

IN THE CIRCUIT COURT  
THIRD JUDICIAL CIRCUIT  
MADISON COUNTY, ILLINOIS

**FILED**

JAN 26 2006

CLERK OF CIRCUIT COURT  
THIRD JUDICIAL CIRCUIT  
MADISON COUNTY, ILLINOIS

IN RE: ALL ASBESTOS LITIGATION )  
FILED IN MADISON COUNTY )

**ORDER RELATING TO  
TIMELINESS OF MOTIONS INVOLVING *FORUM NON CONVENIENS***


- (1) It is hereby ordered that raising the issue of *forum non conveniens* in any motion or pleading within 90 days after the last day allowed for the filing of that party's answer shall satisfy the requirements of Ill.S.Ct. Rule 187(a), as to the party filing said motion or pleading. "Raising the issue" requires only a short, plain indication that a party is asserting the doctrine and need not specify alternative jurisdictions; however, a general incorporation of defenses asserted by other parties is not sufficient.
- (2) In any case in which the issue of *forum non conveniens* will be heard and resolved by the Court:
  - (a) The moving party shall file and serve a particularized motion and memorandum of law in support (if said memorandum of law in support is to be filed) setting forth all facts, exhibits and authorities upon which it intends to rely no less than 10 days prior to the date on which the matter is heard.
  - (b) Said motion shall be initially noticed for hearing within a reasonable time prior to the date set for trial and so as to allow sufficient time to conduct discovery on forum issues, as required by Rule 187(b).
    - (i) The timing of the motion for *forum non conveniens* shall be presumptively reasonable where *forum non conveniens* motion is first noticed for a hearing to be held 60 days or more before trial.
    - (ii) The timing of the motion for *forum non conveniens* motion shall be presumptively unreasonable where any *forum non conveniens* motion is first noticed for a hearing to be held less than 60 days before trial.

(c) The involved parties may waive or extend, by agreement, any deadline set forth in this Order re: *Forum Non Conveniens*, with or without the filing of a formal notice of hearing.

(3) This Order is promulgated pursuant to 735 ILCS 5/1-104(b), and shall henceforth apply to all asbestos cases on file or to be filed in the future in Madison County, Illinois. This Order is not an agreed Order. This Order reflects the rulings of this Court pursuant to 735 ILCS 5/1-104(b).

January 26, 2006

Dated

  
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Judge