

## 10.6 Small Claims Proceedings for Real Estate Tax Objections

In order to facilitate the dispositions of Tax Specific Objections Valuation cases, the following small claims procedures are established:

### A Small Claim Defined

- . The tax refund sought does not exceed \$30,000 (\$50,000 if the objector submits an MAI appraisal as evidence).

### B Maximum Refund

- . The amount of refund is strictly limited to the amount stated in Section A.

### C. Election Irrevocable

- . The election to proceed as a small claim is irrevocable and must be initiated at the

Case Management Call [[See Appendix, No.1, order form for small claims election](#)]. Compliance with Section 2-50 of Circuit Court Rule 10.8 is a prerequisite to the election to proceed as a small claim.

### D. Discovery Only Pursuant to Court Order:

Except for the disclosure of opinion witnesses, discovery in proceedings pursuant to this rule shall proceed only by court order or by agreement of the parties.

### D E. Procedures:

- . **1. MotionElection to Proceed:**

1. The MotionElection to Proceed as a small claim must be submitted in writing at the Case Management Call [[See Appendix, No.1, order form for small claims election](#)].

2. ~~A Section 2-50 cover sheet and a Pre-trial Memorandum for each tax year concerned shall accompany each Motion to Proceed. See appendix to this Rule for Court Approved Forms A and B.~~

### 22. Calendar Assignment of Trial Judge:

Each Tax Objection Valuation case will be assigned to a calendar randomly by the Circuit Court Clerk prior to the Case Management Call...[need to clarify this language] Trial Judge will be assigned to the small claim case at the Case Management Call. [See Appendix, No.1, order for Case Management Call].

**3. Scheduling of Pre-trial Settlement:**

~~The parties to the small claim must obtain a pretrial conference date from the trial judge's clerk within 14 days of the Case Management Call. Failure to schedule a pre-trial conference date within the specified time shall be cause for dismissal of the case for want of prosecution.~~

**4. Scheduling of Status and Pre-Trial Conferences**

a. Initial Status Conference. The parties shall appear before the Court or present an order within 4 months of the Case Management Call indicating whether the case has been settled. If the parties have not yet settled the case, the Court shall enter an order setting the case for a Second Status Conference on the first available date for Tax Objection Valuation Status & PreTrials on the respective calendar in the eighth month following the Case Management Call [See Appenendix, No. 2, order form for setting second status conference.]

3. b5. Second Status Conference. The parties shall appear before the Court or present an order indicating whether the case has been settled. If the parties have not settled the case, the Court shall set the case for a mandatory Pre-Trial Conference on the first available date for Tax Objection Valuation Status & Pre-Trials on the respective calendar in the twelfth month following the Case Management Call. [See Appendix No. 3, order form for scheduling mandatory pre-trial converence].

**c4. Pre-trial Settlement Conference:**

The Court shall conduct a ~~p~~Pretrial settlement cConference with the parties within 12 months of the Case Management Call~~84 days (12 weeks) of the Case Management Call~~. If the parties fail to settle the case during the Pre-Trial Conference, the trial judge shall enter an order setting the last date to disclose opinion witnesses ~~(see section 6)~~, setting the last date to complete discovery, if any (see section 7), ~~and setting the trial date (see section 7)~~ and setting the trial date. Both Parties must cooperate in preparing a final pre-trial order to be delivered to the trial judge 7 days in advance of trial. See Appendix to this Rule for Court Approved Form C.

**5. Discovery Only Pursuant to Court Order:**

~~Except for the disclosure of opinion witnesses, discovery in proceedings pursuant to this rule shall proceed only by court order or by agreement of the parties.~~

**6. Opinion Witnesses:**

~~3. Disclosure of Opinion Witnesses:~~

~~Both Parties must disclose the identity of their opinion witnesses, their conclusions, opinions, qualifications and reports within 147 days (21 weeks) of the Case Management Call. Failure to disclose by that date shall act as a bar in the case of the testimony of the witnesses and submission of any of their reports.~~

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~~6. Duty to Supplement Opinion Disclosures:~~

~~A party has a duty to seasonably supplement or amend any prior disclosed information whenever new or additional information subsequently becomes known to that party.~~

**7. Failure to Settle Case:**

~~1. Trial Date:~~

~~The parties must complete all discovery within 210 days (30 weeks) of the Case Management Call. The trial date set by the court shall not be sooner than 273 days (39 weeks) after the Case Management Call.~~

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~~2. Final Pre-Trial Order:~~

~~Both Parties must cooperate in preparing a final pre-trial order to be delivered to the trial judge 7 days in advance of trial. See Appendix to this Rule for Court Approved Form C.~~

APPENDIX TO CIRCUIT COURT RULE 10.6

1. Small Claim Election/Case Management Order
2. Order Scheduling Second Status Conference – Small Claims
3. Order Scheduling Mandatory Pre-Trial Conference – Small Claims