

STANDING ORDER NO. 1
ORDER REGARDING PROCEEDING IN SMALL CLAIMS
(FOR WINNEBAGO COUNTY ONLY)
Presiding judge email: sbalogh@17thCircuit.IllinoisCourts.gov

Effective immediately and until further Order from the presiding judge of the small claims court, the following procedures shall be in effect in Winnebago County:

- A. Purpose:** The procedures set forth in this Order are intended to clarify procedures for small claims post-pandemic.
- B. Self-represented litigants:** An in-person call involving only first returns on summonses issued by self-represented litigants will be held every Tuesday at 8:30 and 9:00 a.m., and will be limited to no more than seven (7) cases in each 30 minute block. Litigants may appear either virtually or in-person.
- C. Attorneys:** Attorneys appearing in court, either personally or virtually, will be expected to be on time. In order to prevent congestion in the courtroom, cases set at a given time will not be passed or held over into another time slot on the docket but will be disposed of by order of the court. Dismissals for want of prosecution will be without prejudice only in the first instance. Cases dismissed for want of prosecution more than once may be dismissed with prejudice.
- D. Agreed orders and routine motions:** To the extent possible, parties are expected to use agreed orders and to file routine motions, both of which may be submitted directly to the circuit clerk for electronic signature by the court. Parties are directed to Local Circuit Rule 8.00 regarding the form of proposed orders and judgments submitted to the court.

- 1. Motions and notice of presentment** should be electronically filed with the circuit clerk. Motions submitted electronically should be uncontested and may be noticed for presentment on any Tuesday or Thursday, at least five business days after filing. The motion should expressly refer to and ask that unnecessary future dates be stricken, including the date set for presentment if the motion is granted as agreed. The party submitting the motion must include all other parties of record on any email or correspondence to the court.

Motions for default judgment will not be granted over the counter. Motions for **judgment by admission** must be accompanied by authorized signature by or on behalf of the defendant agreeing to judgment as well as a certificate of mailing or other service of the motion and notice upon the defendant.

- 2. Motions for special service pursuant to section 2-203.1** of the Code of Civil Procedure must be accompanied by an affidavit demonstrating the nature and extent of the investigation made to determine the whereabouts of the defendant as well as the reasons why personal service would be impractical.

3. **Agreed orders and dismissal orders** may be submitted directly to circuit clerk for electronic signature by the presiding judge. **The court will not order a payment schedule or plan and private agreements should not be included within any order submitted.** Attorneys are encouraged to file dismissals electronically with the clerk, including orders dismissing and seeking leave to reinstate to enforce private settlements. Any dismissal order should include a provision striking any and all future court dates.

E. Service of summons and case management date: At the time of filing of a small claims complaint, the circuit clerk will issue summons and set a first return date for the initial summons. Additionally, the circuit clerk will set a case management date by which service must be made. The case management date will be approximately 180 days after filing of the complaint. If the plaintiff does not obtain service, or if no motions are brought to the attention of the court, cases will be dismissed without prejudice on the case management conference date. All motions for default must be filed with a notice of presentment to the court. No default judgments will be granted over the counter and it will be the responsibility of the plaintiff to apprise served defendants of all court dates and file proof of mailing of notice of those dates.

In small claims, a defendant who fails to appear for a date for which there was proper notice, including both the courtroom and virtual meeting ID information, will be found in default if requested.

F. Jury demands: Pursuant to local rule, in any small claims matter in which any party files a jury demand will be transferred to the arbitration (AR) call. Where a jury demand has been filed, the parties may contact the clerk and obtain a time for a status hearing on the AR call and submit an agreed order directly to the presiding small claims judge for entry.

G. Virtual courtroom: The court will employ a virtual courtroom using Zoom. Attorneys and parties may appear for most matters either virtually or in-person. The court's general preference is that bench trials be conducted in person but parties and their witnesses may attend virtually with good cause. All parties are asked to provide the circuit clerk with an email address to which notices of in-court proceedings and virtual meeting ID information may be sent.

Date: 8.2.2021



Judge Stephen E. Balogh