



State of Illinois
Circuit Court of Cook County
Law Division

Ronald F. Bartkowicz
Judge

50 West Washington Street
Suite 2609
Richard J. Daley Center
Chicago, Illinois 60602
(312) 603-7834
Law Clerk (312) 603-2357
Fax # (312) 603-9056

STANDING ORDER – Calendar “J”
(Revised September 19, 2017)

The purpose of this standing order is to establish a consistent pretrial and trial procedure to aid in the just resolution of all matters assigned to Calendar “J.” If special circumstances warrant modifications, those cases will be handled according to the specific needs presented.

A. MOTIONS

1. REGULAR MOTION CALL – 9:00 A.M. – Daily (except Friday)

Regular motions are spindled in the clerk’s office in Room 801. **A courtesy copy must be delivered to Courtroom 2609 by 4:00 p.m. the day before the call.** Agreed orders will be taken before the call begins in Courtroom 2609. If the parties desire a briefing schedule, a clerk’s status date will be set for delivery of courtesy copies and a disposition and or hearing date will be set. Any motion which affects discovery must be accompanied by a copy of the last discovery and case management order(s). If the moving party intends to withdraw a motion from the call, please call the law clerk at (312) 603-2357 prior to the hearing date to inform the court that the motion will not be presented.

2. EMERGENCY MOTION CALL – 9:15 A.M. – Daily

Emergency motions are heard on Monday through Friday. A courtesy copy must be delivered to Courtroom 2609 by 4:00 p.m. the preceding day. **THE MOTIONS MUST BE A TRUE EMERGENCY, OR THEY WILL NOT BE HEARD, AND WILL HAVE TO BE SPINDLED ON THE REGULAR MOTION CALL.** As a general rule, an emergency is some circumstance which could lead to irreparable damage to a party if relief is not obtained prior to the time a party can be heard on the court’s regular motion call. Motions to extend or compel discovery are not ordinarily emergent in nature.

3. ROUTINE and SPECIAL ROUTINE MOTION CALL – 8:30 A.M. to 9:00 A.M. – Daily

The court clerk accepts routine motions in Courtroom 2609 from 8:30 a.m. through 9:00 a.m. Any objections must be made before 8:30 a.m. by calling the law clerk at (312) 603-2357. The judge does not appear on this call. Routine motions are stamped and entered by the clerk, provided proper notice was given and no objection made. Motions on cases three (3) years or older may not be presented on the routine motion call. The routine motion call guidelines contained in Law Division Motion Judges Rules 3.0 et seq. apply.

Special Routine Motions are those for an order of default, motions for judgment by confession and motions to withdraw without substitution of new counsel. (Note: moving counsel must fully comply with Supreme Court Rule 13(c)).

Special Routine Motions for Default must fully comply with this standing order and Motion Judges Rule 4.2. Affidavits in support of relief sought must be based on personal knowledge of the affiant. (See Motion Judges Rules 4.2 and 4.3). The following is required before a default is entered:

- a) **Notice** – The moving party must provide the opposing party with notice as mandated by Motion Judges Rule 2.1. The notice of motion should be marked “Special Routine” and indicate the time as 8:30 a.m. All parties who have been served shall be given notice, whether or not an appearance has been filed;
- b) **At least five (5) court days** prior to the date selected to present the motion, the following documents must be delivered to Courtroom 2609:
 1. original notice of motion and motion;
 2. copy of summons showing service;
 3. an attorney’s certificate, signed by counsel, certifying that both the court file and clerk’s computer have been checked for defendant’s appearance and answer. The certificate must be dated no more than ten (10) days before the date selected to present the motion;
 4. if defaulting an individual, the attorney must attach a military affidavit to the motion and draft order;
- c) **Draft Order**
 1. **Unliquidated Damages**: The order shall set the matter for prove-up of damages in Courtroom 2609. The court will select the date for prove up.
 2. **Liquidated Damages**: The order shall enter the default and award a judgment. The following documentation is required for an award of liquidated damages:
 - a. copy of verified complaint with exhibits, or an affidavit by the moving party establishing the judgment amount;
 - b. an affidavit detailing the costs of suit;
 - c. an affidavit for attorneys’ fees if applicable.
- d) **Attorneys’ Fees** – Attorneys’ fees are recoverable only by statute or when provided for in an agreement between the parties. If attorneys’ fees are recoverable, an affidavit from the attorney is necessary to establish the amount. The affidavit shall state:
 1. the nature of the services performed;
 2. the number of hours spent performing these services;
 3. the attorney’s hourly rate;
 4. the year the attorney graduated from law school;
 5. a statement that the number of hours spent and the rate charged per hour is fair and reasonable, and within the normal standards of the community for the type of services performed.

Note: Any Special Routine Motion for Default that fails to comply with all the above requirements will be stricken.

4. CLERK'S STATUS CALL – 11:00 A.M. – Daily

Courtesy copies of briefs for all contested motions are received by the law clerk in Courtroom 2609 at 11:00 A.M. on the date set. The parties do not appear before the judge on this call. However, any changes in a court order regarding time for filing briefs, clerk's status date, or ruling dates shall be made only with the judge's consent. Pursuant to Motion Judges Rule 6.0-6.3, the movant is responsible for delivering copies of the motion, all briefs, pleadings and exhibits relevant to the motion at the clerk's status. Every motion must include a copy of the complaint at issue. Ruling dates will be set on the clerk's status call. Non-attorneys may appear to deliver courtesy copies. Failure to provide the court with courtesy copies may result in the motion being stricken. No additional briefs filed after clerk's status will be considered without leave of Court. **Failure of the non-movant to respond to a motion by the clerk's status date may result in the motion being granted on that date.**

5. DISPOSITIVE MOTIONS

All dispositive motions shall be filed **and duly noticed for hearing** such that the motion, as well as all the briefs, memoranda or exhibits in support of the motions, come before the court for initial presentation and entry of a briefing schedule no later than the deadline set by the court, except by prior leave of court and for good cause shown. The documents which are subject to this deadline specifically include all briefs, memoranda and exhibits in support of the motions. **Failure to comply with this requirement shall result in the motion being denied as untimely.**

6. BRIEFS AND CITATIONS

- a) No brief shall exceed fifteen (15) pages, double-spaced, exclusive of exhibits. Any brief filed in excess of fifteen (15) pages requires leave of court.
- b) Citations shall include citation to Official Illinois Reporters. **Reference to the Northeastern Reporter, alone, is not acceptable.**
- c) The movant is responsible for providing the court with courtesy copies of all briefs, a copy of the complaint and all relevant exhibits.

7. AGREED DISMISSAL ORDERS

If a case has been resolved by agreement, the parties do not need to appear in court to enter the dismissal order. Instead, the parties may fax or hand deliver an agreed dismissal order to the law clerk for Courtroom 2609 prior to the next scheduled court date. If the agreement resolves the entire case, such an order must contain language striking the next scheduled court date. The fax number for Courtroom 2609 is (312) 603-9056.

B. CASE MANAGEMENT CONFERENCE

1. INITIAL CASE MANAGEMENT – Thursdays at 9:30 A.M.

Initial case management dates are set by the clerk's office. **Five (5) days prior to the initial case management date, plaintiff's counsel shall prepare and deliver to Courtroom 2609 a Pretrial Memorandum that specifically details the nature of the injury and the dollar amount of special**

damages. Counsel with authority to act must appear on the initial case management date and be prepared to inform the court as to the status of service of process upon each defendant, the complexity of the litigation and the type and extent of discovery required. Subsequent case management conferences will be set Monday through Friday. **Plaintiff's failure to attend may result in dismissal for want of prosecution.**

2. PRE-TRIALS – THE COURT ENCOURAGES ALL PARTIES AND COUNSEL TO EXPLORE SETTLEMENT AT EVERY OPPORTUNITY.

Requests for a pretrial conference may be made by motion or scheduled by calling Judge Bartkowicz's law clerk at (312) 603-2357. Plaintiff's counsel and counsel for all parties with claims shall submit an updated pretrial memo that sets forth the issues, damages, status of settlement negotiations and any additional information that will help the court hold a meaningful pretrial conference. Memos should be delivered to the court and opposing counsel two (2) days prior to the conference. For settlement purposes, the counsels are expected to have authority to settle the case or have the adjuster and/or clients present in court or available by telephone.

C. TRIAL DATES

Trial dates are firm, and requests for extensions are not encouraged. Trials may be advanced or continued a few days, according to the court's schedule. If another case is set for trial on the same date, it is within the court's discretion as to which case shall proceed and whether to hold the other case(s) for trial to the next available court date or to transfer the case to the Presiding Judge for immediate reassignment for trial. Generally, however, older cases or those previously advanced for trial are given priority.

D. FINAL PRE-TRIAL CONFERENCE

When a trial date is selected, the court may also, in its discretion, set a date for a final pretrial conference. The final pretrial conference will usually be set approximately three (3) weeks prior to the trial date. At the final pretrial conference, the court will conduct settlement discussions, review trial materials previously submitted, rule on motions in limine, evidence depositions and exhibits, as well as discuss trial scheduling. Prior to the final pretrial conference, the parties shall make every effort to resolve any objections to motions in limine or unresolved objections contained within evidence depositions, and submit only to the court the issues that the parties were unable to resolve. **TRIAL COUNSEL MUST APPEAR AT THE FINAL PRETRIAL CONFERENCE.** Failure to appear or to present trial materials by the due date may result in dismissal for want of prosecution, entry of an order of default, or other appropriate sanction.

E. TRIAL MATERIALS

Each party is responsible for the submission of trial materials to chambers by 2:00 p.m. on the date set in the trial order. Certain materials must be jointly prepared so the parties are encouraged to meet in advance in order to comply. Separate trial materials should be submitted on matters the parties are unable to agree upon. In a **Jury Trial**, trial materials shall include the following:

1. the estimated number of trial days;
2. a jointly prepared statement of the case to be read to the venire;
3. a jointly prepared list of all potential witnesses to be called by the parties;

4. a complete and jointly prepared list of all exhibits each party intends to use at trial, and whether the opposing side has any objections. **In the event of objections, the nature of the objections must be noted, i.e.,** foundation, relevance, motion in limine, etc.;
5. copies of each party's motions in limine;
6. if evidence depositions are to be used, the parties should prepare and submit copies of transcripts so that the court can rule on objections;
7. any stipulations between the parties;
8. a list of each party's Supreme Court Rule 216 Requests for Admission of Facts and responses thereto, if any;
9. a Statement of all outstanding disputes regarding Rule 237 production requests. It is expected that each party desiring materials or witnesses at trial will serve the opposing party with timely Rule 237 notices so that the requests can be discussed between counsel prior to preparation of final pretrial materials;
10. a copy of all Rules 213 disclosures;
11. two copies of proposed jury instructions (one marked and numbered and the other unmarked), which are to be sorted in the order of their numbering under the IPI system. No jury instructions beyond those submitted with the trial materials will be accepted, except for good cause and with leave of court, after noon on the day plaintiff rests his/her case in chief;
12. questions each party wants the court to ask the venire. The parties do not need to submit questions that will be asked by the attorneys.

In a **Bench Trial**, submitted materials must include item numbers 1, 3, 4, 5, 6, 8, and 9. Additionally, each party shall submit a memorandum of law, not in excess of five (5) pages, summarizing their respective legal theories, with citations to cases.