**Section 5300.730 Motions and Objections**

a) Motions and objections directed to the Administrative Law Judge pursuant to the authority granted in Section 5300.530(b) may be stated in writing or on the record, except for a motion to amend the pleadings pursuant to Section 5300.650(a), which must be in writing.

1) A written motion shall briefly state the Order or relief requested and the specific grounds upon which relief is sought.

2) A written motion shall be served at the same time upon all parties and filed at the Commission office of the Administrative Law Judge to whom it has been directed.

3) The following motions shall also be served upon the Department:

A) Motion to dismiss and any response to the motion pursuant to Section 5300.640(b). This subsection (a)(3)(A) shall be construed to include any motion for summary decision, or other motion regardless of title, that requests dismissal of the complaint;

B) Motion to amend the pleadings pursuant to Section 5300.650(a); and

C) Motion to allow a Commission or Department employee to testify at a hearing pursuant to Section 5300.750(b)(4).

b) Except as provided in subsection (f), for motions to dismiss, the complaint and motions for summary decision, responses to written motions may be filed by any party within 5 days after service of the motion, or within any other period as the Administrative Law Judge may order, and shall be served at the same time upon all other parties. In deciding whether to extend the period for responding to the motion, the Administrative Law Judge shall consider the complexity of the issues raised by the motion, and the ability of the responding party to file a response within the 5-day period. Except under extraordinary circumstances, the time for responding to a motion shall not exceed 45 days. The Administrative Law Judge may, on the Administrative Law Judge's own motion or motion of the Department, enter an Order permitting the Department to file a response to a written motion. In deciding whether to allow the Department to file a response, the Administrative Law Judge shall consider:

1) Whether resolution of the motion raises issues beyond those involved in the specific case;

2) Whether the Department has an interest different from that of the complainant or respondent; and

3) Whether the Department can articulate a particular point of view better than one or both parties.

c) Written motions and responses should set forth the arguments and authorities relied upon to permit the Administrative Law Judge to decide without oral argument on the motion.

d) Written Notice of Hearing on the motion shall be filed at the Commission's office, along with a copy of the motion, and served upon all parties and also upon the Department as specified in subsection (a). The Notice of Hearing on the motion shall show the name of the Administrative Law Judge before whom, and the date and time when, the motion shall be presented. The motion shall be in writing and a copy of the motion or a statement that it previously has been served shall be served with the notice. Copies of all papers to be presented to the Administrative Law Judge with the motion shall be served with the notice or the notice shall state that copies have previously been served. The moving party shall schedule the motion for hearing by entering the case name and ALS number and the nature of the motion in the motion book in the Commission's Chicago office.

1) If notice of hearing is given by personal service, the notice shall be delivered before 4:00 P.M. on the second State business day preceding the hearing of the motion.

2) If notice is given by mail, the notice shall be deposited with the U.S. Postal Service no later than the fifth State business day preceding the hearing of the motion. The certificate of service attached to the motion will be prima facie proof of the date the notice is deposited with the U.S. Postal Service.

e) All motions arising out of complaints in which the site of the alleged civil rights violation is outside Cook County and all motions arising out of complaints proceeding under the alternative hearing procedure of Section 8A-102.5 of the Act shall be governed by the procedures specified in subsections (a), (b) and (c). These motions shall not be noticed for hearing at the Commission's office in Chicago; however, if all of the parties to a complaint, except to a complaint proceeding under the alternative hearing procedure of Section 8A-102.5 of the Act, in which the site of the alleged discrimination is outside Cook County agree to appear for a hearing on a motion at the Commission's Chicago office, the procedure specified in subsection (d) may be utilized.

f) Regardless of the site of the alleged civil rights violation, all motions to dismiss the complaint and all motions for summary decision shall be filed and responded to in accordance with the procedures set forth in subsections (a), (b), and (c).

g) All motions on complaints proceeding under the alternative hearing procedure of Section 8A-102.5 shall be decided by the selected Administrative Law Judge based on the written motions and responses only, except when the Administrative Law Judge deems oral argument useful; in that case, the Administrative Law Judge shall issue an Order setting a date and time for the motion to be argued. Oral argument may be set at a Commission office or by telephone conference hearing.

(Source: Amended at 46 Ill. Reg. 17343, effective October 5, 2022)