

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION
MORTGAGE FORECLOSURE/MECHANICS LIEN SECTION**

AMENDED AND RESTATED STANDING ORDER

EFFECTIVE: September 20, 2024

**JUDGE JAMES A. WRIGHT
CALENDAR64
COURTROOM 2810**

JUDICIAL LAW CLERK:

**CHRISTOPHER BIBBS, ESQ.
christopher.bibbs@cookcountyil.gov
(312) 603-3879
(EMAIL PREFERRED)**

ADMINISTRATIVE ASSISTANT:

**FRANSUA GRADIZ
fransua.gradiz@cookcountyil.gov
(312) 603-7554**

COURTESY COPY EMAIL:

ccc.mfmlcalendar64@cookcountyil.gov

ZOOM INFORMATION:

**MEETING ID: 932 9843 8152
PASSCODE: 758485
CALL-IN NUMBER: (312) 626-6799**

THE COURT'S WEBPAGE:

<https://www.cookcountycourt.org/judge/wright-james>

IT IS HEREBY ORDERED AS FOLLOWS:

THIS STANDING ORDER, effective September 20, 2024, amends and restates all prior standing orders for Calendar 64. This Standing Order supplements the Illinois Code of Civil Procedure, Illinois Supreme Court Rules, Circuit Court of Cook County Rules, Circuit Court of Cook County General Orders, Mortgage Foreclosure/Mechanics Lien Section ("MF/ML") Courtroom Procedures, all Chancery Division Rules, and all applicable General Administrative Orders.

TABLE OF CONTENTS

I.	GENERALLY	1
II.	ADDITIONAL RESOURCE FOR SELF - REPRESENTED LITIGANTS	2
III.	COURT CALLS	2
IV.	COURT PROCEEDINGS.....	2
V.	REQUEST FOR ZOOM HEARING "TEST RUN"	3
VI.	MANDATORY ZOOM HEARING RULES.....	3
VII.	ORDERS.....	4
VIII.	COURTESY COPIES	6
IX.	REQUIRED ATTACHMENTS.....	11
X.	CASE MANAGEMENT AND DISCOVERY.....	11
XI.	ROUTINE MOTIONS.....	13
XII.	MOTIONS	13
XIII.	BRIEFING SCHEDULES.....	16
XIV.	COMPLIANCE WITH GENERAL ADMINISTRATIVE ORDER No. 2021-09	17
XV.	JUDGMENT OF FORECLOSURE PACKET CONTENTS.....	17
XVI.	JUDGMENT OF FORECLOSURE ORDER AMOUNT DUE BREAKDOWN.....	20
XVII.	MOTIONS TO APPROVE JUDICIAL SALE	20
XVIII.	MOTIONS FOR ENTRY OF A CONSENT JUDGMENT OF FORECLOSURE	23
XIX.	EMERGENCY MOTIONS.....	23
XX.	APPOINTED AND REFERRED ATTORNEYS.....	26
XXI.	RECEIVERS AND MORTGAGEES IN POSSESSION	28
XXII.	MOTIONS FOR SERVICE BY SPECIAL ORDER OF COURT.....	31
XXIII.	CALENDAR CALL.....	31
XXIV.	CITATION TO DISCOVERY ASSETS/POST-JUDGMENT MATTERS.....	31
XXV.	COURT REPORTERS.....	32
XXVI.	REQUESTS FOR A FOREIGN LANGUAGE INTERPRETER.....	32
XXVII.	<i>Ex PARTE</i> COMMUNICATIONS	32
XXVIII.	COURTESY CALLS TO CHAMBERS	33

*****DO NOT COME TO COURT IN PERSON*****

NO IN PERSON HEARINGS WILL BE CONDUCTED UNLESS BY ORDER OF COURT.

ALL COURT HEARINGS WILL BE CONDUCTED VIA ZOOM UNLESS BY ORDER OF COURT REQUIRING PARTIES TO APPEAR IN PERSON.

I. **GENERALLY**

- (a) 735 ILCS 5/1-104(b) vests this Court with the power to make rules regulating its docket, calendar, and business. The rules contained in this Standing Order have the force of a statute and are thus binding on the parties. *Jones v. State Farm Mutual Automobile Insurance Co.*, 2018 IL App (1st) 170710, iT 21. Such, "rules are meant to be followed, as written, and are not suggestions or guidelines from which deviations may be made by the litigants." *VC&M, Ltd. v. Andrews*, 2013 IL 114445, iT 26. Finally, this Court has, "inherent authority to control matters before it as necessary to prevent undue delay or disruption in the proceedings." *In re L.S.*, 2022 IL App (1st) 210824, iT 111.
- (b) Failure to strictly comply with the requirements set forth in this Standing Order may result in denial of the motion, dismissal of the case for want of prosecution, or any other appropriate sanction at the Court's discretion.
- (c) All pleadings must contain the entire case caption, calendar number, and property address. All service notices must include each attorney or self-represented litigant's address, telephone number, and email address. Pursuant to Illinois Supreme Court Rule 11(b), a self-represented litigant who has an email address must designate a single email address to which service may be directed and include that email address on all court documents and correspondences.
- (d) Pursuant to Illinois Supreme Court Rule 13(c) and Circuit Court Rule 1.4(a), no party may appear without having previously filed an appearance, except for a petition to intervene. A party not represented by an attorney - a self-represented litigant - will receive no preferential treatment and must comply with all applicable statutes and rules.
- (e) Generally, Illinois Supreme Court Rule 9(d) provides that documents submitted for filing with the Clerk of the Court are timely filed if received before midnight on the deadline date for submission. Rule 9(d) also affords this Court the discretion to modify Court that general deadline. To help avoid technical issues, and to afford reasonable time for assistance from the Clerk or intervention by the Court in the event of unexpected issues, absent

explicit language otherwise in a specific order, electronically filed document submissions made pursuant to the terms of an order of this Court permitting time to appear, answer, or otherwise plead, or addressing a briefing schedule shall only be considered timely filed if submitted at or before 4:30 PM.

II. ADDITIONAL RESOURCE FOR SELF-REPRESENTED LITIGANTS

- (a) Cook County Foreclosure Mediation Program - Call (855) 452-2637 to participate in a free program which offers a chance to talk with your lender and try to work out an agreement with the help of a knowledgeable, neutral person.

III. COURT CALLS

- (a) **The Court's regular court calls take place on the following days and times:**

Default Call:	Monday, Tuesday, Wednesday, Friday	09:15 AM
Contested Call:	Monday, Tuesday, Wednesday, Friday	01:00 PM
Emergency Motions:	Monday, Tuesday, Wednesday, Friday	09:15 AM

IV. COURT PROCEEDINGS

- (a) In accordance with Illinois Supreme Court Rule 45, Illinois Supreme Court Rule 1 13(j), and General Administrative Order No. 2023-03, the vast majority of Court proceedings will be held remotely via Zoom unless otherwise ordered by the Court.
- (b) The Court has the ultimate discretion to decide whether a hearing will be conducted remotely via Zoom or in person. If the Court determines a matter before it is complex due to the nature of the dispute, the nature of the parties, or severity of the matter, the Court has the ultimate discretion to require the parties to appear in person.
- (1) Absent a highly compelling justification, all trials and evidentiary hearings shall be held in person and all witnesses, attorneys, court reporters, parties who wish to observe the proceeds, *etc.* shall appear in person before the Court.
- (c) Although "hybrid" hearings may occur and the courtroom is technologically equipped for such hearings, the Court strongly prefers to have hearings conducted either entirely via Zoom or entirely in person.

- (d) In the event a hearing is scheduled via Zoom and a litigant or attorney is unable to connect to Judge Wright's Zoom hearing call, please IMMEDIATELY call (312) 603-7554 and/or email ccc.mfmlcalendar64@cookcountyil.gov to let the Court know of your difficulty connecting to the Zoom call.
- (e) Zoom download instructions can be found at the Court's webpage.

V. REQUESTS FOR ZOOM HEARING "TEST RUN"

- (a) The Court will work with self-represented litigants to assist with the process of accessing the Court's Zoom hearing call. Each self-represented litigant may contact (312) 603-7554 to conduct a one-time "test run" to prepare to access the Court's Zoom hearing call. Appointments must be made at least three business days prior to the self-represented litigant's scheduled court date. If a self-represented party makes an appointment for a Zoom meeting "test run", they must keep that appointment or call (312) 603-7554 to notify the Court of the party's intent to cancel or reschedule the "test run."

VI. MANDATORY ZOOM HEARING RULES

- (a) Remember, Zoom proceedings are still court proceedings! All persons appearing before the Court via Zoom shall conduct themselves accordingly. Conduct exhibited which is not fitting for a courtroom may result in the person being removed from the Zoom call and may potentially subject the person to appropriate sanctions at the Court's discretion.
- (b) No person shall use a virtual background when appearing before the Court via Zoom to limit distractions. Blurring the background is acceptable for privacy concerns.
- (c) 625 ILCS 5/12-610.2(b) prohibits a person from operating "a motor vehicle on a roadway while using an electronic communication device, including using an electronic communication device to (***) participate in any video conferencing application, including, but not limited to, Zoom." Accordingly, no person shall be engaged in the act of operating a motor vehicle while appearing before the Court via Zoom. If a person appearing before the Court is in the driver's seat of a motor vehicle, the vehicle shall be safely pulled over on the side of the road or parked. *See* 625 ILCS 5/12-610.2(d)(5). If the Court finds a person is engaged in the act of driving a motor vehicle while

appearing before the Court via Zoom, the person will be ordered to safely pull over or park the motor vehicle and the case(s) for which the person is appearing will be passed to the end of the call to allow for compliance. Out of an abundance of caution, failure of the person to comply with the Court's order to safely pull over or park the motor vehicle will immediately result in the person being removed from the virtual courtroom.

- (d) All persons appearing before the Court via Zoom shall remain on mute until the case for which the person is appearing is called.
- (e) All persons appearing before the Court via Zoom shall unmute their microphones and activate their video function once the case for which the person is appearing is called.
- (f) All persons appearing before the Court via Zoom shall edit their "name" on Zoom to reflect the person's full legal name. Names such as "John Doe's iPhone," "Samsung 1234," "John," or any other inappropriate name not clearly indicating the individual's name are not permissible.
- (g) Attorneys appearing before the Court via Zoom shall edit his or her name on Zoom to reflect the attorney's name as provided to the Attorney Registration and Disciplinary Commission and shall also include the name of the law firm for which the attorney is appearing (*e.g.*, John Doe - ABC Law Firm).
- (h) Illinois Supreme Court Rule 44 prohibits "the photographic recording, digital capturing, or other recording of a [Zoom] proceeding except [...] by the court or at the court's direction". This prohibition "includes the audio or video transmissions or recordings made by telephones, personal data assistants, laptop computers, and other wired or wireless data transmission and recording devices."
- (1) Failure of any party to adhere to the prohibitions set forth in Illinois Supreme Court Rule 44 will subject the violator to appropriate sanctions by the Court and/or penalties for contempt of court.

VII. ORDERS

- (a) Court-supplied, fill-in-the-blank orders should be used whenever possible. All proposed orders for each motion should be provided to the Court in one PDF with the courtesy copy submission and **should not be attached to any other document.**

- (b) 1-2 page case management orders shall be used. A form version of this order is available on the Court's webpage and shall be submitted with the proposed orders for each case management conference held.
 - (1) DO NOT "pre-check" any boxes in proposed orders as the Court's ruling may differ from the "pre-checked" box.
 - (2) All proposed case management orders shall have an "other" line so that the Court may fill in additional items ordered into the form order following the hearing.
- (c) The form pre-trial timeline order to be entered concurrently with the entry of an order striking a case from case management (4331) for cases instituted on or after July 1, 2022, is available on the Court's webpage and shall be submitted with the proposed orders for each case management conference held along with the standard 1-2 page proposed case management order. Failure to tender a copy of a proposed pre-trial timeline order with case management conference courtesy copies shall subject the case management conference to be stricken off the call, requiring the plaintiff to re-notice the case management conference.
- (d) In the event Plaintiff chooses not to proceed on a motion noticed before the Court and Plaintiff or Plaintiff's counsel submits to the Court in lieu of courtesy copies an order withdrawing the motion, entering and continuing the motion generally, or striking the motion from the call, such a proposed order and the email submitting said proposed order to the Court for entry either on or off call shall contain **both the date and time** for which the motion was originally scheduled.
- (e) Dates certain, *e.g.*, "September 4, 2024," are required for redemption dates where applicable.
- (f) Orders should not include a pre-filled date by the signature block as the Court may not enter the order on the date listed depending on the time or date of its receipt. The Court will date all orders on its own upon execution.
- (g) Proposed orders to be submitted by the litigants to the Court following a hearing are due to the Court no later than 24 hours after the hearing. If proposed orders are not received by the Court 72 hours after the hearing, the Court may enter its own order without input from the parties, strike the motion, and/or may subject the case to dismissal for want of prosecution.
- (h) All proposed orders shall include the Court's contact and Zoom information.

- (i) Due to the increasing volume and complexity of cases on the docket, the law clerk will not provide copies of signed and entered orders to litigants. Please either contact the Clerk of the Circuit Court of Cook County or the Court's administrative assistant to obtain a copy of any previously signed and entered order. **Please DO NOT email or carbon copy the general calendar email address with such requests.**

VIII. COURTESY COPIES

- (a) Due to the high volume of cases and in an effort to maintain an orderly and organized docket, courtesy copies which are not both timely and properly submitted pursuant to the requirements set forth in this Standing Order will NOT be considered by the Court.
- (b) Unless otherwise agreed to by the parties, the **moving party** is to supply the Court with all courtesy copies, **as well as the briefing schedule order and any other relevant order(s) necessary for the Court to have a full understanding of a case's procedural history.** Failure of the moving party to tender courtesy copies pursuant to the requirements set forth in this Standing Order is grounds for denial of the motion.
- (c) All documents a movant wishes the Court to consider in adjudicating any matter before it must bear a stamp demonstrating that the original document was filed with the Clerk of the Circuit Court.
- (d) All courtesy copy submissions presented to the court that were filed with the Clerk of the Circuit Court "shall be legibly written, typewritten, printed, or otherwise prepared." Ill. Sup. Ct. R. 10(b); Ill. Sup. Ct. R. 131(a). Failure to submit legible courtesy copies may result in the Court striking the courtesy copies, not taking action on the scheduled matter, denial of the motion(s), or continuation of the matter to a new date subject to the Court's availability. This includes handwritten motions presented by *self-represented* litigants.
- (e) All courtesy copy submissions must be fewer than 30 megabytes inclusive of all attachments to ensure delivery to the Court's email address.
- (f) Courtesy copies shall be submitted to the Court in a SINGLE email for the case, in a neatly and intuitively organized fashion, containing ONLY TWO attachments:
 - (1) A SINGLE, tabbed PDF document containing the notice of motion, Zoom instructions, all motion(s) being presented, exhibit(s) thereto, prior relevant orders, *etc.*; and
 - (2) A SEPARATE SINGLE PDF document containing ALL proposed orders.

- (g) Noncompliant courtesy copy submissions will NOT be considered by the Court. The Court will NOT take action on the scheduled matter, may deny the motion(s), or may continue the matter to a new date subject to the Court's availability.
- (h) The Court will not accept courtesy copies tendered more than 3 weeks in advance of any scheduled matter in order to prevent the potential loss of submitted courtesy copies.
- (i) All parties are ordered to follow the timeline for submitting courtesy copies as set forth in this Standing Order, in order to guarantee receipt and to allow the Court sufficient time to review courtesy copies.
- (j) The Court will not retain courtesy copies for continued motions. The movant shall submit a fresh set of courtesy copies to the Court's email prior to each new court date.
- (k) **All courtesy copies, regardless of the type of motion being heard are due by 4:30 PM 10 COURT BUSINESS DAYS in advance of the scheduled court date.**
 - (1) Please keep in mind that scheduled court holidays do NOT count as court business days.
 - (2) The annual legal holiday schedule may be found on the Circuit Court of Cook County's website.

Example Calendar for May 2024 without Intervening Holiday:

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9 CCs Due Day 10	10 Day 9	11
12	13 Day 8	14 Day 7	15 Day 6	16 Day 5	17 Day 4	18
19	20 Day 3	21 Day 2	22 Day 1	23 Hearing Date	24	25
26	27 Holiday	28	29	30	31	

Example Calendar for May 2024 with Intervening Holiday:

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9		11
12	13	14	15 CCsDue Day 10	16 Day9	17 Day 8	18
19	20 Day7	21 Day6	22 Day 5	23 Day4	24 Day 3	25
26	27 Skip Holiday	28 Day2	29 Day 1	30 Hearing Date	31	

- (l) **All electronic courtesy copies, regardless of volume, shall be emailed to ccc.mfmlcalendar64@cookcountyil.gov ONLY.**
- (1) Do NOT email courtesy copy submission directly to the Court's law clerk or administrative assistant unless explicitly requested to do so.
- (m) **No paper or physical courtesy copies will be accepted unless ordered by the Court or an in person hearing is set.**
- (n) **In the event an in person hearing is set by order of Court, the movant shall tender BOTH physical courtesy copies to Courtroom 2810 and electronic courtesy copies to the email listed above.**
- (1) When tendering physical courtesy copies, the courier should call either the Court's law clerk or administrative assistant upon arrival to courtroom 2810 so that chambers staff may accept delivery and confirm receipt of the physical courtesy copies.
- (2) Physical courtesy copies SHALL be neatly organized and bound with labeled tabs.
- (3) Physical courtesy copies will not be accepted on Fridays.

(o) **When emailing courtesy copies, parties must strictly adhere to the following guidelines:**

- (1) The subject line of the email must include only the case number, the case name, and the court date (*e.g.*, 24-CH-00000 PNC v. Martin 5/31/2024). For routine motions, please indicate "off call" instead of the court date.
- (2) Please format case numbers exactly as 24-CH-00000, so that emails can easily be searched and located in the Court's inbox. Case numbers should include a "0" placeholder for a digit without a numerical value, the "20" in the year should be omitted, and the "CH" should be set apart by hyphens.
- (3) The body of the email must include the case number, court date, and a brief description of the motion being presented (*e.g.*, Attached are courtesy copies for the September 4, 2024, hearing in 24-CH-00000 (PNC v. Martin) up on Case Management/Judgment Motions/Order Approving Sale/Status on _____/Plaintiff's or Defendant's Motion to _____/etc.).
- (4) Please do NOT include any "internal" file numbers of the law firm submitting the courtesy copies or property addresses in the subject line or body of the email.
- (5) Attachments to the email should be in **PDF form ONLY** and should each have clear and conspicuous titles explaining what is contained within that PDF. DO NOT send courtesy copies as "Word" documents or in any other format other than PDF.
- (6) All motions must be in ☐ **tabbed PDF file with .illl supporting documents**. Each tab must be **clearly titled** (*e.g.*, Notice of Motion, Complaint, Service Affidavits, Motion for Default, *etc.*) and **neatly and intuitively organized**.
 - (i) The Notice of Motion or continuance order should ALWAYS be the first page of this PDF packet and should never be separately attached.
- (7) Proposed orders must be attached as a **separate PDF** attachment in the **same courtesy copy email clearly titled** "Proposed Order(s)." Multiple proposed orders should **all** be submitted **toe:ether in ONE PDF** attachment.
- (8) Proposed orders shall contain the Court's email address, phone number, and Zoom information.
- (9) Case Management Orders shall be a maximum of 2 pages in length and must only contain the caption of the case and the plaintiff's law firm information. Pre-checked proposed orders will not be accepted or signed.
- (10) All parties who have filed an appearance must be carbon copied on courtesy copy emails to the Court. Failure to carbon copy any party who has filed an appearance in the case and provided an email address may result in the striking of the motion.
- (11) If attachments are too large to be attached in one email, movants may send the courtesy copies in a zipped file, a Dropbox link, a Google Drive link, or other similar format. If none of these options are feasible, multiple

emails are acceptable **only** if **conspicuously** labeled in the subject line and body of the email (*e.g.*, Part 1 of 3, Part 2 of 3, *etc.*).

IX. REQUIRED ATTACHMENTS

- (a) Pursuant to General Administrative Order No. 2022-03:
 - (1) All summonses must include the Mortgage Foreclosure Mediation Program informational sheet in English and Spanish; and
 - (2) All notices of motion and notices of initial case management must include a copy of all four pages of the required Zoom instructions in English and Spanish.
- (b) Failure to strictly comply with General Administrative Order No. 2022-03 shall result in the matter being continued to a new date subject to the Court's availability.

X. CASE MANAGEMENT AND DISCOVERY

- (a) All Case management conferences held pursuant to Illinois Supreme Court Rule 218 are scheduled on the Court's default motion call (Monday, Tuesday Wednesday, or Friday at 9:15 AM).
- (b) Illinois Supreme Court Rule 218(a) clearly states that "the court shall hold a case management conference." Therefore, such conferences are mandatory and not permissive.
- (c) In matters involving commercial properties, if all parties are served, the plaintiff may present a motion to advance and hold a case management conference *instantly*. If the plaintiff files such a motion to advance and hold a case management conference, the plaintiff may not also piggy-back judgment motions to the same hearing and must first have the case management stricken by the Court (4331) prior to presenting such judgment motions.
- (d) No judgment motion may be filed or noticed nor may any judgment be entered prior to case management being stricken by the Court (4331). This shall apply to residential and commercial properties. Noticing judgment motions prior to a continued case management conference is strictly prohibited.
- (e) Under no circumstance may any contested motion or any judgment motion be presented at a case management conference, and **no routine motion may be piggy-backed onto a case management conference without first contacting the law clerk via email or phone for permission.**

- (f) In *In Re: Time Standards for Case Closure in Illinois Trial Courts*, M.R. 31228, the Illinois Supreme Court established standards for the disposition of a variety of case types within specific timeframes. For mortgage foreclosure cases, 98% of cases should have the final order entered within 36 months from the date of institution of the case; therefore, effective for cases instituted on or after July 1, 2022, the following timeline shall be followed for discovery and filing of dispositive motions:
- (1) Upon entry of an order striking the case from case management (4331), the Court will concurrently enter a pre-trial timeline order in which the parties shall thereafter have:
 - (i) 8 months to complete written discovery;
 - (ii) 14 months to complete oral discovery;
 - (iii) 15 months to complete disclosure of expert witnesses; and
 - (iv) 17 months to complete expert witness discovery.
 - (2) The parties may file dispositive motions at any point after the entry of the order striking the case from case management (4331); however, ALL dispositive motions from ALL parties shall be filed no later than 20 months after the entry of the order striking the case from case management (4331).
 - (3) As the need arises, the case shall be set for trial no later than 24 months upon entry of the order striking the case from case management (4331).
 - (4) The order striking the case from case management (4331) shall be included as an exhibit to all dispositive motions and a statement shall be made in the filed motion that the motion complies with this timeline.
 - (5) The parties may use the time for discovery to conduct loss mitigation and settlement discussions if the case is "on loss mitigation hold," but the timeline will continue to run and will not be tolled or stayed unless done so by order of the Court.
 - (6) The Court retains the authority to modify this timeline for good cause on its own motion or by a motion of a party where appropriate.
 - (7) Failure to follow this timeline may be a basis for Illinois Supreme Court Rule 219(c) sanctions or may result in the case being dismissed *sua sponte* for want of prosecution.
 - (8) Any deliberate and obvious attempt by a party to delay the prosecution of a case by filing frivolous motions shall subject the motion to being facially stricken and potentially subject the movant to appropriate sanctions, at the Court's discretion.
- (g) Plaintiff or Plaintiff's counsel shall submit courtesy copy packets for case management conferences. Such a submission shall include the following:

- (1) Notice of initial case management pursuant to Illinois Supreme Court Rule 218;
- (2) 4 pages of Zoom instructions in both English and Spanish;
- (3) Certificate of service of the notice of initial case management;
- (4) FILED case management conference form, a form version of which is available on the Clerk of the Circuit Court's webpage;
- (5) Proposed 1-2 page case management order, a form version of which is available on the Court's webpage under the "Court Forms" section; and
 - (i) This order should be first in the proposed orders PDF.
- (6) Proposed pre-trial timeline order, a form version of which is available on the Court's webpage under the "Court Forms" section.
 - (i) This order should be second in the proposed orders PDF.

XI. ROUTINE MOTIONS

- (a) Routine motions may be signed and entered outside the Court's regular calls. The following motions are considered routine:
 - (1) Motion to appoint a special process server;
 - (2) Motion to voluntarily dismiss a case in its entirety;
 - (3) Receiver's bond; and
 - (4) Agreed orders may be presented in court or off call if accompanied by a stipulation and signed by all parties' or their attorneys.
- (b) Motions to voluntarily dismiss a case in its entirety shall include the basis for the dismissal in both the motion and the proposed order. Additionally, the proposed dismissal order shall state whether the dismissal is with or without prejudice.
- (c) Motions to voluntarily dismiss a case in its entirety due to a full pay off shall be accompanied with an order dismissing the case **WITH** prejudice.

XII. MOTIONS

- (a) A motion to appoint a special process server must contain the process server's name, employer, and license number.
- (b) A motion to issue an alias summons must state when the summons will issue and identify the person on whom it is being issued.
- (c) A motion for leave to amend or to file a third-party claim must specify what is being amended and attach a proposed filing.

- (d) A motion to reinstate a case following a dismissal due to a defendant filing for bankruptcy shall attach proof (such as a copy of an order from the bankruptcy court) that the moving party has leave from the bankruptcy automatic stay, the bankruptcy has been dismissed, the bankruptcy has been discharged, or other similar evidence of the same.
- (e) Pursuant to Illinois Supreme Court Rule 201(k): "The parties shall facilitate discovery under these rules and shall make reasonable attempts to resolve differences over discovery. Every motion with respect to discovery shall incorporate a statement that counsel responsible for trial of the case after personal consultation and reasonable attempts to resolve differences have been unable to reach an accord or that opposing counsel made himself or herself unavailable for personal consultation or was unreasonable in attempts to resolve differences."
 - (1) Accordingly, motions seeking to compel discovery shall "include a statement that after *personal consultation* the parties were unable to resolve their differences." *In re Marriage of Lai*, 253 Ill. App. 3d 111, 115 (1st Dist. 1993) (emphasis added). "The more drastic the relief requested, the more necessary compliance with Rule 201(k)." *Id.*
 - (2) "The purpose behind Rule 201(k) is to urge counsel to adopt a spirit of cooperation with regard to discovery. Counsel are not to use discovery rules to engage in harassment, delay, and pettifoggery. Where a party immediately moves for sanctions, the requirements of Rule 201(k) are not met as it demonstrates that party's failure to make a reasonable attempt to resolve the discovery problem before seeking judicial intervention. The imposition of sanctions for noncompliance with discovery rules and court orders rests largely within the circuit court's discretion." *In re Marriage of Lai*, 253 Ill. App. 3d 111, 115-16 (1st Dist. 1993) (internal citations and quotations omitted).
 - (3) All motions to compel discovery shall demonstrate that the case is not on hold, including, but not limited to, loss mitigation, bankruptcy, or other plaintiff internal or regulatory hold.
- (f) A party may present a motion on a date and at a time previously scheduled for the presentment of another motion or at a hearing ("piggy-backing") **only** after obtaining leave from the law clerk, providing courtesy copies, and giving proper notice of the motion to all parties entitled to notice.
 - (1) In the interest of fairness, piggy-backing of dispositive motions to existing hearing dates will generally not be permitted if the scheduled hearing date is less than 14 days from the date the law clerk is contacted.

- (g) Unless otherwise specified, **motions and briefs are limited to 15 pages**, double-spaced, exclusive of exhibits.
- (h) Citations must be to official reporters only and must comply with the most recent edition of "The Bluebook: A Uniform System of Citation."
 - (1) "Citation of Illinois cases filed prior to July 1, 2011, and published in the Illinois Official Reports shall be to the Official Reports, but the citation to the North Eastern Reporter and/or the Illinois Decisions may be added. For Illinois cases filed on or after July 1, 2011, and for any case not published in the Illinois Official Reports prior to that date and for which a public-domain citation has been assigned, the public-domain citation shall be given and, where appropriate, pinpoint citations to paragraph numbers shall be given; a citation to the North Eastern Reporter and/or the Illinois Decisions may be added but is not required. Citation of cases from other jurisdictions that do not utilize a public-domain citation shall include the date and may be to either the official state reports or the National Reporter System, or both. If only the National Reporter System citation is used, the court rendering the decision shall also be identified. For other jurisdictions that have adopted a public-domain system of citation, that citation shall be given along with, where appropriate, pinpoint citations to paragraph numbers; a parallel citation to an additional case reporter may be given but is not required. Textbook citations shall include the date of publication and the edition. Illinois statutes shall generally be cited to the Illinois Compiled Statutes (ILCS) but citations to the session laws of Illinois or to the Illinois Revised Statutes shall be made when appropriate." Ill. Sup. Ct. R. 6.
 - (i) The Court recognizes the increasing use of emerging technologies such as artificial intelligence ("AI") in the practice of law. Due to the need for accuracy, the given limitations of AI, and the concern for bias within the AI system itself, in order to inform the Court of its use, any document (motion, brief, affidavit, *etc.*) filed in any case before this Court that was created in any part with the assistance or use of AI (including, but not limited to: research, writing, editing of the document, or analysis of an opposition's document) shall contain within the document itself a statement that AI was used in the document's creation or analysis.
 - (j) All notices of motion for any motion noticed up on the Court's call shall contain the date and time of the scheduled hearing in the body of the notice of motion itself. **Blank** lines in the body of the notice of motion, "see above" or other language referencing the Clerk of the Circuit Court's stamp in the upper left-hand corner of the page, or any deviation from the format required herein is strictly prohibited. Failure to comply with this requirement will

result in the Court treating the motion as not properly noticed. The Court will strike the motion off the call requiring the motion to be re-noticed.

- (k) Pursuant to local rule 2.1(c)(1), all notices of motion shall be served upon all parties of record no fewer than 5 business days prior to the scheduled hearing. Notices of motions served fewer than 5 business days prior to the scheduled hearing will result in the Court treating the motion as not properly noticed. The Court will strike the motion off the call requiring the motion to be re-noticed.
- (l) Dispositive motions brought pursuant to Illinois Code of Civil Procedure sections 2-1005, 2-619, and 2-301(b) or section 15-1506 of the Illinois Mortgage Foreclosure Law **will** be screened for strict compliance with Illinois Supreme Court Rules 113, 191, 236, and/or 803(6) as required.
- (m) A party seeking discovery prior to responding to a dispositive motion brought pursuant to Illinois Code of Civil Procedure sections 2-1005, 2-619, or 2-301(b) **must** provide on the presentment date of the dispositive motion a filed affidavit in strict compliance with Illinois Supreme Court Rule 191(b). Failure to comply with this requirement may waive all discovery by that party prior to being given an opportunity to file a response brief to the dispositive motion.
- (n) Petitions for Turnover of Surplus Funds and Motions for Consolidation are heard by the Presiding Judge of the Chancery Division.

XIII. BRIEFING SCHEDULE

- (a) The Court does not enter briefing schedule orders except at the Court's discretion. *See TIG Insurance Co. v. Canel*, 389 Ill. App. 3d 366, 375 (1st Dist. 2009) ([I]t [is] well within the circuit court's discretion to grant or withhold permission regarding a briefing schedule. No authority exists to nullify that discretion.").
- (b) The Court does not hear oral argument except at the Court's discretion. *See Parkway Bank & Trust Co. v. Meseljevic*, 406 Ill. App. 3d 435, 441 (1st Dist. 2010) ("Oral argument in a civil proceeding tried(***) by the court without a jury is a privilege, not a right, and is accorded to the parties by the court in its discretion").
- (c) All briefing schedule orders entered will provide a response time, reply time, a date by which courtesy copies are due, and the hearing date provided by the Court. All hearing dates will be set by the Court subject to the Court's availability.

- (d) In the event a fully briefed motion's oral argument is entered and continued generally, continued from another calendar following a prior substitution of judge, or for any other reason not heard and continued from the originally scheduled hearing date without setting a new hearing date, the movant may not simply re-notice the previously fully briefed motion for hearing without first filing a motion to set a new hearing date or contacting the Court's law clerk to achieve the same. Rescheduled hearings will only be held if a court order sets the hearing date. Such orders may be entered off call. All hearing dates will be set by the Court subject to the Court's availability.

XIV. COMPLIANCE WITH GENERAL ADMINISTRATIVE ORDER No. 2021-09

- (a) Pursuant to General Administrative Order No. 2021-09:
 - (1) Any plaintiff that is seeking a default judgment of foreclosure or an order approving sale, where service was had on the mortgagor(s) over two years ago, and the mortgagor(s) has/have not filed an appearance must represent in the body of the motion itself, in an affidavit attached to the motion as an exhibit, or in a statement as an officer of the court in open court that the address whereupon service was effectuated is still the mortgagor(s) current address and the mortgagor(s) is not deceased.
 - (b) If the address whereupon service was effectuated has changed, the plaintiff must serve the notice of motion at the mortgagor(s) current address before entry of an order on the subject motion.
 - (c) If the mortgagor(s) is/are deceased, then the plaintiff must have a special representative appointed in accordance with 735 ILCS 5/15-1501, Illinois Supreme Court Rule 113(i), and General Administrative Order No. 2015-02.

XV. JUDGMENT OF FORECLOSURE PACKET CONTENTS

- (a) Courtesy copy packets including a Motion for Entry of Judgment of Foreclosure and Sale shall include the following:
 - (1) Notice of Motion with Zoom Instructions attached;
 - (2) The complaint, with all exhibits including Mortgage(s) and Note(s);
 - (3) Assignments and merger/successor documents, if any;
 - (4) Indorsements and allonges, if any;
 - (5) Certificate of Service of Process, with proof of service on all defendants;
 - (i) If a defendant is served by publication: a certificate of publication, skip trace, and affidavit of publication for that defendant pursuant to 735 ILCS 5/2-206 and 735 ILCS 5/15-1502(c).

- (6) Order striking the case from case management;
 - (7) Military Affidavit (as required by the Service-Member's Civil Relief Act) dated no earlier than 6 months prior to the presentment date for each living human defendant;
 - (8) All Judgment Motions (default, dismiss unknown parties, entry of judgment of foreclosure and sale, appoint selling officer, shorten redemption, reform deed or mortgage, *etc.*);
 - (9) Affidavits pursuant Illinois Supreme Court Rule 113 and 191 attaching all appropriate documents required by law dated no earlier than 6 months prior to the presentment date;
 - (10) A plaintiff seeking property preservation fees must provide a breakdown of the fees, invoices relating thereto, and proof of payment thereof. Failure to provide a breakdown of the property preservation fees will result **in** striking of the motion or continuing the motion for 30-60 days to allow time for the plaintiff to comply;
 - (11) Loss Mitigation Affidavit pursuant to Illinois Supreme Court Rule 114 (if applicable) dated no earlier than 6 months prior to the presentment date;
 - (12) Affidavit of Attorney Fees and Costs, if sought, including a detailed billing of attorneys' fees in excess of \$3,350; and
 - (i) Movants shall submit a separate affidavit to prove up attorneys' fees and costs and this amount shall not be integrated into the Movant's Illinois Supreme Court **Rule** 113 affidavit;
 - (13) Any motion seeking to reform the legal description of a property in a Deed, Mortgage, or any Assignment thereof must comply with the General Administrative Order No. 2016-03 and clearly identify:
 - (i) The original legal description;
 - (ii) The correct legal description, specifically identifying the change(s) made in **bold** or *italics*;
 - (iii) The reason the legal description is different or was incorrect, as appropriate; and
 - (iv) Evidentiary support for the change.
- (b) Motions for Entry of Judgment of Foreclosure and Sale in which no appearance or answer was filed or in which the only appearance or answer filed is by the United States of America, a special representative, or any other defendant(s) not contesting the entry of judgment shall be noticed for the Court's 9:15 AM default call.
- (c) Prove up affidavits brought pursuant to Illinois Supreme Court Rules 113 and 191 and loss mitigation affidavits brought pursuant to Illinois Supreme Court Rule 114 shall have the affiant's signature and notary or verification pursuant to 735 ILCS 5/1-109 on the same page.

- (d) All affidavits "prepared in support of entry of a judgment of foreclosure, by default or otherwise, shall not have a stand-alone signature page if formatting allows the signature to begin on the last page of the affiant's statements." Ill. Sup. Ct. R 113(c)(4).
- (e) Proposed **Judgment of Foreclosure and Sale** orders **MAY NOT** include **any** language authorizing immediate possession. Immediate possession is authorized by statute only after meeting statutory requirements and upon presentment of an appropriate motion; one example of prohibited language is:

"That the parties hereto who shall be in possession of said premises, or any part thereof, including leaseholders, or any person who may have come into possession under them or any of them, since the inception of the mortgage or commencement of this suit, shall upon presentment of said Judicial/Sheriff's Deed of Conveyance, surrender possession of said premises to said grantee, his representative or assigns, and in default of so doing, an Order of Possession shall issue."
- (f) All requests for a sealed-bid auction must be presented by separate motion.
- (g) Plaintiff shall notice up **ALL** judgment motions (*inter alia*, motions to dismiss unknown parties or other defendants, default, summary judgment, judgment of foreclosure, appoint selling officer, reformation of mortgage or deed) **simultaneously**.
- (h) Moving for judgment in a **piecemeal fashion** against separate litigants is strictly **PROHIBITED**.
- (i) The Court will **NOT** enter multiple judgments of foreclosure in one case without the Court's prior consent to proceed in such a piecemeal fashion.
 - (1) All parties seeking a determination of damages shall prove up all damages sought together in one motion and shall NOT be brought in a piecemeal fashion without the Court's prior consent to deviate from this requirement.
 - (2) Motions to amend a previously entered judgment to reflect an updated damages amount may be brought.
- (j) A plaintiff seeking a judgment of foreclosure pursuant to 735 ILCS 5/15-1506 **SHALL** file a **separate** motion for entry of judgment of foreclosure with all supporting documents required by law attached thereto. Movants for entry of judgment of foreclosure may **NOT** integrate a motion for entry of judgment of foreclosure into a motion for summary judgment, default, or any other judgment motion.

XVI. JUDGMENT OF FORECLOSURE ORDER AMOUNT DUE BREAKDOWN

- (a) Judgment of foreclosure orders **SHALL** clearly list and break down attorneys fees, costs, principal, interest, per diem, *etc.* as individual line items corresponding to exhibits such as the Prove Up Affidavit and the Affidavit of Attorney Fees and Costs. The total amount due must still be listed; however, that amount must be broken down into its component parts.
- (b) Attorney's fees and costs should be listed in the judgment of foreclosure as two separate numbers, and each line item must match the Affidavit of Attorney Fees and Costs. Affidavits of Attorney Fees and Costs should also have two separate amounts listed somewhere within them, one for the total attorneys fees (and a time and task if in excess of \$3,350) and another for the total costs. These numbers can then be totaled together for the Total Fees and Costs in the Affidavit.
- (c) Single sum total dollar amounts or incomplete breakdowns as described herein in judgment of foreclosure orders without a clear and thorough breakdown of where and how these figures were derived are **NOT** acceptable. Noncompliant orders will not be entered. The Court will not take action on the scheduled matter and will continue the matter to a new date subject to the Court's availability.
- (d) An example of an appropriate breakdown in a Judgment of Foreclosure Order:

Principal.....	\$123,456.78
Accrued Interest Through (DATE)	\$12,345.67
Attorney Fees	\$12,345.67
Costs	\$1,234.56
Additional Line Item 1	<u>\$X,XXX.XX</u>
Additional Line Item 2	<u>\$X,XXX.XX</u>
Additional Line Item 3	<u>\$X,XXX.XX</u>
Total Amount(s) Due	<u>\$XXX,XXX.XX</u>

XVII. MOTIONS TO APPROVE JUDICIAL SALE

- (a) Motions seeking court approval of a judicial sale must meet all Mortgage Foreclosure Section rules and procedures. The Court requires that courtesy copy packets include the following:
- (1) Notice of Motion with Zoom Instructions attached;
 - (2) Report of Sale and Distribution;

- (3) A Motion for Order Approving Sale;
 - (4) Motion for Immediate Possession, if sought;
 - (5) Certificates of Publication;
 - (6) Receipt of Sale;
 - (7) Certificate(s) of Sale;
 - (8) Notice of Sale, including proof of mailing the Notice of Sale, and proof of emailing the notice of sale for all parties of record with an email address pursuant to Illinois Supreme Court Rule 113 and Rule 11(c); and
 - (9) Proposed Order approving report of sale and granting possession.
- (b) Motions for an entry of an order approving sale in which no appearance or answer was filed or in which the only appearance or answer filed is by the United States of America, a special representative, or any other defendant(s) not contesting the entry of the order shall be noticed for the Court's 9:15 AM default call.
- (c) If multiple properties are sold via judicial sale in a single case and pursuant to an entered judgment of foreclosure permitting the sale of multiple properties, movants seeking to confirm such sales shall bring all motions to confirm the sales of these properties in either a single motion or multiple motions (one per property) simultaneously. If the Court approves the sales, the Court will enter all orders approving sale in one case concurrently. Parties seeking approval of multiple judicial sales shall NOT bring such motions in a piecemeal fashion without the Court's prior consent.
- (d) If a party seeks an *in personam* deficiency, the movant **MUST also** provide a copy of:
- (1) The complaint, with all exhibits including Mortgage(s) and Note(s);
 - (2) A copy of the entered judgment of foreclosure;
 - (3) The proof of service on the defendant(s) against whom the deficiency is sought, or if said defendant(s) filed an appearance, a copy of their appearance;
 - (4) A memorandum of judgment, if sought; and
 - (5) A filed and signed broker's price opinion ("BPO") from a licensed Illinois real estate broker or a filed and signed appraisal from a licensed Illinois appraiser of the value of the property prepared and executed by a disinterested third-party not greater than 60 days prior to the date of the judicial sale, unless otherwise ordered by the Court. The BPO shall not be a "comparative market analysis."
- (e) If a party seeks immediate possession, the movant **MUST also** provide a copy of:

- (1) A vacancy affidavit or affidavit of abandonment dated no more than 6 months prior to the hearing date even if the Court specifically found in the Judgment of Foreclosure that the property was vacant/abandoned at the time of judgment; and
 - (i) The Court granting a plaintiff a shortened redemption period at the judgment stage of the case will NOT automatically entitle that plaintiff to immediate possession of the subjection property following entry of the order approving sale. The plaintiff will need to once again establish at the order approving sale stage via a vacancy affidavit or affidavit of abandonment dated no more than 6 months prior to the hearing that the property continues to be vacant/abandoned.
 - (2) Photographs of the property attached to the vacancy affidavit or affidavit of abandonment demonstrating that the property is in fact vacant and/or abandoned.
- (f) Copies of all documents listed above, including the BPO or appraisal, must be filed with the Clerk of the Court and provided to **all** parties prior to presentation of the motion to approve the judicial sale. The Court will not grant an *in personam* deficiency if a BPO or appraisal in compliance with this order is not provided to all parties prior to hearing and included in the courtesy copies.
- (g) If the movant for an order approving the judicial sale is also seeking immediate possession and/or a personal deficiency judgment, the notice of motion for the hearing shall specifically indicate as such.
- (h) The Court prefers that if a personal deficiency judgment is sought, a memorandum of judgment be presented at the time the sale is confirmed. A memorandum may be submitted to be signed off call within 14 days after the confirmation of sale, provided the plaintiff submits a stamped copy of the order approving sale. Memoranda of judgment submitted beyond 14 days will not be signed off call and will need to be noticed up for a hearing.
- (i) **Motions seeking approval of a judicial sale filed by third-party bidders, their assignees, or current holders of the certificate of sale must comply with the same requirements as motions filed by plaintiffs and include all required documents. Failure to provide any of the required documents is grounds for denial of the motion.**
- (j) In the case a surplus of funds results from the judicial sale of the subject property, proposed orders **must** include the following language:
- (1) "When mailing a copy of this order approving sale, counsel for plaintiff shall notify the mortgagor, in a cover letter, of the existence of surplus

funds. The cover letter shall specify that the funds may be obtained upon presentation to the Presiding Judge (Daley Center Room 2403) of a Petition for Turnover of Surplus Funds. A copy of the current petition form shall be included in the mailing."

AND

- (2) "The Selling Officer shall immediately turn over the surplus funds to the Clerk of the Court."

XVIII. MOTIONS FOR ENTRY OF A CONSENT JUDGMENT OF FORECLOSURE

- (a) Orders of consent judgment of foreclosure will not be entered unless 30 days' notice of the hearing date has been provided to ALL parties, including all unknown parties, in order to give time to object to the order's entry. Such motions noticed for a hearing date prior to 30 days from the date of service of the motion for entry of a consent judgment of foreclosure upon all parties will be continued to provide for such notice.
- (b) Orders of consent judgment of foreclosure shall include a recitation that 30 days' notice has been given to all parties to object prior to the order's entry and that no objections to the order's entry were filed.
- (c) Orders of consent judgment of foreclosure shall include a recitation pursuant to 735 ILCS 5/15-1402(c) that the mortgagee waives their right to a personal judgment for deficiency and shall bar the mortgagee from obtaining such a deficiency judgment against the mortgagor or any other person liable for the indebtedness or other obligations secured by the mortgage.
- (d) All orders of consent judgment of foreclosure shall state that the order is a final order.

XIX. EMERGENCY MOTIONS

- (a) An emergency motion may be brought only if there exists a sudden and unexpected circumstance that could result in irreparable harm, damage, or injury which requires an urgent response before the same motion could be heard on the regular call. Emergency motions must be brought in conformance with Circuit Court Rule 2.2 and General Administrative Order No. 2018-05. Emergency motions brought with less than 24-hour notice to opposing counsel will be denied outright absent a highly compelling justification.
- (b) Emergency motions will be heard only if the movant:

- (1) Submits copies of their filed emergency motion with supporting documents to ccc.mfmlcalendar64@cookcountyil.gov **before 3:30 PM**;
 - (2) Indicates "Emergency Motion" in the subject line of the email;
 - (3) Carbon copies all parties of record on the email; and
 - (4) Calls the law clerk after sending the emergency motion to the calendar's courtesy copy email address to ensure prompt handling of the motion.
- (c) After reviewing the basis of the motion, the Court will sign an order either denying the motion or scheduling the motion for hearing at the Court's convenience. The law clerk will send a copy of the entered order to the movant. Upon receipt of an order scheduling the motion for hearing on an emergency basis, the movant shall:
- (1) File a notice of motion with the date and time of hearing set by the Court's scheduling order;
 - (2) Serve a copy of the entered scheduling order and provide notice to all parties of record as required by law before 5:00 PM on the day the motion is filed via fax, email, or hand-delivery; and
 - (3) Submit courtesy copies to the Court's email address of the filed notice of emergency motion, certificate of service, and emergency motion with exhibits by 5:00 PM on the date that the motion is submitted to the Court for preliminary review.
- (d) Without exception, emergency motions received by the Court **after the 3:30 PM cut off** will be handled the next business day.
- (e) **Without exception**, emergency motions received by the Court on a Court holiday or weekend will be handled on the next business day.
- (t) **Without exception**, the Court WILL NOT hear emergency motions on Thursdays. As such, requests for an emergency motion hearing to stay a judicial sale which is set for a Thursday **MUST** be submitted no later than 3:30 PM the preceding Tuesday in order to potentially set the hearing on the intervening Wednesday. If the request is not properly submitted prior to 3:30 PM on the preceding Tuesday, the motion WILL NOT be heard on an emergency basis.
- (g) Emergency motions to stay a judicial sale **must** include the sale date and time and **must** indicate whether the party previously sought a stay.
- (h) Emergency motions to stay possession **must** include the final judgment date, the possession expiration date, and whether the party previously sought a stay.

- (i) Emergency motions to appoint a receiver or mortgagee in possession may be brought **only if** the verified petition contains factual allegations indicating an immediate health or safety threat.
- (j) A party seeking to stay a judicial sale based on a purchase contract or a short sale contract must provide the Court with a copy of the contract, pre-approval letter from the potential buyer's lender or proof of funds for the buyer if the sale contract does not contain a mortgage contingency provision, and proof that a short sale application has been submitted or approved by the plaintiff or its servicer. *See* General Administrative Order No. 2018-05.
 - (1) Pre-qualification letters for buyers are NOT sufficient.
 - (2) Pre-approval letters may ONLY have contingencies as to appraisal and title.
 - (i) Pre-Approval letters with any other contingencies will not be considered by the Court and may not be used to substantiate an emergency motion to stay a judicial sale based upon a purchase contract or short sale contract.
- (k) A party seeking to stay judicial sale based on a pending refinancing of the loan must provide the Court with a pre-approval letter from the refinancing lender.
 - (1) Pre-qualification letters are NOT sufficient.
 - (2) Pre-approval letters may ONLY have contingencies as to appraisal and title.
 - (i) Pre-Approval letters with any other contingencies will not be considered by the Court and may not be used to substantiate an emergency motion to stay a judicial sale based upon a pending refinancing of the loan.
- (l) A party seeking to stay judicial sale based on a complete loss mitigation application being submitted to the plaintiff or its servicer must provide the Court with proof that an application was submitted to the lender and/or that the lender has acknowledged receipt of a complete loss mitigation application. *See* General Administrative Order No. 2018-05.
- (m) Due to the nature of the emergency motion, the date and time on the notice of motion **may not be pre-selected by the moving party**. In the event a hearing is set, the law clerk will provide the date and time the emergency motion will be heard in a scheduling order entered by the Court, based upon the availability of the Court.

XX. APPOINTED AND REFERRED ATTORNEYS**(a) Special Representatives:**

- (1) Motions to appoint a special representative pursuant to 735 ILCS 5/13-209(b)(2) shall be noticed for the Court's default call.
- (2) All special representative petitions for fees may be piggy-backed to the court date noticed for presentment of a plaintiff's judgment motions without seeking prior permission of the Court pursuant to General Administrative Order No. 2017-03.
- (3) If the special representative fee petition is independently noticed up, the Court prefers the hearing to be scheduled on the Court's 9:15 AM default motion call.

(b) Servicemembers' Civil Relief Act ("SCRA"):

- (1) Plaintiffs seeking appointment of an attorney to represent a defendant pursuant to 50 U.S.C. § 3931(b)(2) shall be noticed for the Court's default call.
- (2) The Court will not enter judgment of foreclosure until after the Court appoints an attorney under the SCRA to represent a defendant in military service.
- (3) Upon entry of an order appointing an attorney for a defendant under the SCRA, the Court shall set a status date approximately 90 days thereafter. The Court shall also stay the proceedings for 90 days to allow the appointed attorney to locate the defendant. Such a stay may be lifted prior to the status date upon motion of the appointed attorney supported by affidavit or other sworn evidence that the appointed attorney and the defendant are prepared to proceed with the foreclosure action. Nothing in this section shall prohibit a stay of proceedings pursuant to 50 U.S.C. §§ 3931(d), 3953(b).
- (4) If the appointed attorney cannot locate the defendant, actions by the attorney in the case shall not waive any defense of the defendant or otherwise bind the defendant. Additionally, if after due diligence, the appointed attorney has been unable to contact the defendant or otherwise determine if a meritorious defense exists, the Court may, on its own motion or upon motion of the appointed attorney, stay the proceedings for a minimum period of 90 days.
- (5) Pursuant to 50 U.S.C. § 3953(b), in an action filed during, or within one year after a defendant's period of military service, the Court may on its own motion and shall upon motion of the defendant (when the defendant's ability to comply with the obligation as defined by 50 U.S.C. § 3953(a) is materially affected by military service):

- (i) Stay the proceedings for a period of time as justice and equity require or
 - (ii) Adjust the obligation to preserve the interests of all parties.
- (6) The requirements of 735 ILCS 5/15-1501.6 shall also be enforced as applicable.

(c) Guardian Ad Litem ("GAL"):

- (1) Pursuant to § 2-502 of the Illinois Code of Civil Procedure, § 11-13 of the Probate Act, § 15-1106(e) of the Illinois Mortgage Foreclosure Law, as well as under its equitable powers, the Court has the "inherent" ability, "independent" of any statute to appoint a GAL, to defend a minor defendant in litigation. *Flynn v. Flynn*, 283 Ill. 206, 220 (1918); *In re MM*, 156 Ill. 2d 53, 63 (1993).
- (2) Movants seeking appointment of a GAL for a minor defendant shall contact CVLS prior to presentment of the motion to discern if CVLS is willing and able to take the appointment and to permit CVLS to complete a "conflicts check." In the event CVLS is unable or unwilling to accept representation of a minor as a GAL, movant shall contact a proposed GAL who shall be present at the presentment of the motion.
- (3) If the Court appoints a GAL, the GAL shall:
 - (i) Meet with the minor and/or members of the minor's family and other parties to this case (such meeting(s) may be done virtually);
 - (ii) Examine the case and determine the minor's rights and defenses in the case and to make such defense as the exercise of care and prudence dictates; and
 - (iii) Provide a written report to the Court which shall include all relevant information (but shall not include any "personal identification information" as defined in Illinois Supreme Court Rule 138) including, but not limited to, the age of the minor, whether the minor lives at the mortgaged premises, whether the minor has an interest in the mortgaged premises, and whether referral of the minor to the Office of the Public Guardian would be appropriate.
- (4) The GAL shall be entitled to recover reasonable fees, costs, and expenses for its services and such fees, costs, and expenses shall be paid by movant and may be added to the amount due under the loan. Fees, costs, and expenses in excess of \$500 shall be presented to the Court in a petition prior to approval.

(d) Chicago Volunteer Legal Services ("CVLS"):

- (1) If deemed appropriate, the Court may refer a defendant to CVLS.
- (2) In such a situation:

- (i) The referred defendant shall call CVLS at (312) 332-7574 immediately after the court call to inform CVLS of the referral and to set up a consultation.
 - (ii) The Court shall prepare and send a copy of the CVLS referral order to CVLS immediately after the court call and shall set a 60 day status date for CVLS to advise the Court on the status of representation. If CVLS declines representation, CVLS shall notify the Court and the parties of its decision prior to the above date and said notice shall be in lieu of appearing in court.
 - (iii) Plaintiff's counsel shall email all relevant pleadings and orders to CVLS within 7 business days.
- (e) **Office of the Public Guardian ("OPG"):**
- (1) If deemed appropriate, the Court may refer a defendant to OPG.
 - (2) In such a situation:
 - (i) The Court shall prepare a OPG referral order; shall set a 60 day status date for OPG to advise the Court on the status of the intake assessment; shall call OPG intake at (312) 603-0800 to inform OPG of the referral; and shall provide a copy of the referral order to OPG;
 - (ii) Plaintiff's counsel shall provide OPG a copy of the complaint, mortgage, note, and any other documents OPG may need or request that have been filed with the Court; and
 - (iii) The action will be stayed pending OPG's initial intake assessment.

XXI. RECEIVERS AND MORTGAGEES IN POSSESSION

- (a) Pursuant to Chancery Division General Administrative Order No. 2014-01, motions to appoint a receiver or to place the mortgagee in possession will be heard at 1:00 PM on Wednesdays. These motions must be scheduled by emailing ccc.mfmlcalendar64@cookcountyil.gov and requesting a presentment date. After obtaining a date from the law clerk, the motion and notice must be filed with the clerk's office. The movant **must** submit courtesy copies ten (10) business days in advance of the hearing date.
- (b) Motions to appoint a receiver will be heard only if the movant provides:
 - (1) A copy of the complaint, with all exhibits including Mortgage(s) and Note(s);
 - (2) A copy of the motion including color photographs of the property;
 - (3) Three proposed receivers;
 - (4) Proposed receivers' *curricula vitae* and fee schedules;
 - (5) Proof of service of process of the complaint meeting all statutory requirements (if the mortgagor has been served with the complaint);

- (6) Proof of reasonable notice pursuant to 735 ILCS 5/15-1706(c), (d):
 - (i) Certificate of Service of Notice of Motion;
 - (ii) Affidavit of Service of Process of the Motion (if required when the mortgagor has not been served with the complaint); or
 - (iii) Other affidavits or sworn evidence required to establish a party is in default or good cause to grant the motion exists; and
 - (7) A proposed order.
- (c) Motions to place the mortgagee in possession will be heard only if the movant provides:
- (1) A copy of the complaint, with all exhibits including Mortgage(s) and Note(s);
 - (2) A copy of the motion including color photographs of the property;
 - (3) Proof of service of process of the complaint meeting all statutory requirements (if the mortgagor has been served with the complaint);
 - (4) Proof of reasonable notice pursuant to 735 ILCS 5/15-1706(c), (d):
 - (i) Certificate of Service of Notice of Motion,
 - (ii) Affidavit of Service of Process of the Motion (if required when the mortgagor has not been served with the complaint); or
 - (iii) Other affidavits or sworn evidence required to establish a party is in default or good cause to grant the motion exists; and
 - (5) A proposed order.
- (d) All affidavits submitted in support of a motion to appoint a receiver or to place the mortgagee in possession pursuant to 735 ILCS 5/15-1706(a), (b) shall state whether the property is residential real estate and, if so, whether the property has been abandoned or is vacant and shall attach color photographs indicating as such.
- (e) The presence of all proposed receivers is not required on the presentment day. Once appointed, the receiver **SHALL** be personally present via Zoom (or in person if by order of Court) at all hearings on receiver's reports, without exception, unless expressly excused by the Court. Only the receiver and/or their legal representatives are allowed to appear in court on behalf of the receiver.
- (f) In a motion to appoint a receiver, movant shall provide the Court with some background information regarding the subject property to assist the Court in setting a bond and maximum repair amount that may be incurred without prior approval of the Court. Movant should also provide their own suggested bond and maximum repair amount that may be incurred without prior approval of the Court.

- (g) A receiver bond **shall** be issued by a court-approved surety and executed in compliance with all applicable court rules. A copy of Cook County Authorized Civil Sureties Handbook is available generally on the Circuit Court of Cook County's website. The bond **shall** have a raised seal, the receiver's signature, and a signature block for Judge Wright to sign. The proposed bond should be delivered to the Court's email address within 3 court business days of the hearing. The bond will be signed by Judge Wright and should not be filed in Room 802. After the bond is entered, the Clerk of the Circuit Court will file and enter the bond and place a copy in the court file.
- (h) It is important to remember that a receiver is an officer of the Court, not an agent of the mortgagee or the owner, and his or her duty is to preserve and operate the property, within the confines of the order of appointment and any subsequent authorization granted to him or her by the Court. *U.S. Bank National Association v. Randhurst Crossing LLC*, 2018 IL App (1st) 170348, □ 68.
- (i) Once a receiver is appointed for a case, the receiver **shall not**:
- (1) Serve as a selling officer for the subject property;
 - (2) Provide a Broker's Price Opinion; or
 - (3) Act as a listing or selling broker for the subject property nor shall anyone within the same brokerage or property management firm act as a listing or selling broker for the subject property.
- (j) If the receiver seeks to engage counsel for any purpose, such a motion shall be brought before the Court by the receiver (or the proposed attorney if the attorney has filed an appearance) and not by Plaintiff's counsel as the receiver is an agent of the Court and not of the Plaintiff. Such motions shall detail the rate at which the proposed attorney bills, the proposed attorney's experience in dealing with similar matters, and any other relevant qualifications of the proposed attorney.
- (k) Receivers shall not have the power to engage a real estate broker to market and sell the subject property, unless specifically authorized to do so by the Court. If a receiver seeks to sell the subject property, the receiver shall present the Court with a motion to authorize the receiver to engage a licensed Illinois real estate broker to list and market the subject property and any future contract for the sale of the property will be subject to Court's approval prior to entry into the contract. Accordingly, in the event the receiver wishes to approve a sales contract prior to the receiver entering into a contract for the sale of the subject property, the receiver shall present the same for approval to the Court via motion and all parties shall have an opportunity to object to the proposed contract.

XXII. MOTIONS FOR SERVICE BY SPECIAL ORDER OF COURT

- (a) All motions for service by special order of court pursuant to 735 ILCS 5/2-203.1 shall be accompanied with an affidavit stating the nature and extent of the investigation made to determine the whereabouts of the defendant and the reasons why service is impractical under items (1) and (2) of subsections (a) of Section 2-203, including a SPECIFIC statement showing that a diligent inquiry as to the location of the individual defendant was made and reasonable efforts to make service have been unsuccessful.
- (b) "In addition to the affidavit requirements of section 2-203.1 of the Illinois Code of Civil Procedure, a movant requesting service by text message, e-mail, or social media shall include in the supporting affidavit the reasons the movant believes the defendant/respondent has recently sent and received transmissions from a specific e-mail address or telephone number or the defendant/respondent maintains an active social media account on the specific platform utilized for service." Ill. Sup. Ct. R. 102(f)(2).

XXIII. CALENDAR CALL

- (a) The Court will enter a Supplemental Standing Order approximately 45-60 days prior to the Court's annual calendar call.
- (b) In order to facilitate proper and timely submission of courtesy copies to the Court by plaintiffs' counsels, plaintiffs with cases noticed by the Clerk of the Circuit Court of Cook County to be heard on the Court's annual calendar call will be served via email with a copy of the annual Supplemental Standing Order. Additionally, a copy of the annual Supplemental Standing Order will be generally available to all parties on the Court's webpage.
- (c) All parties must strictly follow the procedures ordered in the Supplemental Standing Order. Failure to strictly comply with this Standing Order or the Supplemental Standing Order, where required, or failure to appear at the Court's annual calendar call, as required, shall subject the case to dismissal for want of prosecution.
- (d) Please note: requirements may change from one year to the next. It is imperative that all parties review and adhere to the specific rules outlined for that year's calendar call.

XXIV. CITATION TO DISCOVER ASSETS/POST-JUDGMENT MATTERS

- (a) Citations to discover assets are heard in the Law Division (Tax Section). To properly transfer matters to the Law Division, Judge Wright may sign a transfer order upon presentation of proper motion. A hearing date may be obtained from the Clerk of the Circuit Court. Proper notice must be sent to all parties of record and courtesy copies shall be provided to the Court by the movant. Transfer requests will not be approved or entered off call.

XXV. COURT REPORTERS

- (a) The Court does not record or save a copy of any proceeding including those occurring via Zoom.
- (b) Please note that the Court does NOT provide a court reporter. Any party seeking a transcript of any proceeding before the Court shall be responsible for ordering a court reporter at that party's own expense.
- (c) For all matters scheduled for a Zoom hearing in which any party orders a court reporter, that court reporter **shall** also appear via Zoom.
- (d) For all matters scheduled for an in person hearing in which any party orders a court reporter, that court reporter **shall** also appear in person.

XXVI. REQUESTS FOR A FOREIGN LANGUAGE INTERPRETER

- (a) If you require a foreign language interpreter, please either call or email the law clerk before your court date, message the law clerk using the chat function in Zoom when in court, or inform Judge Wright when your case is called.
- (b) Spanish and Polish interpreters are generally immediately available upon request.
- (c) For other languages, please notify the law clerk **at least 72 hours prior** to your court date so the Court may arrange for an interpreter to be present for the requested language.

XXVII. EX PARTE COMMUNICATIONS

- (a) Pursuant to Illinois Supreme Court Rule 2.9(A), the Court shall not initiate, permit, or consider *ex parte* communications, or consider other communications made to it outside the presence of the parties or their lawyers, concerning a pending or impending matter before the Court.

- (b) Any attempt at an *ex parte* communication will be screened, entirely disregarded, and will be given no consideration in the Court's adjudication of any matter before it.
- (c) *Ex parte* communications via phone, email, or any other method are strictly prohibited.

XXVIII. COURTESY CALLS TO CHAMBERS

- (a) For administrative concerns, please contact the Court's administrative assistant.
- (b) For legal or procedural concerns, please contact the Court's judicial law clerk.
- (c) As a courtesy to the Court, please contact the Court's judicial law clerk if any fully briefed matter has been resolved and the parties will not argue their briefs on the hearing date.

IT IS SO ORDERED.

Associate Judge James A. Wright

Date: September 20, 2024

ENTERED: **SEP 20 2024**
Circuit Court - 2222

Isl James A. Wright 2222
Honorable James A. Wright
Cook County Associate Judge