

**ASSOCIATE JUDGE STEPHEN E. BALOGH  
STANDING ORDER NO. 1**

**ORDER REGARDING PROCEEDING IN SMALL CLAIMS  
(FOR WINNEBAGO COUNTY ONLY)**

**Presiding judge email: [sbalogh@17thCircuit.IllinoisCourts.gov](mailto:sbalogh@17thCircuit.IllinoisCourts.gov)**

**Effective immediately and until further Order from the presiding judge of the small claims court**, the following procedures shall be in effect in Winnebago County:

- A. Purpose:** The procedures set forth in this Order are intended to reduce in-person court appearances to the maximum extent possible while preserving due process during the ongoing COVID-19 pandemic.
- B. Self-represented litigants:** An in-person call involving only first returns on summonses issued by self-represented litigants will be held every Tuesday at 8:30 and 9:00 a.m., and will be limited to no more than seven (7) cases in each 30 minute block. Litigants are responsible for appearing on time but not so early as to add to congestion in the courthouse. Self-represented litigants must comply with social distancing guidelines.
- C. Attorneys:** Attorneys appearing in court, either personally or virtually, will be expected to be on time. Those appearing personally will be expected to comply with social distancing guidelines. In order to prevent congestion in the courtroom, cases set at a given time will not be passed or held over into another time slot on the docket but will be disposed of by order of the court. Dismissals for want of prosecution will be without prejudice only in the first instance. Cases dismissed for want of prosecution more than once may be dismissed with prejudice.
- D. Agreed orders and routine motions:** To the extent possible, parties are expected to use agreed orders and to file routine motions, both of which may be submitted directly to the court for entry. Parties are directed to Local Circuit Rule 8.00 regarding the form of proposed orders and judgments submitted to the court.
  - 1. Motions and notice of presentment** should be electronically filed with the circuit clerk. Motions submitted over the counter should be uncontested and may be noticed for presentment on any Tuesday or Thursday, at least five business days after filing, at 9:30 a.m. The motion should expressly refer to any future court dates and ask that unnecessary future dates be stricken. PDF copies of the motion, supporting affidavits or exhibits, and a copy of the notice should be emailed directly to the presiding judge (see email above) after filing with the clerk. The party submitting the motion must include all other parties of record on any email or correspondence to the court.

**Motions for default judgment will not be granted over the counter.** Motions for **judgment by admission** must be accompanied by authorized signature by or on behalf of the defendant agreeing to judgment as well as a certificate of mailing or other service of the motion and notice upon the defendant.

Motions for special service pursuant to section 2-203.1 of the Code of Civil Procedure must be accompanied by an affidavit demonstrating the nature and extent of the investigation made to determine the whereabouts of the defendant as well as the reasons why personal service would be impractical.

Motions may still be submitted on paper directly to the clerk for referral to the court but should expressly refer to any future court dates already scheduled and ask the any unnecessary future dates be stricken.

2. **Agreed orders and dismissal orders** may be submitted directly to the presiding judge via email in either PDF or Word. **The court will not order a payment schedule or plan and such private agreements should not be included within any order submitted.** Attorneys are encouraged to file dismissal orders over the counter, including orders seeking leave to reinstate to enforce private settlements. These orders need only reference the fact of a settlement, not the details. Any dismissal order should include a provision striking any and all future court dates (include the actual date(s) being stricken).

**E. Service of summons and due diligence:** At the time of filing of a small claims complaint, the circuit clerk will issue summons, a date for first return and final status of service date by which service must be made. The final status of service date will be approximately 180 days after filing of the complaint. If service is not obtained on all defendants by the original return date, the case will be removed from the court's call and alias summons will issue as to any unserved defendant(s) and a future return date set. Where less than all of the defendants have been served, no default judgments will be granted over the counter and it will be the responsibility of the plaintiff to apprise served defendants of all court dates and file proof of mailing of notice of those dates.

No court appearance will be required if there is no service on any defendant, the plaintiff may request issuance of alias summons as to any unserved defendant(s) and the matter will be set for the next return date. If service is not obtained on any defendant by the final status of service date, the case will be dismissed without prejudice. Plaintiffs are responsible for working with the circuit clerk to obtain alias summonses and alias return dates.

**F. Jury demands:** Pursuant to local rule, in any small claims matter in which any party files a jury demand will be transferred to the arbitration (AR) call. Where a jury demand has been filed, the parties may contact the clerk and obtain a time for a status hearing on the AR call and submit an agreed order directly to the presiding small claims judge for entry.

**G. Virtual courtroom:** The court will employ a virtual courtroom using Zoom. There will be a scheduled virtual call during which counsel may schedule routine status hearings and first appearances. Defendants who are self-represented will not be defaulted for failure to appear at a virtual hearing. Once scheduled on the virtual call the circuit clerk will mail notice to all parties of record, including a meeting ID number and basic instructions.

Parties may also contact the presiding judge directly to schedule contested matters and bench trials via Zoom.

Date:

May 19, 2020

  
\_\_\_\_\_  
Judge Stephen E. Balogh