responsive proceeding (with proposed pleading attached)
 - Plaintiff’s motion to dismiss a wage garnishment, a non-wage garnishment, a citation to discover assets, a third-party citation to discover assets
 - Plaintiff’s motion to dismiss a rule to show cause

- Plaintiff's motion to dismiss a body attachment order
- Motion to grant defendant/debtor's exemption claim
- Plaintiff's motion for entry of a memorandum of judgment
- Plaintiff's motion to vacate or dismiss a memorandum of judgment
- Satisfaction of judgment filed by the plaintiff/creditor
- Plaintiff's petition to revive a judgment
- Plaintiff's motion for the appointment of a special process server
- Plaintiff's motion for service by special order of the court under 735 ILCS 5/2-203.1
- Plaintiff's motion for the issuance of an alias rule to show cause
- Plaintiff's motion for the issuance of an alias citation to discover assets
- Plaintiff's motion for entry of a judgment by confession
- Motion to set a hearing on the immediate vesting of title
- Any other routine motion allowed under the April 1995 Law Division Motion Judge Rules

- b) All Routine Matters will be considered by the Court remotely, without requiring the parties to appear before the Court. The protocol for the presentation of a Routine Matter is as follows:
- i) The moving party shall e-file, notice, and serve the motion relating to the Routine Matter in the usual and customary manner and timetable prescribed by statute and court rules. However, in no event shall the Routine Matter be noticed for a date earlier than fourteen (14) days after the date on which the notice of motion and motion are filed.
 - ii) The notice of filing and motion shall include in the case caption the specific calendar to which the motion is directed (*i.e.* Calendar 1, Calendar 3, or Calendar 5).
 - iii) The motion shall be noticed on Monday through Thursday at the following times for the following Tax & Miscellaneous Remedies Court calls: Calendar 1—1:15PM; Calendar 3—9:15AM; Calendar 5—9:15AM. **No party shall appear in person for the presentation of the motion. The motion will be handled remotely.**
 - iv) **Within two days of filing, the moving party shall email a copy of the motion and proposed order to (a) all parties that have appeared and (b) the Court.** If a party has not yet appeared, the moving party shall send by U.S. First Class Mail a copy of the notice of filing, the motion, and the proposed order to all parties.
 - v) The moving party shall include in its notice of filing and motion (1) the appropriate Calendar Number for the case (*i.e.*, Calendar 1, 3, or 5), (2)

the name, email address, U.S. MAIL mailing address, and contact phone numbers (including cell phone numbers) for its counsel, (3) the names, email addresses, U.S. MAIL mailing addresses, and contact phone numbers (including cell phone numbers, if known) for all parties that have appeared in the case, and (4) the names and mailing addresses for all parties that have not appeared in the case. **The notice of filing shall further state that (1) no party shall appear in person in court for the presentation of the motion, (2) the motion will be handled by the Court without oral argument by either party, and (3) if the non-moving party objects to the motion or to the relief requested, that party must do so in writing under the procedure stated in Section 5(1)(d), below.**

- vi) All proposed agreed orders must contain on the face of the proposed agreed order the signature of each party or its counsel to reflect that party's agreement to the entry of the order. A typed name only, without an actual accompanying signature, does not satisfy this requirement.
- vii) The moving party shall email its notice of filing, motion, and proposed order to the Court Personnel for the appropriate Calendar at the email addresses listed below. In the event any party desires to have a follow-up communication with Court Personnel for a particular Calendar, the party should use the contact names, telephone numbers, and email addresses for that particular Calendar listed below.

Calendar 1 Court Personnel:

- **General email address:** LAW.CAL1cc@cookcountyil.gov
- **Clerk:** Lucy Ociepka (email: lzociepka@cookcountycourt.com; phone: 312-603-4467)
- **Law Clerk:** Erik-Jan Hassell (email: erikjan.hassell@cookcountyil.gov)

Calendar 3 Court Personnel:

- **General email address:** LAW.CAL3cc@cookcountyil.gov
- **Clerk:** Kim Stovall (email: kdstovall@cookcountycourt.com; phone: 312-603-4347)
- **Court Coordinator:** Ann Ostrowski (phone: 312-603-5533)
- **Law Clerk:** Conrad Foreman (email: conradc.foreman@cookcountyil.gov)

Calendar 5 Court Personnel:

- **General email address:** LAWCAL5cc@cookcountyil.gov
 - **Clerk:** Anohki Patel (email: ajpatel@cookcountycourt.com) phone 312-603-4466)
 - **Court Coordinator:** Ann Ostrowski (email: ann.ostrowski@cookcountyil.gov; phone: 312-603-5533)
 - **Law Clerk:** Isabella Janusz (email: isabella.janusz@cookcountyil.gov)
- c) If the Court concludes that the relief requested for the Routine Matter is adequately supported and appropriate, (a) the Court will sign the Order, (b) the Clerk will enter the Order, and (c) the appropriate Court Personnel will transmit a copy of the signed and entered Order to all counsel and parties at the email or street addresses provided by the moving party.
- d) In the event a non-moving party objects to the motion or to the relief requested, that party **shall file and serve via email on the movant and the Court** an objection to the motion. The objection must be filed and served no later than two business days before the scheduled court date. In the event an objection to the motion is made, the Court will defer ruling on the motion and will set the matter on the Court's Contested Matter call on another date (see Sections 5.3 and 5.4, below).
- e) In all email communications to Court Personnel, the party initiating the email communication shall include as email recipients all other parties to the case.

5.2 Briefing Schedule and Brief Requirements on all Contested and Fully-Briefed Motions for all Calendars

The following constitutes the briefing requirements for all contested motions:

- a) Absent other court order, the briefing schedule on any contested motion is as follows: (i) the Respondent's brief is due 28 days after the motion filing date and (ii) the Movant's Reply is due 14 days thereafter.
- b) Absent other court order, (i) the Movant's opening brief shall not exceed 15 pages in length, (ii) the Respondent's response brief shall not exceed 15 pages in length, and (iii) the Movant's reply brief shall not exceed 15 pages in length.
- c) There is no limit to the number of pages of exhibits that the parties may append to their briefs.

- d) Within three business days after the last brief is filed, the movant shall supply the Court with courtesy copies of all briefs, exhibits, and other materials filed by the parties. The briefs shall be supplied to the Court in accordance with Section 5.4, below.

5.3 Contested Motions and Return Dates for All Calendars

- a) The following details the manner in which (i) contested motions will be handled by all Calendars and (ii) returns of citations to discover assets (735 ILCS 5/2-1402) and garnishment proceedings (735 ILCS 5/12-701 et seq.) will be handled by Calendar 5 (collectively "Contested Matters"):
 - b) All of the Contested Matters that historically have been presented to the Court in-person will be presented to the Court remotely via video conference under this Order. **No party shall appear in person for the presentation of a Contested Matter.**
 - c) The moving party shall e-file, notice, and serve the Contested Matter in the usual and customary manner and timetable prescribed by statute and court rules. However, in no event shall the Contested Matter be noticed for a date earlier than fourteen (14) days after the date on which the Contested Matter was filed.
 - d) A party may notice any Calendar 1 Contested Matter for initial presentation to the Court on Monday through Thursday afternoons. A party may notice a Calendar 3 or Calendar 5 Contested Matter for initial presentation to the Court on Monday through Thursday mornings.
 - i) Calendar 1 Contested Matters will be heard at 1:30PM on Monday through Thursday.
 - ii) Calendar 3 Contested Matters will be heard at 9:30AM on Monday through Thursday.
 - iii) Calendar 5 Contested Matters will be heard at 9:30AM, 10:00AM, and 10:30AM on Monday through Thursday. The Court will hear up to six (6) Contested Matters every half-hour for three (3) half-hour time slots each day (for a total of 18 Contested Matters that may be heard each day). When a party files its Calendar 5 Contested Matter, the Clerk of the Court will assign the appropriate time slot for the date selected, filling the first six time slots available that day, then the next six time slots available that day, and then the final six time slots available.

- e) The party presenting the Contested Matter shall use the following Zoom information to access the Court hearing on the date when the Contested Matter will be presented to the Court:
- **Calendar 1:** Zoom ID No. **910 7017 4846**; Password: **917553**
 - **Calendar 3:** Zoom ID No. **980 2962 2696**; Password: **138444**
 - **Calendar 5:** Zoom ID No. **967 3454 1119**; Password: **268697**
- f) The party presenting the Contested Matter shall serve a **“Notice of Remotely Conducted Proceedings”** on (1) the non-moving party, (2) any other party of record, and (3) any other respondent or potential adverse claimant to a citation or garnishment summons.
- g) The Notice of Remotely Conducted Proceedings shall communicate the following information to the non-moving party, other party of record, or other respondent or potential adverse claimant:
- i) The case name, case number, and Calendar number.
 - ii) The date and time when the Contested Matter will be heard by the Court.
 - iii) The moving party’s or its counsel’s name, firm name, email address, office phone number, and cell phone number.
 - iv) The Zoom conference log-in information.
 - v) The statement that the initial hearing on the motion, citation, or garnishment proceeding **will not be conducted in person in the Daley Center on the date and time stated**. Instead, the matter will be handled remotely, through **zoom.com**, a video conference service.
 - vi) The statement that the non-moving party or other respondent shall not physically appear in the Daley Center on the date and time stated.
 - vii) The email address for the appropriate Calendar Court Personnel (Calendar 1, 3 or 5) detailed in Section 5.1(b)(vii).
 - viii) The statement that in the event the non-moving party or other respondent fails to appear during the remotely conducted hearing, the Court may enter an order that adversely affects the interests of the non-moving party or other respondent.

5.4 The Moving Party's Obligation to Supply Courtesy Copies to the Court of Any Contested Matter in Advance of the First Presentment Date

- a) A moving party presenting a Contested Matter to the Court shall supply the following courtesy copies to the Court at least five (5) business days before the scheduled presentation date for the Contested Matter:
- b) For Calendar 1 and Calendar 3, courtesy copies of the following documents are needed:
 - A copy of the movant's filing;
 - The proof of service or the certificate of service (whichever is applicable); and
 - The notice of remotely conducted proceedings
- c) The courtesy copies for Calendar 1 shall be supplied to the Court in the following manner: (i) if fewer than 20 pages total, via email to LAW.CAL1cc@cookcountyil.gov and (ii) if more than 20 pages total, via email to LAW.CAL1cc@cookcountyil.gov and by delivery to the courtesy copy basket located outside Courtroom 2505 in the Daley Center.
- d) The courtesy copies for Calendar 3 shall be supplied to the Court in the following manner: regardless of the number of pages, via email to conradc.foreman@cookcountyil.gov and to LAW.CAL3cc@cookcountyil.gov.
- e) For Calendar 5 courtesy copies, the following documents are needed:
 - ***For a citation to discover assets to the defendant/debtor:*** the citation; the notice of citation to the defendant/debtor; the proof of service on the defendant/debtor; and the notice of the remotely conducted proceedings.
 - ***For a citation to discover assets (or garnishment summons) to a third party:*** the citation; the notice of citation/garnishment to the defendant/debtor (including the signed certificate by the plaintiff/creditor that the third-party citation was mailed to the defendant/debtor within three business days after service on the third party); the proof of service on the third party; the answer, if any, by the third party; and the notice of remotely conducted proceedings.
 - ***For a rule to show cause:*** the citation; the proof of service of the citation; the notice of the citation; the proof of service on the party against whom the plaintiff

is seeking a rule to show cause; and the notice of remotely conducted proceedings.

- ***For a turnover order for property held by a third party:*** the citation; the notice of the citation to the third party, the defendant/debtor, and any potential adverse claimant; the third party's answer; and the notice of remotely conducted proceedings to the third party, the debtor/defendant, and any potential adverse claimant.
 - ***For a motion for a body attachment order:*** the rule to show cause; the proof of service of the rule to show cause; and the notice of remotely conducted proceedings.
 - ***For all other motions up for presentation on the first date:*** the motion; the proof of service or certificate of service (whichever is applicable); and the notice of remotely conducted proceedings.
- f) The courtesy copies for Calendar 5 shall be supplied to the Court in the following manner:
- i) if fewer than 20 pages total, via email to ann.ostrowski@cookcountyil.gov;
 - ii) if more than 20 pages total, either via delivery to the courtesy copy basket located outside of Courtroom 2503 of the Daley Center or to the following address: Judge Patrick Heneghan; c/o UPS Store; Box 390; 2516 Waukegan Road; Glenview, IL 60025.

5.5 Zoom Credentials for All Calendars for Matters Other Than Contested Matters

Zoom credentials for matters other than Contested Matters will be set by special order of the Court for each Calendar. For those Zoom credentials, please contact the Court Personnel identified in section 5.1(b)(vii), above.

5.7 Parties Are Encouraged to Complete and File Status Reports

- a) All cases that had been scheduled for a case status conference between March 17, 2020 and December 31, 2020 automatically received a new case status date commencing sometime after January 4, 2021. The parties are advised to check the electronic docket of the Clerk of the Circuit Court for each such case to determine the new continued status date.

- b) Before the date when the case will next be heard by the Court, the Parties are encouraged to jointly file with the Clerk and email to the appropriate Calendar Court Personnel a copy of the completed T&MRS Joint Status Report at least five (5) business days before the case will next be heard by the Court. The form Joint Status Report may be found on the Law Division page of the website for the Circuit Court of Cook County.

5.8 Emergency Motions

Emergency motions for each Calendar in the T&MRS Section shall be handled in the following manner:

- a) All such motions will be handled remotely, via Zoom hearing. **No party or person shall appear in person for the presentation of the motion.**
- b) The movant shall file the Emergency Motion and immediately send a courtesy copy to the appropriate Calendar Court Personnel identified in section 5.1(b)(vii), above. The Emergency Motion must contain the following information: the Calendar number to which the case is assigned; the names of the counsel for each party or interested person, if known; and the email addresses and cell phone numbers for each counsel, if known.
- c) Immediately after filing the Emergency Motion, the moving party shall contact the defendant and any other party/person that has an interest in the outcome of the Emergency Motion and (a) electronically send a copy of all material filed with the Court; (b) advise the defendant and other party/person of the filing of the Emergency Motion, and (c) solicit their availability to appear before the Court for the presentation of the Emergency Motion.
- d) In the event the defendant and other party/person agree on a date when the Emergency Motion may be presented to the Court, the moving party shall contact the Court Personnel identified in Section 5.1(b)(vii), above, via email (cc'ing the defendant and all other interested parties and persons) and advise the Court Personnel about the parties' and other persons' availability to appear before the Court for the presentation of the Emergency Motion. The Court Personnel will endeavor to select a date and time for the Court to hear the Emergency Motion that can accommodate all interested parties and persons.
- e) In the event the defendant and other party/person do not agree on a date when the Emergency Motion may be presented before the Court, the moving party may contact the Court Personnel via email (cc'ing the defendant and all other interested parties and persons) and seek a date when the Emergency Motion may be heard. The Court Personnel will then endeavor to select a date and time

for the Court to hear the Emergency Motion that can accommodate all interested parties and persons.

- f) Absent unusual circumstances, the Court will not set the hearing date and time on any such Emergency Motion earlier than two (2) business days after the moving party has (a) filed the Emergency Motion, (b) contacted the Court and requested a date to present its Emergency Motion, and (c) contacted the defendant and any other party/person who may have an interest in the outcome of the Emergency Motion.
- g) The moving party shall supply via email the Court, the defendant, and any other interested party/person with its Emergency Motion and other supporting papers as soon as practicable coincident with the filing of the Emergency Motion. The defendant and any other interested party/person may file responsive pleadings with the Court via email to the Court Personnel identified in section 5.1(b)(vii), above.
- h) In the event the Court entertains the Emergency Motion, the Court Personnel will provide the moving party and, if known, the defendant and any other interested person/party, with the Zoom credentials for the remote hearing for the date on which the Emergency Motion will be presented to the Court. The moving party also shall make its best efforts to supply said Zoom information to the defendant and all interested persons.

5.9 Motions and Petitions for Replevin and Attachment Orders

- a) Plaintiffs seeking replevin and attachment orders may do so by presenting their motions as Routine Matters pursuant to Section 5.1. In the event the movant requires a shorter time for presentation than the fourteen (14) days specified in Section 5.1, the movant may make an *ex parte* request for an Emergency Motion pursuant to Section 5.6.
- b) If the movant is bringing an *ex parte* motion or petition pursuant to statute, the movant may dispense with the notice provisions set forth in Sections 5.1 and 5.6, but the movant must comply with statutory notice (and other) requirements.
- c) Nothing in this section shall be construed as granting leave to any plaintiff to avoid compliance with any statutory requirement for obtaining replevin or attachment orders.

Section 6: Individual Calendar “J” – Judge Ronald Bartkowicz

6.1 Jury Cases set for Trial:

Pursuant to Section 1.3 of this order all jury cases set for trial from March 17, 2020 through **June 30, 2021** are converted to “Trial Setting” dates and the setting of jury cases for trial is suspended until further order of court.

6.2 Non-Jury Cases set for Trial:

Pursuant to Section 1.4 of this order non-jury cases set for trial between March 17, 2020 and June 30, 2021 will be reset. All parties of record will receive electronic or postcard notice providing the date, time and manner of court call setting new non-jury trial dates.

Non-jury cases set for trial after July 6, 2020 may proceed and will be conducted remotely using Zoom or other remote video method..

If the only way to conduct a non-jury trial is by having an in-person or combination in-person/remote proceeding, the non-jury trial would then be conducted with proper social distancing and safety standards applied.

Please note that any case currently set for jury trial where the parties agree to waive the jury, an agreed motion may be presented pursuant to Section 6.4 of this order and the case will be scheduled for non-jury trial.

6.3 Court Dates and Case Management:

The court will begin contacting all parties of record on all cases, beginning with the oldest pending cases to conduct a remote proceeding that will allow for the entry of a case management order on each case.

6.4 Regular Motions:

Shall include, but not be limited to motions addressed to jurisdiction, validity and/or diligence of service of process, sufficiency of pleadings and exhibits, discovery, involuntary dismissal, objections, privileges, in camera inspections, etc.

All motions shall be emailed to LAW.CALJcc@cookcountyil.gov with copies emailed to all

parties of record. Upon receipt of the motion the court will determine if the motion can be ruled on summarily or will require briefing.

If briefing is required, the parties can agree to a briefing schedule, or the court will enter one. The court will determine if oral argument is needed, and if needed, the court will schedule a remote hearing, using video or teleconference platforms. Notice to all parties and counsel of record and public access information shall be provided by the court. If an in-person hearing is the only way to provide access to the court, the in-person hearing will be conducted with proper social distancing and safety standards applied.

6.5 Emergency Motions:

Emergency motions shall include, but not be limited to: adding parties or filing pleadings (e.g., additional party complaints) prior to the expiration of a statute of limitations, orders for preservation of evidence. Motions which do not constitute valid emergencies will be stricken. Motions to extend discovery dates already reset pursuant to Section I, *supra*, do not constitute emergency motions and must not be presented. Notice shall be provided to all counsel of record.

6.6 Scheduling Emergency Motions:

To schedule an emergency motion for Individual Calendar "J" the movant should email Nicolas Ospina, Law Clerk at : LAW.CALJcc@cookcountyl.gov and attach a courtesy copy of the emergency motion and a copy of the emergency notice of motion.

The court will review the motion to determine if a valid emergency exists. If it is determined that a valid emergency exists the court will schedule a remote hearing by telephone or video within 24 hours of presentment of the motion.

If the court determines the motion is not a valid emergency, the court will inform the movant and will instruct the movant to notify all parties that it will not be heard.

6.7 Notice of Emergency Motions:

All emergency motions should be noticed for 10:00 A.M. for remote hearing and should be noticed a minimum of twenty-four (24) hours in advance of presentation, except for good cause shown.

6.8 Routine Motions:

Routine motions shall include, but not be limited to: motions for special process servers, substitutions of attorneys, leave to vacate technical defaults, leave to appear, answer, plead, leave to intervene on behalf of a worker's compensation carrier or public body claiming a lien, and fully executed HIPAA orders. Notice shall be provided to all counsel of record.

6.9 Presenting a Routine Motion:

Routine motions shall be emailed to: Nicolas Ospina, Law Clerk at LAW.CALJcc@cookcountyil.gov with notice provided to all counsel of record.

6.10 Agreed Orders:

Copies of the agreed order should be emailed to: Nicolas Ospina, Law Clerk at LAW.CALJcc@cookcountyil.gov

6.11 Contact Information:

Individual Calendar "J": (312) 603-2357

Please leave a detailed voicemail message if there is no answer, all calls will be returned as promptly as possible.

Section 7: Trial Section:

7.1 Cases Assigned pursuant to General Administrative Order 16-4 (Random Assignment of Complex Cases):

All cases that had been assigned for trial pursuant to Law Division General Administrative order 16-4 (Random Assignment of Complex Cases for Trial) that had trial dates between March 17, 2020 and **June 30, 2021** will have those trial dates converted to trial setting date pursuant to Section 1.3 of this order (Jury Cases Set For Trial)

Any case in which a mistrial was granted and the case was retained by the originally assigned trial judge and reset for trial between March 17, 2020 and December 31, 2020 will have those trial dates converted to trial setting dates pursuant to Section 1.3 of this order (Jury Cases Set for Trial)

By virtue of this order, all cases impacted by the above provisions shall have the original assignment converted to an assignment for all purposes including trial to the trial judge originally assigned the case for trial. That assignment for all purposes shall include all discovery matters and the hearing of all motions and the setting of a new trial date.

- Please note that all cases impacted by this order should expect to have a trial date set within 30 days of the trial setting date, assuming normal court operations have resumed as provided in Section 1.3 of this order (Jury Cases Set For Trial)
- The trial judges impacted by this order will be contacting all parties of record on all applicable cases and establishing protocols for remotely addressing all outstanding issues related to each case.
- For any additional information relating to the cases impacted by this order email James Maher at james.maher@cookcountyl.gov make sure that all parties of record are copied on any correspondences submitted.

7.2 Assignment of Cases for Mandatory Pre – Trials and Active Case Management:

(This section updates and supersedes Law Division General Administrative Order 20-8)

All cases set for jury trial in Courtroom 2005 from March 17, 2020 through March 31, 2021, shall have mandatory pre-trials conducted by the assigned Active Case Management judge. The parties may not agree to conduct the pre-trial before any other judge.

Cases previously set for trial, and transferred for pre-trial prior to the entry of Law Division General Administrative Order 20-7 on August 26, 2020, shall remain before the agreed upon judge for pre-trial only.

IT IS FURTHER ORDERED:

All additional pending cases, set for jury trial in Courtroom 2005 between March 17, 2020 and ***March 31, 2021***, and not previously assigned for Active Case Management pursuant to Law Division General Administrative Order 20-6, Section 7.2, shall be randomly assigned for Active Case Management and mandatory pre-trial conferences, per Law Division General Administrative Order 10-3, and Law Division General Administrative

Order 20-7.

Judges identified in Section 7.6 *of this order* shall be randomly assigned cases currently pending in the Motion Section of the Law Division.

All parties of record will receive electronic or postcard notice of the reassignment and the reassignment will be reflected on the Clerk of the Circuit Court's electronic docket, on or before **January 15, 2021**.

Upon receipt of the notice of reassignment, the plaintiff's attorney (or the plaintiff, if self-represented), shall email the assigned judge a service list, **copied to all parties of record**, that contains the email addresses of all parties and attorneys of record. If a party does not have an email address, a telephone contact number shall be provided.

Service lists shall be emailed to the assigned judge at the email address listed in Section 7.6 of this order, within five (5) business days of receipt of notice of reassignment.

The assigned judge will schedule a remote status conference, by video or teleconference, within fifteen (15) business days of receiving the service list.

In-person proceedings shall be conducted pursuant to Section 1.1 of this order.

Any CMC scheduling order, previously entered by the Motion Judge, per Section 3.11 of this order, shall remain in full force and effect.

Cases which do **NOT** have a CMC scheduling order previously entered per Section 3.11 of this order, shall have discovery schedules and deadlines set. Discovery shall be completed and the case shall be certified for trial on or before **June 30, 2021**, per Law Division General Administrative Order 10-3, Section A (6).

The discovery completion deadline of December 31, 2020, shall remain in full force and effect, in cases previously assigned for Active Case Management, pursuant to Law Division General Administrative Order 20-6.

The discovery completion deadline of March 31, 2021, shall remain in full force and effect, in cases previously assigned for Active Case Management, pursuant to Law Division General Administrative Order 20-8.

Any motion to modify or extend the discovery completion deadline must be presented to the Presiding Judge of the Law Division in the method described in Section 2.6 of this order.

The Presiding Judge of the Law Division has the sole discretion *to extend the discovery completion deadline* beyond December 31, 2020, in cases previously reassigned per Law Division General Administrative Order 20-6, Section 7.2 as well as the March 31, 2021 *discovery completion deadline* for those cases reassigned by *General Administrative Order 20-8 and the June 30, 2021 discovery completion deadline for those cases reassigned by this order.*

Motions to extend the discovery completion deadline shall contain the name of the assigned Active Case Management Judge when presented. The Presiding Judge will only rule on extending the final discovery completion deadline. Specific discovery deadlines will be addressed by the assigned Active Case Management Judge. The Presiding Judge will not enter a specific discovery schedule.

Once the discovery completion deadline has been extended, the assigned Active Case Management Judge should complete discovery within the time allotted by the extension.

For cases in which all discovery has been completed: the assigned Active Case Management Judge will enter an order indicating that all discovery is completed and closed, and the case is certified for trial.

The assigned Active Case Management Judge will then set a status date approximately 90 days from date of trial certification and retain jurisdiction for that period to address any issues that may arise.

The provisions in Sections 7.3 and 7.4 *of this order* shall apply to those cases reassigned pursuant to this order.

Please note: The mandatory pre-trial of cases shall involve a good-faith effort by all parties to resolve cases, which would have already been resolved, had their trials been conducted.

The resolution of cases will ease the backlog of jury trials when they resume, and will provide closure to those litigants who were denied the jury trial process by the pandemic.

In cases where a pre-trial will likely resolve the case, the parties shall so inform the assigned judge, so the pre-trial can be conducted as expeditiously as possible.

Each judge identified in Section 7.6 of this order shall be randomly assigned cases currently pending in the Motion Section of the Law Division.

7.3 Conversion of an Assigned Non-Jury Case in Section 7.2 into an All Purpose Assignment, including Trial:

If all parties agree, including the assigned judge, to have a non-jury trial proceed before the assigned judge the parties may submit an agreed order to the Presiding Judge in the method described in Section 2.11 of this order.

This would include any case in which the parties agree to waive their right to a Jury Trial to effectuate the assignment for trial.

The only stipulation is that the trial must be completed prior to **June 30, 2021** using the methods described in Section 1.4 of this order.

7.4 Conversion of an Assigned Jury Case in Section 7.2 to an All Purpose Assignment, Including Trial

For extremely complex cases as defined in Law Division General Administrative Order 91-4 Section 1.4(a): The parties, by agreement, may present a motion before the Presiding Judge of the Law Division in the method described in Section 2.6 of this order to have a Jury case assigned in advance for trial.

This type of assignment would be used on a very limited basis and would be done in such a way that would provide priority to those cases set for trial beginning on March 17, 2020.

The Presiding Judge would weigh the parties request against providing access to justice to those Jury Cases waiting the longest for trial to resolve the litigation.

7.5 Pre Trials:

For those cases transferred for pre-trial to be conducted remotely by agreed technological process please use the contact information in Section 7.6 of this order to schedule the pre-trial.

7.6 Judges Contact Information:

For those cases assigned pursuant to Section 7.2 of this order or transferred pursuant to Section 7.5 of this order, the judges contact information is listed below:

JUDGE JANET BROSNAHAN	janet.brosnahan@cookcountyl.gov
JUDGE ELIZABETH BUDZINSKI	embudzinski@gmail.com
JUDGE JOHN CALLAHAN	jackcal5@yahoo.com
JUDGE GERALD CLEARY	Gerald.cleary@cookcountyl.gov
JUDGE ISRAEL DESIERTO	Israel.desierto@cookcountyl.gov
JUDGE ANN COLLINS-DOLE	anncollinsdole@gmail.com
JUDGE THOMAS DONNELLY	thomas.donnely@cookcountyl.gov
JUDGE EDWARD HARMENING	edwardharmening@gmail.com
JUDGE TOYA HARVEY	toya.harvey@cookcountyl.gov
JUDGE ARNETTE HUBBARD	arnette.hubbard@cookcountyl.gov
JUDGE BRIDGET HUGHES	bridget.hughes@cookcountyl.gov
JUDGE CASANDRA LEWIS	casandra.lewis@cookcountyl.gov
JUDGE DANIEL LYNCH	daniel.lynch@cookcountyl.gov
JUDGE THOMAS LYONS	tomvlyons@gmail.com

JUDGE MARCIA MARAS	marciamaras78@gmail.com
JUDGE MARY MINELLA	mary.minella@cookcountyil.gov
JUDGE BRIDGET MITCHELL	jbridgetmitchell@gmail.com
JUDGE JOAN POWELL	joanepowell22@gmail.com
JUDGE LORNA PROPES	judgepropes@gmail.com
JUDGE MARGUERITE QUINN	judgequinn1610@gmail.com
JUDGE SANDRA RAMOS	judgesgramos@gmail.com
JUDGE MARY ROBERTS	mary.roberts@cookcountyil.gov
JUDGE ROBERT SENECHALLE	robert.senechalle@cookcountyil.gov
JUDGE MAURA SLATTERY-BOYLE	maura.slatteryboyle@cookcountyil.gov
JUDGE IRWIN SOLGANICK	judgeirv@yahoo.com
JUDGE RENA VAN TINE	rena.vantine@cookcountyil.gov
JUDGE JAMES VARGA	james.varga@cookcountyil.gov
JUDGE GREGORY WOJKOWSKI	gjwojko713@gmail.com

Section 8: Asbestos Calendar J1

Asbestos Calendar J1 is excluded from this order and has its own controlling Administrative Order.

Section 9: Law Division Cases Pending in Municipal Districts 2,3,4,5 and 6

All Law Division cases pending in the Municipal Districts shall be excluded from this

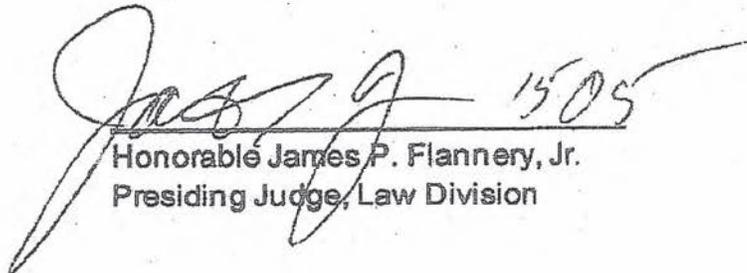
order and shall be controlled by the procedures established by the Presiding Judge of the relevant district.

Section 10: Law Division Commercial Arbitration

All Mandatory Arbitration hearings, including those previously scheduled, shall be held only by videoconference.

Entered:

11/12/20
1505
Circuit Court-1505

 1505

Honorable James P. Flannery, Jr.
Presiding Judge, Law Division

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION
GENERAL ADMINISTRATIVE ORDER 22-2
CASE MANAGEMENT ORDER AMENDMENTS

Pursuant to Illinois Supreme Court Order of March 25, 2022, *In Re Time Standards for Case Closure in Illinois Trial Courts*, M.R. 31228, time standards for civil cases over \$50,000 (over \$30,000 in Cook County) in requested damages are implemented.

The Time Standards require that 75% of cases be completed in 18 months; 90% be completed in 24 months, and 98 % be completed in 36 months. Completion is defined as a final order or judgment.

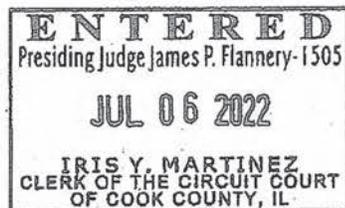
The Time Standards apply to all cases filed on and after January 1, 2022.

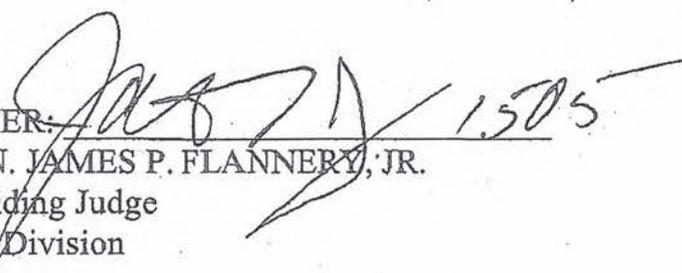
The Case Management Orders for Category 1 and Category 2 cases on Motion Calendars A, B, C, D, E, F, H, R, X, and Z have been amended to ensure compliance with the Time Standards: Category 1 cases will have a 15-month order, and Category 2 cases will have a 26-month order.

All previous versions of Motion Section Case Management Orders are not approved for use, and shall not be utilized or submitted for entry.

IT IS HEREBY ORDERED that this Order is entered July 6, 2022, and will be spread upon the records of the Court.

Dated at Chicago, Illinois, this 6th day of July, 2022.



ENTER:  1505
HON. JAMES P. FLANNERY, JR.
Presiding Judge
Law Division

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

Plaintiff(s),)	
)	
v.	)	No. _____
)	
Defendant(s).	)	Motion Call _____
)	

CASE MANAGEMENT ORDER – CATEGORY 1 CASES

- The intent of this order is for the parties to complete all discovery and for the court to rule on all dispositive motions within **15 months** following the filing of the complaint.
- This order **does not alter** the application of Illinois Supreme Court Rule 218 – **the 60-day rule.**
- **Fill in all blanks.**

	<u>Months after Complaint filed</u>	<u>Date</u>
Service of process achieved, responsive pleadings filed, treaters' list with names and addresses sent, HIPPA order entered, Rule 213(f)(1), (f)(2), (f)(3) & Rule 214 written discovery issued no later than	2	_____
Rule 213(f)(1), (f)(2), & Rule 214 written discovery completed no later than	5	_____
Rule 213(f)(2) subpoenas issued no later than	6	_____
Rule 213(f)(1) depositions completed no later than	7	_____
Interim CMC @ _____ M.	7	_____
Rule 213(f)(2) depositions completed no later than	9	_____
Dispositive motions filed and Rule 215 & 216 discovery completed no later than	10	_____
Rule 213(f)(3) disclosures completed no later than Rule	11	_____
213(f)(3) depositions completed no later than	13	_____
Case management for trial certification at _____ a.m.	15	_____

FAILURE OF ANY PARTY TO COMPLY WITH THIS CMC ORDER WILL BE A BASIS FOR SCR 219(C) SANCTIONS. FAILURE OF ANY PARTY TO ENFORCE THIS CMC ORDER WILL CONSTITUTE A WAIVER OF SUCH DISCOVERY BY THAT PARTY.

ENTERED:

Circuit Court Judge

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

Plaintiff(s),)	
)	
v.	)	No. _____
)	
Defendant(s).	)	Motion Call _____
)	

CASE MANAGEMENT ORDER – CATEGORY 2 CASES

- The intent of this order is for the parties to complete all discovery and for the court to rule on all dispositive motions within **26 months** following the filing of the complaint.
- This order **does not** alter the application of Illinois Supreme Court Rule 218 – **the 60-day rule.**
- **Fill in all blanks.**

	<u>Months after Complaint filed</u>	<u>Date</u>
Service of process achieved, responsive pleadings filed, treaters' list with names and addresses sent, audit trail produced, HIPPA order entered, Rule 213(f)(1), (f)(2), (f)(3) & Rule 214 written discovery issued no later than	3	_____
Rule 213(f)(1), (f)(2), & Rule 214 written discovery completed no later than	6	_____
Rule 213(f)(2) subpoenas issued no later than	8	_____
Rule 213(f)(1) depositions completed no later than	12	_____
Interim CMC @ _____ M.	12	_____
Rule 213(f)(2) depositions completed no later than	15	_____
Dispositive motions filed and Rule 215 & 216 discovery completed no later than	16	_____
Rule 213(f)(3) disclosures completed no later than	19	_____
Rule 213(f)(3) depositions completed no later than	24	_____
Case management for trial certification at _____ a.m.	26	_____

FAILURE OF ANY PARTY TO COMPLY WITH THIS CMC ORDER WILL BE A BASIS FOR SCR 219(C) SANCTIONS. FAILURE OF ANY PARTY TO ENFORCE THIS CMC ORDER WILL CONSTITUTE A WAIVER OF SUCH DISCOVERY BY THAT PARTY.

ENTERED:

Circuit Court Judge

LAW DIVISION FAQs

- What is the phone number for Courtroom 2005?
 - 312-603-6343
- What is the email address for Courtroom 2005?
 - law.cal2005cc@cookcountyil.gov
- Daley Center Directory/Information
 - <http://thedaleycenter.com/>
 - <https://www.illinoiscourts.gov/courts-directory/76/Cook-County-Richard-J-Daley-Center/court/>
- What is the number for the Clerk's Office?
 - Clerk of the Circuit Court: 312-603-5030
 - Law Division Clerk of the Circuit Court: 312-603-5426
- Who do I call if I have a question about **e-filing**?
 - Clerk's Office at either of the numbers listed above
- Who do I call to get information about a **foreign subpoena**?
 - Law Division Clerk of the Circuit Court at 312-603-5426
 - Refer to: [Issue an Out-Of-State Subpoena in Cook County, IL's Law Division - E-Filing Help \(efilinghelp.com\)](#)

- How do I get a copy of my order?
 - Go to <https://cccportal.cookcountyclerkofcourt.org/CCCPortal/home/>
 - Call the Clerk's office at 312-603-5426

- Are hearings in person or remote?
 - All hearings in **Courtroom 2005** are in person
 - For hearings NOT in Courtroom 2005: Contact your calendar judge to confirm if the hearing is in person or on Zoom

- Where can I find Zoom information?
 - *Courtroom 2005 no longer uses Zoom, but for judges that do use Zoom, the Zoom meeting information can be found here:*
 - Go to cookcountycourt.org
 - At the top right of the webpage, you will find "Zoom Links"
 - Click on Daley Center – Law Division
 - <https://www.cookcountycourt.org/HOME/Zoom-Links>
 - If you don't know if your hearing is in-person or on Zoom, contact your calendar judge via email or by calling the chambers

- *For Courtroom 2005 only:* If I can't come in person, can I attend via Zoom?
 - No – Room 2005 no longer utilizes Zoom and there is no option to appear remotely via Zoom

- How do I find the General Administrative Orders (GAO)?
 - Go to cookcountycourt.org
 - Hover cursor over FOR ATTORNEYS / LITIGANTS
 - Click on LAW DIVISION
 - Click on Administrative Orders in the center of the page
 - *Note that the most recent GAO is General Administrative Order 22-3 – Amendment to Law Division General Administrative Order 21-1, Section 1.11 Newly Filed Motions (All Sections)*

- How do I schedule my motion?
 - *For Courtroom 2005 only:* File the motion using the E-file/Odyssey System and schedule for an in-person hearing on “Calendar M1”
 - *Note Calendar M1 is Motion Call 1 in Room 2005 and is NOT the First Municipal District*
 - See GAO 22-3
 - *For Commercial Calendar, Motion Section, Individual Calendar Section, Tax & Miscellaneous Remedies Calendar, and Trial Section:* Follow the protocols in GAO 22-3, contact the judge, or refer to the judge’s standing order

- What is the procedure for bringing an emergency motion in Courtroom 2005?
 - E-File as an “Emergency Motion”
 - Select the option “DO NOT SCHEDULE”
 - Do not schedule a hearing date for emergency motions

- Email a copy of the emergency motion to law.cal2005cc@cookcountyil.gov (with all parties of record cc'd)
- The Court will provide a hearing date
- What is the protocol for courtesy copies?
 - *For Courtroom 2005 only:*
 - 15 pages and under: email courtesy copies to law.cal2005cc@cookcountyil.gov
 - Over 15 pages: deliver courtesy copies to Room 2003 (located next to Room 2005)
- What do I put on the Notice of Motion?
 - *For regular motions in Courtroom 2005:* Input the date on which the motion was scheduled
 - Example:
On [DATE] at 10:30 AM I shall appear before the Honorable Judge Flannery or any Judge sitting in the Judge's stead in the courtroom usually occupied by him located in Room 2005.
 - *For emergency motions in Courtroom 2005:* Do NOT put a date for a hearing as the Court will provide a date for the in-person hearing
 - Follow the example below:
On [DATE] at [TIME] I shall electronically submit the attached [MOTION] to the Honorable James P. Flannery via email address:
LAW.CAL2005cc@cookcountyil.gov.

- How do I appoint a special administrator/special representative?
 - Petition to Appoint a Special Administrator/Special Representative is a routine motion that should be brought in Courtroom 2005
 - Refer to the Special Administrator Requirements:
 - Go to cookcountycourt.org
 - Hover cursor over ABOUT THE COURT
 - Click on Judge's Information
 - On the right hand side, under Divisions, click on Law
 - Click on Judge Flannery
 - Click on Standing Orders

- How do I file a case under seal or using a fictitious name?
 - Petition to File Under Seal/Using a Fictitious Name is a routine motion that should be brought in Courtroom 2005
 - Refer to the Fictitious Name Requirements:
 - Go to cookcountycourt.org
 - Hover cursor over ABOUT THE COURT
 - Click on Judge's Information
 - On the right hand side, under Divisions, click on Law
 - Click on Judge Flannery
 - Click on Standing Orders

- How do I contact a Judge or Judge's clerk in the Law Division to find out information about my case/motion?
 - Email the calendar email address

- Call the Judge's chambers and leave a detailed message
- Call Brian Robin at 312-813-1457

- Where can I find the email addresses and phone numbers for the judges in the Law Division?
 - Go to cookcountycourt.org and navigate to the Law Division page. Click on "Law Division Judges Info"
 - Visit: <https://www.cookcountycourt.org/ABOUT-THE-COURT/County-Department/Law-Division/Judges-Information>

LAW DIVISION JUDGES

COURTROOM 2005

James P. Flannery, Jr. (Presiding Judge), Room 2005

Phone: 312-603-6343

Email: LAW.CAL2005cc@cookcountyil.gov

COMMERICAL CALENDAR

I – John J. Curry, Room 1906

Phone: 312-603-5935

Email: LAW.CALicc@cookcountyil.gov

N – Mary Colleen Roberts, Room 2010

Phone: 312-603-4804

Email: LAW.CALncc@cookcountyil.gov

Q – Patrick J. Sherlock, Room 2007

Phone: 312-603-5902

Email: LAW.CALqcc@cookcountyil.gov

S – Jerry Esrig, Room 2001

Phone: 312-603-5915

Email: LAW.CALscc@cookcountyil.gov

T – Daniel J. Kubasiak, Room 1904

Phone: 312-603-5930

Email: LAW.CALtcc@cookcountyil.gov

U – Michael F. Otto, Room 1907

Phone: 312-603-5941

Email: LAW.CALucc@cookcountyil.gov

W – Thomas M. Donnelly, Room 1912
Phone: 312-603-5940
Email: LAW.CALwcc@cookcountyil.gov

Y – James E. Snyder, Room 2004
Phone: 312-603-5918
Email: LAW.CALycc@cookcountyil.gov

MOTION

A – James N. O’Hara, Room 2206
Phone: 312-603-6348
Email: LAW.CALAcc@cookcountyil.gov

B – Gerald Cleary, Room 2202
Phone: 312-603-4643
Email: LAW.CALBcc@cookcountyil.gov

C – Melissa A. Durkin, Room 2203
Phone: 312-603-6062
Email: LAW.CALCcc@cookcountyil.gov

D – Catherine Schneider, Room 2207
Phone: 312-603-6058
Email: LAW.CALDcc@cookcountyil.gov

E – Kathy M. Flanagan, Room 2210
Phone: 312-603-6066
Email: LAW.CALEcc@cookcountyil.gov

F – Moira S. Johnson, Room 2201
Phone: 312-603-6064
Email: LAW.CALFcc@cookcountyil.gov

H – John H. Ehrlich, Room 2209
Phone: 312-603-6056
Email: LAW.CALHcc@cookcountyil.gov

R – Daniel Trevino, Room 2208
Phone: 312-603-6068
Email: LAW.CALRcc@cookcountyil.gov

X – Preston Jones, Room 2205
Phone: 312-603-6094
Email: LAW.CALXcc@cookcountyil.gov

Z – Karen O'Malley, Room 2204
Phone: 312-603-4646
Email: LAW.CALZcc@cookcountyil.gov

Motion Section Coordinator – Brian Robin
Phone: 312-813-1457

TAX AND MISCELLANEOUS REMEDIES

1 – Daniel Duffy, Room 2574
Phone: 312-603-4467
Email: LAW.CAL1cc@cookcountyil.gov

3 – Note that there is no assigned judge for Calendar 3
Phone: 312-603-4347
Email: LAW.CAL3cc@cookcountyil.gov

5 – Patrick J. Heneghan, Room 2505
Phone: 312-603-5333
Alternate Phone Number: 312-603-6334
Email: LAWCAL5cc@cookcountyil.gov

INDIVIDUAL CALENDAR JUDGE

J – Ronald Bartkowicz, Room 2609

Phone: 312-603-7834

Email: LAW.CALJcc@cookcountyil.gov

TRIAL SECTION

Maura Slattery Boyle, Room 2504

Phone: 312-603-6014

Email: maura.slatteryboyle@cookcountyil.gov

Janet Adams Brosnahan, Room 2404

Phone: 312-603-6017

Email: janet.brosnahan@cookcountyil.gov

Elizabeth Budzinski, Room 2110

Phone: 312-603-5932

Email: embudzinski@gmail.com

Ann Collins-Dole, Room 2309

Phone: 312-603-6482

Email: anncollinsdole@gmail.com

Israel A. Desierto, Room 2103

Phone: 312-603-4183

Email: Israel.desierto@cookcountyil.gov

Toya T. Harvey, Room 2105

Phone: 312-603-4550

Email: toya.harvey@cookcountyil.gov

Bridget J. Hughes, Room 2603

Phone: 312-603-6414

Email: bridget.hughes@cookcountyil.gov

John P. Kirby, Room 2106
Phone: 312-603-3388
Email: john.kirby@cookcountyil.gov

Thomas V. Lyons II, Room 2501
Phone: 312-603-7991
Email: tomvlyons@gmail.com

Clare Elizabeth McWilliams, Room 2310
Phone: 312-603-6054
Email: clare.mcwilliams@cookcountyil.gov

Mary R. Minella, Room 1604
Phone: 312-603-4824
Email: mary.minella@cookcountyil.gov

Bridget Mitchell, Room 1606
Phone: 312-603-4829
Email: jbridgetmitchell@gmail.com

Brendan A. O'Brien, Room 2304
Phone: 312-603-6044
Email: Brendan.obrien@cookcountyil.gov

Joan E. Powell, Room 2506
Phone: 312-603-6005
Email: joanepowell22@gmail.com

Lorna E. Propes, Room 2104
Phone: 312-603-3384
Email: judgepropes@gmail.com

Marguerite Ann Quinn, Room 1610
Phone: 312-603-4834
Email: judgequinn1610@gmail.com

Sandra Ramos, Room 2401
Phone: 312-603-4811
Email: judgesgramos@gmail.com

Patricia Sheahan, Room 2811
Phone: 312-603-7551
Email: patricia.sheahan@cookcountyil.gov

Robert E. Senechalle, Room 2407
Phone: 312-603-6037
Email: robert.senechalle@cookcountyil.gov

James M. Varga, Room 2406
Phone: 312-603-6020
Email: james.varga@cookcountyil.gov

Gregory J. Wojokowski, Room 2306
Phone: 312-603-6048
Email: gjwojko713@gmail.com

SPECIAL ADMINISTRATOR – REQUIRED DOCUMENTS

Petitions to appoint a special administrator pursuant to the Wrongful Death Act 740 ILCS 180/1 may be emailed to Judge Flannery's law clerk at law.cal2005cc@cookcountyl.gov or brought to Room 2003 Monday-Friday.

In order for an individual to be appointed a special administrator, the movant must provide the Court with:

- The Petition to Appoint Special Administrator
 - The Complaint the Petitioner seeks to file
 - A proposed Order granting the Petition emailed in a Microsoft Word document
- Note:** Each document must contain certain information for it to be approved by Judge Flannery.
- Petition:
 - The following language **MUST** be in the petition, pursuant to 740 ILCS 180/2.1:
See note at the bottom of this page for guidance if not filing under 740 ILCS 180/2.1 Wrongful Death Act
 - “Due notice has been provided to all heirs and legatees.”
 - List the heirs and legatees, their relation to the deceased, and whether each is an adult or minor.
 - Notice of petition to appoint special administrator **MUST** be provided to the heirs and legatees prior to presentment.
 - “No petition for letters of office have been filed.”
 - “This cause of action is the sole asset of the deceased’s estate.”
 - The petition must be brought by the next-of-kin of the decedent. However, the individual to be appointed as special administrator does not have to be a next-of kin.
 - For example, if the decedent was married, his/her spouse must be the party who brings the petition, but they can appoint another individual.
 - Complaint:
 - The complaint can only allege causes of action arising under the Wrongful Death Act. 740 ILCS 180/1.
 - A special administrator possesses the authority to prosecute **ONLY** Wrongful Death causes of action and no other causes of action, including survival actions. See *Baez v. Rosenberg*, 409 Ill. App. 3d 525,532 (1st Dist. 2011).
 - If there are non-wrongful death counts (ex. **Survival Action**), those complaints must be filed with Judge Malone in Probate in Courtroom 1803.
 - The only exception is a cause of action arising under the Dram Shop Act. 235 ILCS 5/6-21; See *Knierim v. Izzo*, 22 Ill. 2d 73 (1961).
 - Order:
 - The order must state: “Due notice has been provided to all heirs and legatees.”
 - The order must appoint the individual as special administrator to prosecute actions under the Wrongful Death Act, 740 ILCS 180/1.

NOTE: If the movant is seeking to appoint a **special representative** under **735 ILCS 5/2-1008** (a party to a lawsuit passes away during the pendency of a case) or **735 ILCS 5/13-209** (a potential plaintiff or defendant has passed away before a lawsuit has been commenced), please refer to Special Representative – Required Documents.

SPECIAL ADMINISTRATOR – REQUIRED DOCUMENTS

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 - A proposed Order granting the Petition emailed in a Microsoft Word document
- Note:** Each document must contain certain information for it to be approved by Judge Flannery.

- Petition:
 - The following language **MUST** be in the petition, pursuant to 740 ILCS 180/2.1:
See note at the bottom of this page for guidance if not filing under 740 ILCS 180/2.1 Wrongful Death Act
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 - List the heirs and legatees, their relation to the deceased, and whether each is an adult or minor.
 - Notice of petition to appoint special administrator **MUST** be provided to the heirs and legatees prior to presentment.
 - “No petition for letters of office have been filed.”
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NOTE: If the movant is seeking to appoint a **special representative** under **735 ILCS 5/2-1008** (a party to a lawsuit passes away during the pendency of a case) or **735 ILCS 5/13-209** (a potential plaintiff or defendant has passed away before a lawsuit has been commenced), please refer to Special Representative – Required Documents.

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13th Annual
Symposium **JUDGES**
WITH THE

Wednesday, November 30th, 2022

2:05 - 2:50pm

SESSION 2 - MOTION SECTION: Keeping things moving

Hon. Kathy M. Flanagan, Supervising Judge, Motion Section

Hon. James O'Hara, Motion Section

Hon. Daniel A. Trevino, Motion Section

Discussion Leader: **Stacey Cischke**, Shareholder, Johnson & Bell Ltd

Topics

- Case management changes
- Tips for resolving discovery disputes
- Settlement process and use of mandatory arbitration



Hon. Kathy M. Flanagan, Supervising Judge – Motion Section

Judge Flanagan is the Supervising Judge of the Motion Section of the Law Division of the Circuit Court of Cook County. She was elected as a Circuit Court judge in December 1988 and has also served in the Domestic Relations Division of the Circuit Court of Cook County as a trial judge and a motion judge. Prior to joining the bench, she practiced in two small firms before opening her own solo firm.

Judge Flanagan has been a frequent lecturer for the Illinois Judicial Conference, the Chicago Bar Association, the Illinois State Bar Association, the Illinois Trial Lawyers, the Illinois Institute for Continuing Legal Education, the National Business Institute, the National Association of CPAs, and Law Bulletin Seminars.



Hon. James O'Hara, Motion Section

Judge James O'Hara sits in the Motion Section of Law Division of the Circuit Court of Cook County. He was appointed to a judgeship in 2008 and was initially assigned to Traffic Court and in 2010 he was transferred to the Law Division.

Immediately prior to joining the bench, Judge O'Hara was a sole practitioner and was affiliated with Victor Cacciatore's Chicago law offices. He also served as an assistant Illinois attorney general and an assistant Cook County public defender.

13th Annual
Symposium **JUDGES**
WITH THE

Wednesday, November 30th, 2022



Hon. Daniel A. Trevino, Motion Section

Judge Daniel A. Trevino is currently assigned to Calendar R of the Motion Section of Law Division of the Circuit Court of Cook County. He was sworn in as an Associate Judge of the Circuit Court of Cook County in 2018 and was assigned to the Municipal Department and subsequently he served as a Trial Judge in the Domestic Relations Division.

Prior to becoming a Judge, he was a Partner at Hinshaw & Culbertson, LLP, a Chicago-based national law firm. He started his career at Hinshaw as an Associate in 1999. He was elected Partner in 2007. Judge Trevino represented a wide range of clients in complex litigation including product liability, wrongful death, catastrophic injury and transportation cases.

Judge Trevino is a past President of the Hispanic Lawyers Association of Illinois. He is a past recipient of the Hispanic National Bar Association's "Top Lawyer under 40" Award.

He presently hosts a Pre-Law Internship for high school students from Jones College Prep (Chicago Public Schools) and serves as a Coach for the Saint Ignatius College Prep Mock Trial team. He regularly hosts Student Externs from Illinois law schools. As a Judge, he has also served as a mentor through programs sponsored by the Chicago Bar Association and the Diversity Scholarship Foundation.



Discussion Leader: Stacey Cischke, Shareholder, Johnson & Bell Ltd

Stacey A. Cischke is an experienced trial attorney who focuses her practice in the defense of healthcare organizations, individual healthcare professionals and medical practice groups. Her experience includes defending clients in lawsuits involving medical negligence, breach of privacy and general liability claims. Stacey has successfully tried multiple high-exposure cases to verdict for a wide variety of medical specialties.

Stacey is frequently invited to speak to healthcare providers on a variety of litigation topics as well as counseling clients to identify opportunities and strategies to mitigate risk. She has also served as President of the Chicago Healthcare Risk Management Society (CHRMS), and is a member of ASHRM.

Stacey has been an Adjunct Professor of Law in the Beazley Institute for Health Law and Policy, Loyola University Chicago School of Law and she co-authored a book chapter in "Principles of Risk Management and Patient Safety."

In 2022, Stacey was honored to be selected as a member of The Society of Trial Lawyers, an invitation only organization for litigators with proven results as lead trial counsel. In 2014, Stacey was selected as a "40 Illinois Attorneys Under Forty to Watch" and she is consistently recognized by Leading Lawyers.

LAW BULLETIN ANNUAL SYMPOSIUM
Agenda - Motion Call Panel Discussion (45 min total)

- I. **General introductions – handled by LB staff.**

- II. **General Flow of Cases filed in Law Division** – working off S. Crt. Rule 218 Order - Let's break it down. (General introduction of how the panel will address the specific topics of the presentation by SAC).
 - A. Category 1 and Category 2 cases = 24 vs. 26 mo. to complete all discovery
 - B. Return of Focused Case Management designation

- III. **Specific points CMC Order to discuss:**
 - A. Line #1:
 - 1. For medical negligence cases, how does this timeframe intersect with extensions for 2-622 reports?
 - a. What was rationale behind allowing 4 mo. for category 1 vs. 3 mo. for category 2 cases for completion of pleadings and issuance of initial discovery?

 - B. Line #3: subpoenas for records or witnesses?

 - C. Line #5: Interim CMC date (discussion as per email from Kathy Flanagan) - Intent behind this status date
 - 1. Discussion of motion practice for non-compliance with dates prior to motions to extend)
 - 2. Discussion of potential recategorization of certain cases at/around time of Interim CMC (e.g. those not completing the first year of discovery as per order.
 - 3. Bring in discussion of Mandatory Arbitration Program (as per email from Kathy Flanagan)

 - D. Line # 10 – Trial Cert Date
 - 1. Clarify what this appearance is to be
 - 2. Discuss what parties should do if they are not ready – what are recommendations for bringing a motion before Trial Cert date (timeliness, potential valid grounds, etc.).

- IV. **Pet Peeves**

- V. **Return to in-Person Court Appearances** - Concerns of civility, courtroom experience balanced against efficiency and maximization of judicial resources.

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

	)	NO: _____
Plaintiffs	)	Judge: _____
-v-	)	2005 Return Date: _____
)	
Defendants)	

ACTIVE CASE MANAGEMENT ORDER

**** (Please check off all pertinent paragraphs and circle proper party name) ****

- (4231) ____ 1. Written & (f)(1) and (f)(2) discovery to be **issued** by _____ *or deemed waived*;
- (4296) ____ 2. Written & 213(f)(1) and (2) discovery to be **answered** by _____ ;
- (4218) ____ 3. Oral discovery (party, fact, & [f][1] depositions to be **completed** by _____ ;
- (4288) ____ 4. Subpoenas for treating physicians' depositions & (f)(2) depositions to be **issued** by _____ *or deemed waived*;
- (4218) ____ 5. Treating physicians & (f)(2) depositions to be **completed** by _____ ;
- (4231) ____ 6. Rule 213(f)(3) discovery to be **issued** by _____ *or deemed waived*;
- (4206) ____ 7. **(Plaintiff) - (Defendant) - (Add. Party)** shall **answer** 213 (f)(3) Interrogatories by _____ ;
- (4218) ____ 8. **Plaintiff's 213(f)(3)** witnesses' depositions to be **completed** by _____ ;
- (4218) ____ 9. **Defendant's 213(f)(3)** witnesses' depositions to be **completed** by _____ ;
- (4218) ____ 10. **Add. party's 213(f)(3)** witnesses' depositions to be **completed** by _____ ;
- (4295) ____ 11. **All fact discovery, SCR 213(f)(1) and/or SCR 213(f)(2) discovery is closed. (Circle all applicable)**
- (4341) ____ 12. The matter is continued for subsequent Active Case Management on _____
at _____ AM/PM via remote platform for:

(A) ____ Proper Service	(B) ____ Appearance of D'S & TPD'S	(C) ____ Case Value
(D) ____ Pleadings Status	(E) ____ Discovery Status	(F) ____ Pre-Trial/Settlement
(G) ____ Mediation Status	(H) ____ Trial Certification	(I) ____ Other (specify below)

(4005) ____ 13. Case is DWP'd. (4040) ____ The case is voluntarily dismissed pursuant to 735 ILCS 5/2-1009.

NAME: _____ ADDRESS: _____ PHONE: _____ ATTY ID#: _____ ATTY FOR PARTY: _____	ENTER: _____ Judge No.
--	--

NOTICE:

- ★ **COPIES OF ALL PRIOR CMC ORDERS MUST BE BROUGHT TO ALL CMC COURT DATES BY ALL ATTORNEYS!!!**
- ★ **FAILURE OF ANY PARTY TO COMPLY WITH THIS CMC ORDER WILL BE A BASIS FOR SCR 219(C) SANCTIONS. FAILURE OF ANY PARTY TO ENFORCE THIS CMC ORDER WILL CONSTITUTE A WAIVER OF SUCH DISCOVERY BY THAT PARTY.**
- ★ **A COPY OF THIS ORDER IS TO BE SENT TO EACH PARTY BY HIS/HER COUNSEL WITHIN TEN (10) DAYS OF EACH CMC COURT DATE.**

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION
GENERAL ADMINISTRATIVE ORDER 22-2
CASE MANAGEMENT ORDER AMENDMENTS**

Pursuant to Illinois Supreme Court Order of March 25, 2022, *In Re Time Standards for Case Closure in Illinois Trial Courts*, M.R. 31228, time standards for civil cases over \$50,000 (over \$30,000 in Cook County) in requested damages are implemented.

The Time Standards require that 75% of cases be completed in 18 months, 90% be completed in 24 months, and 98 % be completed in 36 months. Completion is defined as a final order or judgment.

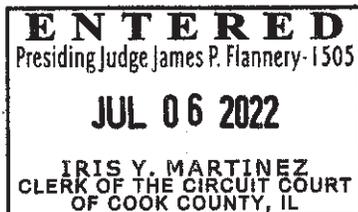
The Time Standards apply to all cases filed on and after January 1, 2022.

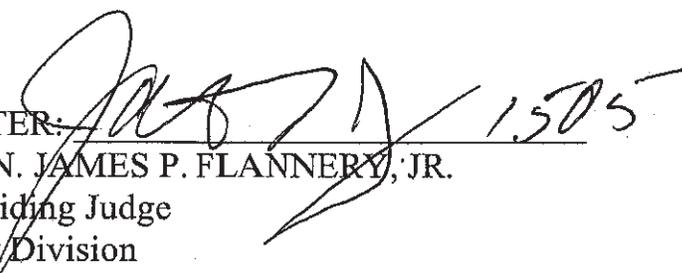
The Case Management Orders for Category 1 and Category 2 cases on Motion Calendars A, B, C, D, E, F, H, R, X, and Z have been amended to ensure compliance with the Time Standards: Category 1 cases will have a 15-month order, and Category 2 cases will have a 26-month order.

All previous versions of Motion Section Case Management Orders are not approved for use, and shall not be utilized or submitted for entry.

IT IS HEREBY ORDERED that this Order is entered July 6, 2022, and will be spread upon the records of the Court.

Dated at Chicago, Illinois, this 6th day of July, 2022.



ENTER:  1505
HON. JAMES P. FLANNERY, JR.
Presiding Judge
Law Division

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

Plaintiff(s),)	
)	
v.	)	No. _____
)	
	)	Motion Call _____
Defendant(s).)	
)	

CASE MANAGEMENT ORDER – CATEGORY 1 CASES

- The intent of this order is for the parties to complete all discovery and for the court to rule on all dispositive motions within **24 months** following the filing of the complaint.
- This order **does not alter** the application of Illinois Supreme Court Rule 218 – **the 60-day rule.**
- **Fill in all blanks.**

	Months after <u>Complaint filed</u>	<u>Date</u>
Service of process achieved, responsive pleadings filed, treaters' list with names and addresses sent, HIPPA order entered, Rule 213(f)(1), (f)(2), (f)(3) & Rule 214 written discovery issued no later than	4	_____
Rule 213(f)(1), (f)(2), & Rule 214 written discovery completed no later than	6	_____
Rule 213(f)(2) subpoenas issued no later than	7	_____
Rule 213(f)(1) depositions completed no later than	12	_____
Rule 213(f)(2) depositions completed no later than	16	_____
Dispositive motions filed and Rule 215 & 216 discovery completed no later than	17	_____
Rule 213(f)(3) disclosures completed no later than	18	_____
Rule 213(f)(3) depositions completed no later than	22	_____
Case management for trial certification at _____ a.m.	24	_____

ENTERED:

Circuit Court Judge

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

Plaintiff(s),)	
)	
v.	)	No. _____
)	
Defendant(s).	)	Motion Call _____
)	

CASE MANAGEMENT ORDER – CATEGORY 2 CASES

- The intent of this order is for the parties to complete all discovery and for the court to rule on all dispositive motions within **36 months** following the filing of the complaint.
- This order **does not alter** the application of Illinois Supreme Court Rule 218 – **the 60-day rule.**
- **Fill in all blanks.**

	<u>Months after Complaint filed</u>	<u>Date</u>
Service of process achieved, responsive pleadings filed, treaters' list with names and addresses sent, audit trail (if any) produced, HIPPA order entered, Rule 213(f)(1), (f)(2), (f)(3) & Rule 214 written discovery issued no later than	6	_____
Rule 213(f)(1), (f)(2), & Rule 214 written discovery completed no later than	10	_____
Rule 213(f)(2) subpoenas issued no later than	11	_____
Rule 213(f)(1) depositions completed no later than	16	_____
Rule 213(f)(2) depositions completed no later than	17	_____
Dispositive motions filed and Rule 215 & 216 discovery completed no later than	18	_____
Rule 213(f)(3) disclosures completed no later than	20	_____
Rule 213(f)(3) depositions completed no later than	34	_____
Case management for trial certification at _____ a.m.	36	_____

ENTERED:

Circuit Court Judge

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

**GENERAL ADMINISTRATIVE ORDER 22-1
VACATING GENERAL ADMINISTRATIVE ORDER 21-3
STANDARD HIPAA QUALIFIED PROTECTIVE ORDER**

Effective immediately, Law Division General Administrative Order 21-3, requiring all Qualified Protective Orders, entered pursuant to the provisions of the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) to conform to the standard approved format attached thereto, is vacated.

All motions and orders for HIPAA Qualified Protective Orders shall be presented on all Law Division Calendars in accordance with any applicable standing orders and/or in any current and future Law Division General Administrative Orders. All motions and order for HIPAA Qualified Protective Orders shall be identified as “Agreed Routine Motions/Orders,” with proper notice, and must specifically be labeled as and contain a specific reference to the HIPAA statute.

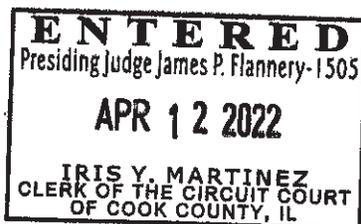
In the absence of agreement of counsel to any proposed HIPAA Order, motions shall be brought before the assigned Law Division judge for determination of issues relating to the HIPAA Order, and/or subpoena(s) to be issued therewith, in accordance with applicable Supreme Court Rules, Article II, Part E, and at least 14 days prior to the issuance of any subpoena(s).

Attached is a “Sample HIPAA Order” which may be used and modified by agreement of counsel, but is not required to be used.

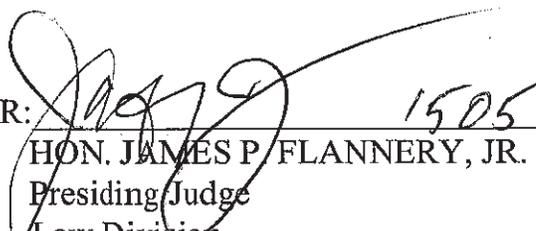
Motions to vacate, amend and/or modify previously entered HIPAA Orders are not required.

IT IS HEREBY ORDERED that this Order is entered April 12, 2022, and will be spread upon the records of the Court.

Dated at Chicago, Illinois, this 12th day of April, 2022.



ENTER:


1505
HON. JAMES P. FLANNERY, JR.
Presiding Judge
Law Division

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

_____,)
)
Plaintiff(s))
)
-v-) NO: _____
)
_____,) Calendar: _____
)
Defendant(s))
)
)

SAMPLE HIPAA PROTECTIVE ORDER

The Court finds that this Court Order is necessary to:

1. Protect a party's right to privacy as guaranteed by Article I, Section 6 of the Illinois constitution for each party in this lawsuit;
2. Protect a party's right to remedy as guaranteed by Article I, Section 12 of the Illinois constitution for each party in this lawsuit;
3. Ensure the parties' compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and its accompanying rules and regulations governing the disclosure, maintenance, use, and disposal of protected health information (PHI);
4. For purposes of this HIPAA Protective Order, "protected health information" shall have the same scope and definition as set forth in 45 C.F.R. §160.103 and §164.501. "Protected health information" (PHI) includes, but is not limited to: health information, including demographic information, relating to either (a) the past, present or future physical or mental condition of an individual; (b) the provision of care of an individual; or (c) the payment for care provided to an individual, which identifies the individual or which reasonably could be expected to identify the individual;
5. Require covered entities, as defined in 45 C.F.R. § 160.103, to disclose a party's PHI expressly provided in this Order as required pursuant to 45 C.F.R. 164.512(e) for use in this litigation without a separate disclosure authorization; however, nothing in

this Order relieves any covered entity, party, their attorneys, agents, or representatives, consultants, other witnesses, and other personnel who request, receive, and/or review documents containing PHI, from complying with the additional requirements of the following statutes and regulations:

Illinois Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/1, *et. seq.*;

AIDS Confidentiality Act, 410 ILCS 305/1, *et. seq.*;

Alcoholism and Other Drug Abuse and Dependency Act, 20 ILCS 301/30-5, *et. seq.*;

Federal statute or regulation protecting certain drug and alcohol records, 42 U.S.C. §§ 290dd-3, 290ee-3; 42 C.F.R. Part 2;

Genetic Information Privacy Act, 410 ILCS 512/15;

Medical Patient Rights Act, 410 ILCS 50/1, *et. seq.*;

Physician and Patient, 735 ILCS 5/8-802(2 and (4));

Any and all other applicable state and federal laws regulating or governing the request, review, or disclosure of PHI pertaining to Plaintiff, to the extent and subject to the conditions outlined herein;

6. Authorize the parties and their attorneys to receive, subpoena, and transmit PHI pertaining to the Plaintiff, to the extent and subject to the conditions outlined herein;

7. Permit the parties and their attorneys to use or disclose the Plaintiff's PHI for purposes of prosecuting or defending this action, including appeals in this case. This includes, but is not necessarily limited to, disclosure to their attorneys, experts, consultants, court personnel, court reporters, copy services, trial consultants, and other entities or persons involved in the litigation process;

8. Permit the parties and their attorneys to receive the Plaintiff's PHI from covered entities, business associates, and parties in the litigation, provided that the covered entities, business associates, and parties in this litigation disclose only the PHI expressly authorized in this Order;

9. Prohibit the parties and any other persons or entities from using or disclosing the Plaintiff's PHI for any purpose other than the litigation or proceeding for which it was requested as required by 45 C.F.R. 164.512(e)(1)(v)(A);

10. Require the return of the Plaintiff's PHI to the covered entity or the destruction of the information at the end of the litigation or proceeding as required by 45 C.F.R. 164.512(e)(1)(v)(B).

THE COURT ORDERS AS FOLLOWS:

1. The PHI of any party in this lawsuit may not be disclosed for any reason without that party's prior written consent or an order of this court, specifying the scope of the PHI to be disclosed, the recipients of the disclosed PHI, and the purpose of the disclosure. No consent to disclosure shall constitute a consent to re-disclose unless so specified in detail.

2. Pursuant to 45 C.F.R. §164.512(e)(1)(I), no subpoenas for information or tangible items pertaining to the Plaintiff shall be served by Dependant(s) without court order, unless by prior agreement of counsel. .

3. The only disclosures permitted by this Order are:

A. As ordered by this or another court or arbitral body or by subpoena with reasonable notice to the parties and their attorneys for purposes of subrogation, reimbursement, or payment of liens arising out of or related to this lawsuit;

B. To the parties to this lawsuit and their agents; and

C. As necessary to comply with any other federal or state laws, rules, or regulations, but only with the party's express consent and entry of an appropriate court order.

4. Any covered entity over which this court has jurisdiction that fails or refuses to disclose PHI in accordance with this Order may be subject to all sanctions authorized by the Code of Civil Procedure and the Illinois Supreme Court Rules.

6. A party to this lawsuit may provide PHI to an undisclosed consulting expert or controlled expert witness as defined in Illinois Supreme Court Rule 213(f)(3) but only after receiving written acknowledgment that each such expert or witness agrees to be bound by the terms of this order. Counsel shall take all other reasonable steps to ensure that person(s) receiving Plaintiff's PHI do not use or disclose such information for any purpose other than this litigation.

7. Within sixty (60) days after the conclusion of this litigation, including appeals, the part(y)(ies), their attorneys, insurance companies and any person or entity in possession of the Plaintiff(s)' PHI received pursuant to this Order, shall return the Plaintiff(s) PHI to the covered entity(ies) or destroy any and all copies of PHI pertaining to the Plaintiff(s), including any electronically stored copies or images, except that counsel are not required to secure the return or destruction of PHI submitted to the Court. "Conclusion of the Litigation" shall be defined as the point at which final orders disposing of the entire case as to any Defendant(s) have been entered, or the time at which all trial and appellate proceedings have been exhausted as to any Defendant(s).

8. The parties are prohibited from including or attaching PHI to any document filed with the Clerk of the Circuit Court without leave of Court. PHI necessary for the Court's consideration of any matter must be provided separately.

9. Other than the party whose PHI is at issue or that party's attorneys, no parties or their agents are permitted to request, obtain, or disclose PHI or any other type of medical bills, records or related information other than through the formal discovery procedures authorized by the Code of Civil Procedure, the Illinois Supreme Court Rules, and orders of this Court.

10. All requests by or on behalf of any Defendant for PHI, including but not limited to subpoenas, shall be accompanied by a complete copy of this Order. The parties, including their insurers and counsel, are prohibited from using or disclosing PHI for any purpose other than this litigation. "Disclose" shall have the same scope and definition as set forth in 45 C.F.R. §106.103: "the release, transfer, provision of, access to, or divulging in any manner, of information outside the entity holding the information."

11. If any party utilizes the services of a third party to issue any subpoena for the PHI of the Plaintiff, it shall be the requesting party's obligation to ensure that this Order is complied with by the third party, including that the issuing subpoena and any accompanying correspondence comply with this Order.

12. This Court retains jurisdiction of the case after judgment or dismissal, for the purposes of ensuring compliance with this Order.

Dated: _____

Plaintiff Name (Printed)

Dated: _____

Plaintiff /Representative Signature

Dated: _____

Plaintiff Attorney Signature

Dated: _____

Defendant Attorney Signature

Dated: _____

Defendant Attorney Signature

(use additional sheet if needed)

E N T E R:

Circuit Court Judge

JOHNSON & BELL

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13th Annual
Symposium **JUDGES**
WITH THE
Wednesday, November 30th, 2022

3:05 - 3:50pm

SESSION 3 - TRIAL SECTION I: Up until trial

Hon. Bridget Jane Hughes, Trial Section

Hon. Thomas V. Lyons II, Trial Section

Hon. Robert E. Senechalle Jr., Trial Section

Discussion Leader: **John Patton**, Managing Partner, Patton & Ryan LLC

Topics

- Continuances Rule 231
- Settlement conferences
- The impact of Illinois Supreme Court timelines on discovery
- Motions in limine
- Jury selection – strategies, questionnaires, COVID effect on jury pools



Hon. Bridget Jane Hughes, Trial Section

Judge Hughes was appointed as an associate judge in the Cook County Circuit Court in March 2007. She was assigned to the 3rd Municipal District in Rolling Meadows and has been reappointed to four-year terms with the latest running through June 30, 2023. In 2018, Hughes was transferred to the Trial Section of Law Division.

Before joining the bench, Judge Hughes began her legal career as an assistant Cook County state's attorney. She then joined the law firm of Thomas M. Tully & Associates in Chicago where she focused on real estate taxation and litigation.

Judge Hughes volunteers with the Alliance for Early Childhood and After School Matters and is a member of the Women's Board for the Lincoln Park Zoo. In 2015, Judge Hughes received the Public Service Award from the Northwest Suburban Bar Association.



Hon. Thomas V. Lyons II, Trial Section

Judge Lyons presides over jury trials in the Trial Section of the Law Division. He was appointed to the bench in 2008, beginning his judicial career in traffic court before being assigned to a jury trial room in the First Municipal District.

Judge Lyons began his legal career as a prosecutor with the Cook County State's Attorney, where he worked in the Criminal, Narcotics and Special Prosecutions Bureaus. He was a lead prosecutor at 26th and California before transferring to the Civil Actions Bureau. He served as Deputy Chief of the Civil Actions Bureau before leaving for private practice.

Judge Lyons also worked for a plaintiff's personal injury firm concentrating in aviation. Throughout his private practice career, he tried dozens of criminal and civil cases to verdict in state and federal courts, and he argued before the Seventh Circuit Court of Appeals and the Illinois Supreme Court.



13th Annual
Symposium **JUDGES**
WITH THE

Wednesday, November 30th, 2022



Hon. Robert E. Senechalle Jr., Trial Section

Judge Senechalle sits in the Trial Section of the Law Division. He was appointed a Cook County Circuit Court associate judge in 2005 and was initially assigned to the 1st Municipal District Traffic Center and was reassigned to the 4th Municipal District. In November 2011, Judge Senechalle was assigned to Calendar 64 in the Chancery Division, where he heard mortgage foreclosure and mechanic's lien cases. In 2017, he was transferred to the Law Division, Trial Section.

Senechalle served as a member of the Special Supreme Court Advisory Committee for Justice and Mental Health Planning until September 2014.

Immediately prior to joining the bench, Senechalle was in private practice in Forest Park, where he focused on commercial litigation and business law.



Discussion Leader: **John Patton**, Managing Partner, Patton & Ryan LLC

John is the founder and president of Patton & Ryan, LLC, in Chicago where he focuses his practice on handling cases involving general tort, professional malpractice, construction defects, insurance coverage and bad faith, transportation, and products liability for insurance companies and major corporations across the country. He received his law degree from DePaul College of Law in 1983. In his nearly 40 years of practice, John has been retained by corporations to try hundreds of catastrophic loss cases nationwide.

John is consistently recognized as a top defense trial lawyer in Illinois and throughout the country, including Leading Lawyers, Super Lawyers, Elite Lawyers and Martindale Hubbell. John's trial work has been recognized by the Jury Verdict Reporter with an award for Defense Attorney Achievement and for Outstanding Defense Verdicts.

John also is very involved in the legal community through his extensive bar association participation including, American Bar Association, Illinois Defense Trial Lawyer Association, National Council of Self-Insurers, American Trucking Association, and the Chicago and Illinois State Bar Associations.

I. SETTLEMENT NEGOTIATIONS

- A. Communication with the trial court
- B. How best to effectively inform the trial court of all significant factual and legal issues so that we can have a meaningful conference
- C. Authority to settle case
- D. Setting up a timeline for settlement negotiations and pre-trial motions in limine
- E. Continuing negotiations during trial
- F. Finding a compromise; a high low agreement

II. MOTIONS IN LIMINE

- A. Parties should meet to determine all motions that are agreed and which motions will be contested.
- B. Organization of supporting documents, exhibits, depositions and caselaw
- C. Timeline for pre-trial motions
 - 1. How many days to set aside for pre-trial motions
 - 2. Ruling prior or during trial
- D. Substantive motions in limine vs. theoretical discussions of the current law
- E. When is enough actually enough
- F. Granting request to file written responses to Motions

III. JURY SELECTION

- A. Size of the venire
 - 1. The number of prospective jurors called depends on the issues and length of case
- B. Questioning the venire
 - 1. Questionnaires
 - 2. Time Limits on questioning venire
 - 3. Numbers of prospective jurors questioned at one time
 - 4. Selection of individual juror

5. Time limits on entire selection process
 6. Order of attorneys during questioning
 7. Challenges
- C. Jury Selection or Jury indoctrination
1. How much leeway in rehabilitation of juror

IV. JURY INSTRUCTIONS

- A. When to submit some or all instructions to trial court
- B. Non-IPI instructions
- C. Pre-instructing jury
- D. Limiting instructions during trial

Time Standards for Case Closure in the Illinois Trial Courts
Effective July 1, 2022

Family/Juvenile Categories

<u>Case Type/Category</u>	<u>% Complete</u>	<u>Time in Months to Completion</u>	<u>Time in Days to Completion</u>	<u>Notes</u>
DC	75%	9 Months	274 Days	Date of Filing to Final Order/Judgment (Case Closed per 1/1/22 RKM)
	90%	15 Months	457 Days	
	98%	18 Months	548 Days	
DN	75%	9 Months	274 Days	Date of Filing to Final Order/Judgment (Case Closed per 1/1/22 RKM)
	90%	12 Months	365 Days	
	98%	15 Months	457 Days	
JD	90%	3 Months	91 Days	Date of Filing to Disposition (Case Closed per 1/1/22 RKM)
	98%	6 Months	183 Days	
JA	75%	6 Months	183 Days	Date of Filing of the TPR or Final Order/Judgment (Case Closed per 1/1/22 RKM)
	90%	15 Months	457 Days	
	98%	24 Months	731 Days	
FA	75%	9 Months	274 Days	Custody & Paternity; Date of Filing to Final Order/Judgment (Case Closed per 1/1/22 RKM)
	90%	15 Months	457 Days	
	98%	18 Months	548 Days	
JV	75%	9 Months	274 Days	Date of Filing to Final Order/Judgment (Case Closed per 1/1/22 RKM)
	90%	15 Months	457 Days	
	98%	18 Months	548 Days	
AD	75%	9 Months	274 Days	Date of Filing to Final Order/Judgment (Case Closed per 1/1/22 RKM)
	90%	15 Months	457 Days	
	98%	18 Months	548 Days	

Criminal/Quasi Criminal Categories

<u>Case Type/Category</u>	<u>% Complete</u>	<u>Time in Months to Completion</u>	<u>Time in Days to Completion</u>	<u>Notes</u>
CF	75%	18 Months	548 Days	Date of Filing to Sentencing/Dismissal (Case Closed per 1/1/22 RKM)
	90%	24 Months	731 Days	
	98%	30 Months	913 Days	
CM DV	75%	6 Months	183 Days	Date of Filing to Sentencing/Dismissal (Case Closed per 1/1/22 RKM)
	90%	9 Months	274 Days	
	98%	12 Months	365 Days	
DT MT	75%	9 Months	274 Days	Date of Filing to Sentencing/Dismissal (Case Closed per 1/1/22 RKM)
	90%	12 Months	365 Days	
	98%	15 Months	457 Days	
TR OV QC CV	75%	3 Months	91 Days	Date of Filing to Sentencing/Dismissal (Case Closed per 1/1/22 RKM)
	98%	6 Months	183 Days	

Time Standards for Case Closure in the Illinois Trial Courts
Effective July 1, 2022

Civil Case Categories

<u>Case Type/Category</u>	<u>% Complete</u>	<u>Time in Months to Completion</u>	<u>Time in Days to Completion</u>	<u>Notes</u>
Complex: ED FC LA CH PR	75%	18 Months	548 Days	Date of Filing to Final Order/Judgment (Case Closed per 1/1/22 RKM)
	90%	24 Months	731 Days	
	98%	36 Months	1096 Days	
General: AR GC LM MR	75%	12 Months	365 Days	Date of Filing to Final Order/Judgment (Case Closed per 1/1/22 RKM)
	90%	18 Months	548 Days	
	98%	24 Months	731 Days	
Summary: EV MH SC TX	75%	6 Months	183 Days	Date of Filing to Final Order/Judgment (Case Closed per 1/1/22 RKM)
	98%	12 Months	365 Days	
GR	75%	6 Months	183 Days	Date of Filing to Appointment of Guardian (Case Closed per 1/1/22 RKM)
	98%	12 Months	365 Days	

Other Case Categories

<u>Case Type/Category</u>	<u>% Complete</u>	<u>Time in Months to Completion</u>	<u>Time in Days to Completion</u>	<u>Notes</u>
CC	75%	6 Months	183 Days	Date of Filing to Final Order/Judgment (Case Closed per 1/1/22 RKM)
	98%	12 Months	365 Days	
OP*	98%	3 Months	91 Days	Date of Filing to Order/Judgment (Case Closed per 1/1/22 RKM)
CL	75%	3 Months	91 Days	Date of Filing to Final Order/Judgment (Case Closed per 1/1/22 RKM)
	98%	6 Months	183 Days	
MX	75%	9 Months	274 Days	Date of Filing to Final Order/Judgment (Case Closed per 1/1/22 RKM)
	90%	12 Months	365 Days	
	98%	15 Months	457 Days	

*There is an assumption the majority of Order of Protection cases are initiated by a petition for an emergency order. The case is closed upon entry of the first order in the case. If the first order is for an emergency order of protection, any further interim or plenary proceedings are post-judgment.

Time Standards for Case Closure in the Illinois Trial Courts
Effective July 1, 2022
Case Category Descriptions

Family & Juvenile:

<u>Category Code</u>	<u>Category Title</u>	<u>Category Description</u>
DC	Dissolution with Children	Dissolution of marriage or civil union, declaration of invalidity (annulment), petitions for legal separation, or separate maintenance as defined in 750 ILCS 5/303 when at the time of filing there are minor children
DN	Dissolution without Children	Dissolution of marriage or civil union, declaration of invalidity (annulment), petition for legal separation, or separate maintenance as defined in 750 ILCS 5/303 when at the time of filing there are no minor children
JD	Juvenile Delinquent	Addicted minors as defined by the Substance Use Disorder Act (20 ILCS 301/1-1 et seq.) in the Juvenile Court Act of 1987 (705 ILCS 405/4-1 et seq.) or delinquent minors as defined by the Juvenile Court Act of 1987 (705 ILCS 405/5-101 et seq.)
JA	Juvenile Abuse & Neglect	Dependent, neglected or abused minor as defined by 705 ILCS 405/2-1, et seq. of the Juvenile Court Act of 1987
JV	Juvenile	Minors requiring authoritative intervention as defined by 705 ILCS 405/3-1 et seq. of the Juvenile Court Act of 1987 or to any other proceedings initiated under 705 ILCS 405/1-1 et seq. of the Juvenile Court Act of 1987
FA	Family	Proceedings to establish the parent-child relationship, notice to putative fathers, and certain actions relating to child support
AD	Adoption	Cases filed pursuant to 750 ILCS 50/0.01 et seq

Criminal & Quasi-Criminal:

<u>Category Code</u>	<u>Category Title</u>	<u>Category Description</u>
CF	Criminal Felony	Complaint, information or indictment is filed in which at least one count charges a felony as defined in the Unified Code of Corrections (730 ILCS 5/5-1 et seq.) (Class M, X, 1, 2, 3, or 4)
CM	Criminal Misdemeanor	most serious charge carries a penalty of less than one-year imprisonment, limited to Class A, B or C offenses as defined in the Unified Code of Corrections (730 ILCS 5/5-1 et seq.)
DV	Domestic Violence	Violation of domestic battery under Section 12-3.2 of the Criminal Code (720 ILCS 5/12-3.2).
DT	Driving Under the Influence (DUI)	charging a violation of a statute, ordinance, or regulation governing driving or operating under the influence of alcohol, other drug, or combination thereof under Section 11-501 of the Illinois Vehicle Code (625 ILCS 5/11-501), Section 5-7 of the Snowmobile Registration and Safety Act (625 ILCS 40/5-7), and Section 5-16 of the Boat Registration and Safety Act (625 ILCS 45/5-16) and not classified as a felony
MT	Major Traffic	Class A, B, or C as defined by Supreme Court Rule 501(f)(1)(i), except DUI cases.
TR	Minor Traffic	Class P or B as defined by Supreme Court Rule 501(f)(1)(ii)
OV	Ordinance Violation	violation of a local ordinance is charged, other than a traffic ordinance
QC	Quasi-Criminal	Any offense classified as Petty or Business as defined in the Unified Code of Corrections (730 ILCS 5/5-1 et seq.), which is not otherwise defined as a DT, MT, TR, or CV case
CV	Conservation	As defined by Supreme Court Rule 501(c)

Time Standards for Case Closure in the Illinois Trial Courts Effective July 1, 2022

Civil:

<u>Category Code</u>	<u>Category Title</u>	<u>Category Description</u>
ED	Eminent Domain	Proceedings involving compensation to an owner for property taken for public use
FC	Foreclosure	Residential or commercial foreclosure proceedings
LA	Law	Tort, contract, and a variety of other actions in which the damages sought are greater than \$50,000
CH	Chancery	Complaints for equitable relief in matters such as contract actions, trusts, and title to real property
PR	Probate	Estates of decedents and missing persons
AR	Arbitration	Arbitration-eligible cases are defined by Supreme Court Rules 86 - 95
GC	Governmental Corporation	Petition seeking consideration by the court on new matters not included in the permanent case containing such matters as organization, appointment of officers, approval of bonds, and routine orders confirming annexation
LM	Law Magistrate	Tort, contract, and a variety of other actions in which the damages sought are \$50,000 or less
MR	Miscellaneous Remedy	Review of administrative decisions (other than of a tax commission) and a variety of other actions that include change of name, demolition, and corporation dissolution
EV	Eviction	Commercial or residential eviction proceedings and for any proceeding for ejection
MH	Mental Health	Proceedings involving hospitalization, discharge, or restoration to legal status
SC	Small Claims	Tort or contract for money not in excess of \$10,000, exclusive of interest and costs (defined in Supreme Court Rule 281)
TX	Tax	Annual tax sale, petitions for tax deed, objections, and a variety of other actions relating to the collection of taxes
GR	Guardianship	Guardianship of a minor, person with a disability, or an estate of any person under the Probate Act of 1975, as amended

Other:

<u>Category Code</u>	<u>Category Title</u>	<u>Category Description</u>
CC	Contempt of Court	Direct or indirect contempt of court, for charges initiated against a person who is not a party to the action in which the contemptuous conduct allegedly occurred, including a juror who has been impaneled
OP	Order of Protection	Any petition for an order of protection, petition for stalking no contact order, firearms restraining order, or civil no contact order
CL	Civil Law	Civil law violations as defined in Supreme Court Rule 585
MX	Miscellaneous Criminal	Variety of actions for civil processes relating to criminal proceedings such as search warrants, grand jury proceedings, statutory summary suspensions (when no DT case exists), probationer transfers, eavesdropping, seized property, sealing and expungement petitions (when no criminal case exists), habeas corpus and administrative subpoenas

NOTICE

Having conferred with representatives from plaintiffs' and defendants' bar associations on the protocol for processing the multitude of motions requesting relief from the Judgment Interest Act Amendment (735 ILCS 5/2-1303[c]), effective immediately, all such motions shall be subject to the provisions set forth below.

The motions include, but are not limited to:

- A) Staying the application of the Judgment Interest Act Amendment;
- B) Tolling of requirement(s) of the Judgment Interest Act Amendment;
- C) Declaring the Judgment Interest Act Amendment unconstitutional;
- D) Applying the finding of unconstitutionality of the Judgment Interest Act Amendment entered on May 27, 2022 in the case of Hyland, etc. v. Advocate Health and Hospitals Corporation, et. al., 2017-L-003541, to any case prior to trial.

All such motions may be filed in all applicable cases and shall remain pending and continued generally, with all issues preserved, until such time as all avenues of appellate review on the constitutionality of the Judgment Interest Act Amendment have been exhausted and a final order from the Illinois Supreme Court is issued.

Attorneys shall not notice or submit such motions before the assigned Law Division Judges, nor submit orders for entry on these motions.

All orders previously entered on such motions are deemed vacated, and such motions will remain pending and continued generally, with all issues preserved, until such time as all avenues of appellate review on the constitutionality of the Judgment Interest Act Amendment have been exhausted and a final order from the Illinois Supreme Court is issued.

Motions filed in cases assigned for trial shall remain with, and be decided by, the assigned trial judge.

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

In Re: Law Division Video Court Proceedings

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Standing Order for Participation in Court Proceedings by Video Conference or Telephone

This order is applicable to non-testimonial court proceedings and evidentiary hearings or bench trials where testimony is taken in the Law Division. The Circuit Court of Cook County appreciates the rapid adaptation to remote proceedings being made by counsel and parties. The Court appreciates and encourages the cooperation and ingenuity which has been shown by counsel in developing new approaches. Parties are encouraged to confer and propose specific alternatives to these protocols which may be appropriate to their particular case and continued developments in available technology.

Pursuant to Illinois Supreme Court Rule 45, a court may permit one or more case participants to participate in a proceeding remotely by telephone or video conference. In a proceeding where the court has determined that participants may participate remotely and where no sworn testimony is taken, the protocols herein shall be followed and constitute appropriate safeguards under Illinois Supreme Court Rule 45.

Pursuant Supreme Court 241, for good cause shown, a court may permit one or more participants in a civil trial or evidentiary hearing testify by video conference. In a proceeding where a court has ordered that participants may testify by video conference, including proceeding from remote locations, the protocols ordered herein shall be followed and constitute appropriate safeguards under Illinois Supreme Court Rule 241.

Pursuant to Illinois Supreme Court Rule 241 in compelling circumstances a court may permit one or more participants to testify in a civil trial or evidentiary hearing by telephone. This order does not authorize or establish protocols for testimony in a civil or evidentiary hearing by telephone. When such a proceeding is authorized, the court shall establish protocols by separate order.

Illinois Supreme Court Rules authorize the court to shift or apportion costs associated with a telephone or video conference proceedings and to take whatever action is necessary to ensure that the cost of remote participation is not a barrier to accessing the courts. Each party shall bear its own costs unless ordered otherwise by the court in separate order. Parties are to be mindful of cost considerations and they are asked to assist the court in identifying ways that remote access can be used to eliminate barriers of access justice.

It is hereby ordered:

1. Witnesses may appear and offer testimony remotely and by video conference. The video conference shall be initiated by the court or by a videoconference service. A video conference shall allow the court, counsel for the participants, the parties, the court reporter and any testifying witness, while testifying (collectively, the “Participants”) to contemporaneously participate in the proceeding, each from separate locations, which shall include the ability for each Participant to be heard and to hear the other Participants at all times.
2. A video conference or telephone proceeding may be observed by the public by contacting the Court for public access or by connection to a link or access protocol listed in the court order setting that proceeding.
3. No person may record the proceeding without an order of court, other than an assigned Court Reporter as defined by the Court Reporters Act (705 ILCS 70/1) and for purposes

permitted under Illinois Supreme Court Rule 46. In addition to violating applicable laws, persons who record the proceedings without an order of court are in violation of this order and have committed said violation in the presence of the court presiding.

4. Pursuant to the Illinois Supreme Court's Order dated March 17, 2020, M.R. 30370, at para. D.2., the Court shall consider as evidence any sworn testimony given remotely in the video conference trial proceedings as though the testimony were given live in the courtroom. Presence by a Participant on a videoconference trial proceeding is presence before the court and statements or actions taking place on the video conference when the judge is present are statements or actions in the presence of the court.

5. Persons authorized to administer oath including court reporters and certified shorthand reporters as defined by the Court Reporters Act (705 ILCS 70/1) and the Clerk of the Circuit Court of Cook County and her assistant clerks may administer oaths to any witnesses remotely, with the same force and effect as though the witness was appearing live in the courtroom.

6. The Parties waive any right they may have to be present in the courtroom and/or to present their witnesses by physical presence in the courtroom for the proceeding.

7. The video conference shall allow the Court to see all Participants simultaneously such that the Court and court reporter will know who is speaking. Each Participant shall mute his or her microphone if not speaking/testifying. Each attorney appearing remotely must have telephone available, for use in the event of technical difficulty.

Counsel shall ensure reasonable accommodations for Participants with disabilities which may affect their equal access to the proceedings and shall confer with the court for any assistance to accommodation.

8. The parties shall provide an email address from each witness to the court record to which any login credentials which may be sent to that witness. The witnesses shall participate in the

proceeding solely by using the credentials provided. No counsel shall provide a witness with other credentials, nor shall the witness access the proceeding using any credentials other than the credentials provided. A witness may be given notice to appear by subpoena pursuant to Illinois Supreme Court Rule 237 (b). Notice or subpoena shall include any videoconference credentials and the telephone number of the attorney who has issued the subpoena or notice.

Subpoenas to Third-Party Witnesses. Each subpoena to a third-party witness must state the following in the box for the “Place” to appear: “Testimony will be given by remotely by video conference.” A copy of this Standing Order for Participation in Court Proceedings by Video Conference or Telephone and any order of the court scheduling the proceeding must be attached to the subpoena and served on the witness.

9. The witness’s video and audio feed shall be contemporaneously accessible by each of the Participants. In the event that the counsel for any party becomes aware or suspects that counsel or any Participant may have been disconnected from the video conference, such counsel shall promptly so state on the record and all questioning shall cease. Parties shall cooperate with respect to any delays occasioned by connectivity issues or the need to ensure that all counsel of record for any Party is participating in the hearing and the effect that it may have on proceedings where the court has ordered time limitations.

10. Each witness shall be advised before his or her testimony of the following protocol for such testimony: the witness must be alone in a quiet room during the testimony, may not use a virtual background, and is ordered to turn off all electronic devices except for the device enabling participation in the hearing and to refrain from exchanging any electronic messages or other communication during their testimony.

Where a witness testifies from a remote location and no neutral representative or representative of an adverse party is present in the room with the testifying witness, care must be taken to ensure the integrity of the examination. The testifying witness may be examined by counsel for any party regarding the identity of all persons in the room during the testimony.

Prior to commencement of the proceeds, counsel representing a witness or producing that witness pursuant to subpoena shall instruct the case participant that (a) he or she may not communicate with anyone during the examination other than the examining attorney or the court reporter and (b) he or she may not consult any written, printed, or electronic information during the examination other than information provided by the examining attorney

11. Depending on the technology used by the Videoconferencing Service, witnesses shall remain in a “waiting room” or on “hold” until they are called to testify. During such time, the witness shall not be able to see or hear the proceedings. After the witness’s testimony is completed, the witness shall be disconnected from the Videoconference Service. If sequestration is necessary, the Parties agree to the use of a mechanism that ensures the witness is unable to view or hear the proceeding until such time as the witness is called to testify.

Counsel and Participants may not use chat features or other system features to communicate with the court in any manner that unseen by the other participants or is otherwise an *ex parte* communication.

12. A witness shall comply with any order excluding or sequestering witnesses which has been granted to the same extent to which it applies to a proceeding taking in the courtroom and in the presence of the Court. To the extent to which a person or member of the public is able to view or hear the proceedings, an exclude witness or party may not access the proceeding.

Counsel shall advise witnesses and parties of this order.

13. Any exhibits or other demonstrative evidence to be presented to the witness by any Party shall be provided to the all parties and the Court not less than 7 days prior to the hearing. The parties shall confer and determine which exhibits or demonstrative evidence shall be provided to the witness at his or her physical location prior to the witness commencing his or her testimony,

and which may be provided by the Videoconference Services in real time during the hearing. The parties shall advise the Court and seek a court resolution of any disagreement or objections to this protocol for presentation no less than 3 days before the hearing. This process regards the sharing of documents with witnesses and does not indicate a ruling regarding admissibility or waiver of arguments.

14. At the commencement of the hearing and where otherwise appropriate, the Court may make findings that: (a) all Participants have indicated for the record that they can all see and hear the proceedings; and (b) counsel, the Parties and witnesses are visible and audible to the Court.

15. No later than 24 hours prior to the proceeding counsel for each party shall test and ensure that technology to be used by their client and Participant appearing pursuant their request or subpoena is functional, appropriate for compliance with this protocol. Counsel shall ensure proper lighting and acoustics, such as to be visible to and easily heard by the other participants. Counsel shall ensure that any video conference systems or equipment are sufficiently understood by each Participant to allow participation. Counsel shall be responsible to ensure his or her own bandwidth, the proper functioning of equipment.

16. The prevailing party or such other party as the court shall direct shall submit a draft order of court in accordance with Illinois Supreme Court Rules 271 or 272 within one hour of the conclusion of any proceeding under this order, unless otherwise ordered by the court.



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13th Annual
Symposium WITH THE **JUDGES**
Wednesday, November 30th, 2022

4:00 - 4:45pm

SESSION 4 - TRIAL SECTION II: Getting trial done

Hon. Elizabeth M. Budzinski, Trial Section

Hon. Janet Adams Brosnahan, Trial Section

Hon. Thomas More Donnelly, Trial Section

Discussion Leader: **Lou Cairo**, Managing Partner, GWC Injury Lawyers LLC

Topics

- Evidentiary Objections
- Objections to the Use of Demonstrative Exhibits
- Jury Instructions
- Use of Special Interrogatories
- Technology in the Courtroom
- Resolving Unexpected Situations in the Courtroom
- Supreme Court Rule 213 objections
- Time Limits or No Time Limits During Trial
- The Use and Challenges to the *Reptile Theory of Trial*



Hon. Elizabeth M. Budzinski, Trial Section

Judge Budzinski hears jury trials in the Law Division of the Circuit Court of Cook County. She joined the bench as an associate judge in April 2003 and has been assigned to Traffic Court, Domestic Relations, and a Law Division motion calendar. Judge Budzinski was appointed a member of the Supreme Court Committee on Jury Instructions in Civil Cases and she is a member of the Judicial Conference of Illinois.

Judge Budzinski is active in local bar associations including the Illinois State and Chicago Bar Associations and serving as president of the Women's Bar Association of Illinois.

Before joining the bench, Judge Budzinski served as an assistant Cook County state's attorney assigned to the Criminal Appeals Division. She also was an associate and partner at Wilson, Elser, Moskowitz, Edelman & Dicker (Chicago) where she concentrated in complex litigation of breach of contract, claims against agents and brokers, employment law, medical malpractice, construction, civil rights actions and the Federal Debt Collection Practices Act. She has tried numerous cases to verdict in all her practice areas.

Recently the American Board of Trial Advocates recognized Judge Budzinski with their 2022 Judge of the Year award.



13th Annual
Symposium **JUDGES**
WITH THE
Wednesday, November 30th, 2022



Hon. Janet Adams Brosnahan, Trial Section

Judge Brosnahan was elected to the Circuit Court of Cook County in 2002. In her 20 years on the bench, Judge Brosnahan has presided over more than 100 civil and criminal jury trials. She is currently assigned to the Law Division at the Daley Center in downtown Chicago, where she presides over high-value and complex civil jury trials. From 2002-2014, she served in the 5th District suburban courthouse located in Bridgeview, Illinois.

As a civil litigator before her judicial career, Judge Brosnahan represented labor unions, ERISA trust funds, individuals and corporations. She appeared regularly in both the state and federal trial courts. She argued before U.S. Court of Appeals for the 7th Circuit, the Illinois Supreme Court and the Illinois Appellate Court.



Hon. Thomas More Donnelly, Trial Section

Judge Thomas More Donnelly presides in the Trial Section of Law Division. He joined the Circuit Court of Cook County in 2000 and has been assigned to the First Municipal District presiding over traffic and domestic violence courtrooms, and heard misdemeanor jury trials as well as civil trial calls.

Judge Donnelly has been very active in judicial organizations and initiatives. He served as the reporter for the Supreme Court Committee on Professional Responsibility and is a member of the Committee on Jury Instructions in Criminal Cases, the Advanced Judicial Academy Planning Committee, and the Judicial Conference of Illinois. The Illinois Supreme Court appointed Judge Donnelly chair of its Committee on Education. In December 2015, he was appointed as chair of the Board of Trustees of the Illinois Judicial College. On December 21, 2017, Judge Donnelly was appointed a member to the newly formed Illinois Supreme Court Commission on Pretrial Practices. In 2019, he was appointed to serve as Judicial College Board of Trustees Liaison to the Illinois Judicial College Committee on Judicial Education for a term expiring June 30, 2024.

Prior to joining the bench, Judge Donnelly was an assistant public defender at the Cook County Public Defender's Office, Appeals Division, later becoming supervisor of the Training and 1st Municipal District Divisions. In 1997, he became a supervisor in the office's post-conviction unit.

Judge Donnelly is a frequent lecturer including serving as an adjunct professor at Loyola University School of Law and the University of Chicago Law School's Mandel Legal Aid Clinic and he has lectured at Washington and Lee School of Law, Marquette University Law School and DePaul University College of Law.

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Discussion Leader: Lou Cairo, Managing Partner, GWC Injury Lawyers LLC

Lou is the owner and managing partner of the GWC Injury Lawyers firm, formerly known as Goldberg Weisman and Cairo LTD. He has spent his career representing catastrophically injured people, and the families of those who lost their lives due to negligence of companies and individuals.

Lou has spent the majority of his 39 years as a trial lawyer concentrating on the representation of members of the union building trades throughout the state. He has successfully tried numerous cases in Cook County and the collar countries, and we are pleased to have Louis here today to act as moderator of this esteemed panel of trial judges.

Lou is active in the legal community serving as past president of the Society of Trial Lawyers, past Board of Managers of the Illinois Trial Lawyers Association, and active member of the American Association for Justice, Chicago Bar Association, Illinois State Bar Association and Justinian Society of Lawyers.

Lou has consistently been honored with the distinction of being named to the Leading Lawyers Network and to the list of Illinois Super Lawyers for his accomplishments on behalf of his clients.

15.00
PROXIMATE CAUSE

15.01 Proximate Cause—Definition and Use

When I use the expression “proximate cause,” I mean a cause that, in the natural or ordinary course of events, produced the plaintiff’s injury. [It need not be the only cause, nor the last or nearest cause. It is sufficient if it combines with another cause resulting in the injury.]

[If you decide that a [the] defendant[s] was [were] negligent and that his [their] negligence was a proximate cause of injury to the plaintiff, it is not a defense that [something] [or] [someone] else may also have been a cause of the injury. However, if you decide that the defendant’s conduct was not a proximate cause of the plaintiff’s injury, then your verdict should be for the defendant.]

Instruction revised August 2021; Notes on Use and Comment revised October 2021.

Notes on Use

This instruction in its entirety should be used when there is evidence of a concurring or contributing cause to the injury or death. In cases where there is no evidence that the conduct of any person other than a single defendant was a concurring or contributing cause, the short version without the bracketed material may be used. The second paragraph should be used only where there is evidence tending to show that the conduct of the defendant[s] was not a proximate cause of the occurrence and the conduct of third persons or outside instrumentalities was the proximate cause of the occurrence.

Comment

The Committee modified this instruction in 2007 with the intent of making it more comprehensible and conversational. That modification used the word “and” in the first sentence instead of “or.” “Or” is a more accurate statement of the law and more consistent with the predecessor instruction and case law. “That” is preferred usage in place of “which.”

In negligence actions and in other cases which involve the violation of statutes and ordinances, the injuries, death or loss of support must have been caused by the negligence or particular statutory violation alleged in the complaint. The jury is informed that one of the elements of the plaintiff’s case is that the conduct of the defendant is a proximate cause of the plaintiff’s damages or injuries. *See* IPI B21.02. This instruction, defining proximate cause, should accompany those in which the phrase “proximate cause” is used, *e.g.*, IPI 11.01 and IPI B21.02.

An instruction encompassing the bracketed material of the first paragraph is proper where there is evidence that something or the acts of someone other than the negligence of the defendant, or intoxication of a person who has been sold or given intoxicants, was a proximate cause of the injury or death. *James v. Checker Taxi Co.*, 22 Ill.App.2d 22, 159 N.E.2d 12 (1st Dist.1959); *Harrold v. Clinton Gas & Elec. Co.*, 205 Ill.App. 12 (3d Dist.1917); *St. Clair v. Douvas*, 21 Ill.App.2d 444, 158 N.E.2d 642 (1st Dist. 1959); *Heitz v. Hogan*, 134 Ill.App.3d 352, 480 N.E.2d 185, 191-92; 89 Ill.Dec. 299, 305-06 (4th Dist.1985). However, some courts have determined that if the only possible cause of the occurrence is the conduct of A single defendant, the use of the long form of the first paragraph might be confusing to the jury. *Willson v. Pepich*, 119 Ill.App.3d 552, 456 N.E.2d 882, 886; 75 Ill.Dec. 61, 65 (2d Dist. 1983).

Prior to the Illinois Supreme Court's decision in *Alvis v. Ribar*, 85 Ill.2d 1, 421 N.E.2d 886, 52 Ill.Dec. 23 (1981), adopting comparative negligence, some cases held that when the only possible causes of the occurrence were the conduct of the plaintiff and the defendant, the material in the bracketed portion of the first paragraph would be improper because it would prejudice the defendant's defense of contributory negligence. *Borowski v. Von Solbrig*, 60 Ill.2d 418, 431; 328 N.E.2d 301, 308 (1975); *Budovic v. Eschbach*, 349 Ill.App. 163, 167-68; 110 N.E.2d 477, 479 (2d Dist. 1953) (court properly refused an instruction containing the bracketed material in a case involving a pedestrian injured by an automobile). Cases have also held that the bracketed portion of the first paragraph should not be given when the only other possible cause of the harm in question was the plaintiff's predisposition to the injury. These cases interpret the bracketed phrase to refer only to the conduct of third persons and not mere "conditions." *Lounsbury v. Yorro*, 124 Ill.App.3d 745, 464 N.E.2d 866, 870-71, 80 Ill.Dec. 1, 5-6 (2d Dist. 1984).

Some cases have held that it is not necessarily error to give the short form, even when multiple concurring or contributing causes are possible. *See, e.g., Curry v. Summer*, 136 Ill.App.3d 468, 474; 483 N.E.2d 711, 715-17, 91 Ill.Dec. 365, 369-71 (4th Dist.1985) (although long form would have been preferable, short form not error even though there were multiple defendants); *Webb v. Angell*, 155 Ill.App.3d 848, 508 N.E.2d 508, 514-15; 108 Ill.Dec. 347, 353-354 (2d Dist. 1987) (short form proper on facts; use of term "any" in short form permits argument that injury had multiple causes); *Greene v. Rogers*, 147 Ill.App.3d 1009, 498 N.E.2d 867, 874-875; 101 Ill.Dec. 543, 550-551 (3d Dist.1986) (same; short not error, although long form would have been preferable); *Mazur v. Lutheran Gen. Hosp.*, 143 Ill.App.3d 528, 493 N.E.2d 62, 69; 97 Ill.Dec. 580, 587 (1st Dist.1986) (short form not error where other instructions sufficiently conveyed idea that more than one defendant could be liable). Conversely, it has been held error to refuse to give the bracketed portion of the first paragraph when the evidence shows that the injury complained of could have been caused by the conduct of two or more persons other than the plaintiff or decedent. *Heitz v. Hogan*, 134 Ill.App.3d 352, 480 N.E.2d 185, 191-192; 89 Ill.Dec. 299, 305-06 (4th Dist.1985).

After the adoption of comparative negligence in *Alvis v. Ribar*, 85 Ill.2d 1, 421 N.E.2d 886, 52 Ill.Dec. 23 (1981), the Illinois Supreme Court in *Casey v. Baseden*, 111 Ill.2d 341, 490 N.E.2d 4, 7; 95 Ill.Dec. 531, 534 (1986), held that the bracketed portion of the first paragraph was properly given in a motor vehicle accident case involving only one plaintiff and one defendant:

While it is possible that the long form of the instruction could, in remote circumstances, prove confusing to a jury when only two parties are involved in an accident, we do not think this is such a case. Other instructions did not allude to the possible acts of third parties; they clearly instructed the jury on how to apportion damages if it found that both parties were negligent and advised the jurors to calculate the comparative negligence of the parties assuming that "100% represents [their] total combined negligence." Viewed in their entirety, the instructions fully and fairly apprised the jury of the relevant principles . . . relating to treatment of the plaintiff's fault.

Other recent decisions have demonstrated a similar reluctance to hold that the bracketed portion of the first paragraph of the instruction prejudiced a party. *See, e.g., Chambers v. Rush-Presbyterian-St. Luke's Med. Ctr.*, 155 Ill.App.3d 458, 508 N.E.2d 426, 431-32; 108 Ill.Dec. 265, 270-71 (1st Dist. 1987); *Drake v. Harrison*, 151 Ill.App.3d 1082, 503 N.E.2d 1072, 105 Ill.Dec. 66 (5th Dist. 1987); *Shiner v. Friedman*, 161 Ill.App.3d 73, 513 N.E.2d 862, 869; 112 Ill.Dec. 253, 260 (1st Dist. 1987); *Johanek v. Ringsby Truck Lines, Inc.*, 157 Ill.App.3d 140, 509 N.E.2d 1295, 1305; 109 Ill.Dec. 283, 293 (1st Dist. 1987); *Lee v. Grand Trunk W. R. Co.*, 143 Ill.App.3d 500, 492 N.E.2d 1364, 1375; 97 Ill.Dec. 491, 502 (1st Dist. 1986); *Roman v. City of Chicago*, 134 Ill.App.3d 14, 479 N.E.2d 1064, 1067-68; 89 Ill.Dec. 58, 61-62 (1st Dist. 1985).

In *Willson v. Pepich*, 119 Ill.App.3d 552, 456 N.E.2d 882, 886; 75 Ill.Dec. 61, 65 (2d Dist.1983), the court stated:

We agree that the principal reason for not permitting the inclusion of the bracketed material in IPI Civil No. 15.01 is no longer present under the doctrine of comparative negligence. So long as the doctrine of contributory negligence was a viable doctrine in this State, the negligence of the defendant had to be the sole cause of the injury to the plaintiff when the only other possible contributing cause was the conduct of the plaintiff herself, and it was for this reason that the bracketed material was held to be improper in such cases.

From these authorities, it may be concluded that , it will rarely be error to give the bracketed portion of the first paragraph.

The Committee again modified this instruction in 2021 with the intent of harmonizing the proximate cause instructions formerly found in IPI 12.04, 12.05, and 15.01 into one proximate cause instruction to avoid unnecessary confusion and consternation. The first paragraph and its bracketed material is unchanged from the prior version of 15.01. The second paragraph in this instruction merges the concepts previously conveyed in IPI 12.04 and 12.05 and combines those concepts into one proximate cause instruction because “Nomenclature aside, the sole proximate cause theory is simply one way a defendant argues that the plaintiff failed to carry its burden of proof on proximate cause – specifically, by arguing that the negligence of another person or entity, not a party to the lawsuit, was the only proximate cause of the plaintiff’s injuries.” *Douglas v. Arlington Park Racecourse, LLC*, 2018 IL App (1st) 162962, ¶ 36, 426 Ill. Dec. 896, 117 N.E.3d 313. As such, “sole proximate cause” is not an affirmative defense. *Leonardi v. Loyola Univ.*, 168 Ill. 2d 83, 101, 212 Ill. Dec. 968, 977, 658 N.E.2d 450, 459 (1995). Ultimately, the jury is charged with discerning whether plaintiff has carried its burden, not whether the defense has negated said proof.

The second paragraph in this instruction instructs the jury that “[w]here a person is guilty of the negligence charged against him, it is no defense that some other person, or thing, contributed to bring about the results for which the damages are claimed.” *Romine v. City of Watseka*, 341 Ill.App. 370, 377, 91 N.E.2d 76, 79 (2d Dist. 1950); *Manion v. Chicago, R.I. & P. Ry. Co.*, 12 Ill.App.2d 1, 18, 138 N.E.2d 98, 106-07 (2d Dist. 1956); *Liby v. Town Club*, 5 Ill.App.2d 559, 565, 126 N.E.2d 153, 156 (1st Dist. 1955). This form of instruction was approved in *Dickeson v. Balt. & O.C.T.R.R. Co.*, 73 Ill.App.2d 5, 34, 220 N.E.2d 43, 56 (1st Dist. 1965), *aff’d* 42 Ill.2d 103, 245 N.E.2d 762 (1969); *Ballweg v. City of Springfield*, 114 Ill.2d 107, 120, 499 N.E.2d 1373, 1379, 102 Ill. Dec. 360, 366 (1986); *Berry v. Am. Com. Barge Lines*, 114 Ill.App.3d 354, 373, 450 N.E.2d 436, 449, 71 Ill. Dec. 1, 14 (5th Dist. 1983), *cert. denied*, 465 U.S. 1029, 104 S.Ct. 1290, 79 L.Ed.2d 692 (1984). In *Frank Parmelee Co. v. Wheelock*, 224 Ill. 194, 79 N.E. 652 (1906), and *W. Chi. St. R. Co. v. Horne*, 100 Ill.App. 259 (1st Dist. 1902), *aff’d*, 197 Ill. 250, 64 N.E. 331 (1902), the courts approved the word “blame.” Nonetheless, if the defendant’s conduct was not a proximate cause of the plaintiff’s injury, then the plaintiff has failed to carry its burden of proof on proximate cause.

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