

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
FIFTH MUNICIPAL DISTRICT**

STANDING ORDER – ROOM 203

JUDGE NICOLE CASTILLO

10220 South 76th Avenue, Bridgeview, Illinois 60455
Room 203 Zoom I.D. 967-5745-8317 Password: 729614
Office of the Presiding Judge Staff: (708) 974-6289

Effective 3/7/2025

1. GENERAL MATTERS

A. Appearance and Communications

Residential Evictions Cases: Provided the court has proper jurisdiction, any Defendant or Unknown Occupant in a residential eviction case who is attending court on the initial return date will be offered access to the Early Resolution Program (ERP) resources and will be permitted to attend court without having an Appearance on file pursuant to G.A.O. 2020-09 III (A)(6).

On the ERP return date, the Court will issue a Trial Setting Order requiring the Defendant(s) to file an Appearance by the date set forth therein. Defendant(s) will be required to file an appearance prior to presenting any motions, participating in trial or addressing the Court in any other critical stage of the proceeding.

All communications with the Court must be by filed pleading, motion, brief or proposed orders, etc. Any communications with the Court must be copied to all parties of record. 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.

An attorney shall file a written Appearance or other pleading before addressing the court unless the attorney is presenting a motion for leave to appear by intervention or otherwise. Do not engage in any *ex parte* communication with the Court and do not expect responses to communications other than communications concerning proposed court orders sent in after appearing on the Court's scheduled call.

Sending an email is no substitute for appearing on the Court's scheduled call on the date assigned through the clerk's electronic docketing system. Any party that is unable to appear and communicate effectively via Zoom must appear in person on the date and time the case is scheduled to be heard. All parties must have their full name typed onto their respective ZOOM screen to be admitted into court from the waiting room. If a party is unable to insert their name on their ZOOM screen they can chat their name to the chat room and the court will rename their screen appropriately.

B. Orders

ALL ORDERS MUST BE EMAILED TO:

D5CRT203ORDERS@COOKCOUNTYCOURT.COM

ON THE DATE THE SUBJECT CASE IS ON THE CALL

The courtroom email is to be used solely for delivery of proposed court orders. It is not for communication with the Judge or Court staff on the substance or your case or any other topic besides court orders. Do not expect responses to communications other than responses concerning proposed court orders sent in after appearing on the Court's scheduled call.

All proposed orders must be sent to the Court on the day the subject case was before the Court. Failure to submit an order to the Court on the date the subject case was on the call may result in the case being involuntarily dismissed for want of prosecution. **(i.e. DWP)**

The following draft orders may be emailed to the Clerk **ON THE DATE THE SUBJECT CASE IS ON THE CALL**, without notice, and appearance before the Court is not required.

- (i) Orders to issue alias summons on cases where the Cook County Sheriff has attempted service at least one time. Return dates on alias summons must remain on the same day of week at the same time as originally scheduled, EXCEPT, condominium eviction cases originally scheduled for a Monday should be given a Wednesday date at 9:30 a.m. for status on the Alias Summons To Issue.
- (ii) Agreed Settlement Orders where all parties have affixed signature to the order. In the event an Agreed Settlement Order is issued and a trial date has been previously scheduled, the trial date must be stricken on the Agreed Settlement Order.
- (iii) Voluntary Dismissal Orders by plaintiff where there is no pending counterclaim, hearing, or trial date set and no dispositive motion has been filed. In the event a trial date has been previously scheduled, the trial date must be stricken on the Voluntary Dismissal Order.

C. Filings

Motions, all Prove-Up documentation, Trial Exhibits and Proof of Service affidavits must be E-filed with the Clerk's electronic filing system (i.e. ODYSSEY) not less than **five (5)** days prior to any hearing or trial. Exhibits / filings that are not accepted via E-filing (ex. video / audio recordings) may be dropped off at the Office of the Presiding Judge for Room 203. Failure to timely file Motions, Prove-Up documentation, Trial Exhibits and/or Proof of Service Affidavits may result in the motion or prove-up hearing being continued and trial exhibits being excluded from trial.

D. Discovery

Discovery will not be permitted in residential eviction cases without prior leave of the Court. Prior to engaging in any discovery, a party wishing to issue discovery must file a motion with the Court identifying what discovery will be issued and state why that discovery is relevant and necessary.

E. Default Motions and Prove-Up Requirements

On **ALL** motions for default judgment and prove up, the moving party must e-file the following documents not less than **five (5)** days prior to the hearing date.

- (i) Eviction Cases: Notice of Termination of Tenancy served upon tenant(s).
- (ii) Proof of Service Affidavit from the deputy sheriff or special process server for each defendant in default. (*Sheriff's Internet / Online / Website record is not acceptable*) Constructive Service (5/9-107): Affidavit as set forth in statute and Posting or Publication affidavit from sheriff or publication service.
- (iii) Affidavit as to military service. Clerk Form CCG 0004 & Dept. of Defense status report. www.servicememberscivilreliefact.com
- (iv) Prove-Up Affidavit setting forth facts supporting Plaintiff's claim for possession; claim for money damages thru month of possession; and statement that since the service of the Termination of Tenancy Notice, Plaintiff has not accepted any payments from defendant(s) in excess of the amount set forth in the 5-day notice.
- (v) In the event a Prove-Up affidavit is not filed, Plaintiff may offer sworn testimony to support its motion for entry of a default judgment.
- (vi) In the event Plaintiff has filed a joint action, a prove-up affidavit or live testimony is required to support a claim for damages. A verified complaint will not be accepted by the Court as sufficient to support a claim for rent during the pendency of the eviction action.
- (vii) Proof Service of Notice of Default Motion/Hearing Date - On all motions for default judgment, all parties who have been served shall be given notice as provided in **CCR 2.1** and Proof of Service must comply with **Supreme Court Rule 12**.
- (viii) Petition for Attorney's Fees – on applicable cases only. (Commercial & Condo)

G. AGREED ORDERS: Non-Compliance Prove-Up Requirements

On all motions for an eviction order of possession and / or money judgment based on the non-compliance of a party on an Agreed Order, the plaintiff must E-file a Prove-Up Affidavit in support of the required elements of proof for judgment not less than five (5) days prior to the hearing OR present sworn testimony via ZOOM in support of the required elements of proof for judgment to be entered. Attorneys may not seek an order of possession or money judgment based solely upon an attorney's motion or an attorney's oral representation to the Court. Notice of Motion for a Non-Compliance Prove-Up must be provided to each defendant unless the compliance court date was set forth in the agreed order.

F. Trials

ALL TRIALS are conducted **"IN PERSON"** in **Room 203** at the Bridgeview Courthouse unless otherwise authorized by court order for extraordinary reasons set forth in a pre-trial motion. Trial dates are firm and will not be re-scheduled absent compelling circumstances. A request for a continuance for trial must be in writing and supported by a detailed, compelling affidavit and heard as soon as possible or at least 5 business days preceding trial unless emergency and exigent circumstances are the basis for the requested continuance. Each party must provide a courtesy copy of all trial exhibits to all parties/counsel of record not less than five (5) days prior to trial date. Trial Exhibits will be marked and identified in chronological order during the trial.

G. Regular Motions

All regular motions are initially set for 9:30 a.m., Monday through Thursday on dates scheduled with the Clerk of the Court Odyssey e-filing assignment. Movants are allowed to schedule and notice motions for previously scheduled motion dates or status dates, provided all parties/counsel of record are given sufficient notice.

H. Contested Motions

Briefing Schedule / Briefs: The Court may set a briefing schedule on contested motions. All briefs shall 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. **Each party is responsible for E-filing its Motion, Response and Reply within the time ordered by the court.** Movants are responsible for providing the Court with courtesy copies of all briefs not less than five (5) days prior to the hearing date. **Hearings** on all contested motions will be held in person.

I. Emergency Motions - 9:30 a.m. Monday through Thursday

Emergency Motions must be filed with the Clerk of the Circuit Court before any hearing date and time will be scheduled. Movants should contact a staff member at the Office of the Presiding Judge at (708) 974-6290 to schedule any Emergency Motion. Immediately after the Emergency Motion is scheduled, the Movant must file its proof of service upon the opposing party with the Clerk of the Circuit Court. Emergency motions must set forth a verifiable **EMERGENCY** with extraordinary circumstances.

J. SETTLEMENTS:

In the event any matter scheduled for a hearing or trial is settled, both parties may appear on Judge Castillo's 9:30 a.m. Zoom call (Monday thru Friday) to advise the court that the scheduled hearing will not proceed as scheduled. The Order of settlement or dismissal must be signed by both parties and submitted to the Clerk at 9:30 a.m. on or before the date the matter was scheduled – no exceptions. If submitted before the date the matter was scheduled, the order must strike the future court date.

K. APPLICABLE RULES & STATUTES – STRICT COMPLIANCE REQUIRED

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 entry and detainer, and for the recovery of property may be filed in the district where the property is located.

Supreme Court Rule 139. Practice and Procedure in Eviction Cases

(b) Supporting Documents for Eviction Complaints.

Supreme Court Order M.R. 30370 (dated 09/13/21)

Notice regarding the Court-Based Rental Assistance Program.

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 encouraged to utilize all approved Supreme Court forms for Eviction cases* ***

Cook County Residential Tenant Landlord Ordinance – effective 06/01/2021 (29 pages)

Illinois Rules of Evidence – Rule 803 (6); Rule 901 and Rule 902 (11) – admissibility of records kept in the regular course of business activity.