IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

Andrew Zilz,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 19 L 9621
	)	
Wisconsin Central, Ltd.,	)	
	)	
Defendant.	)	

MEMORANDUM OPINION AND ORDER

The doctrine of *forum non conveniens* permits a circuit court to dismiss a case for re-filing in another state after weighing a variety of public- and private-interest factors and determining that they strongly favor the dismissal. In this case, the factors strongly favor dismissing this case, particularly as the plaintiff lives and his injury occurred in Indiana. The defendant's motion to dismiss is, therefore, granted.

Facts

On June 3, 2018, Andrew Zilz was a locomotive conductor for Wisconsin Central, Ltd. (WCL). On that day, Zilz was riding a shove move at a rail yard in Gary, Lake County, Indiana. Zilz and his engineer unexpectedly lost radio contact, and the train came to a sudden stop. Zilz was injured as a result of the stop, and he later underwent two spinal surgeries and related post-surgical treatment.

On August 30, 2019, Zilz filed a one-count negligence complaint against WCL as authorized by the Federal Employers Liability Act, 45 U.S.C. § 51 *et seq*. Zilz claims WCL breached its duty owed to him by: (1) failing to provide a reasonably safe place to work; (2) instructing him to move equipment at an unsafe speed

and distance; (3) failing to warn him of an impending stop; (4) failing to train employees to conduct shove moves safely; (5) failing to supervise employees to conduct shove moves safely; (6) violating industry standards for shove moves; and (7) violating seven sections of the Code of Federal Regulations regarding radio communications in railroad operations. Zilz alleges that one or more of these negligent acts proximately caused his injuries.

On November 23, 2020, WCL filed a motion pursuant to Illinois Supreme Court Rule 187(c)(2) to dismiss this case based on interstate *forum non conveniens*. On December 28, 2020, Zilz filed his response to the motion. On January 19, 2021, WCL filed its reply.

In their briefs and exhibits, the parties provide information relevant to this court's consideration of WCL's interstate *forum non conveniens* motion. The information includes work and home locations of the parties, treating medical care providers, and various potential witnesses. Those individuals and entities include:

Party or Witness	Residence (City, County, State)	Work Location (City, County, State)
Andrew Zilz	Crown Point, Lake, IN	Gary, Lake, IN
Judy Zilz	N/A	N/A
Bernie Parks	Portage, Porter, IN	Gary, Lake, IN
Paul Murphy	N/A	N/A
Kirk Bakun	Cedar Lake, Lake, IN	Gary, Lake, IN
Wisconsin Central, Ltd.	Homewood, Cook, IL	Gary, Lake, IN
Canadian National Railway	Montreal, QC, Canada	Gary, Lake, IN
Jeff Exline	San Antonio, Bexar, TX	N/A
Heather LiFonti	Lake, IN	Lake, IN
Jason Billings	N/A	N/A
Dr. Ruby Long	N/A	Gary, Lake, IN

Dr. Ahmed Hassan	N/A	Munster, Lake, IN
Dr. Satish Dasari	N/A	Munster, Lake, IN
Dr. Maame Amponsah	N/A	Munster, Lake, IN
Northlake Hospital	N/A	Gary, Lake, IN
Methodist Hospital	N/A	Gary, Lake, IN
Community Hospital	N/A	Munster, Lake, IN
ATI Physical Therapy	N/A	Griffith, Lake, IN
Premier Physical Therapy	N/A	Munster, Lake, IN
Center for Minimally Invasive Surgery	N/A	Mokena, Will, IL
Dr. Mark Chang	N/A	Hazel Crest, Cook, IL
Dr. Sean Salehi	N/A	Westchester, Cook, IL
Dr. Sergey Neckrysh	N/A	Chicago, Cook, IL
Dr. Andrei Rakic	N/A	Chicago, Cook, IL
Dr. Thomas Pontinen	N/A	Chicago, Cook, IL

On the day of Zilz's injury, he worked at the Kirk Yard in Gary. The Kirk Yard is a rail yard owned by the Canadian National Railway, of which WCL is a wholly owned subsidiary. WCL is headquartered in Homewood, Cook County, Illinois.

Immediately after his injury, Zilz treated at Northlake Hospital emergency room, located in Gary, and later at C Community Hospital, located in Munster, Lake County, Indiana. Zilz ultimately underwent two spinal surgeries conducted at Cook County hospitals and then attended physical therapy sessions in Lake County, Indiana. In sum, Zilz's medical providers are located in Lake County, Indiana and Will and Cook Counties in Illinois.

Analysis

There exists an extensive body of law governing a court's consideration of a motion to transfer litigation based on the doctrine of *forum non conveniens*. At its essence, the doctrine "is founded in considerations of fundamental fairness and sensible and effective judicial administration." *Gridley v. State Farm Mut. Auto. Ins. Co.*, 217 Ill. 2d 158, 169 (2005). The modern application of the doctrine came with the United States Supreme Court's decision in *Gulf Oil Corp. v. Gilbert*, 330 U.S. 501 (1947), a decision Illinois courts have consistently followed. *See Fennell v. Illinois Cent. R.R.*, 2012 IL 113812, ¶ 14 (2012) (citing cases).

A motion to transfer based on *forum non conveniens* differs from one based on venue. In Illinois, venue is a product of statute. *See* 735 ILCS 5/2-101. In contrast, *forum non conveniens* arises from the common law and is based on equitable principles. *See Langenhorst v. Norfolk S. Ry.*, 219 Ill. 2d 430, 441 (2006) (citing *Vinson v. Allstate Ins. Co.*, 144 Ill. 2d 306, 310 (1991)). In short, a circuit court is instructed to "look beyond the criteria of venue when it considers the relative convenience of a forum." *Id.* (quoting *Bland v. Norfolk & W. Ry.*, 116 Ill. 2d 217, 226 (1987)).

Circuit courts are given "considerable discretion in ruling on a *forum non conveniens* motion." *Id.* at 441-42 (citing *Peile v. Skelgas, Inc.*, 163 Ill. 2d 323, 336 (1994)). A circuit court's decision will be reversed only if the court abused its discretion in balancing the relevant factors; in other words, if no reasonable person would adopt the view taken by the circuit court. *See Dawdy v. Union Pac. R.R.*, 207 Ill. 2d 167, 176-77 (2003). At the same time, courts are cautioned to exercise their discretion "*only in exceptional circumstances* when the interests of justice require a trial in a more convenient forum." *Langenhorst*, 116 Ill. 2d at 442 (citing cases, emphasis in original); *see also Dawdy*, 207 Ill. 2d at 176 ("the test . . . is whether the relevant factors, viewed in their totality, *strongly* favor transfer to the forum suggested by defendant") (emphasis added)), *quoting Griffith v. Mitsubishi Aircraft Int'l, Inc.*, 136 Ill. 2d 101, 108 (1990).

The consideration given to a *forum non conveniens* motion rests on several relevant presumptions, four of which are relevant here. First, as to a plaintiff's choice of forum, "[w]hen the home forum is chosen, it is reasonable to assume that the choice is convenient." *First Nat'l Bk. v. Guerine*, 198 Ill. 2d 511, 517-18 (2002). Second, for purposes of an interstate *forum non conveniens* motion, such as this, "[a] plaintiff's 'home forum' . . . is the plaintiff's home State." *Evans v. Patel*, 2020 IL App (1st) 200528, ¶ 33 (citing *Kwasniewski v. Schaid*, 153 Ill. 2d 550, 553 (1992)). Third, "[w]hen the plaintiff is foreign to the forum chosen . . . this assumption is much less reasonable and the plaintiff's choice deserves less deference." *Id.* Fourth, "[w]hen the plaintiff is foreign to the chosen forum and the action that gives rise to the litigation did not occur in the chosen forum, 'it is reasonable to conclude that the plaintiff engaged in forum shopping to suit his individual interests, a strategy contrary to the purposes behind the venue rules.'" *Bruce v. Atadero*, 405 Ill. App. 3d 318, 328 (1st Dist. 2010) (citing *Dawdy*, 207 Ill. 2d at 174, quoting, in turn, *Certain Underwriters at Lloyd's London v. Illinois Cent. R.R.*, 329 Ill. App. 3d 189, 196 (1st Dist. 2002)).

A main concern of *forum non conveniens* jurisprudence is curtailing forum shopping by plaintiffs. *See Guerine*, 198 Ill. 2d at 521. The Supreme Court has plainly stated its position against forum shopping: "Decent judicial administration cannot tolerate forum shopping as a persuasive or even legitimate reason for burdening communities with litigation that arose elsewhere and should, in all justice, be tried there." *Fennell*, 2012 IL 113812, ¶ 19. Yet, even with that admonition in interstate *forum non conveniens* motions, a plaintiff is accorded only "somewhat less deference," not no deference. *Quaid v. Baxter Healthcare Corp.*, 392 Ill. App. 3d 757, 767 (1st Dist. 2009) (plaintiffs California residents) (quoting *Guerine*, 198 Ill. 2d at 517). The reason is that, even if a plaintiff's claims arise in another jurisdiction, such a fact merely establishes that the other jurisdiction is a proper venue, not necessarily a more convenient one. *See Kaiser v. Doll-Pollard*, 398 Ill. App. 3d 652, (5th Dist. 2010) (jurisdiction proper

in St. Clair County despite plaintiff's medical malpractice injury occurring in Clinton County because St. Clair County physicians attempted to reverse resulting surgical complications).

At the outset, Zilz misstates the law by citing *Evans* for the proposition that forum shopping may not be considered in a *forum non conveniens* motion. 2020 IL App (1st) 200528, ¶ 33. Although the *Evans* court stated that "courts may not consider [the practice of forum shopping] in a *forum non conveniens* analysis," the court continued by stating, "[b]y itself, forum shopping 'furnishes no legal reason for sustaining' a plaintiff's choice of forum." *Id.* (citing *Dawdy*, 207 Ill. 2d at 175). That is a correct statement of law for two reasons. First, and as noted immediately above, forum shopping is not, "by itself," solely determinative of a *forum non conveniens* analysis because a court is to consider a range of relevant private and public factors. Second, *Evans* and *Dawdy* stress that forum shopping cannot *sustain* a plaintiff's improper forum; in other words there is no reason to allow forum shopping to dictate the correct forum.

With this legal point clarified, the presumption here is that Zilz is forum shopping. The case is properly filed in Cook County for venue purposes since WCL is headquartered here. Yet Zilz is not a Cook County resident and his injury did not occur here. While the presumption of forum shopping is, therefore, evident, it is, once again, not determinative. And with that conclusion, this court takes the next step in its analysis.

As noted above, circuit courts are instructed to balance a variety of private- and public-interest factors to determine the appropriate forum in which a case should be tried. *See Dawdy*, 207 Ill. 2d at 172. The test is "whether the relevant factors, viewed in their totality, strongly favor transfer to the forum suggested by defendant." *Id.* at 176 (quoting *Griffith*, 136 Ill. 2d at 108). It is the defendant's burden to show that the relevant factors strongly favor the defendant's choice of forum to warrant disturbing the plaintiff's choice. *See Langenhorst*, 219 Ill. 2d at 444 (citing *Griffith*, 136 Ill. 2d at 107). A court is not to weigh the

private- and public-interest factors against each other, but evaluate the totality of the circumstances before deciding whether the defendant has proven that the balance of factors strongly favors transfer. *Id.* (citing *Guerine*, 198 Ill. 2d at 518). "The defendant must show that the plaintiff's chosen forum is inconvenient to the defendant and that another forum is more convenient to all parties." *Id.* The defendant may not, however, assert that the plaintiff's chosen forum is inconvenient to the plaintiff. *Id.*

Before addressing the private and public factors, this court believes some commentary on the *forum non conveniens* analysis is highly warranted. First, the analysis by Illinois courts of motions to transfer litigation based on the *forum non conveniens* doctrine has always been weighted to trials and not discovery. The reality is, however, that very, very few cases go to trial. Further, the amount of time parties and their attorneys spend in discovery far exceeds the amount of time they spend at trial. The current *forum non conveniens* analysis stressing the trial is, quite frankly, out of sync with modern litigation practice. A more current analysis would give at least equal weight to the applicability of enumerated factors to pre-trial proceedings, particularly the discovery process, and not merely the trial.

Second, the *forum non conveniens* analysis as stated in *Langenhorst* has not been updated to reflect the changing face of litigation over the past 15 years. Several of the factors enumerated in the analysis do not reflect the reality of modern litigation, such as "viewing the premises," which rarely, if ever, occurs during a modern jury trial. Several of the elements have been rendered trivial because of improved technology and its entrenchment in court proceedings. In application, this reality renders the public factors weightier than the private factors.

Third, the Covid-19 pandemic has altered the convenience factors related to obtaining parties' and witnesses' deposition or trial testimony. It is now common for depositions and trial testimony to occur remotely, with attorneys, witnesses, and a

court reporter in multiple separate locations. The cost savings to all parties has been enormous. It is difficult to think that clients, counsel, and witnesses will return to far more expensive discovery practices after the pandemic is over.

In *Guerine*, the Illinois Supreme Court listed the private- and public-interest factors a circuit court is to consider when addressing a motion to transfer based on *forum non conveniens*. The private factors are:

> (1) the convenience of the parties; (2) the relative ease of access to sources of testimonial, documentary, and real evidence; and (3) all other practical problems that make a trial of a case easy, expeditious, and inexpensive – for example, the availability of compulsory process to secure attendance of unwilling witnesses, the cost to obtain attendance of willing witnesses, and the ability to view the premises (if appropriate).

198 Ill. 2d at 516 (citing *Griffith*, 136 Ill. 2d at 105-06; *Bland*, 116 Ill. 2d at 224; and *Adkins v. Chicago, Rock Island & Pac. R.R.*, 54 Ill. 2d 511, 514 (1973)). Courts have generally broken down the third element to address each aspect separately and have often reorganized the order of the factors, as this court does below.

A. Private Factors

1. Convenience Of The Parties

Courts have recognized it is relatively easy for a party to declare its forum preference as convenient and the opposing party's as inconvenient. "If we follow this reasoning, the convenience of the parties means little. . . ." *Hale v. Odman*, 2018 IL App (1st) 180280, ¶ 34 (quoting *Fennell*, 2012 IL 113812, ¶ 20). "To avoid this inevitable conflict, we must look beyond the declarations of convenience and realistically evaluate convenience and the actual burden each party bears when traveling to the plaintiff's chosen forum." *Id.* at ¶ 35.

This court begins by stressing that this factor focuses on the parties, not other witnesses, and not the attorneys. Zilz lives and works in Lake County, Indiana, and WCL is headquartered in Cook County. A motion to transfer based on *forum non conveniens* is, of course, a defendant's motion and, therefore, imposes pleading burdens on the movant. Although the defendant cites Zilz's location as a reason to relocate the case, "defendants cannot assert that the plaintiff's chosen forum is inconvenient to the plaintiff." *Langenhorst*, 219 Ill. 2d at 448; *see Guerine*, 198 Ill. 2d at 518.

In this instance the distance from Zilz's home to the Crown Point, Lake County, Indiana courthouse is 2.9 miles. In contrast, his home is 30.6 miles from the Daley Center. The location of WCL's headquarters in Cook County is irrelevant, but the locations of their employees who have been identified as testifying witnesses are relevant. As to them, Parks lives 12.5 miles from the Crown Point courthouse and 31.1 miles from the Daley Center. Bakun lives 6.5 miles from the Crown Point courthouse, but 37.8 miles from the Daley Center. Both of these witnesses also work at the Kirk Yard in Gary. In addition, LiFonti avers in her affidavit that she lives and works in Lake County and that it would be inconvenient for her to travel to Chicago for a trial.

The undisputed and highly relevant facts are that Zilz and WCL's employee-witnesses each live and work substantially closer to the Crown Point courthouse than to the Daley Center. These facts weigh heavily against Zilz's claim of convenience in Cook County when it is plain that Lake County is even more convenient. This factor favors dismissal and a re-filing in Lake County, Indiana.

2. Relative Ease Of Access To Evidence

This factor reveals a certain antique nature of the *forum non conveniens* analysis. As to documents, this factor is much less important than it used to be. The court in *Ruch v. Padgett*, wrote

that: "the location of documents, records and photographs has become a less significant factor in *forum non conveniens* analysis in the modern age of email, internet, telefax, copying machines and world-wide delivery services, since they can now be easily copied and sent." 2015 IL App (1st) 142972, ¶ 61 (citing *Vivas v. Boeing Co.*, 392 Ill. App. 3d 644, 659 (1st Dist. 2009)). The use of real evidence is far less common, given the modern use of photography and video photography both in depositions and at trial. Technology has made document transfer possible at the press of a few buttons, while the portability of real and demonstrative evidence is rarely a substantial hurdle. The result is that this factor is now focused primarily on the availability of testimonial evidence.

It is highly likely that Zilz's treating physicians will be deposed where they work via Zoom or some other audio-visual linkage, as is the current common practice. Their trial testimony will be either read from a transcript or presented via a pre-recorded, visual evidence depositions taken at their place of employment, again, as is the current common practice. Ultimately, the location of discovery or trial in Cook or Lake County is unimportant to this group of witnesses. *See Meyers v. Bridgeport Machines Div. of Textron, Inc.*, 113 Ill. 2d 112, 120 (1986) (collar county treaters "would not be subjected to a significant inconvenience by a trial in Cook County").

Zilz has identified his mother, Judy, as a post-occurrence witness but failed to identify her residence, so any inconvenience to her is waived. No other witnesses or groups of witnesses outside WCL's employees and Zilz's treaters have been identified. Given the equal convenience or inconvenience to Zilz's treaters, this factor is neutral.

3. Other Practical Problems That Make Trial Easy, Expeditious, And Inexpensive

The First District has held that when the issue is moving a suit from Cook County to an adjacent county, the factor of

practical problems is not usually a strong factor favoring transfer. *See Johnson v. Nash*, 2019 IL App (1st) 180840, ¶ 56 (quoting *Susman v. North Star Tr. Co.*, 2015 IL App (1st) 142789, ¶ 31). Nevertheless, this court discusses the topics enumerated in *Guerine* as the third private interest factor in the *forum non conveniens* analysis. *Guerine,* 198 Ill. 2d at 516.

a. Compulsory Process Of Unwilling Witnesses

Neither Zilz nor WCL have addressed this factor; therefore, it is neutral.

b. Cost Of Obtaining Attendance Of Willing Witnesses

A *forum non conveniens* analysis cannot ignore the impact web-based video conferencing has had on litigation. The need for parties, witnesses, and lawyers spending time and money traveling long distances to prepare for and give testimony in a court proceeding has significantly decreased. When weighing the cost of obtaining witness testimony, travel expenses are now far less likely to be a substantial component.

The Covid-19 pandemic has had a dramatic impact on how litigation is conducted. Most court hearings, depositions, and pre-trial conferences are now being done remotely. The judiciary is even finding ways to conduct jury trials remotely. Covid-19 has accelerated the adoption of Zoom, Skype, Microsoft Teams, and other web-based video conferencing platforms by lawyers and the general public. The technology employed during this crisis is not likely to disappear once the pandemic ends. The idea of a trial consisting of lawyers, witnesses, jurors, and judges all in the same room may one day become an artifact of a bygone era.

In this case, Zilz and WCL raise issues about work inconvenience, but neither addresses issues of costs to the parties or their witnesses. Without a developed record as to the costs associated with discovery and trial in either Lake County, Indiana

or Cook County, Illinois, this court is unable to judge this factor; consequently, this factor is neutral.

c. Viewing The Premises

The Illinois Supreme Court has previously stated that "the possibility of having a jury view the scene of an accident is an important consideration in ruling upon a *forum non conveniens* motion to dismiss." *Moore v. Chicago & N. W. Transp. Co.*, 99 Ill. 2d 73, 80 (1983). That decision is, however, nearly 40 years old. In today's court practice, photographs and video are generally sufficient and far more efficient alternatives to providing a jury with useful information. It is highly doubtful that viewing the accident scene in the Kirk Yard would provide a jury with any valuable context as to the events leading up to Zilz's injury considering the alleged triggering event was a breakdown in radio communications. Moreover, as a practical matter, it is nearly inconceivable that any judge, regardless of jurisdiction, would ever send a jury into a dangerous workplace such as a rail yard. This factor is neutral.

C. Public Factors

The court in *Guerine* also identified public-interest factors a circuit court should consider in a *forum non conveniens* analysis. These factors are:

> (1) the interest in deciding localized controversies locally; (2) the unfairness of imposing the expense of a trial and the burden of jury duty on residents of a county with little connection to the litigation; and (3) the administrative difficulties presented by adding further litigation to court dockets in already congested fora.

Guerine, 198 Ill. 2d at 516-17. This court's analysis of these factors follows seriatim.

1. Deciding Localized Controversies Locally

The fundamental fact in this case is that the incident causing Zilz's injury occurred in Lake County, Indiana. Lake County, therefore, has a significant interest in the dispute. Indeed, the Supreme Court has stated that "a case should not be tried in a forum that has no significant factual connections to the cause of action." *Fennell*, 2012 IL 113812, ¶ 46 (citing *Foster v. Chicago & N. W. Transp. Co.*, 102 Ill. 2d 378, 383 (1984) (collecting cases)). Here, the relevant factual connections to Zilz's cause of action are centered in Lake County.

Lake County, Indiana residents would undoubtedly have a far greater interest in this case for at least three reasons. First, Zilz is a Lake County resident, a paramount factor. Second, there is no indication that Zilz ever worked anywhere for WCL other than in Lake County, Indiana. Third, this case concerns the safety of railroading conducted in their county, regardless of where the defendant railroad is headquartered.

The location of WCL's headquarters in Homewood indicates that this case has potential local interest in Cook County. Indeed, in his complaint, Zilz claims that WCL violated various Code of Federal Regulations sections, conduct that would impute institutional failings. Yet, Zilz failed to take advantage of the opportunity to take limited discovery on this issue. *See* Ill. S. Ct. R. 187(b). Without any discovery on this point, it is pure speculation that decisions allegedly made at WCL's headquarters in Homewood could have been a cause of Zilz's injuries. *See Hansen-Runge v. Illinois Cent. R.R.*, 2020 IL App (1st) 190383, ¶ 20. Absent an informing record, courts "will not consider that speculative point in reaching a conclusion." *Id.* (citing *Lazenby v. Mark's Constr., Inc.*, 236 Ill. 2d 83, 92 (2010)).

Based on the record available, this factor favors dismissal and re-filing in Lake County, Indiana.

2. Unfairness Of Imposing Expense And Burden On A County With Little Connection To The Litigation

This public-interest factor generally follows from the first, as it does in this case. Residents of one county are generally not to be burdened with jury duty if the accident at issue occurred in a different county. As explained, "[t]he county in which the trial is held is financially burdened by the payment of jurors' fees and by providing court personnel and court facilities. The court system of this State is also burdened by the necessity to provide judicial personnel and the machinery for appellate review." *Id.* (quoting *Fennell*, 2012 IL 113812, ¶ 45, quoting, in turn, *Wieser v. Missouri Pac. R.R.*, 98 Ill. 2d 359, 371 (1983)). Cook County residents have, fundamentally, no interest in resolving an Indiana workplace injury case. As a consequence, it would be unfair to impose jury duty on Cook County residents and costs to their circuit court. *See Dawdy*, 207 Ill. 2d at 183. Indeed, it is foreseeable that a Cook County jury would be confused or even predisposed against Zilz because he is not a Cook County resident.

Given these circumstances, this factor favors dismissal and re-filing in Lake County, Indiana.

3. Administrative Difficulties

This factor typically calls for a court to consider the length of time a case is on the docket from filing to resolution. The Illinois Supreme Court has relied upon the annual report of the Administrative Office of the Illinois Courts as a proper reference for assessing relative court congestion in conducting *forum non conveniens* analysis. *See Dawdy*, 207 Ill. 2d at 181; *see also Griffith*, 136 Ill. 2d at 114. The average length of time a case is on the docket in Cook County is 29.9 months. *See* Annual Report of the Illinois Courts–2019, at 72-73. The parties have not provided comparable information for the Lake County, Indiana circuit court. Cook County reported 10,451 new law division jury cases seeking more than $50,000 and 16,392 cases pending. *Id.* at 44.

Lake County, Indiana statistics report 1,328 tort cases filed during the same period with 3,401 total cases pending. *See* https://publicaccess.courts.in.gov/ICOR (last accessed Feb. 17, 2021). The number of new and pending cases does not provide a full picture of court congestion, however, given, for example, the number of available trial judges, how discovery is conducted, how quickly motions are addressed, and number of days available for jury trials. The statistics do, however, reflect the reasonable inference that the Cook Court system is far larger and more congested than is the Circuit Court of Lake County. Without comparable statistics as to the length of time a case is on the Lake County Circuit Court docket, this court is unwilling to conjecture as to which court system is more timely.

This factor is neutral.

Conclusion

For the reasons presented above, it is ordered that:

1. WCL's motion to dismiss this case pursuant to Illinois Supreme Court Rule 187 is granted; and
2. Rule 187(c)(2) shall govern Zilz's right to re-file this case.

John H. Ehrlich, Circuit Court Judge

Judge John H. Ehrlich

FEB 18 2021

Circuit Court 2075