

**IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, CHANCERY DIVISION**

GENERAL ADMINISTRATIVE ORDER NO. 2020-10

SUBJECT: COVID-19 MEASURES (8)

This General Administrative Order is entered pursuant to continuing court measures implemented by Chief Judge Evans for the COVID-19 pandemic.

IT IS HEREBY ORDERED:

In conjunction with General Administrative Order 2020-02 by Chief Judge Timothy Evans on August 21, 2020, the following procedures will be in effect for the Chancery Division. This order supersedes Chancery Division General Administrative Order 2020-09.

I. REMOTE HEARINGS TO CONTINUE

Court hearings in the entire division will be held remotely by videoconference or teleconference as much as possible. Should a hearing need to be conducted in-person at the Daley Center, it will be held in accordance to protocols set forth in Chief Judge Evans' General Administrative Order 2020-02.

II. GENERAL CHANCERY CASES

Pursuant to Chief Judge Evans' General Administrative Order 2020-02 the following motion practice procedures will be in place for General Chancery matters barring further unforeseen circumstances.

A. *Emergency Motions.*

1. Definition of "Emergency": Emergency matters are defined as a sudden and unforeseen circumstances that may cause injury, loss of life, or damage to property and that requires an urgent response and remedial action.
2. Email: Litigants or lawyers may email the calendar to which a case is assigned to schedule an emergency motion with chambers' staff. The movant should attach courtesy copies of the emergency motion and notice of emergency motion and any relevant filings to the email. The email addresses for each General Chancery Calendar are listed in Section II(C) below.
3. Telephone: Litigants or lawyers may contact each judge's calendar's e-mail or phone to schedule an emergency motion with chambers' staff. If the emergency motion is scheduled over the telephone, courtesy copies should be delivered by email at the calendar email address listed below and according to the directions of chambers' staff.

B. *Triage of Cases to Commence July 6, 2020.* Commencing July 6, 2020, the Chancery Division will begin to hear cases set on each calendar using a triage approach as set forth below.

1. Triage Procedures:

- a) *298 Petitions.* 298 Petitions shall be ruled upon in writing based on the written Petition except that the Court may Order any person filing a 298 Petition to appear and present his/her Petition in person or by videoconference.
- b) *Motions to Consolidate Cases on the Presiding Judge's Call.* The respondent shall indicate whether he/she is objecting to the motion. In the event of an objection, the Court will determine the number of days within which the Respondent to the Motion shall respond and proceed to issue a written Order on the Motion. In the event the Court determines that any further argument or proceeding is necessary, the Court will set the time for either a teleconference, a videoconference, or an in-person proceeding. The Court shall endeavor to issue its Order within 5 days of the response filed.
- c) *Petition for Turnover of Surplus Funds on the Presiding Judge's Call.* The Court shall review the Petition for Turnover of Surplus Funds. In the event of an objection by any party receiving notice, the Court will determine the number of days within which the Respondent to the Motion shall respond and proceed to issue a written Order on the Motion. In the event the Court determines that any further argument or proceeding is necessary, the Court will set down the time for either a teleconference, a videoconference, or an in-person proceeding. The Court shall endeavor to issue its Order within 5 days of the response filed.
- d) *Motions of Course.* The Court will determine the number of days within which the Respondent to the Motion shall respond and proceed to issue a written Order on the Motion. In the event the Court determines that any further argument or proceeding is necessary, the Court will set down the time for either a teleconference, a videoconference, or an in-person proceeding. The Court shall endeavor to issue its Order within 5 days of the response filed. In addition, each Order shall provide a status date by which the parties will provide an update of the case to the Court.
- e) *Status Hearings and Case Management Dates.* The Court will determine the number of days within which the parties shall submit written status reports. The Court shall proceed to issue a written Order after receiving the parties written status reports. In the event the Court determines that any further argument or proceeding is necessary, the Court will set down the time for either a teleconference, a videoconference, or an in-person proceeding. The Court shall endeavor to issue its Order within 5 days of receiving the status reports. In addition, each Order shall provide a status date by which the parties will provide an update of the case to the Court.

- f) *Contested Motions.* The parties shall submit a briefing schedule to the Court and shall submit courtesy copies of the e-filed briefs on the Court's designated e-mail. The parties shall indicate whether they are requesting or waiving an oral argument. Within five days of the last pleading filed, the Court will enter an Order for oral argument or a written ruling date. The Court will determine whether the oral argument shall be held in open Court, via teleconferencing, or by videoconferencing.
 - g) *Trials.* Bench trials and evidentiary hearings may be conducted by videoconference at the discretion of the judge presiding over the matter. Any trials and other evidentiary hearings that need to be held in person shall be held with all necessary safeguards taken or continued to protect public health and safety.
 - h) *Settlement Conferences.* Settlement conferences may be conducted by videoconference at the discretion of the judge presiding over the matter. Any settlement conferences that need to be held in person shall be held with all necessary safeguards taken or continued to protect public health and safety.
 - i) *Proposed Agreed Orders.* Proposed agreed orders may be filed with the Court at any time and the Court will determine how to proceed to rule on such Proposed Orders.
2. Limits on In-Person Proceedings. If a matter needs to be heard in person, no more than 10 people will be allowed in the Courtroom at any given time including the Court and its staff, until further order of court.
 3. Courtesy Copies. Courtesy copies may be delivered electronically via email to the email address assigned to the calendar for the case as follows:

C. Communications with the Court. Parties and litigants may email the calendar to which a case is assigned for emergency matters, to deliver courtesy copies, or to deliver proposed orders. The email addresses for each General Chancery calendar are as follows:

Calendar No.	Judge	Email Address
2	Hon. Raymond W. Mitchell	ccc.chancerycalendar2@cookcountyil.gov
3	Hon. Franklin U. Valderrama	ccc.chancerycalendar3@cookcountyil.gov
4	Hon. Alison C. Conlon	ccc.chancerycalendar4@cookcountyil.gov
5	Hon. Neil H. Cohen	ccc.chancerycalendar5@cookcountyil.gov
6	Hon. Celia G. Gamrath	ccc.chancerycalendar6@cookcountyil.gov
7	Hon. Eve M. Reilly	ccc.chancerycalendar7@cookcountyil.gov
8	Hon. Michael T. Mullen	ccc.chancerycalendar8@cookcountyil.gov

10	Hon. C. Kate Moreland	ccc.chancerycalendar10@cookcountyil.gov
11	Hon. Pamela M. Meyerson	ccc.chancerycalendar11@cookcountyil.gov
12	Presiding Judge Moshe Jacobius	ccc.chancerycalendar12@cookcountyil.gov
13	Hon. Anna H. Demacopoulos	Chancery.calendar13@cookcountyil.gov
14	Hon. Sophia H. Hall	ccc.chancerycalendar14@cookcountyil.gov
15	Hon. Anna M. Loftus	Calendar15.chancery@cookcountyil.gov
16	Hon. David B. Atkins	ccc.chancerycalendar16@cookcountyil.gov

- D. *Motions Rescheduled for a Later Date.*** At any point during the continuing COVID-19 protocols, the Court's staff may contact counsel or self-represented litigants, as necessary and possible, and attempt to triage cases at an earlier time at the sole discretion of the Court.

III. MECHANICS LIEN CASES

- A. *Handling of Mechanics Lien Cases.*** Cases in the Mechanic's Lien Section shall be handled in the same manner as the General Chancery Section. Motions of Course, contested motions, trials, settlement conferences, and evidentiary hearings shall be handled as set forth above in Section II.
- B. *Communications with the Court.*** Parties and litigants may email the calendar to which a case is assigned for emergency matters, to deliver courtesy copies, or to deliver proposed orders. The email addresses for each Mechanics Lien calendar are as follows.

Calendar No.	Judge	Email Address
52	Hon. Anthony C. Kyriakopoulos	ccc.mfmlcalendar52@cookcountyil.gov
53	Supervising Judge Lewis M. Nixon	ccc.mfmlcalendar53@cookcountyil.gov
54	Hon. Daniel P. Brennan	ccc.mfmlcalendar54@cookcountyil.gov

IV. MORTGAGE FORECLOSURES

Pursuant to Chief Judge Evans' General Administrative Order 2020-02, all mortgage foreclosure matters are stayed and reset to a date after September 21, 2020. The following motion practice procedures will be in place for foreclosure matters until September 21, 2020 barring further unforeseen circumstances

- A. *Stay on Foreclosure Judgments and Sales.*** All mortgage foreclosure judgments, evictions in furtherance of a foreclosure, and foreclosure sales are stayed until September 21, 2020. Plaintiffs should not be serving summons in foreclosures that would displace a tenant or resident of the property for the duration of this stay on foreclosures. This stay applies to both residential and commercial foreclosures.
- B. *Emergency Motions.*** Emergency matters will be heard from present through September 21, 2020.

1. Definition of "Emergency": Emergency matters are defined as a sudden and unforeseen circumstance that may cause injury, loss of life, or damage to property and that requires an urgent response and remedial action
2. Email: Litigants or lawyers may email the calendar for the case to schedule an emergency motion with chambers' staff. The movant should attach courtesy copies of the emergency motion and notice of emergency motion and any relevant filings to the email. Email addresses for communication are listed in Section G below.
3. Telephone: Litigants or lawyers may contact (312) 603-3900 to schedule an emergency motion with chambers' staff. If the emergency motion is scheduled over the telephone, courtesy copies should be delivered by email to the calendar for the case according to the directions of chambers' staff.

C. *Foreclosure Orders that Will Not Be Entered.* The following orders will not be entered from present through September 21, 2020:

1. Judgment of Foreclosure;
2. Summary Judgment Order;
3. Order for Default;
4. Order Approving Sale;
5. Order for Possession that would displace a resident or tenant from a home;
6. Quarterly Special Process Server Order with the Dates 7/1/20-9/30/20 (*See* Section D below);
7. Special Process Server Orders in residential cases; and
8. Any other order the court determines to be in furtherance of a foreclosure, foreclosure sale, or eviction.

D. *Special Process Server Orders*

1. Standing Special Process Server Orders Pursuant to GAO 2007-03. Requests for Standing Special Process Server orders entered pursuant to GAO 2007-03 that are entered each quarter may be submitted for the dates: October 1, 2020 through December 31, 2020. Motions and proposed orders may be sent to the following email address: ccc.mfmlspsorders@cookcountyil.gov.
2. Individual Special Process Server Requests. Requests in individual cases for Special Process Servers will not be entered for residential or residential cases or cases where tenants may be displaced, except under exigent circumstances, until after September 21, 2020.

E. *Triage and Rescheduling of Continued Cases.*

The Mortgage Foreclosure Section will begin handling cases set on each calendar using a triage approach as set forth below, subject to further directives from Chief Judge Evans.

1. Court to Reschedule Cases. On any case that is currently pending before the court with a hearing date between entry of this order and September 21, 2020, the Court will enter an order continuing the matter for a date after September 21, 2020 and notify the parties of entry of the order.
2. Matters Available for Consideration between Present and September 21, 2020.
 - a) *Withdrawal of Motions.* If a movant has a pending motion, and wishes to withdraw that motion from consideration or for continuance, the movant may email a copy of the proposed order withdrawing the motion to the calendar to which it is assigned. Email addresses for communication are listed in Section IV (G) below.
 - b) *Voluntary Dismissals.* Voluntary dismissals of pending foreclosures will be entered. Plaintiffs must submit a proposed order dismissing the case by emailing the proposed order to the appropriate calendar email listed in Section IV (G) below.
 - c) *Vacant Properties.* Foreclosures of vacant properties may proceed where sufficient proof that the property is vacant or abandoned is provided to the Court prior to proceeding. Plaintiffs should email the appropriate calendar with a motion requesting permission to proceed on the foreclosure and detailing the evidence to prove the property is vacant or abandoned with no residents.
 - d) *Receivers.* Motions relating to receivers in mortgage foreclosure cases will be heard on a case-by-case basis as determined by the Court that are in compliance with this General Administrative Order and directives from Chief Judge Evans. Receivers' motions will be scheduled at the sole discretion of the judge presiding over the matter.
 - e) *Pending Sale Approvals with Third-Party Bidders.* This sub-section applies only to mortgage foreclosure cases where the sale occurred prior to March 16, 2020 **and** a third-party was the successful bidder and the sale is still pending approval due to COVID-19 protocols. The plaintiff may submit a motion, or the third-party bidder may submit a motion to intervene, for consideration on an emergency basis to void the sale and allow the third-party bidder to recover the funds being held from the sale. Whether the motion is heard by the Court on an emergency basis is in the sole discretion of the judge presiding over the matter.
 - f) *Special Representatives.* If a pending motion relating to Special Representatives is rescheduled by the Court for a date after September 21, 2020, the movant may email the calendar for the matter and request an earlier date for the motion to be heard. Whether the matter is rescheduled for a date before September 21, 2020 is in the sole discretion of the judge presiding over the matter.

- g) *Case Managements.* The Court may enter orders on case managements scheduled between present and September 21, 2020 as deemed appropriate by the judge presiding over the matter.

3. Case Procedures After September 21, 2020

The following procedures will be in place after September 21, 2020, barring further unforeseen circumstances.

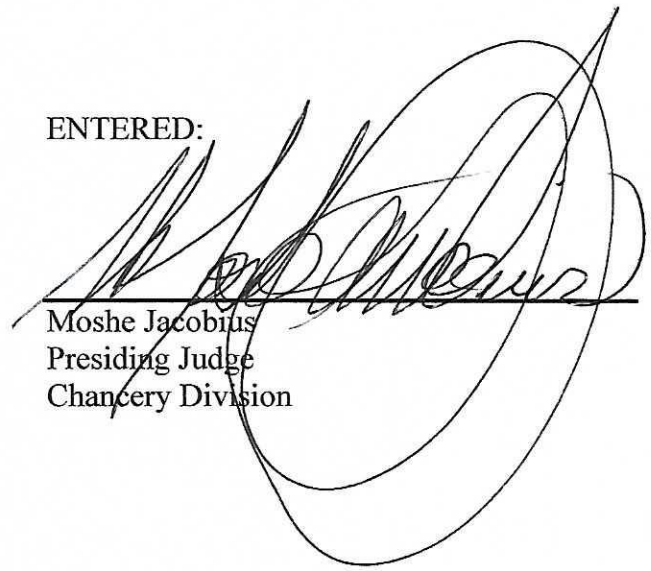
- a) *Case Management Statuses.* Plaintiff will provide the Court with a Case Management Status sheet and notice to the Respondent. The Plaintiff shall be excused from appearing on the date the case management is noticed. In the event Defendant appears, the Court shall enter an Order granting Defendant leave to file his/her answer and appearance. After the date for which the case was noticed and the defendant given an adequate time to respond, the Court shall enter an Order either striking the Case Management from the call ("4331") or memorializing the time Defendant was granted to file his/her answer and appearance and shall provide a new status date. The court shall specify if the status is to be held by teleconference, a Zoom meeting, or an in-person proceeding based on any requests from parties.
- b) *Motion for Default, Summary Judgment, and Judgment of Foreclosure.* The Motions for Default, Summary Judgment, and entry of Judgment of Foreclosure shall be noticed for a date as allowed through e-filing in the Clerk's e-filing system. Plaintiff should file the Default Motion with all required documents required under the Court's standing orders with notice to Defendant(s) and the Defendant(s) given an adequate time to respond. In the event Defendant(s) appear, the Court shall enter an Order of continuance and set the matter for either a teleconference, a video conference or an in Court proceeding. In the event Defendant(s) fail to appear, then the Court may enter a Default Order, Summary Judgment and an Order of Foreclosure within the Court's discretion in the event the Plaintiff has complied with the procedural requirements of the Court. The parties may request a remote proceeding prior to sending out notice by contacting the court.
- c) *Contested Motions.* Defendant(s) shall submit a response to the motion being contested and, where necessary, a briefing schedule to the Court and shall submit courtesy copies of their e-filed briefs on the Court's designated e-mail. The parties shall indicate whether they are requesting or waiving oral argument. A clerk status shall be entered by the Court on a date after all briefs have been filed. On the Clerk Status date, the Court will enter an Order for oral argument or a written ruling date. The Court will determine whether the oral argument shall be held in open Court, via teleconferencing or by videoconference.
- d) *Continued Sales.* Re-notice and re-publication will be required on all sales that were scheduled and continued due to the stay on foreclosures.

- e) *Order Approving Sale.* Plaintiff shall file a Motion for an Order Approving Sale with all necessary attachments, notice to Defendant(s), and the Defendant(s) given an adequate time to respond. Plaintiff shall be excused from appearing for the Motion. In the event Defendant(s) appear, the Court shall enter an Order of continuance and set the matter for either a teleconference, a video conference or an in-person proceeding. In the event Defendant(s) fail to appear, then the Court may enter an Order Approving Sale within the Court's discretion in the event the Plaintiff has complied with the procedural requirements of the Court.
2. Limits on In-Person Proceedings. If a matter needs to be heard in person, no more than 10 people will be allowed in the Courtroom at any given time including the Court and its staff, until further order of court.
3. Courtesy Copies. Courtesy copies may be delivered electronically via email to the email address assigned to the calendar for the case.
- F. *Motions Rescheduled for a Later Date.* At any point during the continuing COVID-19 protocols, the Court's staff may contact counsel or self-represented litigants, as necessary and possible, and attempt to triage cases at an earlier time at the sole discretion of the Court. This discretion includes agreed orders and other motions that the court determines are not prohibited for entry prior to September 21, 2020.
- G. *Communications with the Court.* Each order entered by the Court shall contain the court's email and phone number for contact. Parties and litigants may email the calendar to which a case is assigned for emergency matters, to deliver courtesy copies, or to deliver proposed orders. The email addresses for each mortgage foreclosure calendar are as follows:

Calendar No.	Judge	Email Address
56	Hon. Freddrenna M. Lyle	ccc.mfmlcalendar56@cookcountyil.gov
57	Hon. Joel Chupack	ccc.mfmlcalendar57@cookcountyil.gov
58	Hon. Darryl B. Simko	ccc.mfmlcalendar58@cookcountyil.gov
59	Hon. Edward N. Robles	ccc.mfmlcalendar59@cookcountyil.gov
60	Hon. William B. Sullivan	ccc.mfmlcalendar60@cookcountyil.gov
61	Hon. Cecilia A. Horan	ccc.mfmlcalendar61@cookcountyil.gov
62	Hon. Marian E. Perkins	ccc.mfmlcalendar62@cookcountyil.gov
63	Hon. Gerald V. Cleary	ccc.mfmlcalendar63@cookcountyil.gov
64	Hon. Patricia S. Spratt	ccc.mfmlcalendar64@cookcountyil.gov

Date: August 24, 2020

ENTERED:

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to read 'Moshe Jacobius'. It is positioned to the right of the printed name and title.

Moshe Jacobius
Presiding Judge
Chancery Division