

MONTHLY
LUNCHTIME SEMINAR
SERIES

50th Session:

TRIAL PREP: TOP TIPS
FROM COOK, DUPAGE &
WILL COUNTIES

Judge Lynn M. Egan
Judge Thomas R. Allen
Judge Susan T. O'Leary
Judge Ronald Sutter

March 9, 2017

JUDGE THOMAS R. ALLEN

Judge Thomas Allen is a Cook County Circuit Court judge who was initially appointed to the bench by the Illinois Supreme Court in 2010 and elected in 2012. He is currently assigned to the Chancery Division, where he presides over complex litigation.

Prior to becoming a judge, he served as 38th Ward alderman from 1993—2010. He was also a partner in the firm Chapekis, Marcus, Allen & Chapekis from 1986—2010. Before joining that firm, he served as an Assistant Cook County Public Defender from 1977—1986 and was a member of the Homicide Task Force from 1982—1986, where he handled felony murder and capital cases.

Judge Allen graduated from IIT Chicago-Kent College of Law in 1977.

JUDGE SUSAN T. O'LEARY

Susan O'Leary has served as Circuit Judge, 12th Judicial Circuit, Will County since 2002 and is currently assigned to the civil jury trial call, where she has presided over approximately 300 civil jury trials. She was Presiding Judge of the Civil Division for 9 years and Presiding Judge of the Family Division for 2 years.

Prior to becoming a judge, she was Chief Counsel for the Illinois Department of Corrections, served as a Special Assistant Attorney General in complex class action litigation, and as a Consultant to the United States Justice Department. Judge O'Leary is a certified Mediator, a Fellow, Advanced Science & Technology Adjudication Resource Center, and was appointed by the Illinois Supreme Court to serve on the Judicial Performance Evaluation Committee.

She graduated with honors from University of Illinois, studied at University of Glasgow, Scotland and graduated with honors from Chicago Kent College of Law.

JUDGE RONALD SUTTER

Judge Ron Sutter is a graduate of Illinois State University and the University of Illinois College of Law. After law school, he worked as a law clerk for the DuPage County Circuit Court Judges.

In 1981, he joined the DuPage County State's Attorney's Office and in 1986, he was named outstanding felony prosecutor of the year for DuPage County.

From 1989 until 2003, Judge Sutter was a partner and trial lawyer with the firm of Querry & Harrow. In 2003, he was appointed Associate Judge and in 2010, he was elected Circuit Court Judge.

Judge Sutter has served as the Presiding Judge of the Law Division for the Eighteenth Judicial Circuit since 2012.

JUDGE LYNN M. EGAN

Judge Lynn M. Egan became a Cook County Circuit Court judge in 1995 and has served in the Law Division for over 20 years. She has presided over high volume motion calls, an Individual Commercial Calendar, an Individual General Calendar and bench and jury trials. She is currently the only Cook County judge assigned to a General Individual Calendar in the Law Division, which includes every type of case filed in the Division, specifically including personal injury actions such as medical & dental malpractice, product liability, infliction of emotional distress, defamation/slander, premises liability, construction & motor vehicle accidents, as well as commercial disputes such as breach of contract, fraud, conspiracy, breach of fiduciary duty, wrongful termination, employment discrimination and legal & accounting malpractice. She manages these cases from time of filing until final disposition, including all motion practice, case management, settlement conferences and trials. Additionally, Judge Egan is committed to assisting parties with the voluntary resolution of cases. As a result, hundreds of cases pending on other judges' calls in the Law & Chancery Divisions & the Municipal Districts are transferred to Judge Egan each year for settlement conferences and she has helped facilitate settlements totaling over 250 million dollars.

Judge Egan has also served as a member of several Illinois Supreme Court Committees, including the Executive Committee, Discovery Procedures Committee, Civil Justice Committee and Education Committee. She has also been a faculty member at dozens of judicial seminars throughout the state, including the annual New Judges' Seminar, regional conferences and the mandatory Education Conference. She has authored numerous articles on subjects such as discovery, requests to admit, restrictive covenants, Day-In-The-Life films, directed verdicts, jury selection & instructions, Dead Man's Act, Supreme Court Rule 213, expert witnesses, reconstruction testimony, court-ordered medical exams, attorney-client/work product privileges, sanctions, special interrogatories, examination of experts and damages. She also serves as a mentor for new judges and currently serves on the Illinois Courts Commission, a seven-member panel responsible for rendering final decisions on matters of judicial discipline.

Judge Egan has served on Bar Association committees and Boards of Directors and has been a frequent speaker at Bar Association seminars. She has taught law school classes and judged trial & appellate advocacy competitions. In 2012, she became a registered CLE provider through the Illinois MCLE Board and provides free CLE seminars for attorneys and judges every month. Since her monthly seminar series began in August 2012, Judge Egan has awarded over 10,000 hours of free CLE credit to Illinois attorneys.

Prior to joining the bench, Judge Egan was an equity partner at Hinshaw & Culbertson, where she focused her practice on medical negligence cases. In addition to trial work, she argued before the Illinois Supreme Court on a matter of first impression in the country in *Cisarik v. Palos Community Hospital*. Similarly, during her earlier career in the Cook County State's Attorney's Office, she worked in the criminal and juvenile divisions and argued before the Illinois Appellate and Supreme Courts on matters of first impression in Illinois.

SECTION A

- “Trial Prep: Top Tips” by Judge Susan T. O’Leary, March 2017

Trial Prep: Top Tips

By

Judge Susan T. O'Leary

March 2017

1. **Medical bills.** If insurance pays medical bills at a discounted rate, plaintiff cannot recover the full amount of medical bills- only the portion paid by the insurance company -unless there is evidence that the full amount billed is reasonable. Plaintiff cannot make a *prima facie case* of reasonableness based on the bill alone, because she cannot truthfully testify that the total billed amount has been paid. **Arthur v. Catour**, 216 Ill. 2d 72 (2005); **Klesowitch v. Smith**, 2016 Ill. App. (1st) 150414.

Plaintiff may lay a foundation by:

1. A stipulation -- obtain a written stipulation and make sure that the terms are clear;
2. An admission -- request to admit that plaintiff incurred particular medical expenses as a result of the negligence, that the expenses were for reasonable and necessary treatments and the expenses were reasonable and fair charges, are all proper subjects of a request to admit. **Oelze v. Score Sports Venture**, 401 Ill. App. 3d 110 (1st Dist. 2010), **Troyan v. Reyes**, 367 Ill. App. 3d 729 (3rd Dist., 2006), or
3. Testimony. Defendants may challenge plaintiff's proof on cross-examination and offer their own evidence pertaining to the reasonableness of the charges.

2. **Evidence depositions.**

Grounds of objection to the competency of the deponent or admissibility of testimony which might have been corrected if presented during the taking of the deposition are waived by failure to make them at that time; otherwise objections to the competency of the deponent or admissibility of testimony may be made when the testimony is offered in evidence. Sup. Ct. Rule 211(c) (1).

If there is an objection that you can cure, make sure that you do so, e.g., leading, foundation. Otherwise you might be barred from introducing important evidence at trial.

Always begin and/or end your expert's evidence deposition by asking your expert if all of his or her opinions are to a reasonable degree of medical/scientific certainty. Always lay a foundation regarding the material your expert relies upon in formulation of his or her opinion.

Ask what they reviewed and whether the material is of a type reasonably relied upon by experts in the field in formulating opinions. Wilson v. Clark, 84 Ill 2d 186 (81).

3. **Future or permanent injuries.** Obtain an updated medical examination if plaintiff has not been seen in years and it is not clear that the condition is permanent or if the testimony regarding future pain and suffering, loss of normal life or the need for future medical care is vague or weak. Supplement your disclosures in advance of trial.

In making a determination as to whether the testimony is to be admitted, courts consider: 1. The nature of the injury or condition; 2. The type of treatment administered; 3. The length of time plaintiff treated; 4. The number and frequency of the visits; 5. The length of time between the plaintiff's last treatment and the witness' formation of the opinion; 6. The length of time between formation of the opinion and trial; and 7. Any other circumstances that bear on the relevance and reliability of the testimony. Decker v. Libell, 193 Ill. 2d 250(2000), Housh v. Bowers, 271 Ill. App. 3d 1004 (3rd Dist. 1995).

4. **Disclose all Witnesses.** Disclose the other side's witnesses, so you can call them if they abandon an expert or decide not to call a treater. Court allowed the testimony of the expert, even though not disclosed, weighing good faith, diligence, surprise to the adverse party, and prejudice. Pancoe v. Singh, 376 Ill. App. 3d 900 (1st Dist 2007).

5. **213 Disclosures.** Disclosures need to be specific, including both the opinion and the bases for the opinion. Although the expert may elaborate or give logical corollaries to his opinion, he cannot testify to new reasons or new theories of negligence. It is not sufficient to simply state that the witness will testify to the medical condition, medical records and permanency. You need to "drop down to specifics." Sullivan v. Edward Hospital, 209 Ill. 2d 100, 109 (2004).

Opinion that by adjusting contrast level on scan the expert could tell that the dense area was just lung tissue, was not a logical corollary to disclosed opinion that the size of mass was not changed based on review of scans. Trial judge found that it was a new basis for the opinion and barred it and the appellate court affirmed. Morrisroe v. Pantano 2016 Ill. App. (1st) 143605). We strongly urge practitioners that, if an opinion is important to the theory of one's case, it is essential that it and the bases therefor must be disclosed. This is a bright line rule and must be followed. Seef v. Ingalls Memorial Hospital, 311 Ill. App. 3d 7 (1st Dist. 1999). Review your disclosures and update them as necessary.

6. **Photographs, videos, and demonstrative exhibits.** Are very helpful and persuasive. If you have not dealt with objections to day in the life or accident reconstruction videos, photos, illustrations, timelines, etc., you may be barred from using them or may be forced to edit them in the middle of trial. Always have a diagram in an automobile accident case.

Make sure that you can lay a foundation-- that it accurately portrays what it purports to show, People v. Sherman, 203 Ill. 2d 264, 283 (2003) or that the essential elements or conditions of the experiment are substantially similar to the conditions, Lorenz v. Pledge, 2014 Ill. App. (3d) 130137, or that it would be helpful in explaining to the jury the expert's testimony. Dillon v. Evanstan, 199 Ill. 2d 483 (2002). Breast cancer case reversed where illustrations were used and there was no testimony that they were from a reliable authority or accurately portrayed the diagnosed condition. Sharbono v. Hilborn, 2014 IL App (3d) 120597.

7. **Adding new claims or defenses.** Contributory negligence, failure to mitigate damages, and other affirmative defenses. Although you can amend at any time before final judgment on just and reasonable terms, (735 ILCS 5/2-616), do not wait to do so. If an affirmative defense is not pled in a timely manner, it can be forfeited. Courts will consider whether your opponent had ample time to respond or would be unfairly prejudiced by the amendment. Mondschein v. Power Constructian Co. 404 Ill. App. 3d 601 (1st 2010).

8. **Jury instructions.** Prepare them in advance and read them with an eye toward what the jury will be told and what you will need to prove. For example, increased risk of future harm IPI 30.04.04 directs that the jury multiply the total compensation by the proven probability that the condition will occur. Have evidence regarding the cost of future medical expenses and the probability that the harm will occur.

9. **213 Objections.** Be prepared to cite to pages in the discovery deposition or the 213 responses when there is a 213 objection.

10. **Organization.** Prepare a trial notebook(s) with exhibits, 213 disclosures, jury instructions, depositions, etc. for yourself and for the court. Bates stamp your documents, so that the experts and court can follow along. You don't want to appear unprepared or disorganized in front of the jury. Keep a good record of what documents have been produced in discovery.

SECTION B

- “Jury Trial Suggestion” by Judge Ronald Sutter, March 2017
- Trial Setting Order – 18th Judicial Circuit, Law Division
- Standing Order – Judge Ronald Sutter

DU PAGE COUNTY LAW DIVISION
JURY TRIAL SUGGESTIONS

By
Judge Ronald Sutter
March 2017

1. **Trial setting order** – attached.
2. **Standing Orders** - Law Division court rooms - dupageco.org
3. **Motions in Limine.**
Copies of case law to support any out of the ordinary motions in limine
People vs. Stevenson, 2014, IL. App (4th) 130313 – philosophical view.
4. **Trial schedule outline** – witnesses – order; day; time scheduled; anticipated length of testimony.
5. **Exhibit List w/ columns:**
Ided; offered; objection; admitted; refused.
6. **Discovery deposition transcripts.**
7. **Evidence deposition transcripts** with either a list of objections or objections highlighted.
8. **Rule 213.** Copies of Rule 213 disclosures and expert discovery deposition transcripts.
9. **Jury instructions.** Marked and unmarked. Marked means numbered. For marked copy include:
_____ Given
_____ Given as modified
_____ Objection
_____ Reserved
10. **Communication.**

UNITED STATES OF AMERICA

STATE OF ILLINOIS

COUNTY OF DUPAGE

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT

PLAINTIFF

vs.

DEFENDANT

)
)
)
)
) NO.
)
)

TRIAL SETTING ORDER

This matter is set for jury/bench trial on _____, 2017, at 9:30 a.m. in Court Room 2014. Trial shall continue from day to day.

Further, this matter is set for a final Trial Conference on _____, 2017, at _____ a.m./p.m. in Courtroom 2014. Attendance at this Final Trial Conference is mandatory.

The following shall be provided to opposing Counsel or opposing pro se party and the Court at least seven (7) days before the Trial Conference date:

1. Statement of the Nature of the Case with list of potential witnesses, with town of residence;
2. Exhibit lists;
3. Motions *in limine*;
4. Evidence depositions if rulings are required on objections;
5. Proposed instructions;
6. Each party's own S.C.R. 213 disclosures;
7. Discovery closed as of _____

At the Trial Conference, the Court shall hear motions *in limine*, objections regarding evidence depositions, any objections to the proposed Statement of the Nature of the Case, and will hold a preliminary jury instruction conference. The Court shall also address any scheduling problems and any jury selection issues.

Failure to comply with this order may result in S.C.R. 219 (c) sanctions, including barring the admission of any exhibits or testimony of any witness not disclosed, dismissing the case, striking the answer or entering a default order.

Dated: _____, 2017

Entered: _____
Ronald D. Sutter

Name: _____
DuPage Atty.No. _____
Atty. for: _____
Address: _____
City/State/Zip: _____
Phone #: _____
E-mail _____

Standing Orders - Courtroom 2014

Judge Ronald Sutter

The purpose of the standing order is to provide guidance to the attorneys and litigants who appear in Courtroom 2014 so as to promote efficient and consistent treatment for every case

PRE-TRIAL/SETTLEMENT CONFERENCE - 9:00 A.M. Monday - Thursday and 9:00 A.M. - 4:30 P.M. Friday

The Court encourages settlement conferences as early as possible in the litigation process. Requests for a settlement conference may be made by motion. A pre-trial memorandum shall be sent to the Judge seven days before the pre-trial with copies to opposing counsel unless a confidential memorandum is agreed to by the parties or ordered by the Court. The defendant may submit a pre-trial memorandum. The plaintiff must submit a demand for settlement in the pre-trial memorandum. The pre-trial memorandum should comply with local rule 8.01 or contain the information as suggested in the Settlement Conference Memorandum form listed on the website for courtroom 2014. At the settlement conference, the parties with authority to settle the case must be present or available by telephone.

STATUS CALL - 9:00 a.m. Monday through Thursday

The Clerk of the Court automatically sets the first status date within 90 days of the filing of a complaint. The purpose of the initial status date is to verify service of summons on the defendants and any appearances. If all the defendants have appeared and answered the complaint, a discovery schedule may be entered by the Court. Any status dates thereafter are set by the Court.

MOTIONS - 9:00 a.m. Monday through Thursday

In order to be heard on a Notice of Motion, the attorney or *pro se* litigant must first schedule the date and time with the Judge's secretary by telephone (630-407-8805). Filing the Notice of Motion with the Clerk's office alone will not place the motion on the call. If the opposing side wishes to respond to the motion in writing, a briefing schedule will be entered and hearing date will be set.

CASE MANAGEMENT CONFERENCE - S.Ct.Rule. 218 - 9:00 a.m. Monday through Thursday

Supreme Court Rule requires that the court hold a case management conference within 35 days after the parties are at issue (all defendants have appeared and answered the complaint) and in no event more than 182 days after the filing of the Complaint. The Circuit Court Clerk sets the first Case Management Conference date (CMC) which is stamped on the Complaint in the top right corner. Thereafter, the Court sets any CMC dates. Pursuant to S.Ct.Rule 218, counsel and any *pro se* litigant who appear shall be familiar with the case and prepared to discuss the nature, issues and complexity of the case, potential amendments to the pleadings, potential stipulations concerning facts and documents, the number and duration of depositions, retention of expert witnesses, deadlines for written discovery, disclosure of witnesses, depositions, scheduling of a settlement conference and/or mediation, the date the case should be ready for trial, and future case management dates. The court expects orders setting discovery schedules to be followed. If the parties cannot comply with the set schedule, a motion to extend the time to perform the discovery, with good cause shown, should be presented on or before the next status date. **If no such motion is presented, a failure to follow the discovery schedule can result in an order barring any further extension of time to perform that discovery.**

CONTESTED MOTIONS - 9:30 Monday through Thursday

Contested Motions are scheduled by the Court.

The contested hearing date will not be continued without good cause shown. If the request for continuance occurs within 48 hours of the hearing, the Court may, in its discretion, deny the continuance and decide the motion without oral argument of any party not present for the hearing.

Pursuant to local court rule, courtesy copies of the motion, response, and reply should be provided to the court seven days in advance by the movant. If the motion is pursuant to 735 ILCS 5/2-615 or 2-619, a courtesy copy of the complaint at issue must also be provided.

TRIAL DATES - Monday through Friday 9:30 a.m.

Most Trial Dates are set for Monday at 9:30 a.m. by the Court. The Bench/Jury Trial Setting form order should be used when scheduling a jury trial date. *Trial dates are firm and requests for continuance are not encouraged and should be presented by motion at the earliest date. A Motion to Continue a trial date will be granted only upon good cause shown.*

If another case is set the same day, it is within the court's discretion as to which case will proceed, whether to hold the other case for trial, reschedule the trial, or transfer the case to the Presiding Judge for immediate reassignment for trial. The Administrative Assistant will advise the parties of the status of the cases set for trial and the order in which they will proceed when possible.

TRIAL CONFERENCE

When a jury case is set for trial, a Trial Conference date will also be set the week before trial. The purpose of the Trial Conference is to review the Nature of the Case which will be read to the venire, rule on motions *in limine*, objections in evidence depositions, review and rule on proposed instructions, discuss jury selection, witnesses, and scheduling. The court can conduct a settlement conference at that time if the parties are willing to do so, but that is not the purpose of the Trial Conference. Trial counsel must be present for the Trial Conference.

TRIAL CONFERENCE MATERIALS

Each party is responsible to provide to the Court and opposing counsel courtesy copies of the trial materials seven days before the Trial Conference date. In a Jury trial the materials should include the following:

- 1) Jointly prepared/approved Nature of the Case with a list of witnesses and estimated number of trial days;
- 2) Stipulations of the Parties;
- 3) List of Exhibits with courtesy copies of documents for the Court;
- 4) Copies of any Evidence depositions with list of page/line number of all objections on which the Parties are requesting a ruling. Any objection not listed is waived. Only from the foundation objections are waived if not made during the deposition. All other objections are preserved.
- 5) Copies of any Answers to S.Ct. Rule 216 Request to Admit which any Party wishes to introduce into evidence.

6) Copies of the Motions *in limine* and any Responses thereto Proposed Order granting, denying or reserving each motion

7) Any Motions requesting a Ruling on any disputes regarding Requests to Produce pursuant to S.Ct.Rule 237 Any request in a S.Ct.Rule 237 request must have been previously requested pursuant to S.Ct rule 214 during discovery

8) Copies of the Answers to 213 (f) (1), (2), and (3) by each Party

9) Copies of the transcripts of each Party's S.Ct.Rule 213(f)(3) witnesses for the purpose of ruling on S.Ct.Rule 213 objections Each Party shall be prepared to cite to the 213 Answers to Interrogatories or page and line number of the deposition of their S.Ct.Rule 213(f)(3) witness to respond to a S.Ct.Rule 213 objection.

10) Proposed instructions, **including special interrogatories** - one original and one marked with the IPI number or non-IPI with case authority and identified with Plaintiff/Defendant Inst #. It is good practice to have the marked copy with the following:

Given _____

Given as modified _____

Objection _____

Refused _____

Reserved _____

11) The Court asks limited background questions of the venire. Each party has the right to ask questions of the venire. The Court does not generally limit the time for questioning, but may do so in its discretion. If any Party desires the Court to ask particular questions, a list of those questions should be submitted at the Trial Conference.

12) In a **Bench Trial** submitted materials shall include all of the above items except #10 and #11. In addition, in a bench Trial, the Parties are to submit a memorandum of law, not in excess of five pages, summarizing their respective legal theories with cited authority.

Dated: January 7, 2015

Circuit Court Judge Ronald D. Sutter

SECTION C

- Trial Order – Judge Thomas R. Allen, Chancery Division
- Calendar 10 Procedures – Judge Thomas R. Allen, Chancery Division

TRIAL ORDER

Calendar 10

Hon. Thomas R. Allen
2302 Richard J. Daley Center
Chicago, Illinois 60602

Phone Number: 312.603.6041

Law Clerks: Katherine Snitzer
Patrick Etchingham

Courtroom Clerk: Al Heard

Trial Dates:	Once set, trial dates are firm and will not be rescheduled absent compelling circumstances. Any request to continue a trial must be made by written motion no less than five days before the date set for commencement of the trial.
Trial Materials:	Parties are expected to prepare and exchange the following trial materials: <ol style="list-style-type: none">1) An exhibit list. Exhibits should be listed by the number the offering party intends to use at trial.2) A list of witnesses.3) A statement of disputes on requests to produce individuals or items at trial under Illinois Supreme Court Rule 237.4) A copy of all applicable Rule 213 disclosures if opinion witnesses are to be presented.5) Motions <i>in limine</i>.
Courtesy Copies:	Trial materials must be delivered to the Court at least seven days before the trial is set to commence.
Pre-Trial Memoranda:	The Court does not require Pre-Trial Memoranda; however, a party may choose to prepare one of reasonable length. If a party so chooses, it must provide the opposing party with a copy and must deliver the memorandum to the Court at least seven days before trial is set to commence.
Pre-Trial Conferences:	All parties are encouraged to explore settlement, and the Court is generally willing to entertain a pre-trial settlement conference upon request. Requests may be made on oral or written motion.
Court Reporters:	Court reporters are required for trials, without exception. The Court does not provide court reporters, so it is the responsibility of the parties to provide for one.
Interpreters:	It is incumbent upon the parties to investigate whether or not an interpreter is needed, including for any potential witnesses that a party may call. Parties are required to provide their own interpreters for trials. If a party is indigent and cannot afford an interpreter, the party should contact the Court's chambers at least three days before the scheduled trial date to request an interpreter.

CALENDAR 10 PROCEDURES

Hon. Thomas R. Allen
2302 Richard J. Daley Center
Chicago, Illinois 60602

Phone Number: 312.603.6041

Law Clerks: Katherine Snitzer
Patrick Etchingham

Courtroom Clerk: Al Heard

COURT SCHEDULE

9:30 a.m. (Mondays)

10:00 a.m.

10:30 a.m.

11:00 a.m. & 2:00 p.m.

Clerk's Status

Motions, Initial Case Management & Agreed Orders

Status Call

Contested Hearings & Trials

Motions:	Calendar 10 motions are set electronically in Room 802 of the Daley Center. <i>File stamped</i> courtesy copies of all motions are to be provided to chambers (Room 2302) before the scheduled court date. Failure to provide courtesy copies will result in the motion being stricken. Contested motions electronically set pursuant to this paragraph are set for initial presentment and scheduling only. Parties should not expect that a hearing on a contested motion will proceed on this date. Immediate hearings will be granted only in the case of Emergency Motions presented as provided for in this order below.
Emergency Motions and TROs:	All Emergency Motions, including Temporary Restraining Orders, shall be heard at a time scheduled by the Court. Counsel must contact Judge Allen's clerks in chambers to schedule Emergency Motions and TROs. A file stamped courtesy copy of (1) the emergency motion and (2) the underlying complaint must be delivered to the Court no later than 3:00 p.m. on the day preceding the presentation of the matter. Petitions for Temporary Restraining Order must be accompanied by a Verified Complaint .
Agreed Orders/Routine Motions:	Agreed Orders and Routine Motions may be presented to the Court by Counsel at the 9:30 motion call. Additionally, Routine Motions and Agreed Orders titled "Agreed Order" may be dropped off in chambers and signed without presentation.
Initial Case Management:	Counsel <i>familiar with the case</i> and <i>authorized to act</i> shall appear at the initial case management and <i>be prepared</i> to discuss the issues set forth in Supreme Court Rule 218(a)(1) through (10).
Pleadings:	<ul style="list-style-type: none">• All pleadings shall be double-spaced, 12-point font, 1 inch margins.• Exhibits and other attachments to the pleadings should be appropriately bound and tabbed.
Clerk's Status & Courtesy Copies: (Contested Hearings)	<ul style="list-style-type: none">• <i>The Court does not receive duplicate versions of original court filings.</i>• File stamped courtesy copies of briefs and relevant pleadings** shall be tendered to the Court by the movant at the appointed Clerk's Status, at which time a hearing date will be scheduled.• Clerk's Status will occur at 10:00 AM on the Monday following the due date of the last brief.• There is a 15 page limit on all supporting and responsive briefs. There is a 10-page limit on replies.• Motions for leave to file oversized briefs are strongly discouraged.• The Court does not accept facsimile or email courtesy copy transmissions.• All Illinois citations must be to the Illinois official reporters. <p>***Pleadings** on a Motion to Strike/Dismiss include the Complaint or other pleading attacked; on a Motion for Summary Judgment, the Complaint and exhibits, if any.</p>
Court Reporters:	Court reporters are required for contested hearings on <i>dispositive</i> motions, administrative reviews, TROs, preliminary injunctions, and trials. If you require a court reporter, you must provide for one.
Trials:	<i>See Trial Order.</i>

SECTION D

- Standing Order – Calendar “J”/Judge Lynn M. Egan



State of Illinois
Circuit Court of Cook County
Law Division

Lynn M. Egan
Judge

50 West Washington Street
Suite 1904
Richard J. Daley Center
Chicago, Illinois 60602
(312) 603-5930
Fax # (312) 603-5747

STANDING ORDER – Calendar “J”
(Revised May 21, 2014)

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

A. MOTIONS

1. REGULAR MOTION CALL - 9:30 A.M. and 10:00 A.M. - MONDAY ONLY

Regular motions are spindled in the clerk's office in room 801. Agreed orders will be taken before the call begins in Courtroom 1904. Holds may be placed on a motion only until the start of the next regular call. If the parties desire a briefing schedule, a clerk's status date will be set for delivery of courtesy copies and, in the court's discretion, a hearing date may be set. Any motion which affects discovery must be accompanied by a copy of the last discovery and case management order(s). If the moving party intends to withdraw a motion from the call, please call the case coordinator at 603-5930 prior to the hearing date to inform the court that the motion will not be presented.

2. EMERGENCY MOTION CALL - 9:15 A.M. - Daily (except Monday)

Emergency motions are heard on Tuesday through Friday. A courtesy copy must be delivered to Chambers for Room 1904 by 4:00 p.m. the preceding day. **THE MOTION MUST BE A TRUE EMERGENCY, OR IT WILL NOT BE HEARD, AND WILL HAVE TO BE SPINDLED ON THE REGULAR MOTION CALL.** As a general rule, an emergency is some circumstance which could lead to irreparable damage to a party if relief is not obtained prior to the time a party can be heard on the court's regular motion call. Motions to extend or compel discovery are not ordinarily emergent in nature.

3. ROUTINE and SPECIAL ROUTINE MOTION CALL - 8:45 A.M. to 9:30 A.M. - Daily

The court clerk accepts routine motions in Courtroom 1904 from 8:45 a.m. through 9:30 a.m. Any objections must be made before 8:45 a.m. by calling the case coordinator at 603-5930. The judge does not appear on this call. Routine motions are stamped and entered by the clerk, provided proper notice was given and no objection made. Motions on cases three (3) years or older may not be presented on the routine motion call. The routine motion call guidelines contained in Law Division Motion Judges Rules 3.0 et seq. apply.

Special Routine Motions are those for an order of default, motions for judgment by confession and motions to withdraw without substitution of new counsel (Note: moving

Requests for a pretrial conference may be made by motion or scheduled by calling Judge Egan's case coordinator at 603-5930. Plaintiff's counsel and counsel for all parties with claims shall submit an updated pretrial memo that sets forth the issues, damages, status of settlement negotiations and any additional information that will help the court hold a meaningful pretrial conference. Memos should be delivered to the court and opposing counsel two (2) days prior to the conference. For settlement purposes, counsel are expected to have authority to settle the case or have the adjuster and/or clients present in court or available by telephone.

C. TRIAL DATES

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

D. FINAL PRE-TRIAL CONFERENCE

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

E. TRIAL MATERIALS

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

1. The estimated number of trial days;
2. A jointly prepared statement of the case to be read to the venire;
3. A jointly prepared list of all potential witnesses to be called by the parties;
4. A complete and jointly prepared list of all exhibits each party intends to use at trial, and whether the opposing side has any objections. **In the event of objections, the nature of the objections must be noted, i.e., foundation, relevance, motion in limine, etc.;**
5. Copies of each party's motions in limine;
6. If evidence depositions are to be used, the parties should prepare and submit copies of transcripts so that the court can rule on objections;
7. Any stipulations between the parties;
8. A list of each party's Supreme Court Rule 216 Requests for Admission of Facts and responses thereto, if any;
9. A statement of all outstanding disputes regarding Rule 237 production

requests. It is expected that each party desiring materials or witnesses at trial will serve the opposing party with timely Rule 237 notices so that the requests can be discussed between counsel prior to preparation of final pretrial materials;

10. A copy of all Rule 213 disclosures;
11. Two copies of proposed jury instructions (one marked and numbered and the other unmarked), which are to be sorted in the order of their numbering under the IPI system. No jury instructions beyond those submitted with the trial materials will be accepted, except for good cause and with leave of court, after noon on the day plaintiff rests his/her case in chief;
12. Questions each party wants the Court to ask the venire. The parties do not need to submit questions that will be asked by the attorneys.

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

JUDGE LYNN M. EGAN

MAY 21 2014

Circuit Court - 1683

Enter: _____
Lynn M. Egan, Circuit Court Judge