

# 19<sup>TH</sup> JUDICIAL CIRCUIT LOCAL COURT RULES

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## CHAPTER 2 CIVIL PROCEEDINGS

### Part 1.00 Motions Notice

#### **Rule 2-1.01 Motions Generally/Notice**

- A.** For the purpose of these rules, “Motion” includes any pleading or paper in the nature of a petition or motion, other than a petition or complaint which initiates a cause of action.
- B.** Each motion shall be in writing. Each Notice of Motion shall have appended thereto a copy of the relevant motion, unless otherwise ordered by Court.
- C.** Each motion, petition and appearance form shall contain in typewritten form or clear printing the name, address and State of Illinois attorney registration number of the attorney representing the party on whose behalf the document is filed. If email service is consented to by the attorney or party, the designated email address for service shall also be included, pursuant to Supreme Court Rule 11(b)(6).
- D.** Each motion shall be captioned with the case name and number and shall include the Supreme Court Rule, Code of Civil Procedure section and/or other statutory section upon which it is based.
- E.** All dispositive motions shall be initially scheduled before the Court for presentment. Unless otherwise directed by the Court, no contested motion shall be heard if it has not been scheduled for hearing by the Court.
- F.** Written “Notice of Motion” of all motions shall be given by the party requesting the hearing. The notice shall be given to all parties who are not in default pursuant to a finding of the Court. Additional notice may be ordered by the Court. Where a party is represented by an

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attorney of record, notice shall be given to that party's attorney and not the party himself/herself.

- G.** The notice of hearing shall designate the Judge to whom the motion will be presented for hearing; shall show the title and number of the action, the title of the motion, the date when the motion will be presented, the time it will be presented, the courtroom where it will be presented, and the address of the Courthouse or Branch Court as appropriate. Copies of all papers presented to the Court with the motion shall be served with the notice or the notice shall state that copies have been previously served.
- H.** Notice of service shall be given in the manner and to the persons described in Supreme Court Rule 11. Service as prescribed in Supreme Court Rule 11(b)(5) may be effected by service of the Notice of Motion and other pertinent documents by any one of the following alternative methods:

  - 1. Electronic facsimile mailing (FAX), if allowed pursuant to Supreme Court Rule 11(b)(5). Service by FAX shall be complete only if, at the time of court presentation of the Notice of Motion, the transaction statement produced by the FAX machine is attached to said Notice, and the transaction statement reflects the date and time of service, the telephone number to which the documents were transmitted, and an acknowledgment from the receiving FAX machine that the transmission has been received. In the event that the receiving FAX machine does not produce an acknowledgment to the sending machine, the Notice shall include an affidavit setting forth the date and time of service, telephone number to which documents were transmitted and a statement that the sending office has orally confirmed with the receiving office that the documents have been received.
  - 2. Service by email to all primary and secondary email addresses of record shall only be allowed if the attorney or unrepresented party has consented to such service pursuant to Supreme Court Rule 11(b)(6).
  - 3. Service by any of the methods set forth in Supreme Court Rule 11.
- I.** If Notice of Hearing is given by personal service, the Notice shall be delivered by 4:00 p.m. of the second court date preceding the hearing of the Motion. Delivery by FAX, authenticated as described in Paragraph H above, shall be deemed personal service, but it is not complete until the first court day following transmission. If the Notice is given by mail, then Notice shall be deposited in the United States Post Office or Post Office Box on the fifth day preceding the hearing of the Motion. Delivery by email shall be deemed personal service and is complete the first court day following transmission. See Supreme Court Rule 12 for proof of service in the trial court and effective date of service.
- J.** If a motion is heard without prior notice under this rule, a copy of the orders entered at the hearing shall be served personally or by U.S. Mail upon all parties not theretofore found by the Court to be in default for failure to plead, and proof of service thereof shall be filed with the Clerk of the Circuit Court within two days of the hearing thereon.
- K.** If a motion presented without prior notice is denied, or hearing thereon is denied, an order of the Court's ruling shall be entered.

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- L.** The burden of calling for hearing any motion previously filed is on the party making the motion. If any such motion is not called for hearing within sixty days from the date it is filed, the Court may consider the motion denied by reason of delay.
- M.** No motion to continue shall be allowed for other than good cause shown. Agreements of counsel as to a motion to continue shall not be binding on the Court. The Court may require affidavits of the parties and counsel.
- N.** The movant, or his attorney, seeking an Order of Default shall notify the court clerk at least one court day prior to the date of the hearing and shall request that the court file be present upon hearing of the motion.
- O.** Motions presented and ruled upon before one Judge shall not be renewed before another Judge without leave of court and a statement in the Notice of Hearing that the motion has previously been ruled upon, naming the Judge who ruled on the motion.
- P.** Motions not presented or supported by the moving party when called, pursuant to notice, may be denied or stricken.
- Q.** There is no entitlement to a briefing schedule or oral argument. In its discretion, the Court may permit or require briefs or oral argument or both. The Court may also exercise its discretion to decide a motion without briefs or oral arguments.

### **Rule 2-1.02 Contested Motions**

- A.** For purposes of Rule 2-1.02, any motion which is opposed is a contested motion and may be heard at the end of the call or at such other time designated by the Court.
- B. Page Limitations.**
  - 1. No motion or response shall exceed fifteen typewritten double-spaced pages without prior approval of the Court. This page limit includes any separately filed memorandum or brief in support of a motion or response.
  - 2. In the absence of leave of Court, no reply or memorandum in support thereof shall exceed five typewritten pages. Any such brief or memorandum shall be limited to responding to new matters raised in the opponent's response brief or memorandum.
  - 3. Neither narrow margins nor any other formatting device shall be employed to evade the page limitations set forth in this Rule. Footnotes, if any, shall be used sparingly.
  - 4. Failure to comply with this Rule shall be sufficient grounds for striking the motion, response, or reply, or for the Court's refusal to consider the excess pages of the document and to consider the matters contained therein to have been waived.
- C.** For every contested motion brought pursuant to Supreme Court Rule 219, Supreme Court Rule 137 or Sections 2-615, 2-619, 2-619.1 or 2-1005 of the Code of Civil Procedure,

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movant's counsel shall deliver to the chambers of the assigned Judge, not less than five court days prior to hearing, a copy of:

1. the motion,
2. any challenged pleading, and
3. any writing in support of or in opposition to the motion.

Also within five court days prior to hearing, a party shall provide the Court and all opposing counsel with a complete citation to any case or other authority upon which the party intends to rely on in oral argument and which is not included in a supporting or opposing writing; and the party shall provide the Court with a full copy of any decision of a State Court outside the State of Illinois. Any cover letter delivered to the Court in complying with the above requirements shall be copied to all counsel of record.

- D.** Any writing in support of or in opposition to a motion shall be served upon the opposing party at the time of service of Notice of Motion, or, if not then available, as soon thereafter as practicable and prior to hearing on said motion.

### **Rule 2-1.03 Motions for Consolidation of Cases**

Motions for consolidation of cases shall be presented to the Judge to whom the oldest case is assigned, when the cases are of the same case type. When the cases are filed in the same division but are different case types, the motion shall be brought before the Judge assigned to the case with the higher designation. The Law Division ("L") is the highest designation for the purpose of this rule, followed by: MR, CH, TX, LM, AR and SC.

If the cases sought to be consolidated are from different divisions, the motion shall be brought before the Presiding Judge of either division.

### **Rule 2-1.04 Motions for Summary Judgment**

- A.** In all filings pursuant to 735 ILCS 5/2-1005 and concerning a count in which the prayer for relief exceeds \$50,000, or in a Chancery or Miscellaneous Remedy action, the moving party shall serve and file or cause to be received by the Circuit Court Clerk:
1. any affidavits and other materials, referred to in Supreme Court Rule 191,
  2. absent leave of court, the Motion for Summary Judgment and supporting memorandum of law shall not exceed fifteen pages,
  3. a statement of material facts as to which the moving party contends there is no genuine issue and that entitles the moving party to a judgment as a matter of law, and that also includes:
    - a. a description of the parties, and

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- b. all facts supporting venue and jurisdiction in this Court.

The statement referred to in A.3 shall consist of short numbered paragraphs, including within each paragraph specific references to affidavits, parts of the record, and other supporting materials relied upon to support the facts set forth in that paragraph. Failure to submit such a statement constitutes grounds for denial or striking of the Motion.

If additional material facts are submitted by the opposing party pursuant to section B of this rule, the moving party may submit a concise statement in the form prescribed in section B for a Response. All material facts set forth in the statement filed pursuant to section B will be deemed admitted unless controverted by the statement of the moving party.

- B.** Each party opposing a motion filed pursuant to 735 ILCS 5/2-1005 as described above shall serve and file or cause to be received by the Circuit Court Clerk:

1. any affidavits and other materials referred to in Supreme Court Rule 191,
2. absent leave of court, a response to a Motion for Summary Judgment and supporting memorandum of law shall not exceed fifteen pages,
3. a concise response to the movant's statement that shall contain:
  - a. a response to each numbered paragraph in the moving party's statement, including, in the case of any disagreement, specific references to the affidavits, parts of the record, and other supporting materials relied upon, and
  - b. a statement consisting of short numbered paragraphs, of any additional facts that require the denial of summary judgment, including references to the affidavits, parts of the record, and other supporting materials relied upon. All material facts set forth in the statement required of the moving party will be deemed to be admitted unless controverted by the statement of the opposing party.

- C.** Absent leave of court, a reply brief shall not exceed five pages.

### **Rule 2-1.05 Emergency Motions**

- A.** Application for emergency relief. If emergency relief is requested, application shall be made to the assigned Judge, or if unavailable, to the Judge specifically assigned to sit in his stead. If neither Judge is available, application shall be made to the Presiding Judge of the division to which the case is assigned.
- B.** Each application for emergency relief shall be accompanied by an affidavit of the movant or movant's attorney stating the reason for emergency relief; and, in cases where the request is without notice, except as permitted by law, said affidavit shall state what attempts have been made to notify opposing counsel or the opposing party. Failure to attach said affidavits to the request for emergency relief may be grounds for denial of the motion. A party and/or his or her counsel who respond to a motion propounded as, but found not to be an emergency may be entitled to reimbursement by the proponent of actual expenses, fees and costs incurred in responding to the said motion.

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- C.** Every complaint or petition requesting an ex parte order for the appointment of a receiver, temporary restraining order, preliminary injunction, or any other emergency relief, shall be filed in the Office of the Circuit Clerk, if during court hours, before application to the Court for the order.
- D.** If a motion is heard without prior notice under this rule and any respondent or other party fails to appear, a copy of the orders entered at the hearing shall be served personally, or by US Mail upon all parties not previously found by the Court to be in default for failure to plead, and proof of service thereof shall be filed with the Clerk of the Circuit Court within two days of the hearing thereon.
- E.** Counsel shall use every reasonable effort to notify opposing parties or counsel of entry of each Order, at the earliest opportunity.

### **Rule 2-1.06 Telephone Appearances**

- A.** This Court hereby authorizes, as a means to increase efficiencies and reduce costs to participants and pursuant to the provisions of Supreme Court Rule 185, use of an independent conference servicing company, to be designated by the Chief Judge by Administrative Order (hereinafter "Vendor") for telephonic appearances for parties by counsel of record in civil cases except for juvenile and family case types.
- B.** Telephonic appearances shall not be permitted for argument on contested or briefed motions, for evidentiary hearings, or for more than three consecutive case management conferences unless allowed by prior court order. In any matter, the Court may deny the use of telephonic appearances.
- C.** Parties and their counsel are responsible for the preparation and submission of all orders to the Court following any telephonic court appearance. Counsel appearing in the courtroom is responsible for immediate presentation of an order in compliance with the Court's pronouncements. If no counsel is present in the courtroom, unless otherwise directed by the Court, the counsel for the plaintiff is responsible for submitting such orders approved as to form by opposing counsel before 3:00 p.m. on the same day of the telephonic conference, either in person, by facsimile or electronic transmission, or as directed by the Court.
- D.** No telephonic appearance will be allowed as requested by a party or counsel unless it is made through the Vendor. The Court reserves the right to initiate a phone conference by conference call.
  - 1. The Vendor facilitates the telephonic appearance of persons at hearings which have already been scheduled by regular means with the Lake County Circuit Clerk's Office. The Vendor does not set or calendar hearings for the Court. If a court date is not already set, or a motion is not scheduled and noticed via the Clerk's Office in the same manner as any other motion, the case will not appear on the Judge's call and will not be heard.
  - 2. Telephonic appearances must be arranged by contacting the Vendor by phone no later than 4:00 p.m. (CST) on the second court day preceding a hearing date.

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3. Persons electing to make a telephonic appearance shall notify all parties of the same in writing **NO LESS THAN 24 HOURS PRIOR TO THE SCHEDULED COURT DATE**. Nothing in this Rule shall be construed as modifying the notice of motion requirements set forth in Supreme Court Rule 12 and Local Rule 2-1.01.
- E.** It is the responsibility of the person making a telephonic appearance to dial into the call no later than five minutes prior to any scheduled hearing(s), and to check in with the Vendor's clerk.
1. Any person appearing telephonically shall state his or her name for the record each time he or she speaks and shall participate in the appearance with the same degree of courtesy and courtroom etiquette as is required for a personal appearance.
  2. Unless otherwise permitted by order of Court, to ensure the quality of the record, the use of car phones, cellular phones, speakerphones, public telephone booths, or phones in other public places is prohibited.
  3. If a person schedules a telephonic appearance and then fails to respond when the matter is called, the Court may pass the matter or may treat the failure to respond as a failure to appear. Scheduling simultaneous telephonic appearances in multiple courts does not excuse a failure to appear.
- F.** The Vendor is an independent service provider. By using the services of the Vendor, individuals are knowingly entering into a service agreement and are subject to follow any additional terms and conditions imposed by the Vendor and shall be solely responsible for any costs or other expenses incurred for those services provided. Under no circumstance shall the Court bear any costs for any telephonic appearance of any party or attorney.
- G. Rejections and Suspension of Privileges**
1. The fact that a telephonic appearance is scheduled with the Vendor shall not be construed as a determination that the telephonic appearance is permitted by the Court. Parties and counsel are solely responsible for compliance with the Court's rules and procedures for telephonic appearances. The Court reserves the right, at any time, to reject any telephonic appearance in violation with this Rule or as otherwise necessary for the administration of justice.
  2. The Court reserves the right to halt any telephonic appearance in progress on any matter and order the attorneys to personally appear at a later date and time.
  3. The Court reserves the right and sole discretion to suspend any person's ability to appear telephonically using the Vendor's services, and to bar any telephonic appearance in any given case.
- H.** The Court may, in its discretion, pursuant to Supreme Court Rule 185, allow a party or counsel to participate by telephone call.

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## **Rule 2-1.07 Orders**

All orders entered following the hearing upon any motion shall be governed by Supreme Court Rule 271. The attorney who prepares the order shall print clearly "prepared by" and his name, address, phone number and State of Illinois attorney registration number (ARDC #) at the bottom of the order. The preparer shall serve a copy of the order upon all parties of record.

## **Part 2.00 Proceedings Before Trial**

### **Rule 2-2.01 Appearances, Jury Demands**

- A.** Attorneys or self-represented litigants appearing in any matter shall file an Appearance Form in a separate document which includes in typewritten form or in legible printing the attorney's or self-represented litigant's name, address, telephone number and if applicable, the attorney's registration number. If the attorney or self-represented litigant wishes to consent to facsimile or email service pursuant to Supreme Court Rule 11(b)(5) and (6), a designated facsimile number and/or email address shall be included on the appearance as well. When an appearance is filed by other than a sole practitioner, the name of an individual attorney responsible for trial of the cause shall be designated.
- B.** A written Jury Demand filed by a party in any matter shall be contained in a separate document, and the Clerk of the Circuit Court shall not record any Jury Demand not so filed.
- C.** In any civil matter, including D and F cases, the claimant/plaintiff/petitioner shall file the appropriate Certificate of Attorney identifying the type of case being filed. Each division within the Circuit Court of Lake County may develop its own Certificate of Attorney.

### **Rule 2-2.02 Pleadings to be Readily Comprehensible**

- A.** Pages of all pleadings shall be numbered. Paragraphs and factual allegations in pleadings shall be numbered and each paragraph shall contain only one factual allegation.
- B.** If a pleading contains multiple counts or affirmative defenses, each count or defense shall bear a short title concisely stating the theory of liability or defense. If the pleading is filed on behalf of or against multiple parties and all such parties are not asserting the same claims or defenses as to all opposing parties, the title of each count or defense shall also concisely designate the subgroup of parties to whom it pertains.
- C.** Incorporation of facts by reference is permitted pursuant to Supreme Court Rule 134, provided the pleading remains readily comprehensible.
- D.** The Court may order a consolidation of pleadings into one finished comprehensible set.



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## **Rule 2-2.03 Reassignment of Cases**

- A.** Any case being re-filed under a new number after a voluntary or involuntary dismissal, shall be assigned to the Judge who was assigned to the original dismissed case and placed in the same procedural posture as the original case.
- B.** Upon the filing of any declaratory action, the case shall be assigned to the Judge assigned to the underlying case.
- C.** The Clerk of the Circuit Court shall require a Certificate of Attorney to be filed with all pleadings initiating a civil case.

## **Rule 2-2.04 Written Interrogatories**

A party may serve written interrogatories pursuant to Supreme Court Rule 213. Except to the extent that a different limitation is imposed pursuant to Supreme Court Rule or the Code of Civil Procedure, no party may serve more than thirty interrogatories, including subparts, during the pendency of the case.

## **Rule 2-2.05 Discovery Documents**

- A.** Unless otherwise ordered by the Court, depositions, interrogatories, requests, answers or responses, and other discovery documents shall not be filed with the Clerk of the Circuit Court except as necessary to resolve disputed issues of procedure, fact, or substantive law or pursuant to Supreme Court Rule 201(o) or 207.
- B.** Discovery documents and notice of filing may be served pursuant to Supreme Court Rules 11 and 12. The proof of service or answer, upon being filed with the Clerk of Court, shall be prima facie evidence that such document was served or answered. When a party issues a subpoena for documents pursuant to Supreme Court Rule 204(a)(4), that party shall file with the Clerk of Court notice and proof of service upon all remaining parties certifying that copies of such documents were provided to those parties at their expense or that specified parties have declined copies.

## **Rule 2-2.06 Days for Taking Depositions/Attendance**

- A.** Unless otherwise agreed by the parties or ordered by the Court, depositions shall not be taken on Saturdays, Sundays or Court holidays shall be noticed to be taken no earlier than 8:30 a.m., and shall be concluded or recessed not later than 6:00 p.m.
- B.** In the absence of agreement of all parties attending a deposition, or Order of Court, only the parties, including a representative of a corporation, partnership or like entity, the parent or next friend of a minor, attorneys of record and purely consulting experts may attend discovery depositions.

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## **Rule 2-2.07 Apportionment of Time, Deposition**

Except by Court order, the parties to a deposition shall apportion the time among themselves prior to the start of any deposition. Absent agreement, time shall be equally divided among the parties, excluding the party being deposed, without prejudice to brief clarification.

## **Rule 2-2.08 Seasonably Updating Discovery**

Supreme Court Rule 213(i), 214 and 222(c) require a party to seasonably supplement or amend prior answers, responses or disclosures whenever new or additional information becomes known to that party.

Pursuant to said rules, every party shall have the duty to seasonably supplement through trial.

“Seasonably” shall be defined in the following terms:

- A.** When the trial is sixty days or more in the future, the party discovering the new information and/or documents, which must be disclosed to the opposing party(ies), shall tender the information as soon as practicable, but in any event no later than fourteen days of discovering the information.
- B.** When the trial is less than sixty days in the future, the party discovering new information and/or documents, which must be disclosed to the opposing party(ies), shall tender the information immediately and without delay.
- C.** When the information and/or documents are discovered during trial, the party(ies) shall tender immediately and without delay.

Any party who fails to comply with this Rule is subject to sanctions under Supreme Court Rule 219.

## **Rule 2-2.09 Compliance with Supreme Court Rule 222**

A plaintiff shall comply with the disclosure requirements of Supreme Court Rule 222 at the time the complaint is filed, and each defendant shall so comply within thirty days of filing an Answer.

## **Rule 2-2.10 Local Subpoena Rules, Pretrial Discovery**

- A.** Upon request, the Clerk of the Circuit Court shall issue a subpoena limited to the production of specified documents, objects or tangible things. Subpoenas, whether issued by the Clerk of Court or an attorney, shall direct the person or entity to whom it is directed to produce the designated documents, objects or tangible things. Any item may be sought which constitutes or contains evidence relating to any of the matters within the scope of the examination permitted under the Supreme Court Rules. No oral examination of any person served or responding to a subpoena issued pursuant to this Rule is permitted.

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- B.** Subpoenas issued pursuant to this Rule shall be served in accordance with the Supreme Court Rules. A copy of said subpoena and notice of service shall be served within forty-eight hours of issuance upon all parties who have appeared in the action.
- C.** The recipient of a subpoena who has actual or constructive possession or control of the specified documents, objects or tangible things sought by the subpoena shall respond to any lawful subpoena of which he has actual knowledge, if payment of the fee and mileage has been tendered. Service of a subpoena by mail may be proved prima facie by return receipt showing delivery to the deponent or his authorized agent by certified or registered mail at least fourteen days before the date on which compliance is required and affidavit showing that the mailing was prepaid and was addressed to the deponent, restricted delivery, return receipt requested, showing to whom, date and address of delivery, with a check or money order for the fee and mileage enclosed.

The recipient of the subpoena who has constructive or actual possession or control of the specified documents, objects or tangible things, may comply with said subpoena, without personal appearance, by forwarding complete and legible copies, by first class, prepaid mail to the party or attorney causing the subpoena to have been issued. The person or custodian of records of the entity responding to the subpoena shall certify in writing that compliance is complete and accurate.

- D.** A subpoena issued under this provision seeking specified documents, objects or tangible things shall bear the following legend on the face of said subpoena, or conspicuously attached thereto:

YOU MAY COMPLY WITH THIS SUBPOENA BY MAILING LEGIBLE AND COMPLETE COPIES OF ALL SPECIFIED DOCUMENTS, OBJECTS OR TANGIBLE THINGS REQUESTED IN THIS SUBPOENA TO THE PARTY OR LAW FIRM WHOSE ADDRESS APPEARS BELOW. COMPLIANCE BY MAIL REQUIRES A CERTIFICATION THAT THE DOCUMENTS, OBJECTS OR TANGIBLE THINGS MAILED ARE COMPLETE AND ACCURATE AND CONSTITUTE GOOD FAITH COMPLIANCE WITH THE MATERIALS REQUESTED BY SAID SUBPOENA.

### **DO NOT FORWARD MATERIALS BEFORE DATE STATED ON SUBPOENA.**

- E.** No subpoena issued under this provision may be returnable less than fourteen days following its date of service. Within said fourteen days, any party may timely object to the subpoena and, for good cause shown by the objecting party, the Court may quash the subpoena, or impose such conditions or limitations as the Court deems equitable.
- F.** The party causing the subpoena to be issued shall be liable to the party subpoenaed for the reasonable costs of copying or reproduction. The Court may enter such orders as may be necessary to enforce the payment of said copying costs, or apply any sanction authorized by Supreme Court Rule 219.

Any party may request copies of all materials obtained by any party pursuant to this Rule. Expenses of copying shall be borne by the party requesting copies, and said materials shall

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be reproduced and forwarded to the requesting party not less than ten business days following receipt of the subpoenaed materials.

- G. If a party or person unreasonably refuses to comply with this Rule, or any order entered under this Rule, the Court may find said person or party in contempt and punish said party or person accordingly, and may impose any sanction authorized by Supreme Court Rule 219.

### **Rule 2-2.11 Progress Calls**

The Chief Judge by Administrative Order, may provide for regular progress calls of cases filed in the Civil and Family Divisions. In connection with such a progress call, the Judge shall request the Clerk to notify the attorneys of record or parties who have filed a pro se appearance that the case will be called on a date certain for the purpose of a case management conference. A failure to appear at such progress call shall constitute grounds for dismissal except for good cause shown.

### **Rule 2-2.12 Supreme Court Rule 218 Case Management Conference**

Supreme Court Rule 218 Case Management Procedures are mandatory for Law and Family (see Chapter 4) cases. In all other civil matters, Rule 218 conferences shall be governed by Local Court Rule, Administrative Order of the Chief Judge or, in their absence, by the discretion of the assigned Judge.

### **Rule 2-2.13 Dismissal for Want of Prosecution/Inactive Docket**

- A. In all civil cases, except for cases governed by a separate Local Rule, where no appeal is pending and there has been no action of record for a period of one year, the Court may summarily dismiss the cause of action.
- B. In all cases subject to mandatory arbitration pursuant to Supreme Court Rule 86 *et seq.*, where no appeal is pending and there has been no action of record for a period of forty-five days, the Court may summarily dismiss the cause of action.
- C. Whenever the Probate Court determines that there has been no action of record for a period not less than one year or whenever the Court determines that a representative has failed to comply with the provisions of Local Rule 5-3.06, the Court may order transfer of the estate to an inactive docket. The case shall thereafter be designated closed by the Clerk of the Circuit Court. The estate may be reopened and removed from the inactive docket on the motion and order of the Court.
- D. In all Small Claims cases that there has been no action of record for a period of forty-five days, the Court may summarily dismiss the cause of action.

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- E. Upon dismissal of any cause for want of prosecution, the Clerk of the Circuit Court shall give all self-represented litigants and all attorneys of record notice of the dismissal by regular U.S. Mail within ten days of the dismissal. A copy of the notice with the Clerk's certificate of mailing shall be made of record.

### **Rule 2-2.14 Procedures for Initial Case Management Conference in Law Cases (ad damnum over \$50,000)**

- A. In all Law cases, at the time of filing of the initial complaint, the Clerk shall stamp on all complaints and summons a time and date for an Initial Case Management Conference. Said date shall be approximately seventy-five days from the date of filing of the initial complaint. In setting the Conference, the Clerk shall choose from those dates and times provided by the administrative office. The assigned date and time shall be incorporated into the following notice:

### **NOTICE PURSUANT TO LOCAL RULE 2-2.14**

**THIS CASE IS HEREBY SET FOR AN INITIAL CASE MANAGEMENT  
CONFERENCE  
IN COURTROOM \_\_\_\_\_ ON  
\_\_\_\_\_, \_\_\_\_\_ AT \_\_\_\_\_ A.M./P.M.**

**FAILURE TO APPEAR MAY RESULT IN THE CASE BEING DISMISSED OR  
AN ORDER OF DEFAULT BEING ENTERED.**

- B. If the parties are "at issue" more than thirty-five days prior to the scheduled Conference, it shall be the obligation of the plaintiff(s) to appear before the assigned Judge within ten days of being at issue for the purpose of setting the matter for an Initial Case Management Conference. Proper notice shall be sent to all appearing parties. The parties shall be considered "at issue" when the last required answer is filed.
- C. In all Law cases, the party filing the initial pleading is required to maintain a lower or bottom margin of no less than two and one-quarter inches on the first page of the initial pleading, and all copies thereof, so as to allow sufficient space for the Clerk to affix the Case Management Conference notice.

### **Rule 2-2.15 Trial Calendar**

- A. Each division of court shall keep and maintain such calendars of cases for trial as shall be designated by Administrative Order.
- B. Failure of a party to be ready when the case is reached for trial will subject the cause to dismissal for want of prosecution or other sanctions as set forth in the Supreme Court Rules.

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## **Rule 2-2.16 Medical Experts**

- A.** Charges for medical-legal services should be no higher than a physician's charges for other medical services, and shall be computed having due regard for the time, effort and skill required.
- B.** A physician, who has not been paid for treatment rendered to a patient, should still cooperate fully with the patient's attorney. The physician should neither refuse nor delay the submission of medical records or reports, participation in conferences with the attorneys, testimony at depositions or trial, or any other actions necessary to the resolution of the patient's legal claim.
- C.** If any party files a motion which raises the issue of reasonableness of a physician's fee for testimony at a deposition or at trial, the Court may issue an order to be served upon the physician, requiring the physician to demonstrate by records or in person that the fee requested is reasonable.

## **Part 3.00 Conferences Before Trial**

### **Rule 2-3.01 Pre-trial settlement conferences**

- A.** Any party on motion may request a pre-trial settlement conference in any civil action. In addition, the Court may order that a pre-trial settlement conference be held.
- B.** At least one pre-trial settlement conference shall be held in all civil jury actions.
- C.** The responsible attorneys who will try the case shall attend pre-trial settlement conferences.
- D.** The attorney for each party shall have ascertained in advance of the pre-trial settlement conference the extent of settlement authority. Each attorney shall have present in person or immediately available by telephone a representative with authority to discuss and determine each aspect of potential settlement.
- E.** It shall be the duty of the attorneys for each of the parties involved in a cause of action to prepare a full and complete typewritten pre-trial memorandum in form in accordance with these rules. Unless otherwise ordered, the foregoing requirement shall not apply to a pre-trial settlement conference held in connection with a special progress call under Rule 2-2.12.
- F.** All pre-trial settlement conferences shall be governed by the Supreme Court Rules.
- G.** In the event of settlement prior to a scheduled pre-trial settlement conference or prior to trial, the attorneys shall immediately notify the Judge that the cause has been settled.

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### Rule 2-3.02 Final Trial conferences

- A. In addition to the pre-trial settlement conference, the Court, in its discretion, may order a final trial conference during which the attorneys for each party shall be prepared to exhaust any possibility of settlement and discuss all issues remaining prior to trial.
- B. All attorneys responsible for conducting the trial shall appear in court for the final trial conference and at the time any case is called for trial. If any such attorney is unable to appear, alternate counsel shall present an affidavit of the responsible counsel setting forth the reasons he is unable to appear.
- C. Counsel appearing for the final trial conference shall be familiar with and comply with the trial Judge's standing order relating to trial deadlines and the conduct of the trial. Counsel responsible for conducting the trial shall appear, with full authority of their clients to discuss each issue.
- D. Each attorney shall have present in person or immediately available by telephone a representative with authority to discuss and determine each aspect of potential settlement.
- E. Motions *in limine* shall be in writing and shall be presented to the Court at the final trial conference unless the Court orders that they be presented on a different date. The Court, in its discretion, may consider motions in *limine* presented after the final trial conference if it determines that the grounds became known subsequent to the deadline or for other good cause. All orders on motions in *limine* shall be reduced to writing by movant's counsel and presented to the Court for signature prior to *voir dire* examination in jury cases and opening statements in bench cases.
- F. At the final trial conference or at any other time as may be designated by the Court, the parties shall produce all of the exhibits they expect to offer into evidence. Each of the exhibits shall thereupon be marked for identification by the attorneys, or as the Court may direct. The parties shall then stipulate as to the exhibits to which there are no objections, and such exhibits shall be admitted into evidence without the necessity of further foundation.

### Rule 2-3.03 Jury Instructions

Any party submitting jury instructions shall provide the Court with two copies of each instruction, typed double-spaced on 8½ inches x 11 inches plain paper. One set of instructions shall be unmarked. The second set of instructions shall be marked in advance in the following manner: the party's designation and instruction number, the I.P.I. number or citation to legal authority supporting the giving of the instruction, and the words "Given" or "Objected" or "Refused" followed by an underlined area to be checked if appropriate. In civil cases, the plaintiff, after the Court has approved the jury instructions, shall be responsible for providing the Court with written copies of the instructions for each juror prior to the start of closing arguments, in accordance with Supreme Court Rule 239(e).

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## Part 4.00 Trials

### Rule 2-4.01 Counsel to be Present

All attorneys responsible for conducting the trial shall appear in court at the time any case is called for trial. If any such attorney is unable to appear, alternate counsel shall present an affidavit of the responsible counsel setting forth the reasons he is unable to appear.

### Rule 2-4.02 Stipulations

All stipulations in relation to pleadings, dismissals, evidentiary matters or statement of facts to be used in the trial or hearing of any cause must be reduced to writing, signed by the parties or the attorneys, and filed in the cause or dictated to the court reporter during trial or hearing.

### Rule 2-4.03 Jury Trials

- A. Unless the Court orders otherwise, in all jury cases the plaintiff's attorney in civil cases, shall prepare and submit to the Court and opposing parties a statement of the nature of the case to be read by the Court to the venire prior to *voir dire* examination. The statement shall include the time, date, and place of the alleged occurrence or offense and a brief description thereof, the name of the parties involved and their counsel and a list of witnesses, occupation if relevant and town of residence, whom the parties expect to call. Opposing counsel may suggest amendments to the statement prior to it being read to the venire.
- B. Counsel may submit written questions to the Court for its consideration for use in *voir dire* examination.

## Part 5.00 Post Judgment Proceedings

### Rule 2-5.01 Post-Judgment Notices

Notices of hearings on Citations to Discover Assets, Rules to Show Cause and any other hearing where a body attachment or warrant of arrest may issue for a party's failure to appear after receipt of notice shall contain the time, date and place of hearing, and shall conform to the Code of Civil Procedure and Supreme Court Rules.

### Rule 2-5.02 Post-Trial Motions and Supplemental Proceedings to Enforce Judgments

- A. Post-trial motions brought pursuant to 735 ILCS 5/2-1202 or 735 ILCS 5/2-1203 shall be heard by the Judge who heard the trial, unless such Judge is no longer serving by reason of



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retirement, death, illness or any other reason preventing his hearing such matters within a reasonable time. In such event the Chief Judge shall assign such matters to another Judge for determination.

- B.** Certified copies of judgment orders shall be obtained from the Office of the Circuit Clerk.
- C.** All supplemental proceedings to enforce money judgments shall be filed under the original case number, if filed in the county of origin, and shall be heard by the Judge then presiding in the Small Claims Court of the Circuit Court, unless otherwise designated by order of the Chief Judge.
- D.** Supplemental proceedings brought by the Child Support Enforcement Division of the State's Attorney's Office of Lake County, or the Attorney General in its stead, shall be heard by the Judge then assigned to hear support cases.

### **Rule 2-5.03 Citation to Discover Assets**

- A.** The Clerk shall, upon request, issue a Citation to Discover Assets in the form set forth for service upon a judgment debtor and in the form set forth in the Code of Civil Procedure and Supreme Court Rules.
- B.** A Citation to Discover Assets shall be served in conformity with the Code of Civil Procedure and the Supreme Court Rules.
- C.** Upon respondent's failure to appear in response to a properly served Citation to Discover Assets, a Rule to Show Cause may issue pursuant to Rule 2-5.04.

### **Rule 2-5.04 Rule to Show Cause**

- A.** Upon the failure of a respondent to comply with a duly entered order of the Court or failure to appear in response to a Citation to Discover Assets pursuant to Rule 2-5.03(C) and upon the filing of a verified petition or after hearing sworn testimony on an unverified petition, due notice having been given to the respondent, the Court may issue a Rule to Show Cause, which includes the date, time and location for hearing.
- B.** If the respondent appears pursuant to notice on the petition and the Court issues a Rule to Show Cause, the Court may direct that the respondent then and there be served with the Rule to Show Cause. If not then heard, the Court shall schedule a date, time and place for hearing, further advising the respondent that failure to appear for such hearing may result in the issuance of a body attachment for his arrest.

### **Rule 2-5.05 Issuance of Order of Body Attachment**

Upon the failure of the respondent to appear pursuant to personal or abode service of a Rule to Show Cause, the Court in its discretion may issue an order of body attachment, with or without

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bond, directing the sheriff to arrest and have the respondent brought forthwith before the Judge issuing the order to show cause why he should not be held in contempt of Court.

### **Rule 2-5.06 Copy of Rule or Order**

The copy of a Rule to Show Cause or order served upon any person and the return of service of same shall be accompanied by the certificate of the attorney for the party obtaining the Rule to Show Cause or order that it is a true and correct copy of the rule or order entered.

### **Rule 2-5.07 Satisfaction of Judgment by Court Order**

A money judgment may be satisfied upon written motion of the judgment debtor supported by affidavit stating the following:

- A.** That the full amount of the judgment, including accrued interest and costs has been paid; or
- B.** That the debtor is ready, willing and able to tender the full amount of the judgment or balance due thereon; that after the exercise of due diligence the judgment creditor and his attorney cannot be found for the purpose of tender in satisfaction of the judgment, or that the judgment creditor or his attorney fails or refuses to accept payment or deliver a satisfaction of judgment upon tender of the amount due; and
- C.** That notice of the motion and affidavit have been sent by mail to the judgment creditor and his attorney of record at their last known addresses.

If the Court is satisfied that the judgment debtor has satisfied the outstanding judgment in its entirety, it may grant the motion and enter an order in satisfaction of judgment.

### **Rule 2-5.08 Deposit with Clerk of Court and Order of Satisfaction of Judgment**

If the judgment creditor is unavailable to receive tender or refuses to do so and the Court grants the motion pursuant to Local Rule 2-5.07, the Court shall enter an order directing the Clerk of the Circuit Court to receive the outstanding balance due on the judgment, including accrued interest and costs on behalf of the judgment creditor. After receipt of payment, the Court shall enter an order satisfying the judgment and showing the amount deposited with the Clerk who shall hold the money subject to further order of Court.

### **Rule 2-5.09 Deposit for Preparation by Clerk of Appeal Record in Civil Cases**

At the time that any request is made to the Clerk of the Circuit Court of Lake County for Certification or Authentication of an Appeal Record, pursuant to 705 ILCS 105/27.1a(k), a deposit of not less than fifty dollars shall be paid to the Clerk's Office to be applied against the total fees, delivery charges and costs authorized by the above statute. The balance of the statutorily prescribed fee and delivery costs, or the balance of the Clerk's estimate of said fee

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and costs, shall be paid prior to the Clerk's transmission or delivery of the record on appeal pursuant to Supreme Court Rule 325.

## CHAPTER 3 SMALL CLAIMS AND POST JUDGMENT PROCEEDINGS

### Part 1.00 Small Claims

#### Rule 3-1.01 Forms of Summons and Complaints

- A. An approved Summons form provided by the Clerk of the Circuit Court, substantially in the form set forth in the Illinois Supreme Court Rules, shall be used in any Small Claims action.
- B. Small Claims actions may be commenced by filing a complaint on forms supplied by the Clerk of the Circuit Court or the Center for Self-Representation. The complaint shall state the amount of and the basis for plaintiff's claim, giving dates and relevant facts.
- C. If the claim is based on a written document, a copy of the written document must be attached to the original and all copies of the complaint. If the written document is not available to the plaintiff, an affidavit stating that the written document is unavailable shall be attached to the complaint.
- D. A copy of the complaint and Small Claims Summons (along with any written instrument required to be attached) shall be served upon each defendant by any of the methods allowed by law, including certified or registered mail in compliance with Supreme Court Rule 284.
- E. Copies of complaints served upon defendants shall have attached to them two blank "**Appearance**" forms which may be used by the defendants.
- F. The Small Claims Summons, when issued, shall contain **NOTICE TO DEFENDANT** setting forth the following language.

*"If you wish to contest this claim you must do the following:*

*Pay the statutory Appearance fee and file a written appearance (forms may be obtained online or in the main office of the Clerk of the Circuit Court) on or before the date and time specified above for your appearance, hereafter called the return date. You must mail or otherwise deliver to the opposing party a copy of your appearance. If the appearance is timely filed and the fee paid, you are not required to appear in court in person on the return date. Your case will then be tried on the 14th day after the return date, and you should be present in court at the above specified address prepared to proceed to trial.*

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*In the event the trial day falls upon a court holiday, the trial shall be held on the next court date following that court holiday.*

*If you do not wish to contest this claim, you need not appear in person or file a written appearance and a judgment will be entered against you on the return date, for the amount claimed by the plaintiff in the complaint plus court costs."*

### Rule 3-1.02 Default

If a defendant, who has been duly served with a Summons, fails to appear on or before the date and time designated as the return date, the Court may take the allegations in the complaint as admitted by the defendant. Upon motion and without notice, the Court may enter a judgment by default against defendant for the amount claimed plus court costs. Such Judgment may be entered on the return date, or any time thereafter. The Court may in its discretion, require the presentation of evidence and continue the case for "prove up."

### Rule 3-1.03 Contested Cases

- A. A defendant desiring to contest the plaintiff's claim must do one of the following after service of summons:
  - 1. File a **WRITTEN APPEARANCE** in the main office of the Clerk of the Circuit Court on or before the time on the return date stated in plaintiff's summons; or
  - 2. Appear in person before the court on the return date.
- B. In either event, trial of plaintiff's complaint shall be automatically set for the fourteenth day after the return date. When the defendant has contested plaintiff's complaint by filing an Appearance, neither the plaintiff nor the defendant need appear on the return date.
- C. No trial will be heard on the return date, unless by agreement of the parties and the Court. Unless the court orders otherwise, or upon proper notice and motion, or by agreement of the parties approved by the court, no cause will be set for trial on any date other than the fourteenth day after the return date.

### Rule 3-1.04 Motions

Motions shall be noticed and heard in accordance with Chapter 2, Part 1.00. Any motion shall be noticed for a hearing on a date prior to the trial date. If, with leave of Court, a motion is scheduled for hearing on the trial date, the parties shall be prepared to proceed to trial immediately after hearing of said motion.

### Rule 3-1.05 Referral to Arbitration When a Jury is Demanded

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No Jury Demand in a Small Claims action shall be allowed unless filed by the plaintiff at the time the action is commenced or by the defendant not later than the return date, unless otherwise allowed by the Court. In the event that any party files a Jury Demand in a Small Claims action, that fact shall be brought to the attention of the Judge presiding by the party filing the demand, and the case shall be referred to Court-Annexed Mandatory Arbitration for a hearing before a trial is scheduled.

## **Rule 3-1.06 Dismissal for Want of Prosecution**

Any Small Claims case which remains inactive for forty-five days may be dismissed for want of prosecution on the Court's own Motion, without notice.

## **Rule 3-1.07 Costs in Small Claims**

If the prevailing party requests costs other than those supported by the record at the time of the entry of judgment, said party shall tender an affidavit individually listing each such cost and the amount sought, together with a statement by affiant that those costs have been paid by affiant.

## **Rule 3-1.08 Small Claims Mediation**

- A. Purpose.** The bench and bar of Lake County recognize the success of court-annexed alternate dispute programs and a particular need in the area of Small Claims and Law Magistrate cases, especially but not limited to matters where parties represent themselves pro se. The Circuit Judges of the Nineteenth Judicial Circuit adopt these rules to assist the litigants in Small Claims disputes and to maximize efficiency of court time in Small Claims system.
- B. Actions Eligible.** This program is intended to assist in Small Claims and Law Magistrate cases in which any parties appear pro se at the initial return date. In addition, this service may be offered to any other Small Claims and Law Magistrate case which the Judge presiding feels might be appropriate or in which the parties agree to participate.
- C. Confidentiality.** All oral or written communications in a mediation conference, other than executed settlement agreements, shall be exempt from discovery and shall be confidential and inadmissible as evidence in the underlying cause of action unless all parties agree otherwise. Evidence with respect to alleged settlement agreements shall be admissible in proceedings to enforce the settlement. Subject to the foregoing, unless authorized by the parties, the mediator may not disclose any information obtained during the mediation process.
- D. Scheduling, Referral, Conduct, Termination and Report of Mediation Conference.** Volunteer mediators will be scheduled by the Arbitration Administrator as available for Small Claims and Law Magistrate calls. In cases deemed appropriate for the mediation program, the Judge will send the parties to a designated area for immediate mediation, or schedule a mediation date. At this point, the volunteer mediators will conduct settlement discussions. The mediator shall at all times be in control of the mediation and the procedures to be

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followed in mediation. Counsel shall be permitted to communicate privately with their clients. The mediator may meet and consult privately with either party and his/her representative during the mediation process. Upon completion of the mediation session, the mediator shall immediately send the parties back to the courtroom and file with the Court a report in a form prescribed by the Chief Judge, as to whether or not an agreement was reached by the parties. The report shall be signed by the mediator and shall designate, "full agreement," "partial agreement," "no agreement", or a determination by the mediator that an agreement on voluntary terms is unlikely to be reached by prolonging the negotiations. A copy of the report must be given to the parties and to the Arbitration Center.

- E. Discovery.** If and to the extent the Court has previously authorized discovery, discovery may proceed during the mediation process.
- F. Mediator Appointment, Training, Qualifications, Compensation.** The approved list of Small Claims Mediators shall be maintained by the Arbitration Center. Mediators certified pursuant to the Nineteenth Judicial Circuit Rules for Civil, Family or Probate Mediators are qualified to serve as Small Claims Mediators and shall be automatically included on the approved list. To otherwise qualify for inclusion on the approved list of Small Claims Mediators, a volunteer must be a member of the Lake County Bar Association and must have completed basic training to act as a Small Claims Mediator. The training may be conducted by one of the mediators certified pursuant to the Nineteenth Judicial Circuit Rules for Civil, Family or Probate Mediators. When in the judgment of the trainer the candidate is qualified, he or she will present the name of the trainee to the Supervising Judge for Mediation for final approval. This program is offered as a service to the litigants. Small Claims Mediators are volunteers who shall not be compensated.
- G. Forms and Finalization of Agreement/Mechanism for Reporting.** Mediation forms will include a "Confidentiality Agreement," a form "Agreement" to be filed in the event that a settlement agreement is reached and two form court orders. One form court order will dismiss the case with prejudice, but allow the Court to retain jurisdiction for a period of time to enforce the settlement. The second form order will acknowledge that the parties did not settle the case at mediation and will contain a blank space for the Judge to fill in a trial date. The Clerk of the Circuit Court shall keep and maintain compiled statistics and records on all cases referred to mediation and shall file reports with the Administrative Office of the Illinois Courts, as directed by the Chief Judge.
- H. Absence of a Party and Sanctions.** Parties are required to participate in good faith and must be present at all scheduled mediation sessions.
  - 1. All parties, attorneys, representatives with settlement authority and other individuals necessary to facilitate settlement of the dispute shall be present at the mediation conference unless excused by court order. A party is deemed to appear at a mediation conference if the following persons are physically present:
    - a. The party or its representative having full authority to settle without further consultation; and,
    - b. The party's counsel of record if any.

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2. Upon motion, the Court may impose appropriate sanctions against any party or attorney who fails to comply with this Rule.
- I. **Statistics and Reporting.** Commencing with formal adoption, approval and implementation of these Rules, the office of the Clerk of the Circuit Court will note the occurrence and results of any mediation into the appropriate court record and disperse copies of referrals and orders to the Arbitration Administrator. The Arbitration Administrator will maintain statistics indicating the number of cases sent to mediation and the results of the mediation process. These statistics will be reviewed periodically by the Judge(s) presiding over Small Claims and Law Magistrate matters to determine the effectiveness of the program.
- J. **Termination or Suspension of Program.** The Chief Judge or the Supervising Judge for Mediation of Civil Cases may, at any time, suspend or discontinue this program should he or she feel it is no longer effective or necessary.

### Part 2.00 Post Judgment Proceedings

#### Rule 3-2.01 Post-Judgment Notices

Notices of hearings on Citations to Discover Assets, Rules to Show Cause and any other hearing where a body attachment or warrant of arrest may issue for a party's failure to appear after receipt of notice shall contain the time, date and place of hearing, and shall conform to the Code of Civil Procedure and Supreme Court Rules.

#### Rule 3-2.02 Post-Trial Motions and Supplemental Proceedings to Enforce Judgments

- A. Post-trial motions brought pursuant to 735 ILCS 5/2-1202 or 735 ILCS 5/2-1203 shall be heard by the Judge who heard the trial, unless such Judge is no longer serving by reason of retirement, death, illness or any other reason preventing his hearing such matters within a reasonable time. In such event the Chief Judge shall assign such matters to another Judge for determination.
- B. Certified copies of judgment orders shall be obtained from the Office of the Circuit Clerk.
- C. All supplemental proceedings to enforce money judgments shall be filed under the original case number, if filed in the county of origin, and shall be heard by the Judge then presiding in the Small Claims Court of the Circuit Court, unless otherwise designated by order of the Chief Judge.
- D. Supplemental proceedings brought by the Child Support Enforcement Division of the State's Attorney's Office of Lake County, or the Attorney General in its stead, shall be heard by the Judge then assigned to hear support cases.

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## **Rule 3-2.03 Citation to Discover Assets**

- A.** The Clerk shall, upon request, issue a Citation to Discover Assets in the form set forth for service upon a judgment debtor and in the form set forth in the Code of Civil Procedure and Supreme Court Rules.
- B.** A Citation to Discover Assets shall be served in conformity with the Code of Civil Procedure and the Supreme Court Rules.
- C.** Upon respondent's failure to appear in response to a properly served Citation to Discover Assets, a Rule to Show Cause may issue pursuant to Rule 3-2.04.

## **Rule 3-2.04 Rule to Show Cause**

- A.** Upon the failure of a respondent to comply with a duly entered order of the Court or failure to appear in response to a Citation to Discover Assets pursuant to Rule 3-2.03(C) and upon the filing of a verified petition or after hearing sworn testimony on an unverified petition, due notice having been given to the respondent, the Court may issue a Rule to Show Cause, which includes the date, time and location for hearing.
- B.** If the respondent appears pursuant to notice on the petition and the Court issues a Rule to Show Cause, the Court may direct that the respondent then and there be served with the Rule to Show Cause. If not then heard, the Court shall schedule a date, time and place for hearing, further advising the respondent that failure to appear for such hearing may result in the issuance of a body attachment for his arrest.

## **Rule 3-2.05 Issuance of Order of Body Attachment**

Upon the failure of the respondent to appear pursuant to personal or abode service of a Rule to Show Cause, the Court in its discretion may issue an order of body attachment, with or without bond, directing the sheriff to arrest and have the respondent brought forthwith before the Judge issuing the order to show cause why he should not be held in contempt of Court.

## **Rule 3-2.06 Copy of Rule or Order**

The copy of a Rule to Show Cause or order served upon any person and the return of service of same shall be accompanied by the certificate of the attorney for the party obtaining the Rule to Show Cause or order that it is a true and correct copy of the rule or order entered.

## **Rule 3-2.07 Satisfaction of Judgment by Court Order**

A money judgment may be satisfied upon written motion of the judgment debtor supported by affidavit stating the following:

- A.** That the full amount of the judgment, including accrued interest and costs has been paid; or



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- B.** That the debtor is ready, willing and able to tender the full amount of the judgment or balance due thereon; that after the exercise of due diligence the judgment creditor and his attorney cannot be found for the purpose of tender in satisfaction of the judgment, or that the judgment creditor or his attorney fails or refuses to accept payment or deliver a satisfaction of judgment upon tender of the amount due; and
- C.** That notice of the motion and affidavit have been sent by mail to the judgment creditor and his attorney of record at their last known addresses.

If the Court is satisfied that the judgment debtor has satisfied the outstanding judgment in its entirety, it may grant the motion and enter an order in satisfaction of judgment.

### **Rule 3-2.08 Deposit with Clerk of Court and Order of Satisfaction of Judgment**

If the judgment creditor is unavailable to receive tender or refuses to do so and the Court grants the motion pursuant to Local Rule 3-2.07, the Court shall enter an order directing the Clerk of the Circuit Court to receive the outstanding balance due on the judgment, including accrued interest and costs on behalf of the judgment creditor. After receipt of payment, the Court shall enter an order satisfying the judgment and showing the amount deposited with the Clerk who shall hold the money subject to further order of Court.

### **Rule 3-2.09 Deposit for Preparation by Clerk of Appeal Record in Civil Cases**

At the time that any request is made to the Clerk of the Circuit Court of Lake County for Certification or Authentication of an Appeal Record, pursuant to 705 ILCS 105/27.1a(k), a deposit of not less than fifty dollars shall be paid to the Clerk's Office to be applied against the total fees, delivery charges and costs authorized by the above statute. The balance of the statutorily prescribed fee and delivery costs, or the balance of the Clerk's estimate of said fee and costs, shall be paid prior to the Clerk's transmission or delivery of the record on appeal pursuant to Supreme Court Rule 325.