

RULE CHANGES – 9/9/2009

13.02.1 DILIGENCE DATE

~~If service of process has not been had on a defendant, the court may set the case for a diligence date approximately six (6) months after the initial return date.~~ The Clerk of the Court shall issue a diligence date for each case classified "AR" for 9:00 a.m. seven months from the date of filing and shall notify the plaintiff of that date by affixing it on the complaint. The plaintiff must request the issuance of an alias summons and otherwise establish the exercise of diligence during the diligence period or the case may be dismissed pursuant to Supreme Court Rule 103(b). Except for good cause shown, no more than one diligence date will be given. Summons shall not issue for a return date beyond the diligence date set by a court except with leave of court. Any summons issued beyond that date without leave of court shall be considered a nullity.

In the event plaintiff's counsel does not appear on a return date of a summons issued with a future diligence date, the court shall take the matter off call.

16.03 RETURN DAY PROCEDURES

(a) Failure of Defendant to Appear: If the defendant fails to appear as required by a duly served summons, the Court may enter judgment for the plaintiff upon a verified complaint or proof by affidavit or testimony upon an unverified complaint.

(b) Written Appearance by Defendant: If the defendant files a written appearance on or before the return date, unless the Court orders the filing of a written answer, the defendant's appearance shall stand as an answer denying the allegations of the complaint.

(c) Plaintiff's Failure to Appear: If the plaintiff fails to appear on the return date, the case will be dismissed for want of prosecution.

~~(d) Plaintiff's Diligence: If service of process has not been had on the defendant, the plaintiff may request a single diligence date not to exceed six (6) months after the initial return date. The plaintiff must request the issuance of an alias summons and attempt service during the diligence period or the case may be dismissed for want of diligence. Except for good cause shown, no more than one diligence date will be given. Summons shall not issue for a return date beyond the due diligence date set by Court.~~

The Clerk of the Court shall issue a diligence date for each case classified "SC" or "SR", for 9:00 a.m. seven months from the date of filing and shall notify the plaintiff of that date by affixing it on the complaint. The plaintiff must request the issuance of an alias summons and otherwise establish the exercise of diligence during the diligence period or the case may be dismissed pursuant to Supreme Court Rule 103(b). Except for good cause shown, no more than one diligence date will be given. Summons shall not issue for a return date beyond the diligence date set by a court, except with leave of court. Any summons issued beyond that date without leave of court shall be considered a nullity.

In the event plaintiff's counsel does not appear on a return date of a summons issued with a future diligence date, the court shall take the matter off call.

(e) Continuances: Motions for continuances shall be governed in accord with Supreme Court Rule 231 and Local Rule 9.01.

(f) Case not Tried on the Return Date: Cases not tried or otherwise disposed of on the return date will be set for trial by order of the Court.

(g) Pre-Judgment Court Costs: Any litigant seeking court costs shall, at the time judgment is entered, tender an affidavit specifically and individually listing each and every cost incurred and the amount sought, together with a statement by affiant that these costs have been paid by affiant.

The Court will only take judicial notice of the filing fee and certified mail cost.