**Section 120.301 Motions**

a) All motions made before or during a hearing shall be made to the ALJ and, unless made orally on the recordduring a hearing or unless the ALJ directs otherwise, a motion shall be in writing and shall be accompanied by any affidavits or other evidence relied upon and, when appropriate, by a proposed order. Two copies of all motions shall be filed with the ALJ, and at least one copy shall be served on each additional party, if any, to the hearing.

b) Within 7 days after service of a written motion or other document, or other period as the ALJ may allow, a party may file a response in support of or in opposition to the motion and, if necessary, accompanied by affidavits or other evidence. A party filing a motion has the right to request from the ALJ leave to file a reply to a response.

c) No oral argument will be heard on a motion unless the ALJ directs otherwise. A written brief may be filed with a motion or an answer to a motion stating the arguments and authorities relied upon. The brief will be no longer than 15 pages in length unless, prior to the filing date, leave is granted to file a brief greater than 15 pages.

d) A written motion filed prior to a hearing will be disposed of by written order and on notice of all parties, except for motions made at or after the opening of a hearing, in which case the ALJ shall announce his or her ruling orally on the record at the hearing. All motions, rulings and orders shall become a part of the record, except that rulings on motions to revoke subpoenas shall become a part of the record only upon the request of the party aggrieved. Except as provided in subsection (i), rulings by the ALJ on motions and/or objections, and orders in connection with those motions and/or objections, shall not be appealed directly to the Director but shall be considered by the Director in reviewing the record if exception to the ruling or order is included in the statement of exceptions filed with the Director pursuant to Sections 120.640 and 120.650.

e) The ALJ shall rule upon all motions, except that the ALJ shall have no authority to dismiss or decide a hearing on the merits without granting all parties to the proceeding a right to be heard in accordance with the procedures for motions in this Section, which shall constitute the record.

f) Unless otherwise ordered, the filing of an answer or motion shall not stay the proceeding or extend the time for the performance of any act.

g) A party may participate in the proceeding without forfeiting any jurisdictional objection, if the objection is made within 10 days after the receipt of notice of hearing. Any party may file a response to the objection within 10 days after service. The right to make motions or to object to rulings upon motions shall not be deemed waived by the filing of an answer or by other participation in the proceedings before the ALJ.

h) A party has a right to file an emergency motion setting forth why an emergency exists and the ALJ can deny the emergency motion solely on the basis that the motion did not demonstrate that an emergency exists.

i) If any motion in the nature of a motion to dismiss or for summary judgment is granted by the ALJ before filing his or her final decision in a matter scheduled for hearing, any party may obtain a review of the granting of the motion by filing a request with the Director stating the grounds for review and, immediately upon filing, shall serve a copy of the request on the other parties. Unless the request for review is filed within 15 days from the date of the order of dismissal or granting of summary judgment, the decision of the ALJ shall become final.

j) A party has the right to appeal any order issued by an ALJ during the pendency of a proceeding.

(Source: Added at 38 Ill. Reg. 17631, effective August 15, 2014)