

STATE OF ILLINOIS)
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NINETEENTH JUDICIAL CIRCUIT)



ADMINISTRATIVE ORDER 20-27

NINETEENTH JUDICIAL CIRCUIT
CIRCUIT COURT OF LAKE COUNTY

TEMPORARY PROCEDURES FOR CIVIL DIVISION CASES

Consistent with the Order of the Illinois Supreme Court in M.R. 30370, dated March 17, 2020, which was adopted in response to the COVID-19 outbreak and the emergencies declared by the State and Federal governments, and Administrative Order 20-23, and in order to protect the health and safety of the general public, judges and court employees, and pursuant to Illinois Supreme Court Rule 21(b) and the Court's inherent authority;

IT IS HEREBY ORDERED that, Administrative Order 20-15 is vacated.

IT IS FURTHER ORDERED that, the following temporary procedures will apply to all cases assigned to the Civil Division of the Nineteenth Judicial Circuit, specifically including cases with the following case designations; L, MR, TX, TD, P, CH, SC, LM, AR, ED and MC.

IT IS FURTHER ORDERED AS FOLLOWS:

- 1. SCHEDULED MOTIONS, TRIALS AND ARBITRATION HEARINGS.** All court hearings scheduled prior to May 18, 2020 are hereby cancelled and will be automatically continued by the Clerk's Office, with certain exceptions set forth herein. All parties of record will receive notice of the continued court date. All jury and bench trials, and associated final pre-trials, scheduled in the months of April and May 2020 are stricken and the assigned judge will set a status date for re-setting of the trial dates. It is further ordered that all arbitration hearings scheduled prior to May 18, 2020 are hereby cancelled. The parties are encouraged to confer and submit a proposed order resetting the arbitration hearing for a mutually convenient date, consistent with the procedure for submitting agreed orders set forth below. Proposed orders should be submitted to the court prior to the Courthouse re-opening on May 18, 2020. If the parties are unable to agree

upon an arbitration hearing date, the Court will schedule a status hearing at a future date.

- 2. RULE 218 CASE MANAGEMENT CONFERENCES.** Until further order of the Court, Rule 218 case management conferences/progress calls will not be conducted in court. Rather, the parties are encouraged to confer and submit proposed agreed scheduling orders using the submittal method for agreed orders outlined in this Administrative Order. If the parties are unable to agree and/or no agreed order is timely submitted, the court will unilaterally select a track schedule for the case, and the corresponding Rule 218 order will be entered and sent to the parties by the Clerk. For Rule 218 case management conferences/progress calls that were initially scheduled during the period of court closure (March 17 - May 15), proposed 218 orders should be submitted to the court prior to the re-opening of the Courthouse on May 18, 2020. For Rule 218 case management conferences/progress calls scheduled after May 18, 2020, proposed 218 orders should be submitted at least 24 hours prior to the scheduled date of the Rule 218 case management conferences/progress call.
- 3. PRE-TRIAL SETTLEMENT CONFERENCES.** All Pre-Trial Settlement Conferences scheduled prior to May 18, 2020 are cancelled, and no re-scheduled date will be set by the court at this time. The parties should motion up a request to re-set the Pre-Trial Settlement Conference before the assigned judge.

 - a. Any attorney who desires a remote pretrial settlement conference may do so with the agreement of the opposing party.
 - b. If the parties are in agreement they shall contact the clerk via e-mail only at cccivilfiling@lakecountyil.gov stating that they desire a pretrial with the judge assigned to the case. Attorneys shall also submit a written consent to a remote pretrial conference at the time that they request the pretrial.
 - c. At the time of the request the parties shall electronically submit their pretrial settlement memorandum as required by Local Court Rule 4-3.11 to the clerk. Please note that no pretrial settlement conference will be scheduled unless the court receives the pretrial memorandum.
 - d. The clerk will coordinate with the Judge assigned to the matter and set a specific date and time for the conference call. Parties must be prompt and absent a court order, the Pretrial Conference must conclude within

one hour of commencing. Failure of the parties to be on the phone when the judge joins will result in the conference call being concluded. It will be up to the parties to reschedule.

e. It is the obligation of the parties to arrange the conference call and provide the clerk with the conference call information.

4. **DISCOVERY.** Discovery in civil matters will continue as scheduled. In no event shall participants in litigation be penalized if discovery compliance is delayed for reasons related to the COVID-19 emergency. Where discovery has been impractical due to the current emergency, the parties may request relief from deadlines when normal court proceedings resume, or they may choose to submit a proposed agreed order using the submittal method for agreed orders outlined in this Administrative Order.

5. **VIDEO DEPOSITIONS.** In order to comply with the social distancing measures required because of the COVID-19 outbreak; and pursuant to the Circuit Court's authority under Supreme Court Rule 201(c)(2) to oversee, regulate and prevent discovery abuses; and to provide for the broadest access to justice to all parties, all parties having cases pending in the Civil Division of the Nineteenth Judicial Circuit who seek to participate in a deposition to be held by remote electronic means pursuant to Supreme Court Rule 206 are hereby deemed to have agreed that the deponent need not be in the presence of the officer (court reporter) administering the oath to the deponent and recording the deposition as otherwise required by Supreme Court Rule 206(h)(1). If a party objects to the deposition proceeding with the court reporter not being present with the deponent, the objecting party shall file with the Court, within 5 days of receiving the notice of deposition, a motion setting forth good cause why the party does not agree to waive the requirement that the court reporter be present with the deponent while the deposition is taken. The Clerk of the Circuit Court shall schedule the motion for hearing before the assigned emergency Civil Judge, or the Judge presiding over the case, on the earliest date available. The hearing shall be conducted via CourtCall pursuant to Local Court Rule 2-1.06 and Administrative Order 20-13.

6. **CASE STATUS SETTINGS AND ALIAS SUMMONSES.** Parties who have or had matters set for any type of status before the court prior to May 18, 2020 are encouraged to remotely submit an agreed order setting forth the status of the case and setting a new status date thereafter. Status orders may be submitted using the submittal method for agreed orders outlined in

this Administrative Order. Motions for alias summonses or for service by special order of court pursuant to Section 2-203.1 of the Code of Civil Procedure may be submitted remotely using the submittal method for agreed orders set forth in this Administrative Order. Such motions must be supported by adequate affidavits of non-service and must include a proposed order in Microsoft Word.

- 7. EMERGENCY MOTIONS.** Emergency matters of any type will still be heard. Any attorney or self-represented litigant wishing to have an emergency matter heard must contact the Clerk's Office by telephone to schedule the hearing. All emergency matters, whether contested or uncontested, may be heard by remote court appearance via CourtCall, the designated remote appearance vendor of the Nineteenth Judicial Circuit. All litigants are strongly encouraged to make remote appearances, rather than appear personally in court, in order to diminish the risk of infection. The Clerk's office will provide CourtCall information upon request. For those who do attend court in person, all emergency matters will be heard in Courtroom C-202, regardless of which judge is assigned to the case. Courtroom C-202 has been equipped with video-conferencing equipment, which can be utilized upon request.
- 8. AGREED ORDERS.** The Civil Division will continue to accept proposed agreed orders. Proposed agreed orders should be submitted to the Clerk's Office by email at cccivilfiling@lakecountyiil.gov. Upon receipt, the Clerk's Office will forward the proposed agreed order to the assigned judge. If the assigned judge approves the agreed order, the Clerk will present the agreed order to the on-duty judge in the courthouse for signature. The Clerk will then email the signed order to the parties.
- 9. HEARINGS ON PREVIOUSLY SCHEDULED CONTESTED MOTIONS.** Prior to the re-opening of the Courthouse on May 18, 2020, as to any contested motion that had been set for argument during the court closure necessitated by the current health emergency (March 17 – May 15), any party may submit the fully briefed motion to the assigned judge for consideration and ruling. Any such motion must be submitted to the courtroom email box for the assigned judge's courtroom and must also be mailed to the courthouse by regular mail, addressed to the attention of the assigned judge. The submission shall include a cover letter which has been sent to every party of record. The cover letter shall identify all enclosed briefs and request the court to rule on the fully briefed motion. The

submission shall also enclose a Proposed Order in Microsoft Word. The Proposed Order shall include the following alternatives: "Granted", "Denied", and "Granted in Part and Denied in Part for the Following Reasons". The court, on receiving such motion and related briefs, may review and rule on the motion without oral argument as provided for in Local Rule 2-1.01(Q). If the court determines that oral argument is necessary, the parties will be contacted by the Clerk to schedule an oral argument on CourtCall pursuant to Administrative Order 20-13. Once the court enters an order, the Clerk will send the order to the parties by email and regular mail. Emailed briefs shall be directed to the assigned judges as follows:

C-201	CC201@lakecountyil.gov	Judge Rochford
C-202	CC202@lakecountyil.gov	Judge Hoffman
C-204	CC204@lakecountyil.gov	Judge Berrones
C-205	CC205@lakecountyil.gov	Judge Brodsky
C-206	CC206@lakecountyil.gov	Judge Cornell
C-207	CC207@lakecountyil.gov	Judge Haxall
C-303	CC303@lakecountyil.gov	Judge Salvi
C-304	CC304@lakecountyil.gov	Judge Ortiz
C-306	CC306@lakecountyil.gov	Judge Melius
C-307	CC307@lakecountyil.gov	Judge Betar
C-406	CC406@lakecountyil.gov	Judge Jasica
C-407	CC407@lakecountyil.gov	Judge Seneczko

10. SELF-REPRESENTED LITIGANTS. Self-represented litigants seeking fee-waivers may apply without making a court appearance by using the procedure outlined above for agreed orders, i.e. the request should be submitted to the Clerk's Office by email, and the request will be routed for approval to the assigned judge. The order granting or denying the request will be emailed back to the self-represented litigant. Any litigant receiving a fee-waiver may use the CourtCall remote appearance service free of charge. Simply advise the CourtCall personnel that you have received a fee-waiver, and they will verify the fee-waiver with the Clerk's Office.

IT IS FURTHER ORDERED that, the Clerk of the Circuit Court may receive, for the duration of Administrative Order 20-23, Civil Division filings by mail or over the counter from Self-Represented Litigants seeking an exemption from electronic filing. All attorneys shall continue to electronically file as mandated by the Illinois Supreme Court.

Dated this 6th day of April, 2020.

ENTERED:

A handwritten signature in cursive script, reading "Diane E. Winter". The signature is written in black ink and is positioned above a horizontal line.

DIANE E. WINTER,
Chief Judge