

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS

**GENERAL ORDER 24-0017**

The full Court met in executive session on Thursday, June 27, 2024, and approved a Technical Amendment to Local Rule 37: Contempts. The Amendment updates the original Fed. R. Civ. P. 37(b)(2)(D) citation to the current [Fed. R. Civ. P. 37\(b\)\(2\)\(A\)\(vii\)](#) citation.

By direction of the full Court,

IT IS ORDERED that effective immediately, Local Rule 37 of this Court is technically amended as attached (additions shown thus, deletions shown ~~thus~~). The Local Criminal Rule is effective immediately, pending the approval of the Seventh Circuit Judicial Council.

ENTER:

FOR THE COURT



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Hon. Rebecca R. Pallmeyer, Chief Judge

Dated at Chicago, Illinois this 2nd day of July 2024

## LR 37.1 Contempts

**(a) Commencing Proceedings.** A proceeding to adjudicate a person in civil contempt of court, including a case provided for in [Fed.R.Civ.P. 37\(b\)\(2\)\(D\)](#), shall be commenced by the service of a notice of motion or order to show cause. The affidavit upon which such notice of motion or order to show cause is based shall set out with particularity the misconduct complained of, the claim, if any, for damages occasioned thereby, and such evidence as to the amount of damages as may be available to the moving party. A reasonable counsel fee, necessitated by the contempt proceeding, may be included as an item of damage. Where the alleged contemnor has appeared in the action by an attorney, the notice of motion or order to show cause and the papers upon which it is based may be served upon that attorney; otherwise service shall be made personally, in the manner provided for by [Fed.R.Civ.P. 4](#) for the service of a summons. If an order to show cause is sought, such order may, upon necessity shown therefor, direct the United States marshal to arrest the alleged contemnor. The order shall fix the amount of bail and shall require that any bond signed by the alleged contemnor include as a condition of release that the alleged contemnor will comply with any order of the court directing the contemnor to surrender.

**(b) Trial.** If the alleged contemnor puts in issue the alleged misconduct giving rise to the contempt proceedings or the damages thereby occasioned, the alleged contemnor shall upon demand therefor be entitled to have oral evidence taken thereon, either before the court or before a master appointed by the court. When by law the alleged contemnor is entitled to a trial by jury, unless a written jury demand is filed by the alleged contemnor on or before the return day or adjourned day of the application, the alleged contemnor will be deemed to have waived a trial by jury.

**(c) Order Where Found in Contempt.** In the event the alleged contemnor is found to be in contempt of court, an order shall be entered—

**(1)** reciting or referring to the verdict or findings of fact upon which the adjudication is based;

**(2)** setting forth the amount of damages to which the complainant is entitled;

**(3)** fixing the fine, if any, imposed by the court, which fine shall include the damages found, and naming the person to whom such fine shall be payable;

**(4)** stating any other conditions, the performance whereof will operate to purge the contempt; and

**(5)** directing the arrest of the contemnor by the United States marshal and the confinement of the contemnor until the performance of the condition fixed in the order and the payment of the fine, or until the contemnor be otherwise discharged pursuant to law.

Unless the order otherwise specifies, the place of confinement shall be either the

Chicago Metropolitan Correctional Center in Chicago, Illinois, or the Winnebago County jail in Rockford, Illinois. No party shall be required to pay or to advance to the marshal any expenses for the upkeep of the prisoner. Upon such an order, no person shall be detained in prison by reason of non-payment of the fine for a period exceeding 6 months. A certified copy of the order committing the contemnor shall be sufficient warrant to the marshal for the arrest and confinement. The aggrieved party shall also have the same remedies against the property of the contemnor as if the order awarding the fine were a final judgment.

**(d) Discharge Where No Contempt.** Where a finding of no contempt is entered, the alleged contemnor shall be discharged from the proceeding. The court may in its discretion for good cause shown enter judgment against the complainant and for the alleged contemnor for the latter's costs and disbursements and a reasonable counsel fee.

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Amended June 27, 2024