

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, 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, 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. If the notice is given by facsimile transmission or by personal service, the notice shall be sent not less than one court day preceding the hearing on the motion.

4.2 DISPOSITIVE MOTIONS

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 resistance to the motion shall be filed within 10 days from the date the motion has been filed, and shall include a statement of disputed facts, if any, and citation of authority supporting the resistance. Any affidavits in support of the resistance shall be filed as set forth in 735 ILCS 5/2-1005 (c).

The parties shall file with the Clerk of the Court all written motions and responses, together with any supporting briefs and affidavits. A complimentary copy of such filed documents, together with supporting depositions and photocopies of cited case authority shall be provided the judge at least 10 days prior to the date set for hearing.

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 (4).