

DOMESTIC RELATIONS - COURTROOM 455

STANDING ORDER NO. 5 **(Post-Trial or Post-Hearing Motions)**

Post-trial or post-hearing motions in cases tried to the Court shall be filed in accordance with the procedures and established legal principles for “Motions after judgment in non-jury cases” (735 ILCS 5/2-1203), “Multiple Final Orders and Post-judgment motions” (Illinois Supreme Court Rule 274) and Local Rule 10.01 of the Local Rules of the 17th Judicial Circuit. **All such motions shall comply with the following requirements:**

- The motion **shall specifically state** whether it is based on: (1) newly discovered evidence that could not, in the exercise of reasonable diligence, have been discovered prior to the trial or contested evidentiary hearing; and/or (2) changes in the law applicable to the facts and issues presented at the trial or contested evidentiary hearing; and/or (3) errors in the Court’s application of existing law to the facts and issues presented at the trial or contested evidentiary hearing. *See In re Marriage of Heinrich*, 2014 IL App (2d) 121333, ¶¶54-55; *Wilfong v. L.J. Dodd Const.*, 401 Ill.App.3d 1044, 1063 (2d Dist. 2010).
- If the motion is based on “**newly discovered evidence**,” the motion **shall be verified or supported by an affidavit** stating, with specificity, why the evidence was not available at the trial or hearing and why it could not have been discovered in the exercise of reasonable diligence. *See In re Marriage of Epting*, 2012 IL App (1st) 113727, ¶¶41.
- If the motion is based on a “**change in the law**,” the motion shall provide a citation to the new or amended statute (including its “effective date”), or to the new Illinois Supreme or Appellate Court case, upon which the party relies for the relief sought in the motion.
- If the motion is based on an assertion that the Court erred in its “**application of existing law to the facts and issues presented at trial**,” the motion shall: (1) provide specific citations to the statutory section and subsections and/or to the specific Illinois Supreme and/or Appellate Court case(s) the party asserts were misapplied; and (2) specifically identify the evidence (*i.e.* witness testimony and exhibit numbers) which, when considered in light of the cited authorities, compels or otherwise requires reconsideration or modification of the judgment or order entered by the Court. If the testimony of a witness or witnesses is critical to the post-trial or post-hearing motion, the moving party shall obtain and supply the Court with a transcript of the relevant portions of the testimony.
- All post-judgment or post-hearing motions **shall**: (1) state with specificity the exact relief sought; and (2) identify the specific modifications to the Court’s judgment or the Court’s prior order the party believes are required, appropriate or otherwise just; and (3) when necessary, include any relevant mathematical calculations.
- Upon notice and presentment of a timely filed post-judgment or post-hearing motion, the opposing party may be provided with a reasonable period of time to file a written response.

- No oral argument will be scheduled or heard on a post-judgment or post-hearing motion unless at the specific request and direction of the Court.** Instead, upon receipt of the opposing party's written response (if any) the Court will decide the motion on the written submissions and issue an oral or a written decision on or before the date set by the Court for decision.

The Court, in its discretion, may strike and deny any post-judgment or post-hearing motion that does not comply with all of the requirements of this **Standing Order No. 5** and/or **Local Rule 10.10**. See the form of order attached to this Standing Order as **Exhibit A**.

SO ORDERED.

Entered: _____

5/4/15

JUDGE OF THE CIRCUIT COURT



EXHIBIT A

**STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
COUNTY OF WINNEBAGO**

IN RE MARRIAGE / PARENTAGE OF:)

_____)

_____)

Plaintiff / Petitioner,)

vs.)

_____)

Defendant / Respondent.)

Case No.: _____

**ORDER STRIKING / DENYING
POST-JUDGMENT OR POST-HEARING MOTION OR PETITION
(Standing Order No. 5 / Local Rule 10.01)**

On _____, Plaintiff-Petitioner/Defendant-Respondent filed a post-judgment or post-hearing motion or petition that does not comply with the requirements of this Court's **Standing Order No. 5** and/or **Local Rule 10.01** of the Local Rules of the Seventeenth Judicial Circuit.¹ In its discretion, the Court:

- Strikes the above-referenced post-judgment or post-hearing motion without prejudice. The moving party may re-file pursuant to 735 ILCS 5/2-1203 and/or Illinois Supreme Court Rule 274 and in conformance with the requirements of Standing Order No. 5 and Local Rule 10.01; or
- Denies the above-referenced post-judgment or post-hearing motion.

The Circuit Clerk shall mail a copy of this Order to all attorneys and/or parties of record.

SO ORDERED.

Entered: _____

JUDGE OF THE CIRCUIT COURT

¹ Available at <http://www.illinois17th.com> and in Courtroom 455 of the Winnebago County Courthouse.