

#### **Rule 4. Motions.**

**(a) General Provisions.** Supreme Court Rule 361 allows this court to adopt a rule requiring all proposed motions to include a draft order for the convenience of the court. Pursuant to that rule, this court requires all motions to include a proposed order written in the alternative (that is, “allowed/denied”), as an additional non-paginated document and containing three signature lines. If the proposed order is more than one page in length, the signature lines shall not be set forth alone on a separate page. In addition, any motion filed in this court shall (1) comply with Supreme Court Rule 361 or, as applicable, Supreme Court Rule 610; (2) include a notice of filing and a proof of service as required by Supreme Court Rule 11; (3) be paginated; and (4) bear a title that indicates the specific nature of the relief sought (such as “Motion for Extension of Time to File Appellant’s Brief”).

The appellate docket number must appear at the top of each page of the order. Parties filing on paper because they are exempt from e-filing must file an original and three copies of the motion, with proof of service attached at the back of the original and each copy.

**(b) Assignment of Motions.** The division to which the case has been assigned shall hear any motion on the case. The presiding judge (or designee) shall generally consider motions of course once a week. If all judges of the division are unavailable and there is an emergency or special need for promptness, the chair of the Executive Committee may designate another division or judge to hear the motion. If the chair is unavailable, then any member of the Executive Committee may make the designation. If no member of the Executive Committee is available, then any judge may rule on the emergency motion.

**(c) Motions for Extensions of Time.** A motion for extension of time shall be supported by affidavit as required by Supreme Court Rule 361(f). The court strongly prefers that parties file motions for extension of time sufficiently in advance of the due date so that the court can resolve the motion and any objection to the motion before the due date. The extended due date requested shall be at least 14 days after the original due date, so that the existing deadline will not have passed before the motion can be heard. The motion and accompanying order shall specify a calendar date (that is, “extension to February 20, 2021”), rather than a number of days (such as “an additional 28 days”).

Extension motions in a criminal case must comply with Supreme Court Rule 610.

**(d) Motions to File *Instanter*.** If a motion requests to file a record, supplemental record, brief, or other material *instanter*, the title of motion shall so indicate, and the proposed order should include the word “*instanter*.” The material to be filed *instanter* must be placed in the filing queue along with the motion. In addition, the material to be filed *instanter* must also be filed by itself in a separate e-filing envelope.

**(e) Records.** All records are filed electronically. The clerk of the circuit court or the administrative agency shall transmit records and supplemental records to this court electronically. If the record on appeal is transmitted timely, then the clerk of this court shall docket the record and send a notification to the parties by letter.

No untimely record or supplemental record may be filed without leave of court. With respect to records filed untimely and all supplemental records, the clerk of this court will contact the attorney of record or self-represented litigant, notifying them that the record or supplemental record has been transmitted and that a motion for leave to file *instanter* is required. If no motion is filed, the clerk may reject the record or supplemental record and return it to the clerk of the circuit court or administrative agency.

**(f) Motions for Stay.** A motion to stay proceedings in this court shall include an order requiring that the movant or other party must file a status report by a date certain.

The status report must be filed by the due date ordered by this court. A motion for leave to file *instanter* must be filed if the status report is filed late.

**(g) Stand-Alone Motions.** A motion shall not include both a request for relief and a response to an already-filed motion. The motion and response must be filed separately. A response to a motion shall not include a new motion or request for new relief.

**(h) Transmission of Orders.** The clerk shall mail or electronically transmit a copy of any order on a motion to all attorneys or self-represented parties of record. The failure of the clerk to send the copy, or the failure to receive the copy, shall not affect the validity or effect of the order.

**(i) Motions for Clarification.** Proposed orders accompanying motions for clarification shall not merely indicate that the motion is granted or denied but shall also specify the relief being requested upon clarification.

**(j) Emergency Motions.** The court will not accept an emergency motion unless the appeal has been properly docketed pursuant to these rules or is presented pursuant to Rule 3(b). Emergency motions shall (1) be captioned as such, (2) specify the nature of the emergency and the grounds for the relief requested, and (3) specify in the first paragraph the date, if any, by which the court must act on the motion. The movant shall attach to the motion copies of all relevant circuit and appellate court documents, including court orders. The clerk shall immediately direct any emergency motion to a justice pursuant to Rule 4(b).

Emergency motions shall be served in a manner calculated to ensure prompt receipt and in compliance with Supreme Court Rule 11.

Emergency motions shall only be filed when a matter involves a genuine emergency. Motions for extensions of time to file a record or brief are not emergencies.

The court may (1) request a response by a certain date, (2) wait for the time provided by the Supreme Court Rules for a response, (3) resolve the motion, or (4) take other appropriate action.

**(k) Motions to Amend a Notice of Appeal.** If the time to file an amended notice of appeal (or cross-appeal) by right under Supreme Court Rule 303(a) or Rule 606 has expired and a party files a motion in this court pursuant to that rule, the motion must (1) specify the information

being modified, (2) include a proposed order specifying that modification, (3) be accompanied by a proposed amended notice of appeal (or cross-appeal), (4) be accompanied by a copy of the original notice of appeal, and (5) specify the amendment being requested. Similarly, a timely amended notice of appeal (or notice of cross-appeal) filed with the clerk of the circuit court should specify the amendment being made.

**(l) Motion to Withdraw or Substitute Counsel.** Attorneys seeking to withdraw or substitute as counsel must file a motion consistent with Supreme Court Rule 13(c). If an attorney appears as additional, not substituted counsel, the attorney may simply file an additional appearance titled as such, with proof of service and payment of the appropriate fee. If one attorney or law firm withdraws and is simultaneously substituted, the substituting counsel need not pay an additional fee. If the substitution is not simultaneous, then the substituting counsel shall pay the appropriate fee.

**(m) Motion for Prehearing Conference—Supreme Court Rule 310.** The clerk shall process motions for a prehearing conference under Supreme Court Rule 310 as required by Rule 21 of these rules.