

PART 3.00 PROCEEDINGS BEFORE TRIAL

3.01 Appearance, Jury Demands

3.02 Pleadings to be Readily
Comprehensible

3.03 Written Interrogatories

3.04 Discovery Documents

3.05 Days for Taking
Depositions/Attendance

3.06 Seasonably Updating Discovery

3.07 Compliance with Supreme Court
Rule 222

3.08 Local Subpoena Rules, Pretrial
Discovery

3.09 Progress Calls

3.10 Procedures for Initial Case
Management Conference in Law
Cases (ad damnum over \$50,000)
and in Cases Where a Summons
Requiring Appearance Within
Thirty (30) Days After Service is
Used.

3.11 Trial Calendar

3.12 Stipulations

3.13 Medical Experts

3.01 APPEARANCES, JURY DEMANDS

- A. Each party or counsel appearing in any matter shall file a written Appearance form, which includes in typewritten form or in legible printing the party's or attorney's name, address, telephone number and Illinois ARDC registration number. When an appearance is filed by someone other than a sole practitioner, the name of an individual attorney responsible for the trial of the cause shall be designated.
- B. A written Jury Demand filed by a party in any matter shall be contained in a separate document, and the Clerk of the Court shall not record any jury demand not so filed.
- C. APPEARANCE OF COUNSEL PRO HAC VICE.

See: [Illinois Supreme Court Rule 707](#)

3.02 PLEADINGS TO BE READILY COMPREHENSIBLE

- A. **Multiple count pleadings.** If a pleading contains multiple counts or affirmative defenses, each count or defense shall bear a short title concisely stating the theory of liability or defense. If the pleading is filed on behalf of or against multiple parties and all such parties are not asserting the same claims or defenses as to all opposing parties, the title of each count or defense shall also concisely designate the subgroup of parties to whom it pertains.
- B. **Incorporation by reference.** If the incorporation of facts by reference to another pleading or to another part of the same pleading will cause a pleading not to be readily comprehensible, then such facts shall be realleged verbatim. This rule does not prohibit the incorporation of facts as permitted by [Supreme Court Rule 134](#), provided the pleading remains readily comprehensible.
- C. The court may order a consolidation of pleadings into one comprehensible finished set.

3.03 WRITTEN INTERROGATORIES

The party serving written interrogatories shall provide two copies to each party required to answer the interrogatories. Each copy shall include sufficient space for an answer immediately following each interrogatory. Except to the extent that a greater limitation is imposed pursuant to [Supreme Court Rule or the Code of Civil Procedure](#), no party may serve more than 30 interrogatories, including subparts, upon any other party without leave of court or agreement of the parties. This limitation is in the aggregate during the life of any case.

3.04 DISCOVERY DOCUMENTS

- A. **Restrictive filing.** Unless otherwise ordered by the court, no depositions, interrogatories, production requests, answers or responses thereto and other discovery documents will be filed with the Clerk of the Court except as necessary to resolve disputed issues of procedure, fact, or substantive law or pursuant to [Supreme Court Rule 207](#).
- B. **Proof of serving and answering discovery documents.** Discovery documents and notice of filing may be served personally or by U.S. Mail or by facsimile transmission. Proof of service and notice of filing and answering discovery documents filed with the Clerk of the Court shall contain the case title and number, date mailed, faxed or personally served, the identity and addresses of the sending and receiving parties, and shall adequately identify the particular discovery document being served or answered. The proof of service or answer, upon being filed with the Clerk of the Court, shall be prima facie evidence that such document was served or answered. When a party receives a document under [Supreme Court Rule 204\(a\)\(4\)](#), that party shall file with the Clerk of the Court notice and proof of service upon all remaining parties certifying that copies of any such documents have been provided to those parties at their expense or that specified parties have declined copies.

3.05 DAYS FOR TAKING DEPOSITIONS/ATTENDANCE

- A. Unless otherwise agreed by the parties or ordered by the court, depositions shall not be taken on Saturdays, Sundays, or court holidays and shall be noticed to be taken no earlier than 8:30 A.M. Unless otherwise agreed, such deposition shall be concluded or recessed no later than 5:00 P.M.
- B. In the absence of agreement of all parties attending a deposition or on Order of Court, only the parties may attend discovery depositions. The parties shall include a representative of a corporation, partnership, or like entity; the parent or next friend of a minor; attorneys of record; and purely consulting experts.

3.06 SEASONABLY UPDATING DISCOVERY

[Supreme Court Rules 213\(i\), 214](#), and [222\(c\)](#) require a party to seasonably supplement or amend prior answers, responses and disclosures whenever new or additional information becomes known to that party.

Pursuant to said rules, every party shall have the duty to seasonably supplement through trial. "Seasonably" shall be defined in the following terms:

- A. When the trial is more than 60 days away in the future, the party discovering the new information and/or documents that must be disclosed shall tender the information as soon as practicable, but in any event no later than 14 days after the date of discovering the information.
- B. When the trial is less than 60 days in the future, the party discovering the new information and/or documents that must be disclosed shall tender the information immediately and without delay.
- C. When the information and/or documents are discovered during trial, the party(ies) shall supplement immediately and without delay.

Any party who fails to comply with this rule is subject to sanctions under [Supreme Court Rule 219](#).

3.07 COMPLIANCE WITH SUPREME COURT RULE 222

A plaintiff shall comply with the disclosure requirements of [Supreme Court Rule 222](#) within 30 days of the filing of the original complaint, and each defendant shall so comply within 30 days of the date on which their Appearance must be filed unless otherwise ordered by the court.

3.08 LOCAL SUBPOENA RULES, PRETRIAL DISCOVERY

- A. **Subpoena for Production of Specified Documents, Objects or Tangible Things.** Upon request, the Clerk of the Court shall issue a subpoena limited to the production of specified documents, objects, or tangible things. The subpoena shall direct the person or entity to whom it is directed to produce the designated documents, objects, or tangible things. Any item may be sought that constitutes or contains evidence relating to any of the matters within the scope of the examination permitted under the Supreme Court Rules. No oral examination of any person served or responding to a subpoena issued pursuant to this rule is permitted.
- B. **Service of Subpoenas.** Subpoenas issued pursuant to this rule shall be served in accordance with the [Supreme Court Rules](#). A copy of said subpoena and notice of service shall be served within 48 hours of issuance upon all parties who have appeared in action. The manner and form of service shall appear on the subpoena.
- C. **Compliance.** The recipient of a subpoena who has actual or constructive possession or control of the specified documents, objects, or tangible things sought by the subpoena shall respond to any lawful subpoena of which he has actual knowledge—provided payment of the fee and mileage has been tendered. Service of a subpoena by mail may be proved prima facie by return receipt showing delivery to the deponent or his authorized agent by certified or registered mail at least 14 days before the date on which compliance is required and an affidavit showing that the mailing was prepaid and was addressed to the deponent, restricted delivery, return receipt requested, showing to whom, the date, and address of delivery, along with a check or money order for the fee and mileage enclosed.
- D. The recipient of the subpoena who has constructive or actual possession or control of the specified documents, objects, or tangible things may comply with a said subpoena, without personal appearance, by forwarding complete and legible copies by first class prepaid mail to the party or attorney causing the subpoena to have been issued. The person or custodian of records of the entity responding to the subpoena shall certify in writing that compliance is complete and accurate.
- E. **Subpoena to Bear Legend.** A subpoena issued under this provision seeking specified documents, objects, or tangible things shall bear the following legend on the face of the said subpoena or conspicuously attached thereto:

YOU MAY COMPLY WITH THIS SUBPOENA BY MAILING LEGIBLE AND COMPLETE COPIES OF ALL SPECIFIED DOCUMENTS, OBJECTS OR TANGIBLE THINGS REQUESTED IN THIS SUBPOENA TO THE PARTY OR LAW FIRM WHOSE ADDRESS APPEARS BELOW. COMPLIANCE REQUIRES A CERTIFICATION THAT THE DOCUMENTS, OBJECTS OR TANGIBLE THINGS PROVIDED ARE COMPLETE AND

ACCURATE AND CONSTITUTE GOOD FAITH COMPLIANCE
WITH THE MATERIALS REQUESTED BY SAID SUBPOENA.

- F. **Objections.** No subpoena issued under this provision may be returnable less than 14 days following its date of service. Within said 14 days, any party may timely object to the utilization of the subpoena and, for a good cause shown by the objecting party, the court may quash said subpoena or impose such conditions or limitations as the court deems equitable.
- G. **Costs and Copies.** The party causing the subpoena to be issued shall be liable to the party subpoenaed for the reasonable costs of copying or reproduction. The court may enter such orders as may be necessary to enforce the payment of said copying costs or apply any sanction authorized by [Supreme Court Rule 219](#).
- H. Any party may request copies of all materials obtained by any party pursuant to this rule. Expenses of copying shall be borne by the party requesting copies and said materials should be reproduced and forwarded to the requesting party not less than ten (10) business days following receipt of the subpoenaed materials.
- I. **Failure to Comply with Subpoena.** If any party or person unreasonably refuses to comply with this rule or any order entered under this rule, the court may find a said person or party in contempt and punish said party or person accordingly, and impose any sanction authorized by [Supreme Court Rule 219](#).

3.09 PROGRESS CALLS

The Chief Judge, by Administrative Order, or the Presiding Judge, by Order, may provide for regular progress calls of cases filed in the Civil and Family Divisions. In connection with such a progress call, the judge shall request the clerk to notify the attorneys of record or parties who have filed an appearance pro se that the case will be called on a date certain when it will be dismissed on motion of the court except for a good cause shown. The notice for such a special progress call may specify that the hearing shall be for the purpose of a pretrial conference under [Supreme Court Rule 218](#). A failure to appear at such progress call shall constitute grounds for dismissal.

3.10 PROCEDURES FOR INITIAL CASE MANAGEMENT CONFERENCE IN LAW CASES (ad damnum over \$50,000) AND IN CASES WHERE A SUMMONS REQUIRING APPEARANCE WITHIN THIRTY (30) DAYS AFTER SERVICE IS USED

- A. At the time of filing of the initial complaint in all Law cases and in all cases where a Summons Requiring Appearance Within 30 Days After Service ([Illinois Supreme Court Rule 101\(d\)](#)) is used, the clerk shall stamp on all complaints and summonses a time and date for an Initial Case Management Conference. Said date shall be

approximately 90 days from the date of filing of the initial Complaint. In setting the Conference, the clerk shall choose from those dates and times provided by the Court Administrator's Office. The assigned date and time shall be incorporated into the following notice.

NOTICE

BY LOCAL RULE 3.10

THIS CASE IS HEREBY SET FOR A SCHEDULING CONFERENCE IN COURTROOM _____ ON _____, 20____, AT _____ AM/PM. FAILURE TO APPEAR MAY RESULT IN THE CASE BEING DISMISSED OR AN ORDER OF DEFAULT BEING ENTERED.

- B. It is mandatory that all plaintiffs or their attorneys and all defendants who have been served with a summons or who have filed an Appearance of any kind, or their attorneys, appear at the Scheduling Conference. Failure of any party, or their respective attorney, to appear at the Scheduling Conference is good cause for the court to enter Orders of Dismissal for Want of Prosecution or Orders of Default Judgment, as appropriate.
- C. A Scheduling Conference Order will be entered at the time of the Scheduling Conference, providing that Defendant(s) have filed an Appearance, which sets the date by which Plaintiff will submit a draft Case Management Memorandum (CMM) to Defendant, the date by which Defendant will confer with Plaintiff to finalize the CMM, the date by which the CMM will be submitted to the court, and the scheduled date and time of the Case Management Conference. Failure to comply in good faith with these dates may subject the offending party to sanctions.

3.11 TRIAL CALENDAR

- A. **Trial Calendars.** Each division of court shall keep and maintain such calendars of cases for trial as shall be designated by Administrative Order.
- B. **Failure to Proceed.** Failure of a party to be ready when the case is reached for trial will subject the cause to dismissal for want of prosecution, judgment by default, or other sanctions as set forth in the [Supreme Court Rules](#).
- C. **Refiled Actions and Declaratory Judgments Filed Within Pending Actions.** Any case being refiled under a new number after a voluntary or involuntary

dismissal shall be assigned to the judge who was assigned to the original dismissed case and placed in the same procedural posture as the original case. Upon the filing of any declaratory action that substantially relates to an already pending action, the declaratory action shall be assigned to the judge assigned to the substantive case.

- D. **Cases Defaulted.** In cases defaulted, proofs may be offered at a time convenient to the court and counsel.

3.12 STIPULATIONS

All stipulations in relation to pleadings, dismissals, or statements of facts to be used in the trial of any cause must be reduced to writing and signed by the parties or the attorneys and filed in the cause or dictated to the court reporter during trial or hearing of the same.

3.13 MEDICAL EXPERTS

- A. Charges for medical-legal services should be no higher than a physician's charges for other medical services. Such charges shall be computed having due regard for the time, effort, and skill consumed. Such fees shall neither be so high as to prevent the patient from obtaining the physician's medical-legal services nor so high as to give the appearance that the physician is attempting to capitalize on the patient's legal problem.
- B. A physician who has not been paid for treatment rendered to a patient shall still cooperate fully with the patient's attorney. The physician shall neither refuse nor unduly delay the submission of medical records or reports, participation in conferences with the attorneys, testimony at depositions or trial, or any other actions necessary to the resolution of the patient's legal claim. Similarly, the physician shall not vary the fees normally charged for these services.
- C. If any party files a motion raising the issue of the reasonableness of a physician's fee for testimony at a deposition or at trial, the court shall issue an order to be served upon the physician requiring him to demonstrate by records or in person that the fee requested is reasonable.