

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
FOURTH MUNICIPAL DISTRICT

STANDING ORDER JUDGE CARL EVANS, JR.

1500 Maybrook Drive
Maywood, Illinois 60153
Room 112
Zoom I.D. 914-3462-0283
Password: 988648

Courtroom 112 email: d4crt112orders@cookcountycourt.com

Office of the Presiding Judge: 708.865.6060
Fourth District Clerk's office 708.865.5186

A. Room 112 Daily Schedule

<u>MON/ WEDS ZOOM</u>	<u>9:00 am</u> Consumer Debt ERP Status <u>10:00 am</u> Consumer Debt ERP Status <u>11:00 am</u> Consumer Debt ERP Status	<u>1:30-4:00 pm</u> Non-bulk filer Consumer debt prove-ups Non-bulk filer/small claim post- judgment matters Motions (except Blitt & Gaines) <u>*LAST MONDAY OF MONTH</u> <u>ALL PRO SE CASES <10K*</u>
<u>TUES ZOOM</u>	<u>9:30 am – 10:30 am</u> Tort/Municipal/Law/Small claim cases status call <u>10:30 am-11:00 am</u> Contract/replevin greater than 10K <u>11:00 am-11:30 am</u> Administrative review Name changes (in-person) <u>11:30 am</u> Fully briefed motion hearings	<u>1:30 pm-4:00 pm</u> Pretrial conferences Fully briefed motion hearings In-person bench trials
<u>THURS ZOOM</u>	<u>9:30 am – 10:30 am</u> Blitt & Gaines Post ERP status and default judgment prove-up call	<u>1:30 pm-4:00pm</u> Blitt & Gaines Post-Judgement Call In-person trials and motions
<u>FRI ZOOM</u>	<u>9:30 am – 10:30 am</u> BULK FILER Post ERP status and default judgment prove-up call	<u>1:30 pm-4:00pm</u> BULK FILER Post-Judgement Call

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B. Consumer Debt Motions

1. All motions to expedite the initial case management date shall be filed no earlier than 31 days after service of process is effectuated.
2. Plaintiffs shall select the filing code; **MOTION FOR EXPEDITED CASE MANAGEMENT** and motion type; **CONSUMER DEBT-EXPEDITED CASE MANAGEMENT HEARING** in Odyssey. This selection will generate a court date in Courtroom 082 at either 9:30 am or 10:30 am on Mondays.
3. Expedited case management motions that are not filed according to the instructions above shall be struck from the call with the original case management date to stand.
4. Defendants shall be given notice of the expedited court date with zoom information and Early Resolution Program information via US Mail.
5. Proof of service via affidavit of process server and all notices shall be filed with the Clerk of Court via Odyssey prior to the court date.
6. Any cases that are heard on the expedited case management date at which a Defendant appears shall be reset to the original ERP date generated at the time of filing.
7. All 203.1 Motions for Alternative Service “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... 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.” (See 735 ILCS 5/2-203.1).
8. 203.1 Motions may be heard in courtroom 082 or Courtroom 112.
9. Motions to transfer venue may be heard in courtroom 082 or Courtroom 112. Motions to transfer venue to another district or county should include as exhibits all service attempts by the sheriff and/or private process server. The motion should also include as an exhibit all evidence that demonstrates the defendant currently resides in the district you are seeking to have the case transferred such as a TLO, USPS address report, vehicle registration or other investigative report. A proposed order should be provided and shall be in substantially the following form: Transfer orders shall be in writing, signed by the judge transferring the case and by the Presiding Judge of the division or district, and shall be in substantially the following form:

"The above entitled and numbered cause having been previously assigned to Judge _____ is hereby transferred to Judge _____, Presiding Judge of the _____ Division or District for the purpose of transferring the cause to the _____ Division or District.

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Judge

IT IS HEREBY ORDERED that said cause be and the same is transferred to Judge _____, Presiding Judge of the _____ Division or District.

Presiding Judge

Division or District

Date: _____

- 10. Each firm shall be limited to a maximum of 10 Motions to Expedite per week.
- 11. Monday morning court calls in Courtroom 082 shall be limited to 60 cases, 30 cases at 9:30 am and 30 cases at 10:30 am.

C. Consumer Debt Default Judgment Prove-ups

All consumer debt cases set for prove up shall have the following information e-filed prior to the court date;

- 1. Proof of Service Affidavit from the deputy sheriff or special process server for each defendant in default.
- 2. Affidavit of military service within 6 months of judgment date.
- 3. Complaint (if only seeking damages set forth on complaint) with Illinois Supreme Court Rule 280.2 Affidavit; AND/ OR, Affidavit of Damages setting forth the facts supporting damages thru date of judgment.
- 4. Proof of Notice - See Circuit Court Rule 2.1
On all motions for default judgment, all parties who have been served **shall** be given notice as provided in CCR 2.1, without regard to whether an appearance has been filed.

D. Appearance and Communications

Each Defendant served must have an Appearance on file with the Clerk of the Court or that Defendant shall be in default and will not be permitted to address the court on any motions, trials, or other court proceedings. All communications with the court should be by filed pleading, motion, brief or proposed orders, etc. Communications with the presiding judge's staff or the court clerk are allowed only on administrative, procedural, or scheduling matters. All communications with the court, court personnel, opposing counsel, parties or witnesses shall be presented in a civil and courteous manner.

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E. Orders

All orders on cases heard remotely must be emailed to:

d4crt112orders@cookcountycourt.com

on the date the case is on the call.

Failure to submit an order to the court on the date the case was on the call may result in the case being involuntarily dismissed for want of prosecution. (“DWP”). Stamped copies of orders are returned to litigants automatically through Odyssey. This requires attorneys to properly enter their information in Odyssey including their ARDC number as Odyssey utilizes the ARDC database. The clerk’s office does not email individual orders to each litigant. Orders should properly reflect what occurred in court. In those instances where the order is not accurate the court will modify the order based on the court’s half sheet. The following draft orders may be emailed to the clerk on the date the case is on the call.

- (i) Agreed settlement orders where all relevant parties have affixed signature to the order.
- (ii) Voluntary dismissal orders by plaintiff where there is no pending counterclaim, hearing, or trial date set and no dispositive motion has been filed.
- (iii) **First OR Second ALIAS SUMMONS MOTIONS**
 - a) The Court will enter these orders routinely and need not be called.
 - b) The proposed order shall include a date and time based upon the courtroom schedule above.
 - c) Attorneys shall check court’s docket on Odyssey and choose a date that has LESS THAN 30 CASES scheduled on any of the calls.
 - d) Alternatively, the Court will let attorneys know available alias dates at the start of the call each day to include in their orders.
 - e) 3rd (Final) alias requests must be heard by the Court.

Submitting an order in advance does not excuse your appearance on the call. Failure to appear after submitting an order may result in a DWP.

F. Courtesy Copies

E-filing pleadings, motions, affidavits, and case related documentation with the Clerk’s electronic filing procedure does not constitute submission of courtesy copies for the court. An electronic courtesy copy of any motion, prove-up documentation, trial

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exhibits must be delivered to the court using the following email: d4crt112orders@cookcountycourt.com. **Paper** courtesy copies for fully briefed contested motions must be provided fourteen (14) days prior to the scheduled hearing. ***Parties should not use this email address to request relief from the court or to copy the court on discussions between counsel. This email address is solely for the submission of documents.***

G. Trials & Pretrial conferences

Trials are conducted “in-person” in Room 112 at the Maywood Courthouse unless otherwise authorized by court order. Trial dates are firm and will not be typically re-scheduled absent compelling circumstances. A request for a continuance for trial must be in writing and heard at least 5 business days preceding trial unless emergency circumstances are the basis for the requested continuance. A pretrial conference will be held approximately two weeks prior to all jury trials. The parties must exchange witness lists, exhibit lists, jury instructions, statement of the case and all preliminary motions fourteen (14) days before the pretrial conference. All these items must be provided to the court seven (7) days prior to the pretrial conference in hard copy format (not electronic).

H. Motions

- (i) **Law and Municipal cases:** Motions on law and municipal cases over \$10,000 should be noticed for Tuesday only at 9:30 am.
- (ii) **Contract and replevin cases:** Motions should be noticed for Tuesday only at 10:30 am.
- (iii) **Arbitration Matters:** Motions on pending arbitration matters should be noticed for Tuesday only at 9:30 am.
- (iv) **Post judgment cases:** Motions on post judgment municipal cases less than \$10,000 should only be scheduled for Monday or Wednesday at 1:30 pm.
- (v) **Non-Bulk filer Consumer Debt Post judgment cases:** all post judgment matters on non-bulk filer consumer debt cases should only be scheduled for Monday or Wednesday at 1:30 p.m.
- (vi) **Bulk filer Post judgment matters:** Bulk filer Post judgment matters shall only be scheduled for Fridays at 1:30 p.m. (See schedule above)

I. Format of Briefs

Briefing Schedule / Briefs: The Court may set a briefing schedule on contested motions. All briefs should be double-spaced with 12-point font and 1-inch margins. Briefs in support and in response to a motion shall not exceed ten (10) pages unless permission is granted from the court to exceed this limit.

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J. Emergency Motions

Procedure: Matters determined to require emergency scheduling can be heard at any time. Movants should contact the room 112 clerk to schedule any Emergency Motion. The Motion must be filed with the Clerk of the Court and a courtesy copy of the motion marked “EMERGENCY MOTION” and all supporting papers, including proof of service, must be submitted no later than 4 p.m. on the day before presentment. Emergency motions must set forth a verifiable EMERGENCY.

K. Mediation

Mediation is available on pro-se small claims cases from CCR on the Monday afternoon small claims call and Wednesday upon request.

L. Mandatory Arbitration

Attorneys should use the standard form “all discovery closed arbitration order” when cases are referred to mandatory arbitration. After the court enters the order the presiding judge’s office will schedule the arbitration and send notification of the date. Scheduling questions should be directed to the presiding judge’s office. The court does not handle scheduling of arbitration matters. Motions on pending arbitration matters are heard in Room 111 only. Judgement on arbitration awards are heard in Room 112 only.

M. Settlements

As a courtesy to the court and other litigants, please email Judge Evans’ court clerk at D4crt112orders@cookcountycourt.com if any scheduled matter (i.e. fully briefed motion; trial, etc.) has been resolved and no longer requires the hearing/trial date. Please include the case number and upcoming court date and time in the Subject line of the email.

N. Petitions for Name Change

Petitions for name change are heard on Tuesdays only at 11 am. Proof of publication, if appropriate, should be filed with a courtesy copy to the court the day before the matter is heard. All questions on the form petition should be answered. The petition must be signed and certified. For minor name changes a separate child information sheet must be completed for each child. The question related to consent of the non-custodial parent must be addressed. Children aged 7 or older must be present at the hearing. All forms and instructions for name changes can be found at www.illinoiscourts.gov/forms in the section for approved statewide forms.

O. Voluntary dismissals – with or without Prejudice

Motions to vacate a voluntary dismissal must be filed within 30 days of the date of dismissal or a new action must be filed by plaintiff, unless an agreed order of dismissal is

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signed by both plaintiff and defendant and the order specifically states that leave to reinstate is granted and the court retains jurisdiction. See 735 ILCS 5/2-1203(a)

P. Applicable rules & statutes –

- **General Order No. 1.2, 2.3 – Municipal Department**
(d) Place of Filing – Civil Proceedings
(2) The district in which the transaction or some part thereof occurred out of which the cause of action arose. Actions of attachment, distress for rent, forcible enter and detainer, and for the recovery of property may be filed in the district where the property is located.
- **Illinois Supreme Court Rule 280.2-** Complaint in Credit Card or Debt Buyer Collection Actions
- **735 ILCS 5/9-107. Constructive Service**
Please review applicable statute and case law for due diligence & due inquiry requirements: *Equity Residential Prop. Mgmt. Corp. v. Nasolo*; 364 Ill. App. 3d 26 (2006) *Corlis v. Edelberg*; 2018 IL App 1st, 170049 (2018)
- **735 ILCS 9-109.6 Residential Eviction Order; form.**
A standardized residential eviction order form, as determined by the Supreme Court, shall be used statewide.
**** Litigants are strongly encouraged to utilize all approved Supreme Court forms for Eviction cases****
- **Cook County Residential Tenant Landlord Ordinance** – effective 06/01/2021 (29 pages) Litigants must review.
- **Illinois Rules of Evidence – Rule 803 (6); Rule 901 and Rule 902 (11)** – for admissibility of records kept in the regular course of business activity.