

**ARTICLE 19: CHANCERY, EMINENT DOMAIN, ADMINISTRATIVE
REVIEWS AND MISCELLANEOUS REMEDIES**

19.00 RESERVED

19.01 APPEARANCES - TIME TO PLEAD - WITHDRAWAL

(a) Written Appearances: If a written appearance, general or specific, is filed, copies of the appearance shall be served in the manner required for the service of copies of pleadings.

(b) Time to Plead: A party who appears without having been served with summons is required to plead within the same time as if served with summons on the day he appears.

(c) Appearance and withdrawal of Attorneys:

(1) Addressing the Court: An attorney shall file his written appearance or other pleading before he addresses the Court unless he is presenting a motion for leave to appear by intervention or otherwise.

(2) Notice of Withdrawal of Attorneys: An attorney may not withdraw his appearance for a party without leave of Court and notice to all parties of record, and unless another attorney is substituted, he must give reasonable notice of the time and place of the presentation of the motion for leave to withdraw, by personal service, or by registered or certified mail, directed to the party represented by him at his last known business or residence address. Such notice shall advise said party that to insure notice of any action in said cause, he should retain other counsel therein or file with the clerk of the court, within 14 days after entry of the order of withdrawal his supplementary appearance stating therein an address at which service of notices or other papers may be had upon him.

(3) Motion to Withdrawal: The motion for leave to withdraw shall be in writing and, unless another attorney is substituted, shall state the last known address of the party represented. The motion may be denied by the court if the granting of it would delay the trial of the case, or would otherwise be inequitable.

(4) Supplemental Appearances: Unless another attorney is, at the time of such withdrawal substituted for the one withdrawing, the party shall file in the case within 14 days after entry of the order of withdrawal a supplementary appearance, stating therein an address at which the service of the notice or other papers may be had upon him. In case of his failure to file such supplementary appearance, notice, if by mail, shall be directed to him at his last known business or residence address.

Amend. Gen. Order 08-04, eff. May 5th, 2008

19.02 MOTIONS

(a) Notice of Hearing of Motions:

(1) Notice Required: Written notice of the hearing of all motions 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.

(2) Content of Notice: The notice of hearing shall designate the motion Judge, shall show the title and number of the action, and the date and time 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 all of the papers presented therewith or a statement that they previously have been served, shall be served with the notice.

(3) Manner of Service: Notice shall be given in the manner and to the persons described in Supreme Court Rule 11.

(4) Time of Notice: If notice of hearing is given by personal service, the notice shall be delivered before 4:00 p.m. of the second court day preceding the hearing the motion. Notice given by mail shall be in accordance with Supreme Court Rule 12.

(5) Summary Judgment: A motion for Summary Judgment will be heard before 10 days after service of the notice of motion under Supreme Court Rule 11.

(b) Ex Parte and Emergency Motions:

(1) Ex Parte Applications: Every complaint or petition upon which it is sought to obtain an ex parte order for the appointment of a receiver, for a temporary restraining order, for a preliminary injunction or for a writ 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.

(2) Notice Not Required: Emergency motions and motions which by law may be made ex parte may, in the direction of the court, be heard without calling the motion for hearing. Emergency motions shall, so far as possible, be given precedence.

(3) 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 the Judge who heard the motion, the 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 found by the Court to be in default for failure to plead and proof of service thereof shall be filed with the clerk within 2 days after the hearing. Notice shall be given in the manner and to the persons described in Supreme Court Rule 11.

(c) Failure to Call Motions for Hearing:

- (1) The burden of calling for hearing any motion previously filed is on the party making the motion. If any such motion is not called for hearing within 90 days from the date it is filed, the Court may strike the motion or set the motion for hearing.

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19.03 RECEIVERS

(a) Appointments: Appointment of Receivers shall be in accordance with 735 ILCS 5/2-415 Code of Civil Procedure, Supreme Court Rule 61(c)(11) and any other applicable statute or rule.

(b) Disqualifications: Except as provided in (b) of this rule or any applicable statute, an appointment as receiver shall not be granted to an individual, or to a corporation having a principal officer, who:

- (1) is related by blood or marriage to a party or attorney in the action;
- (2) is an attorney for, or of counsel for any party in the action;
- (3) is an officer, director, stockholder, or employee of a corporation the assets of which are in question;
- (4) stands in any relation to the subject of the controversy that would tend to interfere with the impartial discharge of his duties as an officer of the Court.

(c) Exceptions: If the Court is satisfied that the best interests of the estate would be served, an individual or corporation otherwise disqualified under section (a) of this rule may be appointed as receiver by an order specifically setting forth the reasons for departing from the general rule. A receiver so appointed shall serve wholly without compensation, unless otherwise ordered by the Court upon good cause shown.

(d) Attorneys for Receivers: An attorney for the receiver shall be employed only upon order of the Court upon written motion of the receiver stating the reasons for the requested employment and naming the attorney to be employed.

(e) Inventories of Receivers: No later than 30 days after his appointment, the receiver shall file with the Court a detailed report and inventory of all property, real or personal, of the estate and designating the property within his possession or control. Unless the Court orders otherwise, the receiver shall file with the inventory a list of the then known liabilities of the estate.

(f) Appraisal for Receivers:

(1) Appraisers: Appraisers for receivers may be appointed only upon order of the Court or agreement of the parties with the approval of the court. If appraisers are appointed, they shall be selected by the Court.

(2) Appraisal by Receiver: If no appraisers are appointed, the receiver shall investigate the value of the property of the estate and show in the inventory the value of all items listed as disclosed by the investigation.

(g) Reports of Receivers:

(1) Time of Filing: The receiver shall file his first report at the time of filing his inventory and additional reports annually thereafter. Special reports may be ordered by the Court and a final report shall be filed upon the termination of the receivership.

(2) Forms: The Court may prescribe forms to be used for reports of a receiver.

(h) Receivers' Bond:

(1) Personal Sureties: Bonds with personal sureties shall be approved by the Court. Unless excused by the Court, sureties shall execute and file schedules of property in a form approved by the Court.

(2) Surety Companies: Bond with a corporation or association licensed to transact business in this State as surety will be approved only if a current certified copy of the surety's authority to transact business in the State, as issued by the Director of Insurance, is on file with the Clerk of the Court, and verified power of attorney or certificates of authority for all persons authorized to execute bonds for the surety is attached to the bond.

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19.04 PRETRIALS

(a) Before any case may be set for trial, the Court shall schedule and conduct a pre-trial conference. All litigants shall prepare and present to this Court an appropriate pre-trial memorandum.

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19.05 CASE REASSIGNMENTS

(a) The Presiding Judge of this division shall have the discretion to reassign cases to the Presiding Judge of the Law Division where the only remaining areas of dispute in the case involve law division type relief.

Amend. Gen. Order 08-04, eff. May 5th, 2008

19.06 ATTORNEY FEES

(a) All requests for attorney fees and receivers fees in excess of \$500.00 shall be made as required in Local Rule 18.19.

Amend. Gen. Order 08-04, eff. May 5th, 2008

19.07 JURY DEMANDS

(a) The Presiding Judge of this division shall have the discretion to reassign any and all jury demand cases to the Presiding Judge of the Law Division.

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