

**IN THE CIRCUIT COURT OF THE 16TH JUDICIAL
CIRCUIT, KANE COUNTY ILLINOIS**

**PROCEDURES GOVERNING PRACTICE IN
COURTROOM 120 CIVIL DIVISION**

STANDING ORDER

- 1.) The purpose of the Standing Order is to provide guidelines to litigants and parties who appear in courtroom 120, to promote the consistent, efficient treatment of cases, and to provide a safe environment for all participants.

- 2.) **Safety Guidelines.** So long as social distancing guidelines remain in effect, ALL persons entering the courtroom shall wear a protective mask that covers the mouth and nose; shall stay at least six feet away from others who are not members of their household; and shall follow all directions of the Court Security Officers. Having said this, the court schedule below, Monday – Friday, will be conducted remotely through Zoom hearing and telephone.

- 3.) **Case Assignment.** Courtroom 120 is assigned small claims (SC) actions for breach of contract or tort where the claim does not exceed \$10,000

- 4.) **Court Schedule: Monday – Friday.** The Court Schedule Monday – Friday, will be conducted remotely through Zoom.

<u>DAY</u>	<u>TIME</u>	<u>ACTIVITY</u>
Monday	9:00 – 12:00PM (50 cases)	Small Claims cases only. Returns on summons, motions, post-judgment matters-including Returns on citations, garnishments, and wage-Deductions-and non-evidentiary hearings.
	1:15p – 4:00PM (30 cases)	
Tuesday	9:00 – 12:00PM (50 cases)	
	1:15p – 4:00PM (30 cases)	

Wednesday	9:00 – 12:00PM (50 cases)	
	1:15p – 4:00PM (30 cases)	
Thursday	9:00 – 12:00PM (50 cases)	
	1:15p – 4:00PM (30 cases)	Cases filed by Self-Represented Litigants
Friday	NO COURT	

- 5.) **Cases Filed By Self-Represented Litigants.** On Thursdays at 1:15 P.M. the Court will hold a special call of cases filed by individuals without a lawyer. Various programs are available to provide important information to assist self-represented litigants in filing and handling their case. Lawyers in the Lobby are available to answer questions of self-represented litigants on Friday mornings from 9:00 a.m. to 11:30 a.m. in the hallway of the Third Street Courthouse. These litigants may also find helpful resources at the Kane County Law Library and Self Help Legal Center (KCLawLibrary.org / 630.406.7126) located on the second floor of the Kane County Judicial Center located at Route 38 and Peck Road in St. Charles, Illinois.

In addition, you can appear in court by Zoom video or if unable to do so, you may choose to appear by phone. Please visit our website (www.illinois16thjudicialcircuit.org) where you will find the links for the Zoom video/telephone as well as Zoom Court Instructions. If you have any questions, please call Courtney Klatt at (630) 232-3441 or email KlattCourtney@16thCircuit.Illinoiscourts.gov.

- 6.) **Return of Summons.** The court does not have jurisdiction to hear a case without the filing of proper proof of service. Proof of service for each summons issued should be filed on or before the return date, even if the return date indicates that service was not possible. The same applies to proof of service for citations, garnishments and wage deductions. **If service has not been obtained, the Party seeking service, need not appear on the return date if the Party has submitted an Alias summons or citation with a future return date prior to the date of the scheduled court call. In those cases, the Court will strike the matter off call and the next date for the case shall be the date set in the new summons or citation.**

- 7.) **Agreed Orders And Routine Matters – PDF FORMAT ONLY** Prior to the date on which a case is scheduled, agreed orders and orders for routine matters may be submitted

electronically in **PDF FORMAT ONLY** to the Circuit Clerk's proposed order system at CICCivilProposedOrders@co.kane.il.us

Routine matters are orders for alias summons, agreed orders for continuances, dismissal orders, releases in satisfaction of judgment, memorandums of judgment and the like.

Post-judgment matters may be continued if there is no service or answer. Pursuant to the Civil Administrative Order that became effective May 4, 2020 it is strongly encouraged that the parties speak with each other long before the scheduled court date to try and reach agreement for submission of an agreed order to the court.

- 8.) **Preparation of Orders – PDF FORMAT ONLY** As indicated above, agreed orders and orders for routine matters may be submitted electronically in **PDF FORMAT ONLY** to the Circuit Clerk's proposed order system at CICCivilProposedOrders@co.kane.il.us **DO NOT** submit a word document or fillable form. These submissions cannot be electronically signed and must be saved as a secured PDF form by the submitting attorney. Any non-compliant orders will be sent back to the attorney or Circuit Clerk's Office to be re-submitted in PDF form.

14 Days Prior To Scheduled Remote Court Hearings (Zoom) All agreed orders and orders for routine matters must be submitted electronically no later than **14 days** in advance of the Scheduled Remote Court Hearing in compliance with the guidelines outlined above. Once these orders are entered, these cases will not be heard at the pending Scheduled Remote Court Hearing.

On Day Of Scheduled Remote Court Hearing and Order Preparation By the close of business each day following each scheduled remote court hearing, the attorneys on each case will be required to submit an electronic order to the Court for signature in **PDF FORMAT ONLY** in compliance with the above referenced guidelines. The submitted orders will contain any dates, times and orders of the court for each case going forward as ordered during the remote court hearing.

The court will also request the attorney(s) in court to forward or send a copy of the order to the defendant(s) once an electronic order is entered for a particular case.

Orders For Pro Se Remote Court Hearings The Judge will prepare the Court orders for the Pro Se Remote Court Hearings scheduled on Thursday afternoon(s).

Only One PDF Order Per Attachment When emailing electronic orders you may send as many orders as you desire in one email **BUT** each order must have its own individual PDF attachment. (i.e. if you send seven orders in one email it must have seven individual PDF attachments.)

Electronic Order Identifier(s) For Orders Entered Before or After Scheduled Remote Court Hearings For each electronic order submitted for entry/signature either before or after a Scheduled Remote Court Hearing, please clearly identify the Scheduled Remote Hearing date in the upper right corner of the electronic order. (i.e. 6/25 or 7/2 or 7/14) This will

enable the Court to keep track of the electronic orders associated with a particular Remote Court Hearing date.

- 9.) Defaults. If a defendant fails to appear in court on a return date or file an appearance, a judgment by default may be entered if the complaint is verified and proper proof of service has been properly filed.

This Court will require a military affidavit to be filed, if an individual defendant is involved in the case, an affidavit of damages, proper proof of service filed, as indicated, and an affidavit for attorneys' fees if applicable.

This Court may also continue a case one time for notification to a defendant regarding the possibility of entry of a default judgment even though all of the above referenced documents have been properly filed with the Clerk's Office or Court.

- 10.) Checking – In. If an attorney has cases or matters in other courtrooms, the attorney must check in with the clerk prior to the Scheduled Remote Court Hearing and inform the clerk of the time the attorney will return to Courtroom 120.

- 11.) Motions. Supreme Court Rule 287(b) mandates in part...no motion shall be filed in small claims cases without prior leave of court.

Routine Motions. The Court will allow the scheduling and presentment of routine motions, so long as proper notice is given to all parties who have been properly served with a summons and complaint and/or have filed an appearance submitting to the jurisdiction of the Court. These motions are to be scheduled Monday through Thursday at 10:30 A.M. during a Zoom remote court hearing.

Contested/Substantive Motions. For contested/substantive motions the Court will require compliance with the Supreme Court Rule 287(b). Any contested/substantive motions filed without compliance with SCR 287(b) will not be heard by the Court and will be stricken off call. Once compliance with SCR 287(b) has been completed, the movant shall attempt agreement on a briefing schedule for said motion. If no briefing schedule is requested, the court will rule in writing on the motion. If requested, an agreed briefing schedule order shall also be submitted to the Court. At the conclusion of the briefing schedule, the Court will schedule a hearing date, if the Court deems oral argument necessary, or will rule in writing. The court encourages parties to waive oral arguments on non-evidentiary motions and submit the motion for ruling based on the briefs submitted. Contested motions should be scheduled Monday through Thursday at 10:30 A.M. during a Zoom remote court hearing.

- 12.) Trials.

Bench Trials. Bench trials will not be scheduled in courtroom 120 until a date certain after September 8, 2020. Trials will likely require personal appearances by litigants, parties and

witnesses. However, the current pandemic may make personal appearances, in whole or in part, impractical or impossible. Therefore, the Court will consider allowing trials to be conducted in whole or in part, remotely through Zoom.

Jury Trials/Demands. Jury trials will not be scheduled in courtroom 120 until a date certain after September 8, 2020. In addition, all jury demands require an arbitration hearing in the mandatory arbitration center before a jury trial is scheduled.

At this time, the Kane County mandatory arbitration center is not capable of conducting arbitration hearings remotely. Therefore, jury trials will not be scheduled/rescheduled until a date certain after the Kane County arbitration center is capable of resuming arbitration hearings. In addition, I anticipate the Kane County Court Civil Division will be publishing instructions for jury trial procedures going forward from September 8, 2020 through the end of the year, in the near future. You will want to keep a look out for the pending jury trial procedures.

Dated This 8th day of June, 2020

A handwritten signature in blue ink, reading "Todd B. Tarter", written over a horizontal line.

Todd B. Tarter
Associate Judge
16th Judicial Circuit
Kane County, Illinois