

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

_____ ,)	
)	
Plaintiff,)	Case No. _____
)	
v.)	
)	Judge Daniel J. Kubasiak
_____ ,)	Commercial Calendar "T"
)	
Defendant.)	
)	

ORDER RELATING TO FEE PETITION

The Court has ruled that Petitioner, _____, is entitled to reasonable fees in this matter. This Order details the procedure the Court and the parties shall follow to determine the amount of fees due Petitioner.

1. Use of Information (applies to entire Order)
 - a. All information disclosed by either party pursuant to this Order shall be for the purpose of the fee petition litigation only, and shall be disclosed to others, if at all, only in court filings or hearings related to the fee litigation after notice to the other party.
 - b. Submission of information under this Order does not constitute a waiver of any argument relating to the fee petition by either party.
 - c. The Party Conferences referred to herein are in the nature of settlement discussions and thus what is discussed in connection therewith or in the Conference cannot be used in any litigation.

2. Billing Other Than By Hourly Rate (applies to entire Order)
 - a. If either party has billed in a manner other than by hourly rate in this matter, the party so billing must disclose to the other the fee agreement, the actual or estimated (if hours were not accounted for) hours spent on

the litigation, the number of attorneys and support staff who worked on the litigation; and

- b. if that party has evidence of the reasonableness of such a fee agreement in the community or the hours spent on the matter, that party must produce that evidence to the other party or state in writing that no such evidence will be used.

3. Party Conference

- a. Within seven days of the date of this Order, Petitioner shall provide to Respondent:
 - i. an itemization of the billable time, billing rate, and billing and work records in support of any fees claimed; and
 - ii. any evidence Petitioner intends to rely upon to support the appropriateness of Petitioner's claimed hourly rates and number of hours spent on this matter.
 - iii. If hourly rates were not used, see Section 2.
- b. Petitioner shall notify the Court by letter, with a copy to Respondent, that Petitioner has complied with this section of the Order.
- c. Within fourteen days of the date of this Order, the parties shall have a Party Conference where they meet and confer in a good faith attempt to agree on the amount of fees to be awarded by the Court.
- d. If an agreement is reached by the parties, that agreement does not constitute a waiver of Respondent's contention that Petitioner is not entitled to any fees.
- e. Immediately after the Conference, Petitioner shall notify the Court by letter, with a copy to Respondent, the date upon which the Party Conference was held and whether the parties have reached agreement as to the fees claimed.

4. Failure to Reach Agreement

The fees charged by Respondent's counsel in this matter are probative and relevant as to the reasonableness of Petitioner's claimed fees and the parties will be permitted to use this information in support of or in opposition to the fee Petition.

- a. Fourteen days after the date of letter informing the Court that no agreement has been reached, Respondent shall disclose to Petitioner:
 - i. an itemization of the billable time, billing rate, and billing and work records relating to the work Respondent did in this matter;
 - ii. any evidence Respondent intends to rely upon to argue in opposition to the Petitioner's claimed hourly rates, number of billers or number of hours spent on this matter; and
 - iii. an itemized list of Petitioner's hours, number of billers, billing rates, and/or tasks performed to which Respondent objects and the specific basis of Respondent's objections.
- b. Respondent shall notify the Court by letter, with a copy to Petitioner, that Respondent has complied with this section of the Order.
- c. Ten days after Respondent has provided the written notice in Section 4(a), the parties will again meet and confer in a good faith attempt to resolve any remaining dispute as to the amount of Petitioner's fee petition.
- d. If an agreement is reached by the parties, that agreement does not constitute a waiver of Respondent's contention that Petitioner is not entitled to any fees.
- e. Immediately after the Conference, if no agreement is reached, Respondent will so notify the Court by letter, with a copy to Petitioner.

5. Respondent's Objections

- a. If any issues relating to the fees claimed remain in dispute after the Conference, Respondent shall prepare a memorandum containing the following:
 - i. the total amount of fees claimed by Petitioner to which Respondent agrees are reasonable and should be awarded;
 - ii. the total amount of fees charged by Respondent in this litigation;

- iii. a list stating Respondent's specific objections as to each contested time entry and Respondent's reasons for the objections; and
- iv. a brief description of each specific dispute remaining.
- v. Respondent shall submit this memorandum to Petitioner within seven days of the Conference.

6. Court Filing

- a. Petitioner shall attach Respondent's memorandum to Petitioner's fee petition and shall promptly submit the documents to the Court.
- b. The fee petition and any supporting or opposing material is limited to the disputed issues raised in Respondent's memorandum, and the agreed fees need not be submitted to the Court.

Date

Judge Daniel J. Kubasiak