Getting Started Motion to Continue (Reschedule) or Extend Time

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 to Continue (Reschedule) or Extend Time* 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 To Continue (Reschedule) Or Extend Time & Notice Of Court Date For Motion* instruction sheet and the instructions on the forms.

Names of the forms: Purpose of the forms:	 Motion to Continue (Reschedule) or Extend Time Statement of Missing Evidence or Witness Notice of Court Date for Motion to Continue (Reschedule) of Extend Time Order Granting or Denying Motion to Continue (Reschedule) or Extend Time Use these forms to explain why you need to continue 	
	(reschedule) a court date or why you need more time to do something (like file an <i>Answer</i> or respond to a <i>Motion</i> another party has filed).	
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.	
Cost to file these forms:	None.	
Special information or papers needed to complete the forms:	 If you are asking the court to continue (reschedule) a court date that has already been scheduled, you will need to know the date and time of that court date. You may also need a <i>Notice of Court Date for Motion</i> form, but some courts do not require it. You may also need a <i>Proof of Delivery</i> for the Order. See <i>How to File & Send a Motion to Continue (Reschedule) or Extend Time & Notice of Court Date for Motion</i>. 	
Statutes covering the forms:	Illinois Supreme Court Rules 183, 231	
Where to find the forms and instruction sheet:	ilcourts.info/forms	
For more information:	Read the <i>How To File & Send A Motion To Continue</i> (<i>Reschedule</i>) <i>Or Extend Time & Notice Of Court Date For</i> <i>Motion</i> 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: <u>illinoislegalaid.org</u> .	

HOW TO FILE & SEND A MOTION TO CONTINUE (RESCHEDULE) OR EXTEND TIME & 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 use a *Motion to Continue (Reschedule)* or *Extend Time*?

Anyone who needs to ask the court to continue (reschedule) a court date that has already been scheduled, or who needs more time to do something (like file an *Answer* or respond to a *Motion* another party has filed) can file a *Motion to Continue (Reschedule) or Extend Time*.

Does the judge have to grant my *Motion to Continue* (*Reschedule*) or *Extend Time*?

 No. The judge is not required to grant your *Motion*. Usually, the judge will make a decision by looking at the reason why you need a continuance or more time. In some cases, the judge may be required to consider specific factors.

Is there a deadline for filing a *Motion to Continue* (*Reschedule*) or *Extend Time*?

- No, but if you are asking the judge to continue (reschedule) a court date, you should file your *Motion* as far before that court date as possible. If you are asking the judge to give you more time to do something, you should file your *Motion* as far before that deadline as possible.
- There may be more specific deadlines depending on the type of court date you are asking the court to reschedule.

What forms do I need to fill out to file a *Motion to Continue (Reschedule) or Extend Time?*

- Motion to Continue (Reschedule) or Extend Time: use this form to explain why you need to continue (reschedule) a court date or why you need more time to do something.
 - The email address (if you have one) and mailing address you put on the *Motion to Continue* (*Reschedule*) or *Extend Time* 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.

- **Statement of Missing Evidence or Witness:** If you are asking to continue (reschedule) a court date because you will be missing important evidence or a witness on your court date, you must also fill out and file this form with your *Motion*. The *Statement* explains what evidence will be missing and what you have done to try to get it.
- Order Granting/Denying Motion to Continue (Reschedule) or Extend Time: is used by the judge to say if your Motion to Continue (Reschedule) or Extend Time is granted or denied.
- Notice of Court Date for Motion: use this form to let the other parties in the case know the court date for your Motion. This form:
 - 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.

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 to Continue* (*Reschedule*) or *Extend Time*?

- **No**.
- If you have not yet filed your *Appearance* in the case, there may be a fee for filing your *Appearance*.
- If you cannot afford to pay the filing fee, you can ask the court to file for free. You will have to apply for a fee waiver by filling out the *Application for Waiver of Court Fees.* This is a separate set of forms you can find at: <u>ilcourts.info/forms</u>.
- Contact your Circuit Clerk's Office for more information on filing fees: <u>ilcourts.info/CircuitClerks</u>

What do I do after I fill out my forms?

Step 1: File your *Motion to Continue (Reschedule) or Extend Time* (and *Statement of Missing Evidence or Witness* if you have one) with the Circuit Clerk in the county where the court case is filed.

E-filing:

- After you fill out your court forms, file them with the Circuit Clerk. This is done by electronic filing, called 'e-filing'. You do not have to e-file if:
 - you qualify for an exemption (see "Not E-Filing" below) 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 <u>ilcourts.info/EfileHowTo</u>. E-filing is easier on a computer. It may not work on a cell phone or tablet.
- 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 e-file your forms.
 - 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.
 - Librarians and courthouse staff may be able to help you e-file, but they cannot provide legal advice.

Not E-filing:

- Some people are not required to e-file, 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:
 - Do not have Internet or computer access in your home, and it is hard for you to travel.
 - Have trouble reading, writing, or speaking English.
 - Are filing documents in a sensitive case, such as an order of protection.
 - Tried to e-file your forms, but you were not able to because the equipment or help you needed was not available.
- To ask for an exemption from e-filing, use the form at <u>ilcourts.info/ExemptionCircuit</u>. 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.
- 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* found at: <u>ilcourts.info/forms</u>.

Step 3: Send a copy of your *Motion to Continue* (*Reschedule*) or *Extend Time* (and *Statement of Missing Evidence or Witness* if you have one) 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.
- 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 and go to court.

- Decide and write down:
 - What you want to ask the judge to do for you; AND
 - What you will say to the judge if asked to tell why you need more time.

Make sure you know how 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.

- 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.

 Follow these recommendations to appear by phone or video: ilcourts.info/AllRemoteCourtResources. show that you sent the copy. You may find the *Proof of Delivery* at: <u>ilcourts.info/forms</u>.

- Bring these items with you to court:
 - 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.
- Get to the courthouse at least 30 minutes early. Go to the courtroom number listed on your court form. If your forms do not have a courtroom number, look for a list of cases at the courthouse or ask the Circuit Clerk.
- Check in with the courtroom staff and wait for your name and case number to be called.
- When your case is called, walk to the judge and introduce yourself.

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

- Step 1: Tell the judge why you need more time and answer questions.
 - Bring evidence you have including documents and photos that show why you need more time.
 - Give a copy to the judge and a copy to the other party. Be prepared to explain why the document or photo is important.
 - The judge will decide whether the documents, photos, or witness testimony can be considered in making a decision about your motion.
- Step 2: The other party presents their position on your *Motion*.
 - The other party will also get to present their position on your *Motion*.
- Step 3: The judge makes a decision after both sides present their positions.
 - 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 mailing 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 file-stamped copy of the Order.
 - 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

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

		Forms are free at <u>licourts.info/forms</u> .	
STATE OF ILLINOIS, CIRCUIT COURT		MOTION TO CONTINUE (RESCHEDULE) OR EXTEND TIME	For Court Use Only
Instructions -			_
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.		tioner (First, middle, last name)	
Enter the name of the people and businesses sued as Defendants/ Respondents.	v.		
Enter the Case Number given by the Circuit Clerk.	Defendants / business name	Respondents (First, middle, last name, or ə)	Case Number
In 1, check if you are the Plaintiff/Petitioner or Defendant/Respondent.	1. Motion I	by:	nt/Respondent
In 2a , check the box if you are asking for more time to meet a deadline, such as to file an <i>Answer</i> .	☐ a. C I	ing the judge to: Give me more time to meet a deadline . need more time to: vhich has a deadline of:	
Explain what you need the extra time for.Enter the date you are asking the judge	I	Date Dete Dete need more time because:	
Explain why you need more time.	_		
In 2b , check the box if you are asking to continue (reschedule) a court date that is already	-		
 check the reason you need to reschedule. If it is because you will be missing important evidence, fill out and attach a <i>Statement of</i> 		 Continue (reschedule) a court date that is all need to reschedule my court date because: I will be missing important evidence or a l have filled out and attached a <i>Statement</i> A different reason. The reason is: 	a witness on my court date.
Missing Evidence or Witness form. If it is for a different reason, explain your reason (for example, because you are not available on the	- - -	My ourropt court data ic:	nt Dam Dam
scheduled date).Check the type of court date you are asking to reschedule.		Date	at [a.mp.m. <i>Time</i> ial Status

	Enter th	e Case Number given by the Circuit Clerk:	
Under Illinois Supreme Court <u>Rule 137</u> , your signature means that you have read the document, that to the best of your belief, it is true and correct and that you are not filing it for an improper purpose, such as to cause delay.	/S/		
If you are completing	Your Signature	Street Address	
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.	Telephone	Email	
Enter your complete address, telephone number, and email address, if you have one.	Attorney # (if any)		
GETTING COURT DO	CUMENTS BY EMAIL: You should u	ise an email account that you do not share with anyone else and that you chec	:k

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.

PROOF OF DELIVERY

I am sending the Motion to Continue (Reschedule) or Extend Time.

A Statement of Missing Evidence or Witness is attached:

🗌 Yes	🗌 No
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			To:					
In 1a , enter the name, mailing address, and email address of the	1. a		Name: Address:	First	Middle	9	Last	
party you are sending the document to. If they have a lawyer, you must enter the lawyer's information.		b.	Email add	Street, Apt # ress:		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 use o person you	An approved elect Email <i>(not through a</i> <i>ne of the methods b</i> are sending the doo Personal hand del The party The party's far The party's law The party's law Mail or third-party	an EFSP) elow if you do no cument to does n ivery to: nily member wh vyer vyer's office	t have an email add	dress, or the ddress.	dence
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In 2, if you are sending							
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they have a lawyer, you must enter the	b.	By:					
lawyer's information.			An approved elec	tronic filing servi	ce provider (EFS	SP)	
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print your name.							
Enter your complete address, telephone							
number, and email	Attorne	y # (if any)					
address, if you have							
one.							

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.

This form is approved by the Illinois Supreme Court and must be accepted in all Illinois Courts. Forms are free at

	•	ilco	urts.info/forms.	•	
STATE OF ILLINOIS, CIRCUIT COURT COUNTY			OF COURT DA	For Court L	Jse 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 / Petit	ioner (First, middle	e, last name)		
Enter the name of the person being sued as Defendant/Respondent.	V.				
Enter the Case Number given by the Circuit Clerk.	Defendant / Re	espondent (First, r	niddle, last name)	Case Nur	nber
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 li 				
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information at: ilcourts.info/CircuitCle	Call the C	ircuit Clerk at:		or visit t	heir website at
<u>rks.</u>		L	ocal Circuit Clerk's p.	hone #	
			to f	ind out more about how	to do this.

Website

Under the Code of Civil Procedure, 735 <u>ILCS 5/1-109</u> , 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>Notice of Court Date</i> understand that making a false statement on this f by law under <u>735 ILCS 5/1-109</u> .	
If you are completing this form on a computer, sign your	/s/ Your Signature Str	reet Address
name by typing it. If you are completing it by hand, sign and print your name.	Print Your Name Cit	ity, State, ZIP
Enter your complete address, telephone number, and email address, if you have one.	Email Texastrong GETTING COURT DOCUMENTS BY EMAIL: You should use else and that you check every day. If you do not check your email ev of court dates, or documents from other parties.	
	PROOF OF DELIVERY	
In 1a , enter the name, mailing address, and email address of the party you are sending the document to. If they have a lawyer,	1. I am sending the Notice of Court Date for Motion a. To: Name: First Address:	Last
you must enter the lawyer's information.	Street, Apt # Email address:	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. In c , fill in the date and	 b. By: An approved electronic filing service Email (not through an EFSP) Only use one of the methods below if you do not l person you are sending the document to does not Personal hand delivery to: The party The party's family member who The party's lawyer 	have an email address, or the
time that you are sending the document.	Mail or third-party carrier	
In 2 , if you are sending	c. On: at: Date	a.m. 🔲 p.m.
the document to more than 1 party or lawyer, fill in a , b , and c . Otherwise leave 2	2. I am sending this document:	
blank. In 2a , enter the name, mailing address, and email address of the	a. To: Name: 	Last
party you are sending the document to. If they have a lawyer, you must enter the	Address:	City State ZIP

lawyer's information.

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.	 Email (no Only use one of the person you are send Persona The The The The 	oved electronic filing service ot through an EFSP) methods below if you do not h ding the document to does not I hand delivery to: party party's family member who party's family member who party's lawyer party's lawyer's office hird-party carrier	nave an email address, or the		
In c , fill in the date and time that you are sending the document.	c. On:	at:	a.m. 🔲 p.m.		
If you are sending your document to more than 2 parties or lawyers, check the box and file the <i>Additional Proof of</i> <i>Delivery</i> with this form.	☐ I have completed an A	Additional Proof of Delivery	form.		
Under the Code of Civil Procedure, <u>735</u> <u>ILCS 5/1-109</u> , making a statement on this form that you know to be false is perjury, a Class 3			true and correct. I understand that making penalties provided by law under		
Felony. If you are completing	Your Signature	Str	eet Address		
this form on a computer, sign your name by typing it. If you are completing it by hand, sign and	Print Your Name	Cit	y, State, ZIP		
print your name. Enter your complete address, telephone	Telephone	En	nail		
number, and email address, if you have one.	Attorney # (if any)				

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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		ADDITIOI PROOF OF DI		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	i tioner (First, middle, last nan	ne or Company)		
Enter the name of the Defendants/ Respondents.					
Enter the Case Number given by the Circuit Clerk.	Defendants / business nam	Respondents (First, middle, e)	last name, or	Case Number	
In 1 , enter the name of each court document you are sending.		ding the following court o	locument:		
In 1a , enter the name, mailing address, and email address of the	a. To: Name Addre	First	Middle	Last	
party you are sending the document to. If they have a lawyer, you must enter the lawyer's information.		Street, Apt #	C	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 perso	 An approved electronic Email (not through an E use one of the methods below n you are sending the docume Personal hand deliver The party The party's family The party's lawyer Mail or third-party carr 	FSP) if you do not have an e ent to does not have an y to: member who is 13 of 's office	email address, or the	
In c , fill in the date and time that you are sending the document.	c. On: _	a	t: Time	a.m p.m.	

Enter the Case Number given by the Circuit Clerk:

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, mailing address, and email address of the party you are sending the document to. If	2. I am sending this do a. To: Name: <i>First</i> Address: <i>Stree</i> Email address:		Last City State ZIP
they have a lawyer, you must enter the lawyer's information.	b. By:	proved electronic filing service proved electronic filing service pro	ovider (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 In c , fill in the date and	Only use one of person you are Perso Tr Tr Tr Tr Tr	(not through an EFSP) the methods below if you do not sending the document to does no hal hand delivery to: he party he party's family member who is 1 he party's lawyer he party's lawyer he party's lawyer's office r third-party carrier	
time that you are sending the document.	c. On:	at: <i>Time</i>	a.m. 📃 p.m.
Under the Code of Civil Procedure, <u>735</u> <u>ILCS 5/1-109</u> , making a statement on this form that you know to be false is perjury, a Class 3 Felony.		g in the <i>Proof of Delivery</i> is true his form is perjury and has pena	alties provided by law under
If you are completing this form on a computer, sign your name by typing it. If you are completing it	Print Your Name	City, Sta	ate, ZIP
by hand, sign and print your name. Enter your complete address, telephone number, and email address, if you have one.	Telephone Attorney # (if any)	Email	

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This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Circuit Courts. Forms are free at ilcourts.info/forms.

		Forms are free at <u>llcourts.info/forms</u> .	For Court Use Only
STATE OF I CIRCUIT (ORDER GRANTING/DENYING MOTION TO CONTINUE (RESCHEDULE) OR EXTEND	For Court Ose Only
		TIME	
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 and businesses sued as Defendants/ Respondents.	V.		
Enter the Case Number given by the Circuit Clerk.	Defendant / Re	espondent (First, middle, last name)	Case Number
In 1 , check if you are the Plaintiff/Petitioner or Defendant/Respondent.	 Motion by Date Motion 		Respondent
In 2 , enter the date you filed the <i>Motion to Continue (Reschedule) or Extend Time.</i>	3. Motion to		
In 3 , check if you are asking for more time or to continue (reschedule) a court date.			
DO NOT complete the rest of the form. The judge will complete it.	People in	court Plaintiff/Petitioner Plaintiff A	Attorney Defendant/Respondent
		on to Continue (Reschedule) or Extend Time date is continued to: Date	Time: a.m./p.m.
		for	is extended to:
	Additional	Orders:	Date
	The Motic	on to Continue (Reschedule) or Extend Tim	e 🗌 DENIED
DO NOT complete this section. The	ENTERE	D:	
judge will sign and date here.	Judge	D	ate