

Obtained Swift Dismissal with Prejudice on Behalf of its Restaurant/Bar Client

Amundsen Davis obtained a dismissal with prejudice in Cook County, IL on behalf of its restaurant/bar client. The plaintiff claimed our client was negligent in failing to protect him from an assault by a third-party patron. In formal briefing and at oral argument, we maintained that dismissal was required where: (1) the plaintiff failed to show reasonable diligence in effectuating service of process; and (2) he named the wrong corporate entity as a defendant. We contemporaneously filed a Motion to Transfer Venue to preserve all procedural arguments, but requested the court rule on the merits of the case immediately given the transfer of venue was not compulsory. The judge agreed with our position, granted our Motion to Dismiss under both of our asserted bases, and entered an award of costs. Because this dismissal was granted with prejudice, the plaintiff had no opportunity to amend his claims and the case was swiftly resolved in favor of our restaurant/bar client.

PROFESSIONALS

Ryan B. Jacobson
Partner

Danessa P. Watkins
Partner

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