

**IN THE CIRCUIT COURT OF THE 22ND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS**

IN RE THE MATTER OF PROCEDURES IN)	
COURTROOM 204, CIVIL DIVISION,)	
PURSUANT TO THE CONTINUITY OF)	Courtroom 204, Civil Division
OPERATIONS COVID-19 PROTOCOLS)	<u>Standing Order 2020-01</u>

**SUPPLEMENTAL STANDING ORDER FOR CASES
ASSIGNED TO JUDGE KEVIN G. COSTELLO**

PROCEDURES DURING COVID-19 PANDEMIC CONTINUITY OF OPERATIONS

Upon reopening of the Circuit for non-emergency matters, and so long as the Circuit's Pandemic Continuity of Operations remains in place, including social distancing guidelines, the Court sets out the following guidelines for procedures regarding various matters, supplementing and, where appropriate, amending the Court's current Standing Order.

STATUS/CASE MANAGEMENT CONFERENCES

The Court encourages that such conferences be conducted remotely. The Court's strongly-preferred option for remote access for such conferences is CourtCall. The Court has found CourtCall to be a highly efficient and effective means of conducting such conferences and sees no need for video remote access for such conferences.

As an alternative, for newer cases (which the Court defines as cases filed less than a year prior to the scheduled conference), the Court encourages the attorneys to agree to a discovery schedule and a new status/case management date, and to submit their proposed agreed orders to the Court in advance of the conference date through the procedure for submission of proposed orders set out in this and other standing orders of the Civil Division.

The Court does not expect or require that the parties submit an order setting out completion dates for all remaining discovery, but rather a completion date for the next phase of discovery to be completed. For example, if the parties have completed written fact discovery, the Court would anticipate an order setting a completion date for depositions of parties and the fact witnesses. Proposed orders with reasonable discovery completion dates (which the Court will define with more latitude during pandemic operations) will generally be accepted. Proposed orders without any discovery completion dates are discouraged and generally will not be accepted, absent exigent circumstances (i.e. representations by the attorneys that they are submitting the matter to mediation).

NON-EVIDENTIARY HEARINGS

The Court encourages that such hearings be conducted remotely, and the Court's preferred remote option is CourtCall, as the Court has concluded that video is not needed for such hearings. The Court's previous restrictions on use of CourtCall for such hearings are lifted during pandemic operations. If the attorneys insist upon a video remote hearing for such matters, the Court's preferred video remote service is through CourtCall. However, any video remote service that is compatible with the Court's computer capabilities (i.e. Zoom) will be accepted.

As an alternative to remote or in-person hearings, the Court encourages the parties to waive oral argument on the motion(s) at issue and submit the matter(s) for ruling by the Court based upon the briefs submitted. In such instances, barring exigent circumstances, the Court anticipates issuing a written ruling shortly after receipt of the stipulation to waive oral argument.

EVIDENTIARY HEARINGS AND TRIALS

The Court would prefer to hear such matters in-person in the courtroom. However, the Court acknowledges that the current pandemic may make conducting such hearings and trials in-person, in whole or in part, impractical or impossible. Therefore, the Court shall generally allow such hearings and trials be conducted, in whole or in part, remotely through an accepted video streaming service. Absent exigent circumstances, the Court will generally not accept conducting such hearings or trials through CourtCall or by other telephonic means.

JURY TRIALS

The Court acknowledges that so long as social distancing guidelines are in place, it will be extremely difficult, if not impossible, to conduct 12-person jury trials due to the significantly reduced available jury pool and social distancing requirements in the courtroom. Therefore, the Court strongly encourages parties that desire to proceed to trial in the near future and have filed a 12-person jury demand to reduce that to a 6-person jury demand, or as a preferred alternative waive the jury demand entirely.

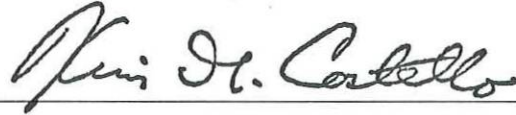
HANDLING OF ORDERS

So long as social distancing guidelines are in place, the Court will not allow draft orders to be submitted in the courtroom, for the protection of court personnel. For routine matters, the Court will draft the order and file it with the clerk. For more complex matters, the Court will direct the attorney(s) to submit the order electronically through the Court's proposed order system.

COURTESY COPIES

No courtesy copies shall be accepted so long as the Circuit's Pandemic Continuity of Operations remains in place. The Court shall obtain copies of applicable motion(s) and briefs from the Court's electronic file system.

DATED: 5.19.2020



KEVIN G. COSTELLO
Associate Judge