Getting Started

Motion

IMPORTANT: This getting started guide and the instructions are not legal advice. They are only meant to help you learn how to use a *Motion* form in your case. Your use of these forms does not guarantee you will be successful in court.

To learn how to fill out the forms and file them with the court, read the *How to File & Send a Motion & Notice of Court Date for Motion* instruction sheet and the instructions on the forms.

Names of the forms:	 Motion Order Notice of Court Date for Motion (if needed, read Getting Started Notice of Court Date for Motion) 			
Purpose of the forms:	Use these forms when you need to see the judge and ask for something in your case. For example, if you want to change a court date or change a previous order.			
Types of cases the forms CAN be used for:	All civil cases. For example, divorce cases, family cases, eviction cases, small claims cases, lawsuits for injury or property damage, and contract disputes.			
Types of cases the forms CANNOT be used for:	All criminal, traffic, and juvenile justice cases.			
Special information or papers needed to complete the forms:	 You may need a Notice of Court Date for Motion form, but some courts do not require it. You may need a Proof of Delivery for the Order. See How to File & Send a Motion & Notice of Court Date for Motion. 			
Rules and statutes covering the forms:	Illinois Supreme Court Rules 11, 12, 104, 105, 106, 137, 182, 184, 191, 192, 274, 287 735 ILCS 5/2-601 et seq			
Where to find the forms and instruction sheet:	ilcourts.info/forms			
For more information:	Read the How To File & Send a Motion & Notice of Court Date for Motion instruction sheet that comes with these forms. You may also find more information, resources, and the location of your local county self-help center at illinoislegalaid.org/Motion .			

HOW TO FILE & SEND A MOTION & NOTICE OF COURT DATE FOR MOTION

NOTE: If there are any words or terms used in these instructions that you do not understand, please visit Illinois Legal Aid Online at

<u>illinoislegalaid.org/lexicon/glossary</u>. For more information about going to court including how to fill out and file forms, call or text Illinois Court Help at 833-411-1121 or go to <u>ilcourthelp.gov</u>.

Who can file a Motion?

Any person who is involved in a court case and wants to ask the judge to do something can file a *Motion*. For example, you might file a *Motion* to: schedule a new court date, ask for more time to move in an eviction, change an earlier order, or to explain why you missed court so you can ask for a new court date.

What forms do I need to fill out?

- Motion: use this form to explain what you want the judge to do and any reasons why the judge should say yes to your request. The email address (if you have one) and mailing address you put on the Motion is where important legal documents will be sent to you. You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.
- Order: is used by the judge to say if your Motion is granted or denied.
- Notice of Court Date for Motion: use this form to schedule the court date when you will see the judge. This form also:
 - Lists the date, time, and place where you will see the judge;
 - Lists the names and addresses of the other parties or the names and addresses of their lawyers; AND
 - Lets the other parties in the case know about the court date.

Where can I find the forms I need?

You can find the forms at: ilcourts.info/forms.

Are there any costs to file a Motion?

- Some Motions require a filing fee but there are many Motions where the filing is free.
- The Circuit Clerk will let you know if there is a fee for your *Motion*. Also, many courts have the court fees listed on their websites.
- If you cannot afford to pay the filing fee, you can ask the court to file for free or at a reduced cost by filing

an Application for Waiver of Court Fees found at ilcourts.info/forms.

What do I do after I fill out my forms?

Step 1: File your *Motion* forms with the Circuit Clerk in the county where the court case is filed.

Filing your court forms

- After you fill out your court forms, file them with the Circuit Court Clerk. This is done by electronic filing, called 'e-filing'. You do not have to e-file if:
 - · you qualify for an exemption or
 - your case involves a criminal matter.
- Most people e-file their forms using Odyssey eFileIL at <u>ilcourts.info/efile</u>.
- Follow step-by-step instructions and watch videos that walk you through the steps for e-filing at ilcourts.info/EfileHowTo.
- E-filing may not work on a cell phone or tablet. You may need to use a computer to e-file.
- If you do not have access to a computer or if you need help e-filing, take your completed forms to a public library, or a Circuit Clerk, Appellate Clerk, or Supreme Court Clerks' office. These places offer public computers where you can to e-file your forms. Librarians and courthouse staff are not able to provide legal advice.
 - You can bring your forms on paper or saved on a flash drive. The public computer will have a scanner where you can turn your paper forms into electronic files.
- Some people are exempt from e-filing, which means they can file paper forms at the courthouse or by mail. People who do not have to e-file are:
 - inmates in prison or jail who do not have a lawyer
 - people with a disability that keeps them from efiling
- You may also qualify for an exemption from e-filing if.
 - You do not have Internet or computer access in your home, and it is hard for you to travel.
 - You have trouble reading, writing, or speaking English.
 - You are filing documents in a sensitive case, such as an order of protection.
 - You tried to e-file your forms, but you were not able to because the equipment or help you needed was not available.

(05/23)

- To ask for an exemption from e-filing, use the form at ilcourts.info/ExemptionCircuit. If you can't print this form, then ask for it at your local courthouse.
 - File your Certification for Exemption from E-Filing form with your other court forms at the Circuit Clerk's office or by mail.
 - Bring or send your signed court forms and at least two copies of your forms to the Circuit Clerk's office. Ask them to stamp your copies and return them to you.
 - If you need to make copies of your forms, you can do that at the Circuit Clerk's office. They may charge you to make copies.
 - If you mail your court forms to the Circuit Clerk's office, include a stamped envelope addressed to you. The Circuit Clerk will file your forms then send your copies back to you in the envelope.

Step 2: Ask for a court date.

- Ask the Circuit Clerk if you have to schedule a court date or if one will be scheduled automatically.
- If you need to schedule the court date, ask the Circuit Clerk how to do so. The Circuit Clerk may schedule the court date or you may have to speak with other court staff.
- When you get your court date, ask if the court will send notice of the court date to the other party or if you need to.
- If you need to send notice, complete the Notice of Court Date for Motion.

Make sure you know how you are to attend your court date.

Your court date could be in person, by phone or by video. If it is by phone or video it is called a "Remote Appearance." Call the Circuit Clerk or visit their website for more information. To find the phone number for your Circuit Clerk, visit ilcourts.info/CircuitClerks.

Step 3: Send a copy of your *Motion* forms to the other party.

- You must send your forms to the other parties in the case. If a party has a lawyer, send the forms to the lawyer.
- o If you and the person you're sending the *Motion* to have an email address, you must send it by email or by notification through the e-filing system. If you or the person you're sending the *Motion* to does not have an email address, you may give it to the other parties by personal hand delivery, mail, or third-party commercial carrier (for example, FedEx or UPS).

Step 4: Get ready for your court date.

Decide and write down:

- What you want to ask the judge to do for you;
- What you will say to the judge if asked to tell your side of the case; AND
- Questions you have for witnesses, if there are any.
- Gather and make copies of pictures and documents you want the judge to see. Bring the original for the judge and one copy for you and each of the people in the case. If your court date is by phone or video, contact the Circuit Clerk and ask how you can get a copy of these items to the judge. You might have to e-file them like your other documents. You will also have to get a copy of these items to the other parties.
- If you want the judge to hear from other people, those people will have to attend court and be witnesses (in most cases, you cannot bring in written statements of witnesses). If your court date is by phone or video, you will have to arrange for your witnesses to attend by phone or video.

Step 5: Attend your court date.

- You must attend the court date if one is scheduled. If you do not, the judge could enter an order or judgment against you.
- o If your court date is by phone or video:
 - Make sure to have the call-in or login information for your court date and make sure your technology is working.
 - Follow the instructions on the court notice you received. Call the Circuit Clerk or Circuit Court or visit their websites for specific technology instructions.
 - - $\underline{ilcourts.info/AllRemoteCourtResources}.$
- o Have these items with you on your court date:
 - Photo I.D.;
 - Copies of all the documents you filed with the Circuit Clerk;
 - Copy of your Order; and
 - Other papers or proof related to your Motion.
- Arrive for your court date at least 15 minutes early. If you are going in person to court, add more time for going through security.
- If your hearing is in person, find the courtroom number listed on your court forms. If your forms do not have a courtroom number look for a list of cases at the courthouse or ask the Circuit Clerk.
- You may need to check in with the courtroom staff.
 Then, wait for your name and case number to be called.

 When your case is called, introduce yourself to the judge. If you are attending by phone or video, remember to unmute yourself.

How do I present my case to the judge and what happens after?

Step 1: Tell the judge your side of the case and answer questions.

- o Show evidence including documents and photos.
 - Give a copy to the judge and a copy to the other party. Be prepared to explain why the document or photo is important.
- Question your witnesses.
 - Tell the judge the name of your witnesses.
 - Ask the witnesses questions you prepared in advance.
 - The judge and the other party can ask questions of your witnesses when you are done.
- The judge decides whether the documents, photos, or witness testimony can be considered in making a decision about your case.

Step 2: The other party presents their case.

- The other party will also get to present their case by testifying, giving the judge evidence, and questioning witnesses.
- You will get to see any documents and photos the other party brings to court. If you do not think the judge should consider them in making a decision about your case, tell the judge why.
- You may ask questions of the other party's witnesses. Write down your questions while they are speaking to the other party or judge.

Step 3: The judge makes a decision after both sides present their case.

- The judge has to make a decision. The decision is called a court order.
- If the judge needs more information to make a decision, the judge may set up another court date. Make sure you understand what information is needed and get it before the new court date.
- If the judge needs to think about it more, the judge may let you know the decision later by sending a court order or at another court date.
- If the judge has enough information, the judge may decide right then and fill out a court order.
 - Get a copy of the order that has the court stamp on it.
 - If the other party was not in court to get a copy, you must send them a copy by 5:00 p.m. on the date you get the order. Fill out and file a *Proof of Delivery* court form with the Circuit Clerk to show that you sent the copy. You may find the *Proof of Delivery* at ilcourts.info/forms.

STATE OF ILLINOIS, CIRCUIT COURT COUNTY		MOTION	For Court Use Only
Instructions ▼ Directly above, enter the name of the county where the case was filed. Enter the name of the person who started the lawsuit as Plaintiff/Petitioner.		i oner (First, middle, last name)	
Enter the names of the people and businesses sued as Defendants/ Respondents. Enter the Case Number	V.		
given by the Circuit Clerk.	Defendants / F business name	Respondents (First, middle, last name, or)	Case Number
In 1, title your Motion. Explain in a few words what you are asking the judge to do. This should match the title you wrote in 1 on the Notice of Court Date for Motion.	 Motion to Motion by 		t/Respondent
In 2 , check if you are the Plaintiff/Petitioner or Defendant/Respondent.	3. Write what you:	t you are asking the judge to do and the reason	ns why the judge should agree with
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perjury, a Class 3 Felony.							
If you are completing this form on a							
computer, sign your name by typing it. If	Prir	nt Your Name		City, St	ate, ZIP		
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Enter the Case Number given by the Circuit Clerk: _____

	Enter the Case	e Number given by the Circuit Clerk:	
In c , fill in the date and time that you are sending the document.	c. On:	at:	. 🔲 p.m.
In 2, if you are sending the document to more than 1 party or lawyer, fill in a, b, and c. Otherwise leave 2	2. I am sending this document: a. To: Name:		
blank. In 2a, enter the name, mailing address, and email address of the party you are sending the document to. If they have a lawyer, you must enter the lawyer's information.		Middle City tronic filing service provider (EFSP)	Last State ZIP
In 2b, check the box to show how you are sending the document. CAUTION: If you and the person you are sending the document to have an email address, you must use one of the first two options. Otherwise, you may use one of the other options.	person you are sending the do ☐ Personal hand del ☐ The party	below if you do not have an email addrest ocument to does not have an email add livery to: mily member who is 13 or older, at wyer wyer's office	ress.
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If you are sending your document to more than 2 parties or lawyers, check the box and file the <i>Additional Proof of Delivery</i> with this form.	☐ I have completed an <i>Additional</i>	Proof of Delivery form.	
Under the Code of Civil Procedure, 735 ILCS 5/1-109, making a statement on this form that you know to be false is perjury, a Class 3 Felony.	I certify that everything in the <i>Pro-</i> a false statement on this form is p 735 ILCS 5/1-109. /s/ Your Signature	-	=
If you are completing this form on a computer, sign your name by typing it. If	Print Your Name	City, State, ZIP	
you are completing it by hand, sign and print your name. Enter your complete	Telephone	<u>Email</u>	
address, telephone number, and email	GETTING COURT DOCUMENTS BY EMA	AIL: You should use an email account that	you do not share with anyone

GETTING COURT DOCUMENTS BY EMAIL: You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

address, if you have

one.

		ilcourts.iiilo/iorilis.	
STATE OF ILLINOIS, CIRCUIT COURT COUNTY		ADDITIONAL MOTION	For Court Use Only
Instructions ▼	I		
Directly above, enter the name of the county where the case was filed.			_
Enter the name of the person who started the lawsuit as Plaintiff/Petitioner.	Plaintiff / Petitione	r (First, middle, last name)	
Enter the names of the people and businesses sued as Defendants/Respondents.	V.		
Enter the Case Number given by the Circuit Clerk.	Defendants / Responsioness name)	ondents (First, middle, last name, or	Case Number
If you do not have enough room on the <i>Motion</i> form, fill out this form and attach it to the <i>Motion</i> .	2. Motion to:		

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STATE OF ILLINOIS, CIRCUIT COURT COUNTY			COURT DA	TE	For Court Us	e Only	
Instructions ▼							
Directly above, enter the name of the county where the case was filed.							
Enter the name of the person who started the lawsuit as Plaintiff/Petitioner.	Plaintiff / Peti	tioner (First, middle, la	st name)				
Enter the name of the person being sued as Defendant/Respondent.	V.						
Enter the Case Number given by the Circuit Clerk.	Defendant / R	espondent (First, mide	dle, last name)		Case Numl	ber	
In 1, title your <i>Motion</i> . Explain in a few words what you are asking the judge to do. This should match the title you wrote in 1 on the <i>Motion</i> .	 Motion to Hearing I 						
In 2, enter:	The heari	ng for the <i>Motion</i> I fil	ed is scheduled:				
-The court date and time of your hearing. Call your Circuit Clerk to get this information. If e-filing in Cook		Date son at:	at <u>Time</u>		∏ p.m. i	n <i>Courtrooi</i>	m
County, you may get the date when you e-file.	Courth	ouse Address		City	/	State	ZIP
-The courtroom and address of the court buildingThe call-in or video information for remote appearances (if applicable).	is calle	tely (You may be ab ed a "Remote Appea y telephone:	rance.")	·	•	ideo confere	ence. This
-The clerk's phone number and website.	В	<i>Call-i</i> y video conference:	n number for telep		appearance		
All this information is available from the			Video conference				
Circuit Clerk, you can find their contact information at:		ideo conference log-in i	ntormation (meeti	ng ID, passwo	·	eir website a	at
ilcourts.info/CircuitCle rks.			al Circuit Clerk's pl to fii	hone # nd out more	_		
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Under the Code of Civil Procedure, 735 ILCS 5/1-109, making a statement on this form that you know to be false is perjury, a Class 3 Felony.	under	stand that r		ice of Court Date fo atement on this for			provided
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Enter your complete address, telephone number, and email	Email	COURT DO	CHMENTS DV EM	Telep			ney # (if any)
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than 1 party or lawyer, fill in a , b , and c . Otherwise leave 2	2 . la	_	his document:				
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you **must** enter the lawyer's information.

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you may use one of the other options.	☐ The party's lawyo ☐ The party's lawyo ☐ Mail or third-party ca	er's office
In c , fill in the date and time that you are sending the document.	c. On:	_ at:
If you are sending your document to more than 2 parties or lawyers, check the box and file the <i>Additional Proof of Delivery</i> with this form.	☐ I have completed an Additional Pro	pof of Delivery form.
Under the Code of Civil Procedure, 735 ILCS 5/1-109, making a statement on this form that you know to be false is perjury, a Class 3 Felony.		of Delivery is true and correct. I understand that making jury and has penalties provided by law under Street Address
If you are completing this form on a computer, sign your name by typing it. If you are completing it	Print Your Name	City, State, ZIP
by hand, sign and print your name. Enter your complete address, telephone number, and email	Telephone	Email Attorney # (if any)
address, if you have		• • •

Enter the Case Number given by the Circuit Clerk: _

GETTING COURT DOCUMENTS BY EMAIL: You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

STATE OF II CIRCUIT O	•	ORDER ON MOTION	For Court Use Only
	_ COUNTY	ORDER OR MOTION	
Instructions ▼			
Directly above, enter the name of the county where the case was filed.			
Enter the name of the person who started the lawsuit as Plaintiff/Petitioner.	Plaintiff / Petit	ioner (First, middle, last name)	
Enter the name of the people or businesses sued as Defendants/ Respondents.	V.		
Enter the Case Number given by the Circuit Clerk.	Defendants / I	Respondents (First, middle, last name, or	Case Number
In 1, title your <i>Motion</i> . Explain in a few words what you are asking the judge to do. This should match the title you wrote in 1 on the	 Motion to Motion by 		/Respondent
Motion. In 2, check if you are the Plaintiff/ Petitioner or Defendant/ Respondent.	3. Date Moti	_	тезропиен
In 3 , enter the date you filed this <i>Motion</i> .			
	People in	court ☐ Plaintiff/Petitioner ☐ Plaintiff ☐ Defendant Attorney ☐ Other:	Attorney Defendant/Respondent
DO NOT complete this section unless the Judge tells you to.	 Th	t orders: e <i>Motion</i> is granted. e <i>Motion</i> is denied. e <i>Motion</i> is granted in part and denied in part a	as follows:
DO NOT complete this section. The judge will sign and date here.	ENTERE):	
	Judge	Da	ate

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Circuit Courts.

STATE OF ILLINOIS, CIRCUIT COURT COUNTY			IONAL DELIVERY	For Court Use	Only
Instructions ▼					
Directly above, enter the name of the county where the case was filed.					
Enter the name of the person or company that filed this case as Plaintiff/Petitioner.	Plaintiff / Peti	tioner (First, middle, last	name or Company)		
Enter the name of the Defendants/ Respondents.	·				
Enter the Case Number given by the Circuit Clerk.	Defendants / business name	Respondents (First, mid	dle, last name, or	Case Numbe	r
In 1, enter the name of each court document you are sending.	1. I am send	ling the following cou	urt document:		
In 1a, enter the name, mailing address, and email address of the party you are sending the document to. If they have a lawyer, you must enter the lawyer's information.	Name Addre Email b. By:	First	Middle	Last City	State ZIP
In 1b, check the box to show how you are sending the document. CAUTION: If you and the person you are sending the document to have an email address, you must use one of the first two options. Otherwise, you may use one of the other options.	Only u	Email (not through a see one of the methods be n you are sending the doc Personal hand del The party	elow if you do not have a cument to does not have ivery to: nily member who is 13 vyer	an email address, or an email address.	
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		Enter the Case Nur	mber given by the Circuit Cl	ierk:					
In 2, if you are sending the document to more than 1 party or lawyer, fill in a, b, and c. Otherwise leave 2 blank. In 2a, enter the name,	2. I am sending th a. To: Name:	is document: First	Middle	Last					
mailing address, and email address of the party you are sending the document to. If they have a lawyer, you must enter the lawyer's information.	Email addro	Address: Street, Apt # City State ZIP Email address: b. By: An approved electronic filing service provider (EFSP)							
In 2b, check the box to show how you are sending the document. CAUTION: If you and the person you are sending the document to have an email address, you must use one of the first two options. Otherwise, you may use one of the	Only use of person you	are sending the do Personal hand delive The party	elow if you do not have cument to does not ha ry to: n member who is 13 o er er's office	ve an email address, or the ave an email address. r older, at the party's residence					
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Under the Code of Civil Procedure, 735 ILCS 5/1-109, making a statement on this form that you know to be false is perjury, a Class 3 Felony.	=	-	=	d correct. I understand that s provided by law under					
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print your name. Enter your complete address, telephone number, and email address, if you have one.	Telephone Attorney # (if any)		Email						
GETTING COURT DO	CUMENTS BY EMAIL.	You should use an emai	Laccount that you do not sl	hare with anyone else and that you check					

GETTING COURT DOCUMENTS BY EMAIL: You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.