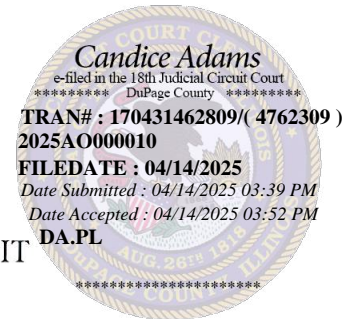


STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

IN THE CIRCUIT COURT OF THE 18TH JUDICIAL CIRCUIT
DU PAGE COUNTY, ILLINOIS



IN THE MATTER OF MODIFICATIONS AND) Administrative Order 25-10
ADDITIONS TO THE CIRCUIT COURT RULES)


WHEREAS, the Circuit Judges of the 18th Judicial Circuit adopted local Circuit Court Rules on November 16, 2004; and

WHEREAS, from time to time the Circuit Judges find it necessary to ratify and codify certain revisions, amendments and additions to said local Circuit Court Rules; and

WHEREAS, on March 26, 2025, **Circuit Court Rules 6.01(b), 6.04(b), 6.05(c), 6.06, 6.07, 6.11, 7.01, 7.02(b), 7.03, 8.01, 8.02, 8.03, 8.04, 9.01, 9.02, 9.03, 9.04, Article 10, 10.01, 10.02, and Article 23 were amended and attached as Exhibit A, B, C, D, E, and F.**

IT IS THEREFORE ORDERED that these changes, shown as adopted in exhibits attached hereto, were adopted into the local Circuit Court Rules to be effective immediately.

ENTER:



Bonnie M. Wheaton
Chief Judge

Dated: April 14, 2025
Wheaton, Illinois

II. CIVIL PROCEEDINGS

ARTICLE 6: PLEADINGS AND MOTIONS

6.01 AUTOMATIC STATUS DATES

(a) All Chancery (CH) and Tax (TX) cases as shall be designated by administrative order shall be given an automatic status date one hundred twenty (120) days from the date of filing at the hour normally set for hearing such causes, and shall be assigned for Case Management Conferences at a date and time to be determined by the assigned judge. All Dissolution of Marriage (DC or DN) cases, Paternity/Child Support (FA) cases and such Miscellaneous Remedy (MR) cases as shall be designated by administrative order shall be given an automatic case status date sixty (60) days from the date of filing at the hour normally set for hearing such causes, and shall be assigned future status hearings at a date and time to be determined by the assigned judge.

(b) All Law (LA), Eminent Domain (ED), and Law Magistrate (LM) cases shall be given an automatic ~~status case management conference~~ date approximately ninety (90) days from the date of filing for hearing at ~~9:05 9:00 a.m. and an automatic Case Management Conference date approximately one hundred seventy (170) days from the date of filing at 9:10 a.m.~~ All Eviction (EV) cases shall be assigned an automatic status date ninety (90) days from the date of filing at the hour normally set for hearing such causes, but shall not be assigned a Case Management Conference date.

(c) All Probate (PR) cases shall be given an automatic status date one (1) year from the date of filing, returnable at the time normally set for hearing such cases.

(d) In the event an automatic status date falls on a date when the Court is not in session, the status will be set for the next court day.

(e) Failure of the parties or their counsel to appear on the automatic status date or any other date set by the Court may result in dismissal for want of prosecution or default, on the Court's motion.

6.02 NOTICE OF DISMISSAL FOR WANT OF PROSECUTION

Upon dismissal of any cause for want of prosecution, the Clerk of the Court shall give all pro se parties and all attorneys of record notice of the dismissal by regular U.S. mail, at the last address indicated in the court file, within ten (10) days of the dismissal.

6.03 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, such facts shall be realleged verbatim. Rule 6.03 does not prohibit the incorporation of facts as permitted by Supreme Court Rule 134, provided that the pleading remains readily comprehensible.

(c) The Court may order a consolidation of pleadings into one finished comprehensible set.

(d) Nothing in Rule 6.03 shall be applied in such manner as to abridge or conflict with 735 ILCS 5/2-603 (Code of Civil Procedure).

(e) All pleadings wherein money damages are requested for matters other than injury to the person shall be specific as to the dollar amount claimed. In all pleadings where injury to the person is alleged, the prayer for relief must indicate the amount of damages claimed to be as follows:

- (1) Not greater than \$2,500; or
- (2) Greater than \$2,500 and but not in excess of \$10,000; or
- (3) Greater than \$10,000 and but not in excess of \$15,000; or
- (4) Greater than \$15,000 and but not in excess of \$50,000; or
- (5) Greater than \$50,000.

6.04 MOTIONS GENERALLY

(a) *Filing.* All case or claim dispositive motions, other than motions arising during the course of trial, shall be filed no later than sixty-three (63) days before the scheduled trial date, except by prior leave of court and for good cause shown. The title to each motion shall indicate the relief sought and the applicable section of the Code of Civil Procedure.

(b) *Allotment for Hearing or Presentment.* With the exception of emergency matters, no motion shall be heard or presented unless previously scheduled with the Court or with the Court's secretary, **or on a previously scheduled status date.**

(c) *Content of Notice or Presentment.* The notice of hearing or presentment shall designate the judge to whom the motion will be presented; shall show the title and number of the action, the date when the motion will be set or presented, the time it will be set or presented, and the courtroom where it will be heard or presented. If the motion is written, a copy of the motion or a statement that it previously has been served shall be served with the notice. Copies of all documents presented to the Court with the motion shall be served with the notice or the notice shall state that copies have been served.

(d) *Notice of Hearing or Presentment.* Except for emergency motions or notice by personal service as defined by Supreme Court Rule 11(c)(1), hearing on or presentment of a motion shall proceed not less than five (5) court days after the effective date of service as defined by Supreme Court Rule 12(c). If notice of motion is by personal service delivered by 4:00 p.m., hearing on or presentment of the motion shall proceed not less than the second court day following personal service.

(e) *Summary Judgment.* A motion for summary judgment shall not be heard until ten (10) days after service of the notice of motion in compliance with Supreme Court Rule 11.

(f) *Failure to Call Motion for Hearing.* Any party may call a motion for hearing, but the burden for calling a motion for hearing shall be on the movant. Any motion not called for hearing within sixty (60) days of filing may be stricken upon motion, or by the Court without any notice to any party.

(g) Motions not presented or supported by the moving party when called, pursuant to notice, may be denied.

6.05 CONTESTED MOTIONS

(a) For purposes of Rule 6.05, any motion which is opposed is a contested motion and will be heard at a time designated by the Court.

(b) Every motion, and each basis in the motion, brought pursuant to the Code of Civil Procedure or Supreme Court Rule shall be identified by the Code of Civil Procedure section and/or the Supreme Court Rule number under which it is brought.

(c) For every contested motion there shall be delivered to the chambers of the assigned judge, **by the movant**, not less than seven (7) court days prior to the hearing a **hard, paper** copy of:

- (1) The motion, response, and reply, **and any exhibits thereto.**
- (2) Any pleadings involved in the motion, i.e., any pleading to which the court may need to refer in ruling on the motion.
- (3) Any writing in support of or in opposition to the motion.
- (4) All citations shall be in conformity with Supreme Court Rule 6.

(d) No Motion or writing in support of or in opposition to a motion shall exceed fifteen (15) pages in total length (excluding supporting documents) without prior leave of Court. All grounds attacking a pleading or paper shall be contained in a single motion and shall be subject to the foregoing page limits.

Motions to allow additional pages are not favored, and specific grounds establishing the necessity for excess pages shall be clearly set forth in an affidavit filed in support of the motion.

All documents submitted shall be **single-sided**, double spaced and shall contain margins of at least one (1) inch at the top, bottom and each side. Type shall be 12 point or larger. All citations shall be in conformity with Supreme Court Rule 6. Failure to comply with Rule 6.05 shall be sufficient grounds for the Court's refusal to consider the offending document.

6.06 ~~(RESERVED)~~ STANDING ORDERS

Standing orders for the respective court rooms/divisions should be consulted for any matters not directly addressed herein.

Standing orders can be found by first selecting the applicable division and then selecting the applicable courtroom on the court's website at:

https://www.dupagecourts.gov/18th_judicial_circuit_court/divisions/

6.07 MOTIONS FOR CONSOLIDATION OF CASES

Motions to consolidate two or more cases shall be presented to the judge who is requested to receive and hear the consolidated case after notice to all parties of record in all cases involved in the proposed consolidation. On all documents to be presented to the Court, the captions of all involved cases shall appear with the case which is proposed to be consolidated appearing above and the receiving case below.

If all cases proposed for consolidation are within the same division of the Court and are of the same designation, the motion shall be presented to the judge to whom the oldest case is assigned. If the cases are within the same division but are of different designations, the motion shall be presented to the judge who is assigned to the case with the “higher” designation, determined according to the following hierarchy, in descending order: ~~(1) CH, (2) MR, (3) FC, (4) EV, (5) LA, (6) LM or AR, and (7) SC.~~

For Chancery Division:

- | | |
|---------|---------|
| (1) CH, | (5) AD, |
| (2) MR, | (6) FC, |
| (3) PR, | (7) MH, |
| (4) GG, | (8) EV. |

For Law Division:

- | |
|---------|
| (1) LA, |
| (2) LM, |
| (3) AR, |
| (4) SC. |

If the cases to be consolidated are in different divisions, the moving party shall first present a Motion to Transfer for Purposes of Consolidation to the judge assigned to the case which is proposed to be consolidated and if that motion is granted then the Motion to Consolidate shall be presented to the judge assigned to the “receiving” case.

Once a motion to consolidate has been granted, and for as long as the consolidation is in effect, all court documents concerning said cases shall bear the captions of all consolidated cases with the principal case’s caption at the bottom and the transferred case’s caption at the top.

It shall be grounds to deny a Motion to Consolidate that at the time of presentation of the motion there are case dispositive motions pending in any case which is proposed to be transferred or consolidated into another.

6.08 EMERGENCY MOTIONS AND EMERGENCY RELIEF

(a) *Application for Emergency Relief.* If emergency relief shall be required, application shall be made to the assigned judge, or if unavailable, to any other judge assigned to the division in which the case is filed. If no judge in the division is available, then to the Presiding Judge of the division in which the case is filed or the designee of the Presiding Judge. Each application for emergency relief shall be accompanied by an affidavit by the movant or movant’s attorney stating the reason the requested relief is necessary on an emergency basis, and in cases where the request is without notice, except as permitted by law, said affidavit shall state what attempts have been made to notify opposing counsel of the request for emergency relief. Failure to attach said affidavit(s) to the request for emergency relief shall be sufficient grounds for denial of same.

(b) *Ex Parte and Emergency Motions.* Every complaint or petition requesting an ex parte order for the appointment of a receiver, temporary restraint, preliminary injunction or any other emergency relief, shall be filed in the Office of the Circuit Court Clerk, if during court hours, before application to the Court for the order.

(c) *Notice after Hearing.* If an ex parte or emergency motion is heard without prior notice, a copy of the order granting or denying the motion shall be entered. The party presenting the motion shall serve a copy of the order personally or by U.S. mail upon all persons having an interest who have not yet been served with summons and upon all parties of record not theretofore found by the Court to be in default. The party presenting the motion shall file with the Clerk of the Court, within two (2) days of hearing, proof of service of a copy of the order entered granting or denying relief.

(d) Counsel shall use every reasonable effort to notify opposing counsel or parties, unless otherwise provided by law.

6.09 PROOF OF DAMAGES UPON ENTRY OF DEFAULT

When an order of default is obtained, if any fees are recoverable, at the Court's discretion, the attorney shall present an affidavit stating the nature of the services performed, the number of hours spent, the attorney's hourly rate, statement of the level of experience and expertise of the attorneys, and that number of hours spent and the hourly rate charged per hour are fair and reasonable according to the standards of the local community.

6.10 PRIVACY ISSUES

(a) While numerous specific types of information, including personal identifiers, are properly requested and included in documents necessary for the maintenance of litigation, there is no public need to have access to that private information. Because all documents filed with the Circuit Court Clerk are available to the public, pleadings, attachments to pleadings, discovery, orders, exhibits or other documents filed with the Circuit Court Clerk, with the exception of civil writs of attachment, shall be redacted to protect the privacy rights of everyone concerned.

(b) It is the responsibility of counsel and the parties to be sure that all filed documents comply with these Rules. They shall refrain from including, or shall redact where inclusion is necessary, the following personal identifiers, from all pleadings, discovery, orders, exhibits, or other documents filed with the Circuit Court Clerk, with the exception of civil writs of attachment, unless ordered otherwise by the Court:

(1) *Social Security Number.* If an individual's social security number must be

included in a document, only the last four digits of the number shall be used.

(2) *Names of Minor Children.* If the involvement of a minor child must be mentioned, only the initials of that child's name shall be used.

(3) *Dates of Birth.* If an individual's date of birth must be included, only the year shall be used.

(4) *Financial Account Numbers.* If financial account numbers are relevant, only the last four digits of these numbers shall be used.

(c) In addition to the above provisions, persons shall exercise caution when filing documents that contain the following:

(1) Other identifying numbers, such as drivers' license numbers

(2) Medical records, such as diagnosis and treatment records

(3) Employment history information

(4) Individual financial information

(5) Proprietary or trade secret information

6.11 APPROVAL OF CLASS ACTIONS

(a) PRESENTATION OF A MOTION FOR PRELIMINARY APPROVAL OF A CLASS ACTION

(1) To present a Motion for Preliminary Approval, the first page of such motion as an Introduction Section, shall recite:

(a) a brief description of the occurrence giving rise to the cause of action, including the basis for jurisdiction and venue;

(b) the potential class size;

(c) whether the settlement is a claims-made or an opt-out settlement for the class;

(d) the total settlement fund along with an *cy pres* recipient or reversion of the fund;

(e) the amount each class member will receive from the settlement or the anticipated pro rata share;

(f) any injunctive relief and brief analysis as to value or benefit of said injunctive relief to the class or potential future class members;

(g) any specific details as to value of any coupons or vouchers;

(h) settlement administrator information, qualifications, and anticipated cost;

(i) exact specification for how notice will be disseminated to the class; and

(j) proposed deadlines with at least fourteen (14) days between the date the motion for attorney's fees is filed and the deadline for objecting to the settlement.

(2) A Final Approval Hearing shall be set after all of the claims, objections, and exclusion deadlines have passed.

(3) A Proposed Preliminary Approval Order shall be submitted as an exhibit to any Motion for Preliminary Approval and shall have proposed specific future dates for notice to be disseminated, claims to be submitted, objections or exclusions to be submitted, final approval briefs and request for attorney's fees to be submitted, etc.

(b) PRESENTATION OF A MOTION FOR FINAL APPROVAL OF A CLASS ACTION AND MOTION FOR CLASS REPRESENTATIVE AWARD, ATTORNEY'S FEES, ETC.

(1) To present a Motion for Final Approval, the first page of such motion as an Introduction Section, shall recite:

(a) a brief description of the occurrence giving rise to the cause of action, including the basis for jurisdiction and venue;

(b) the actual class size;

(c) whether the settlement was a claims-made or an opt-out settlement for the class;

(d) the total settlement fund along with any *cy pres* recipient or reversion of the fund;

(e) the amount of claims submitted by the class if it is a claims-made settlement along with the percentage of claims submitted compared to the entire class (if the motion for attorney's fees was filed before the claims deadline had passed, counsel for the class shall submit an updated affidavit from the settlement administrator with updated claims, objections, and/or exclusions once all of the deadlines have passed);

(f) the number of objections and/or exclusions;

(g) the amount each class member will receive;

(h) any injunctive relief and brief analysis as to value or benefit of said injunctive relief to the class or potential future class members;

(i) any specific details as to value of any coupons or vouchers;

(j) confirmation that notice was disseminated as required in the Preliminary Approval Order;

(k) the success rate of the notice administration;

(l) the actual cost for the settlement administrator; and

(m) the proposed class representative award and proposed fee request.

(2) A Proposed Final Approval Order shall be submitted as an exhibit to any Motion for Final Approval.

ARTICLE 7: DISCOVERY

7.01 WRITTEN INTERROGATORIES OR PRODUCTION REQUESTS

Written interrogatories or production requests shall be limited to thirty (30) questions or requests, counting each subsection as a separate question or request, unless otherwise provided by court order or by agreement of the parties. **Ill. Sup. Ct. R. 213(c).**

7.02 DISCOVERY DOCUMENTS

(a) *Restrictive Filing.* Unless otherwise ordered by the Court, depositions, interrogatories, answers, or responses thereto and other discovery documents, shall not 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. Rule 7.02 shall not apply to requests to admit facts or to the answers or responses thereto.

(b) *Proof of Serving and Answering Discovery Documents.* Discovery documents and notice of filing may be served and answered personally, ~~or~~ by U.S. mail, **or by electronic mail, consistent with Ill. Sup. Ct. R. 11.** Proof of Service and Notice of Filing of all discovery documents shall be filed with the Clerk of the Court and shall contain the case title and number, date mailed or personally served, the sending and receiving parties, and 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.

7.03 MEDICAL OPINION WITNESSES

(a) Charges for medical-legal services **by Ill. Sup. Ct. R. 213(f)(2) witnesses** should be no higher than a physician's charges for other medical services and 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, should still cooperate fully with the patient's attorney. The physician should not refuse nor slow down 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 should not vary the fees normally charged for these services.

7.04 DAYS FOR TAKING DEPOSITIONS

Unless otherwise agreed by the parties or ordered by the Court, depositions shall be taken after 8:00 a.m. and before 5:00 p.m. on days that Court is in session.

ARTICLE 8: SETTLEMENT, LITIGATION, AND CASE MANAGEMENT CONFERENCES

8.01 SETTLEMENT CONFERENCE

See Law Division Standing Order.

~~In actions in which a settlement conference is held, the attorney for the plaintiff shall prepare a typewritten or electronic settlement conference memorandum substantially in the form in the Appendix of Forms, and shall deliver a copy to the judge and all counsel of record seven (7) days prior to the settlement conference. The Court may order the other parties to submit a settlement conference memorandum. The attorney for each party shall have ascertained in advance of the settlement conference the extent of settlement authority. The Court may order trial attorneys, parties, insurance adjusters or other interested persons to attend the settlement conference.~~

8.01(a) (RESERVED) ~~SMALL CLAIMS SUBROGATION SETTLEMENT CONFERENCES~~

~~Every Small Claims subrogation action is subject to a mandatory settlement conference.~~

~~Small Claims subrogation conferences shall be conducted by the assigned trial judge. All attorneys shall fully cooperate with the Court in preparation for and attendance at the conference.~~

~~Attorneys for all parties and insurance adjusters, with full authority to settle the case, shall personally appear at the time and date set for settlement conference.~~

8.02 (RESERVED) LITIGATION CONFERENCE

~~The Court may order a litigation conference in any case deemed appropriate.~~

8.03 INITIAL CASE MANAGEMENT CONFERENCE EXEMPTION

~~The following case categories are excepted from the "Initial Case Management Conference" requirement under Supreme Court Rule 218(A):~~

~~(1) Adoption (AD)~~

~~(2) Arbitration (AR) — Non-Jury~~

~~(3) Family (FA)~~

~~(4) Mental Health (MH)~~

~~(5) Miscellaneous Remedy (MR)~~

~~(6) Governmental Corporation (GC)~~

~~(7) Order of Protection (OP)~~

~~(8) Ordinance Violation (OV)~~

~~(9) Probate (PR)~~

~~(10) Small Claims (SC)~~

~~(11) Tax (TX)~~

In jury cases requiring arbitration (AR), a case management conference need not be held unless and until a rejection of the arbitration award is filed pursuant to **Supreme Court Rule III. Sup. Ct. R. 93**. A case management conference shall be held within forty-five (45) days of the rejection filing date.

The party rejecting the award shall notice the case before the Court not more than fourteen (14) days after the rejection for the purpose of setting a case management conference.

The rule shall not preclude the Court on its own motion from setting a case management conference on a case that is subject to arbitration.

8.04 (RESERVED) ~~LA, ED, AND LM CASE MANAGEMENT CONFERENCES~~

~~In all LA, ED, and LM cases where a Case Management Conference is scheduled, counsel for the plaintiff shall prepare, in cooperation with all other counsel, a Case Management Conference order on the form provided by the Clerk of the Circuit Court. Counsel for plaintiff shall deliver a copy of the completed and signed Case Management Conference form seven (7) days prior to the Case Management Conference date to the judge before whom the conference is scheduled. The Case Management Conference order will bind all parties accordingly.~~

ARTICLE 9: TRIAL PRACTICE

See Law Division Standing Order.

9.01 (RESERVED) ~~LITIGANTS TO BE PRESENT IN COURT~~

~~All litigants shall appear with their counsel at the time any case is called for trial.~~

9.02 (RESERVED) ~~MOTIONS IN LIMINE~~

~~All motions in limine must be presented in writing, unless the grounds arise or become apparent during the course of the trial.~~

9.03 (RESERVED) ~~JURY SELECTION~~

~~*Statement of the Nature of the Case.* In all civil jury cases, the plaintiff's attorney shall prepare and submit to the Court and to each opposing party a Statement of the Nature of the Case. The statement shall include the time, date and location of the alleged transaction or occurrence giving rise to the lawsuit, a brief description of the alleged transaction or occurrence, the name and city of residence (or business) of each of the parties involved and of their attorneys, and a list of witnesses whom the parties expect to call. Opposing counsel may suggest amendments to the statement.~~

9.04 (RESERVED) ~~WAGE DEDUCTION PROCEDURE~~

The language of 9.04 is being moved to the newly created Article 23.

~~The 18th Judicial Circuit has adopted the following local procedures to be utilized when seeking a wage deduction summons:~~

~~(a) At the time of the issuance of a Wage Deduction Summons the Circuit Court Clerk shall set a "turnover date" on the calendar of the assigned judge, unless the judgment creditor or the judgment creditor's attorney specifically requests that no "turnover date" be set. The "turnover date" shall be at least 21 days from the return date of the summons.~~

~~(b) Where the judgment creditor or the attorney for the judgment creditor waives the setting of a "turnover date" at the time of the issuance of the Wage Deduction Summons, the judgment creditor or attorney for the judgment creditor shall thereafter send Notice of Motion to the judgment debtor and the employer of the date for entry of a "turnover" order.~~

~~(c) Upon the filing of a Notice of Motion for a Wage Deduction Exemption Hearing by the judgment debtor, the Circuit Clerk shall assign a hearing date to coincide with the "turnover" order previously set. In the event no "turnover" order has been set, the Circuit Clerk shall assign a hearing date not less than twenty-one (21) days from the return date of the summons.~~

~~(d) It shall be the responsibility of the judgment debtor or the attorney for the judgment debtor to send notice of the hearing to the judgment creditor, attorney for the judgment creditor and the employer. Failure of the judgment creditor to appear will result in the dismissal of the garnishment proceeding.~~

~~(e) When an employer seeks to vacate a conditional judgment, the employer shall file an answer at the time the employer files the employer's motion to vacate, and must send Notice of Motion, together with the employer's answer and motion to vacate the conditional judgment, to the judgment creditor or attorney for the judgment creditor and the judgment debtor.~~

~~(f) The forms to be used are available through the Office of the Circuit Court Clerk of the 18th Judicial Circuit.~~

III. PARTICULAR CIVIL PROCEEDINGS

ARTICLE 10: WRONGFUL DEATH AND/OR SURVIVAL ACTION SETTLEMENTS AND JUDGMENTS INVOLVING MINORS AND WARDS

10.01 SETTLEMENT OF MINOR'S OR WARD'S PERSONAL INJURY CLAIM, WRONGFUL DEATH CLAIM OR CLAIM UNDER THE SURVIVAL STATUTE

(a) To settle a cause of action for personal injuries sustained by a minor or ward, or any other action in which a minor or ward will receive any or all of the settlement proceeds, a verified petition shall be filed executed by the legal representative of the minor, ward, or the decedent's estate, and shall recite:

(1) A description of the occurrence giving rise to the cause of action.

(2) The name and address of the person or entity against whom the cause of action has accrued.

(3) The name and address of the liability insurance carrier, if any, affording coverage to the person or entity against whom the cause of action has accrued, and the monetary limits of the liability insurance policy issued by said insurance carrier in effect at the time of the occurrence.

(4) A brief description of the injuries sustained by the minor and a list of hospital and medical expenses incurred on behalf of said minor as a result of the occurrence. A current medical certificate or letter executed by the attending physician stating the nature and extent of the injuries sustained by the minor or ward and the prognosis for the minor or ward, if it exists or if it is requested by the Court. The Court may waive the provisions of this sub-paragraph 4 upon good cause shown.

(5) The petition shall contain a statement by the petitioner or the attorney for the petitioner as to the fairness of the offer and a recommendation as to whether the offer should be approved or rejected.

(b) Where the proposed settlement relates to a pending case for personal injury, the verified petition shall be heard by the judge assigned to the case.

(c) Where the proposed settlement does not relate to a pending Law case for personal injury, the verified petition shall be heard by the judge regularly assigned to hear probate matters.

(d) In cases where no independent attorney has been employed by the legal representative of the minor or ward, the Court may appoint an attorney as guardian ad litem to investigate the merits of the proposed settlement and to report his or her findings and recommendations before approval of the proposed settlement. In the event the appointed guardian ad litem does not recommend the approval of the proposed settlement, the appointed guardian ad litem shall not represent as a private attorney the legal representative or any of the parties having an interest in the case, but may continue as such guardian ad litem with reference to any revised offer of settlement so long as the legal representative has not employed independent counsel for the case. The Court shall fix an appropriate fee for the guardian ad litem to be taxed as costs in the case.

(e) In minor's personal injury cases, an allowance for attorney fees shall not exceed 25% of the gross settlement amount unless the attorney representing the minor in a sworn petition recites the work and hours involved or other special circumstances which would justify a higher attorney's fee to compensate the attorney fairly for the work performed, in which case the Court may fix the fee in excess of the 25% limitation.

(f) The order entered approving settlement shall provide for the distribution of the settlement funds and the filing of vouchers, which evidence receipt of any portion of the fund, with the Court within a time prescribed by the Court.

(g) When any settlement funds are to be received by a parent or legal representative on behalf of a minor child, such funds shall be required to be deposited in an account in a financial institution approved by the Court for the benefit of the minor, and shall not be withdrawn without approval by court order. The financial institution so approved by the Court shall be insured either by the Federal Deposit Insurance Corporation (FDIC) or by the Federal Savings and Loan Insurance Corporation (FSLIC).

(g) cut into two paragraphs.

(h) The Court shall continue the case to a specific date for the purpose of having a voucher from the financial institution filed. The voucher from the depository shall acknowledge receipt of the funds and a copy of the order of the Court approving settlement, and shall include the express language that "No withdrawals shall be made from this account, unless authorized by order of Court, at any time prior to (date upon which the minor will reach the age of majority)."

(~~h~~ i) The order entered approving settlement shall provide for the appointment of a guardian for the minor's estate and shall require the appointed guardian to file a bond pending proper deposit of the minor's funds in the financial institution approved by the Court. Upon the filing of the voucher from the financial institution acknowledging receipt of the funds and a copy of the order approving settlement, the bond may be canceled. The requirement of a surety on the bond to be filed by the guardian of the minor's estate may be waived when the Court finds it is in the best interests of the minor's estate. In such instances, the attorney representing the interests of the minor shall have personal responsibility for depositing the funds in the approved financial institution in accordance with the order entered.

(~~l~~ j) A stipulation dismissing the cause of action shall be filed with the filing of the voucher from the financial institution acknowledging receipt of the funds.

(~~j~~ k) Where the agreement involves a structured settlement, the company providing the annuity shall be one which holds a current rating of "A" or better by Best's Insurance Guide.

(~~k~~ l) If the amount distributable to a minor fourteen (14) years of age or older is \$750 or less, the Court in its discretion may order the amount distributed directly to the parent or guardian with whom the minor permanently resides for the benefit of the minor, or may order deposit into a financial institution approved by the Court.

(~~l~~ m) If the amount distributable to a minor fourteen (14) years of age or older exceeds \$750 and is \$10,000 or less, the Court in its discretion may order the amount distributed on behalf of the minor to be deposited into a financial institution approved by the Court or 45 may order that proceedings be instituted pursuant to the Probate Act of 1975, as amended.

(~~m~~ n) If the amount distributable to a minor exceeds \$10,000, or the minor is less than fourteen (14) years of age, or the distribution to the minor is to be made pursuant to a structured settlement, a proceeding shall be initiated pursuant to the Probate Act of 1975, as amended. This provision may be waived by the Court on good cause shown.

(~~n~~ o) Any settlement approved which is required to be administered pursuant to the Probate Act of 1975, as amended, shall be paid to the guardian of the minor and the order approving the distribution shall be effective only after the entry of any order by the Judge assigned to Probate matters approving the bond or other security required to administer the settlement and distribution.

(e p) A petition for withdrawal from said account prior to the minor reaching the age of majority shall be in writing and shall state the amount in the account at the time of presenting the petition, the annual income available to the minor, the amount and purpose for the withdrawal, and the amount of the last authorization for withdrawal from the account for the same purpose.

10.02 ~~DISTRIBUTION OF FUNDS TO A MINOR PURSUANT TO JUDGMENT SETTLEMENT IN A WRONGFUL DEATH AND/OR SURVIVAL ACTION~~

~~The proceeds of any judgment from which a minor or ward is to receive funds shall be distributed in a manner in accord with Rule 10.01.~~

(a) To settle a cause of action on behalf of a decedent for personal injuries and/or for the wrongful death of a person, the representative of the decedent's estate shall file in the court a petition for approval of the settlement of the cause of action. A petition for approval shall recite:

- (1) A brief description of the occurrence giving rise to the cause of action;
- (2) A brief description of the injuries sustained and/or facts giving rise to the cause of death of the decedent;
- (3) A brief assessment by the attorney based upon the facts and the law that the proposed settlement is fair and reasonable;
- (4) A breakdown and percentage of proposed wrongful death, pecuniary loss, and survival damages along with factual bases to support said proposal;
- (5) A list of fees, expenses, lien distribution, and overall disbursement to the heirs and estate;
- (6) A statement as to whether a probate action is pending DuPage County or some other county;
- (7) Affidavits from the representative and/or heirs acknowledging and agreeing to the settlement or indication that a dependency hearing is required; and
- (8) A proposed order approving of the settlement, fees, expenses, liens, and disbursements to the heirs and estate.

(b) Where the proposed settlement relates to a pending case for personal injuries and/or wrongful death of a person, the petition shall be heard by the judge assigned to the case in Law Division. Should a probate estate already be open, upon approval by the judge assigned to the case the distribution of funds can be administered in the probate action. If

there is no probate action open, the Law Division judge assigned to the case shall set a date for presentment of vouchers to ensure distribution has been administered properly.

(c) Where the proposed settlement does not relate to a pending Law Division case for personal injuries and/or wrongful death, the petition shall be heard by the judge regularly assigned to hear probate matters to approve of the settlement and to ensure distribution has been administered properly.

(d) Should there be no agreement amongst the heirs as to distribution, the court responsible for distribution will conduct a dependency hearing consistent with the Wrongful Death Act, 740 ILCS 180/1 *et seq.*

ARTICLE 23: WAGE DEDUCTION

23.01 WAGE DEDUCTION PROCEDURE

The 18th Judicial Circuit has adopted the following local procedures to be utilized when seeking a wage deduction summons:

(a) At the time of the issuance of a Wage Deduction Summons the Circuit Court Clerk shall set a "turnover date" on the calendar of the assigned judge, unless the judgment creditor or the judgment creditor's attorney specifically requests that no "turnover date" be set. The "turnover date" shall be at least 21 days from the return date of the summons.

(b) Where the judgment creditor or the attorney for the judgment creditor waives the setting of a "turnover date" at the time of the issuance of the Wage Deduction Summons, the judgment creditor or attorney for the judgment creditor shall thereafter send Notice of Motion to the judgment debtor and the employer of the date for entry of a "turnover" order.

(c) Upon the filing of a Notice of Motion for a Wage Deduction Exemption Hearing by the judgment debtor, the Circuit Clerk shall assign a hearing date to coincide with the "turnover" order previously set. In the event no "turnover" order has been set, the Circuit Clerk shall assign a hearing date not less than twenty-one (21) days from the return date of the summons.

(d) It shall be the responsibility of the judgment debtor or the attorney for the judgment debtor to send notice of the hearing to the judgment creditor, attorney for the judgment creditor and the employer. Failure of the judgment creditor to appear will result in the dismissal of the garnishment proceeding.

(e) When an employer seeks to vacate a conditional judgment, the employer shall file an answer at the time the employer files the employer's motion to vacate, and must send Notice of Motion, together with the employer's answer and motion to vacate the conditional judgment, to the judgment creditor or attorney for the judgment creditor and the judgment debtor.

(f) The forms to be used are available through the Office of the Circuit Court Clerk of the 18th Judicial Circuit.