

## **PART 4. HEARING AND MOTIONS**

### **4.1 NOTICE OF HEARINGS AND MOTIONS**

(a) Notice required: Written notice of hearing of all motions, unless excused by the Court, shall be given by the party requesting hearing to all parties who have appeared and have not theretofore been found by the Court to be in default for failure to plead and to all parties whose time to appear has not expired on the date of notice. Notice of motion made within a court day of trial shall be given as directed by the Court. Notice that additional relief has been sought shall be given in accordance with Supreme Court Rule 11.

(b) Content of Notice: The notice of hearing shall show the title and number of action and the date and time and place when the motion will be presented. Notice of motion to be made shall state the nature of the motion. A copy of any written motion and of all papers presented therewith or a statement that they previously have been served shall be served with the notice.

(c) Manner of Service: Notice (whether personal delivery, mail, email, or facsimile) shall be given in the manner and to the persons described in Supreme Court Rule 11.

(d) Time of Notice: Unless otherwise provided, if notice of hearing is given by personal service, facsimile transmission or email, the notice shall be delivered not less than one court day preceding the hearing of the motion. If notice is given by mail, the notice shall be deposited in a United States Post Office or Post Office Box on the fourth court day preceding the hearing of the motion.

### **4.2 MOTIONS PRACTICE**

(a) Every 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 shall be noticed for hearing for presentation of the motion to the Court at a 9:00 a.m. walk-in call, whereupon an order will be entered setting a briefing schedule and a hearing for arguments on the motion.

(b) Every motion, and each basis in the motion, brought pursuant to the Code of Civil Procedure or Supreme Court Rule shall be identified by the Code of Civil Procedure section and/or the Supreme Court Rule number under which it is brought.

(c) For every contested motion the parties shall deliver to the assigned judge not less than ten {10) days prior to the hearing paper copies of:

- (1) The motion, response, reply and supporting depositions.
- (2) Any pleadings involved in the motion, i.e., any pleading to which the court may need to refer in ruling on the motion.
- (3) Any writing in support of or in opposition to the motion.
- (4) Photocopies of cited legal authority on contested points of law.
- (5) All citations shall be in conformity with Supreme Court Rule 6.

(d) The parties shall file with the Clerk of the Court all written motions and responses, together with any supporting briefs and affidavits.

(e) Unless otherwise ordered by the court, and pursuant to Supreme Court Rule 191, motions for summary judgment under section 2-1005 of the Code of Civil Procedure and motions for involuntary

dismissal under section 2-619 of the Code of Civil Procedure must be filed not later than 90 days before the trial date. The date for hearing of such motion shall be set for a date not less than 60 days prior to the date of trial. Any affidavits in support of the resistance shall be filed as set forth in 735 ILCS 5/2-1005(c).

(f) No motion or writing in support of or in opposition to a motion shall exceed ten (10) pages in total length (excluding supporting documents) without prior leave of Court. All grounds attacking a pleading or paper shall be contained in a single motion and shall be subject to the foregoing page limits.

Motions to allow additional pages are not favored, and specific grounds establishing the necessity for excess pages shall be clearly set forth in an affidavit filed in support of the motion

All documents submitted shall be double spaced and shall contain margins of at least one (1) inch at the top, bottom and each side. Type shall be no less than twelve (12) characters per inch. Failure to comply with this rule shall be sufficient grounds for the Court's refusal to consider the offending document.

#### **4.3 EX PARTE AND EMERGENCY MOTIONS**

(a) Filing With Clerk Every complaint or petition upon which it is sought to obtain ex parte, an order for the appointment of a receiver or a temporary restraining order, for a preliminary injunction, for an order of protection, or for an order of ne exeat republica shall be filed in the Office of the Clerk if that office is open before application to a judge for the order.

(b) Notice Not Required: Emergency motions and motions which by law may be made ex parte may, in the discretion of the Court, be heard without calling the motion for hearing. Emergency motions shall, so far as possible, be given precedence.

(c) Notice After Hearing: If a motion is heard without prior notice under this rule, written notice of the hearing of the motion showing the title and number of the action, the name of judge who heard the motion, date of the hearing, and the order of the Court thereon, whether granted or denied, shall be served by the attorney obtaining the order upon all parties not theretofore found by the Court to be in default for failure to plead and proof of service thereon shall be filed with the clerk within two days after the hearing. Notice shall be given in the manner and to the persons described in Supreme Court Rule 11.

#### **4.4 TELEPHONE CONFERENCES**

(a) Pursuant to Supreme Court Rule 185, any party requesting that a hearing on a motion or other matter be held by telephonic conference, shall schedule the conference call by reserving the time with the approval of the Court. No hearing shall be scheduled without prior consultation with any pro se party or attorneys of record.

The party scheduling same shall serve and file a notice of hearing as on other matters before the Court, unless notice is waived by the parties, and that party shall initiate and pay for the call unless otherwise agreed between the parties or ordered by the Court.

(b) Telephone calls to a judge on a case shall be governed by Supreme Court Rule 63A.