**Section 7020.70 Motion Practice, General**

a) Form of Motions

 All motions, except motions made during an Arbitration or Review hearing, motions for a continuance of cases in the regular review call, and petitions filed under Section 19(h) and/or Section 8(a), must be accompanied by an Industrial Commission form entitled Notice of Motion and Order and must be served on the Arbitrator or Commissioner and all other parties in accordance with subsection b). All such motions must set forth the date on which the moving party will appear before the Arbitrator or Commissioner and present the motion and must include the type of motion and nature of the relief sought.

1) Motions on Arbitration

A) Motions requesting a trial date will be heard during the status call in accordance with Section 7020.60(b)(2).

B) All other motions will be heard in accordance with Section 7020.60(b)(2)(D). Each arbitrator will hear all motions, other than motions requesting a date certain for trial, on any case assigned to the Arbitrator, even if it does not appear on the status call.

2) Commissioners' Review Calls

 Each Commissioner will hear motions at the hearing location on the days designated by the Commission.

b) Notice; Service of Papers; Proof of Service; and Waiver of Notice.

1)

A) For all motions except Petitions for Immediate Hearing and motions requesting a date for trial, notices of motion shall be in writing and shall be served upon the Arbitrator or Commissioner and the attorney of record of all other parties or, where any other party is not represented by counsel, upon the party himself, by personal or office delivery or by mailing of a copy of the notice with copies of the supporting papers. Such service, if by personal or office delivery, shall be effected 3 days preceding the day of the status call set forth in the notice, exclusive of any intervening Saturday, Sunday or legal holiday. If service is had by mail, then the envelope enclosing a copy of the notice and supporting papers shall be deposited in the post office or post office box at least 5 days before the motion is to be heard, exclusive of any intervening Saturday, Sunday or legal holiday.

B) Motions for an immediate hearing under Section 19(b) of the Act and motions requesting a date for trial shall be served on the Arbitrator and on all other parties 15 days preceding the status call day set forth in the notice.

C) Proof of service of notices or other papers shall be affixed:

i) in any case by written acceptance of service;

ii) in case of service by delivery, by affidavit of the person delivering or leaving the papers, and,

iii) in case of service by mail, by affidavit of the person depositing the papers in the mail, which affidavit shall state the time and place of mailing, the complete address which appeared on the envelope and the fact that proper postage was prepaid.

D) Where the opposite party has not appeared within time fixed by rule, or has appeared, but failed to designate a place for service, service may be directed to his last known business or residence address.

2) Parties may waive the requirements of notice, service and proof of service. Moreover, in the case of any motion, the hearing officer retains the power to enlarge or reduce the time of notice prescribed in paragraph (b)(1)(A) of this part.

c) Who Shall Hear Motions

1) When a cause is pending on the arbitration call, all motions and settlement contracts, except where expressly otherwise provided in the Rules of the Commission, shall be heard by the Arbitrator to whom the case has been assigned. If said Arbitrator is unavailable, the Commission may assign the motion or settlement contract to another Arbitrator for disposition.

2) When a cause is pending on review, but not yet assigned to a specific Commissioner, all motions shall be assigned to a sitting Commissioner. Once the cause has been assigned to a particular Commissioner for hearing, that Commissioner shall hear all motions relative to the case.

(Source: Amended at 15 Ill. Reg. 8221, effective May 17, 1991)