



**Circuit Court
Nineteenth Judicial Circuit
Lake County, Illinois**

**Standing Order Regarding
Motion Practice, Default Motions
and Proving Up Actions in Debt**

Motion Practice.

- A. Motions are heard on Tuesday or Wednesday mornings. Uncontested or agreed motions shall be set at 9:00 a.m. Motions scheduled for presentment or for entry of a briefing schedule should be set at 9:00 a.m. Contested motions shall be set for hearing only by the Court at 9:15 a.m.
- B. No motions may be noticed for hearing unless counsel has contacted the courtroom clerk and scheduled the matter prior to sending the notice of motion to opposing counsel.
- C. Emergency motions may be placed on the call for hearing during the first week of the Court's jury trial call. Agreed, routine motions, and presentment of contested motions may be placed on the call during the first week of the Court's jury trial call.
- D. Complete courtesy copies of all contested motions, indicating the date of the hearing, and including briefs, relevant pleadings and exhibits shall be delivered to the Court at least 7 days (5 court days) before the hearing date. Local Court Rule **(LCR) 2-1.02 (C)**. A copy of any challenged pleading shall be provided, e.g., for a motion to dismiss, the complaint should be provided with the courtesy materials. **LCR 2-1.02(C)**. The responsibility for submitting courtesy copies to the Court shall be on the Movant, however, the parties should confer and send a single packet of the pleadings to the Court.

Local Court Rules limit:

1. Briefs/motions to 15 pages **LCR 2-1.02 (B) (1)**,
 2. Responses to 15 pages **LCR 2-1.02 (B) (1)**, and
 3. Reply Briefs to 5 pages **LCR 2-1.02 (B) (2)**.
- E. Court reporters are not provided by the Court for oral arguments of motions, other than motions presented during trial.
- F. Motions for Emergency Relief shall comply with **LCR 2-1.05**.
- G. There are specific rules that apply to Motions for Summary Judgement and the parties shall comply with all provisions of **LCR 2-1.04**, including that portion of the rule relating to the filing of a stamen of material facts to which there is no genuine issue and the response to such statement.
- H. Failure to comply with this standing order and our Local Court Rules regarding contested hearings may result in the striking of your motion or a delay in hearing your motion.

Motions for Default Judgment.

- A. Motions for Default Judgment should be set at 9:15 a.m. on the contested call.
- B. The moving party shall send notice by regular mail of the motion for default to the party sought to be defaulted even if that party never appeared, as well as to all other parties in the case. The notice should be directed to the last known address of the alleged defaulting party.
- C. An Affidavit as to Military Service concerning the party sought to be defaulted is required.
- D. If a default order is entered, a subsequent prove-up date is usually set and the movant is required to send a copy of the default order including the prove-up date to the defaulted party, as well as to all other parties in the case. A proof of service of that order must be filed on or before the prove-up date.

Proving Up Actions in Debt

- A. Prove ups for Default Judgments should be set at 9:15am on the contested call.

- B. The moving party shall send notice to the last known address of the defaulted party by regular mail of the order setting the matter for prove-up or Notice of Motion of same [even if that party never appeared, as well as to all other parties in the case]. A proof of service of that order [or Notice of Motion] must be filed on or before the prove-up date.

- C. Plaintiffs proving up a default judgment for an action in debt should be prepared to present:
 - 1. Proof of Service of the setting Order or Notice of Motion(s) with Certificate of Service;
 - 2. Affidavit of Military Service with attached U.S. Department of Defense website printout (current within six (6) months);
 - 3. Signed affidavit of prove-up specifically referencing the alleged debt of the defendant/s against which judgment is sought attached to and incorporated by express reference within the motion for default; and
 - 4. Affidavit of attorney's fees and costs (all fees must be reasonable; fees sought in excess of \$1,000 must be supported by a time and task affidavit); and
 - 5. Any and all assignments or other documents (as applicable) demonstrating the movant's standing to obtain judgment; and
 - 6. Proposed Orders. (Note: The order of judgment must include a provision requiring that the movant mail a copy of the order within three (3) days to the last known address of the defendant/s).

Proving Up Actions in Debt by Assignees

A. For All Assigned Debt

At prove-up, in all cases of assigned debt, whether for collection or otherwise, there must be an affirmative statement in the verified pleading or supporting affidavit as to whether or not the debt was assigned at any point to a collection agency for collection, within the meaning of the Collection Agency Act.

B. Any Actions by a Collection Agency

At prove-up, any actions by a collection agency, within the meaning of The Collection Agency Act, 225 ILCS 425/1 *et seq.*, must be supported by an affidavit attesting to the date of the licensure of the agency or agencies, and to the fact that the agency or agencies were licensed at the time of the assignment(s) and at the time the complaint was filed.

C. For Assigned Debt Other Than Debt Assigned to a Collection Agency for Collection.

1. For assignees suing on debt [other than debt assigned to a collection agency for collection within the meaning of The Collection Agency Act, 225 ILCS 425/1 *et seq.*], the Court requires that the complete chain of title, including the name of the original creditor and all subsequent assignees and/or purchasers, be pled in the complaint.
2. For prove-ups of assigned debt [other than debt assigned to a collection agency for collection within the meaning of The Collection Agency Act], the Court requires sufficiently detailed affidavits, verified pleading, or documents sufficient to establish the Plaintiff's standing to sue on the specific debt or account of the Defendant.

D. For Debt Assigned to a Collection Agency for Collection

When the assignment is to a collection agency for collection, within the meaning of The Collection Agency Act, the court requires pleading and proof of every assignment, satisfying the requirements of 225 ILCS 425/8b(e), including:

1. Each written contract of assignment (affidavits are insufficient), which specifically state the date of each assignment, the consideration paid and

the identifying information for the account being collected for each assignment;

2. Incorporation of multiple documents by the assignee is allowed, provided that the incorporated documents are attached to the Complaint along with each assignment.

Courtesy Copies of Documents Required to Prove Up Actions In Debt

- A. In all actions in which a party seeks to prove-up an action in debt, courtesy copies of all papers required by the standing order to prove up such action in debt shall be provided to the Court 7 days (5 court days) before the hearing date.

Dated this 2nd day of December, 2019.

/s/ Luis A. Berrones
Associate Judge