

Docket as of December 10, 1996 0:38 am

Web PACER (v2.4)

U.S. District Court

Northern District of Illinois (Chicago)

CIVIL DOCKET FOR CASE #: 96-CV-852

Ashenden, et al v. Lloyd's of London, et al

Filed: 02/14/96
 Assigned to: Hon. Ruben Castillo
 Jury demand: Plaintiff
 Demand: \$0,000
 Nature of Suit: 890
 Lead Docket: None
 Jurisdiction: Federal Question
 Dkt # in Cir Ct of Cook Co : is 95 L 18020
 Cause: 28:1441 Petition for Removal

MARY JANE ASHENDEN
 plaintiff

Michael J Hayes
 [NTC]
 Darren Steven Cahr
 Gardner, Carton & Douglas
 Quaker Tower
 321 North Clark Street
 Suite 3400
 Chicago, IL 60610
 (312) 245-8719

JAMES F ASHENDEN, JR
 plaintiff

Michael J Hayes
 (See above)
 [NTC]
 Darren Steven Cahr
 (See above)

GEORGE R BAKER
 plaintiff

Michael J Hayes
 (See above)
 [NTC]
 Darren Steven Cahr
 (See above)

THOMAS K BROOKER
 plaintiff
 [term 11/21/96]

Michael J Hayes
 [term 11/21/96]
 (See above)
 [NTC]

Darren Steven Cahr
[term 11/21/96]
(See above)

PATRICIA H BUEHLER
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)
[NTC]

Darren Steven Cahr
[term 11/21/96]
(See above)

TERRY G CHAPMAN
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)
[NTC]
Darren Steven Cahr
[term 11/21/96]
(See above)

PATRICK J COLLINS
plaintiff

Michael J Hayes
(See above)
[NTC]
Darren Steven Cahr
(See above)

J PATRICK GALLAGHER
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)
[NTC]
Darren Steven Cahr
[term 11/21/96]
(See above)

ROBERT E GALLAGHER
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)
[NTC]
Darren Steven Cahr
[term 11/21/96]
(See above)

ISABEL L GALLAGHER
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)
[NTC]
Darren Steven Cahr
[term 11/21/96]
(See above)

ROBERT E GALLAGHER, JR
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)
[NTC]
Darren Steven Cahr
[term 11/21/96]

(See above)

ANNE M GALLAGHER
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)
[NTC]
Darren Steven Cahr
[term 11/21/96]
(See above)

THOMAS J GALLAGHER
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)
[NTC]
Darren Steven Cahr
[term 11/21/96]
(See above)

JOHN P GALLAGHER
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)
[NTC]
Darren Steven Cahr
[term 11/21/96]
(See above)

MARY CLAIRE GALLAGHER
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)
[NTC]
Darren Steven Cahr
[term 11/21/96]
(See above)

KATHERINE GALLAGHER GOESE
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)
[NTC]
Darren Steven Cahr
[term 11/21/96]
(See above)

ALLAN S GREENE
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)
[NTC]
Darren Steven Cahr
[term 11/21/96]

(See above)

ALTON B HARRIS
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)
[NTC]
Darren Steven Cahr
[term 11/21/96]
(See above)

CAROL M HATHAWAY

Michael J Hayes

plaintiff
[term 11/21/96]

[term 11/21/96]
(See above)
[NTC]
Darren Steven Cahr
[term 11/21/96]
(See above)

ROBERT M HEIDENRICH
plaintiff

Michael J Hayes
(See above)
[NTC]
Darren Steven Cahr
(See above)

ALAN J HUNKEN
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)
[NTC]
Darren Steven Cahr
[term 11/21/96]
(See above)

CHARLES A JANDA
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)
[NTC]
Darren Steven Cahr
[term 11/21/96]
(See above)

IRWIN G JANN
plaintiff

Michael J Hayes
(See above)
[NTC]
Darren Steven Cahr
(See above)

PATRICK B KENNY
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)
[NTC]
Darren Steven Cahr
[term 11/21/96]
(See above)

GERARD M KENNY
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)
[NTC]
Darren Steven Cahr
[term 11/21/96]
(See above)

JOHN E KENNEY, JR
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)
[NTC]
Darren Steven Cahr
[term 11/21/96]
(See above)

JAMES C KENNY
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)
[NTC]
Darren Steven Cahr
[term 11/21/96]
(See above)

PHILIP B KENNY
plaintiff

Michael J Hayes
(See above)
[NTC]
Darren Steven Cahr
(See above)

VINCE A KONEN
est
Norbert Kornak
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)
[NTC]
Darren Steven Cahr
[term 11/21/96]
(See above)

NANCY KURZ
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)

[NTC]
Darren Steven Cahr
[term 11/21/96]
(See above)

GEORGE C LYMAN, JR
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)
[NTC]
Darren Steven Cahr
[term 11/21/96]
(See above)

MICHAEL MCDERMOTT
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)
[NTC]
Darren Steven Cahr
[term 11/21/96]
(See above)

T R MILES
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)
[NTC]
Darren Steven Cahr
[term 11/21/96]
(See above)

GERALD B MULLIN
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)

[NTC]
Darren Steven Cahr
[term 11/21/96]
(See above)

WILLIAM C O DONNELL
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)
[NTC]
Darren Steven Cahr
[term 11/21/96]
(See above)

THOMAS P O'MALLEY
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)

[NTC]
Darren Steven Cahr
[term 11/21/96]
(See above)

CHARLES W OLSON, III
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)
[NTC]
Darren Steven Cahr
[term 11/21/96]
(See above)

RICHARD RINELLA
plaintiff

Michael J Hayes
(See above)
[NTC]
Darren Steven Cahr
(See above)

ROBERT E ROCQUE
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)
[NTC]
Darren Steven Cahr
[term 11/21/96]
(See above)

GEORGE V RUSU
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)
[NTC]
Darren Steven Cahr
[term 11/21/96]
(See above)

ALEXANDER STEVENS
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)
[NTC]
Darren Steven Cahr
[term 11/21/96]
(See above)

K DINO SIRAKIDES
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)
[NTC]
Darren Steven Cahr

[term 11/21/96]
(See above)

CRAIG M VAN DER VOORT
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)
[NTC]
Darren Steven Cahr
[term 11/21/96]
(See above)

VOORT HEIMBURG
plaintiff

Michael J Hayes
(See above)
[NTC]
Darren Steven Cahr
(See above)

PETRA VON HEIMBURG,
individually and on behalf of
those similarly situated
plaintiff
[term 11/21/96]

Michael J Hayes
[term 11/21/96]
(See above)
[NTC]
Darren Steven Cahr
[term 11/21/96]
(See above)

ILLINOIS NAMES ASSOCIATION,
INC., THE, an Illinois
Corporation
plaintiff

Michael J Hayes
(See above)
[NTC]
Darren Steven Cahr
(See above)

v.

LLOYD'S OF LONDON
aka
Lloyd's
aka
Corporation of Lloyd's, The
aka
Society of Lloyd's Bankside
Members Agency, Ltd., The
defendant

Michael T. Hannafan
[COR LD NTC A]
Michael T. Hannafan &
Associates, Ltd.
Three First National Plaza
Suite 4040
Chicago, IL 60602
(312) 782-7490

FELTRIM UNDERWRITING AGENCIES
LTD.
defendant

GOODA & PARTNERS LTD.
defendant

- KINGSLEY UNDERWRITING
AGENCIES LTD.

defendant

LIME STREET UNDERWRITING
AGENCIES LTD.

defendant

LONDON WALL MEMBERS' AGENCY
LTD.

defendant

PW KININMONTH LTD.
defendant

Lee A. Freeman
[COR LD NTC A]
John F. Kinney
[COR]
James T. Malysiak
[COR]
Derek J. Meyer
[COR]
Freeman, Freeman & Salzman,
P.C.
401 North Michigan Avenue
Suite 3200
Chicago, IL 60611
(312) 222-5100

STURGE HOLDINGS PLC
defendant

R.W. STURGE, LTD.
defendant

OXFORD UNDERWRITING AGENCIES
LTD.

defendant

ANTON MANAGING AGENCY
defendant

MERRETT SYNDICATE SERVICES
LTD.

defendant

FALCON AGENCIES LTD., as
successor in interest to

suc
R.W. Sturge, Ltd.

suc
Sturge Holdings, PLC
defendant

STAFFORD RUN-OFF AGENCY, as
successor in interest to

suc
R.W. Sturge, Ltd.

suc
Sturge Holdings, PLC
defendant

ADDITIONAL UNDERWRITING
 AGENCIES (NO.7) LTD., as
 successor in interest to
 suc
 Feltrim Underwriting Agencies
 Ltd.

defendant

DOCKET PROCEEDINGS

DATE	#	DOCKET ENTRY
2/14/96	1	NOTICE OF REMOVAL by defendant Lloyd's of London from Circuit Court of Cook County with copy of complaint, case no. 95 L 18020; jury demand - Civil cover sheet - Appearance(s) of Greg M. Jordan, Michael T. Hannafan as attorney(s) for defendant Lloyd's of London with Rule 39 affidavits (Documents: 1-1 through 1-5) (dk) [Entry date 02/28/96]
2/14/96	--	RECEIPT regarding payment of filing fee paid; on 2/14/96 in the amount of \$ 120.00, receipt # 469032. (dk) [Entry date 02/28/96]
2/23/96	2	MINUTE ORDER of 2/23/96 by Hon. Ruben Castillo: Status hearing set for 4/19/96 at 9:30a.m. Parties to file a joint status report by 04/16/96. Counsel for plaintiffs to notify all other parties of the court's order. (See reverse of minute order.) Mailed notice (dk) [Entry date 02/28/96]
2/29/96	3	UNOPPOSED MOTION by defendant Lloyd's of London for extension of time to answer or otherwise plead to the complaint ; Notice of motion. (dk) [Entry date 03/01/96]
2/29/96	4	RESPONSE by plaintiff to motion for extension of time to answer or otherwise plead to the complaint [3-1] with motion. (dk) [Entry date 03/01/96]
2/29/96	4	MOTION by plaintiffs for extension of time in which to challenge removal with response ; Notice of motion. (dk) [Entry date 03/01/96]
2/29/96	5	MINUTE ORDER of 2/29/96 by Hon. Ruben Castillo: Defendants' unopposed motion for extension of time to answer or otherwise plead to the complaint [3-1] is granted. Defendants to answer or otherwise plead to the complaint on or before 03/20/96. Plaintiffs' unopposed motion for extension of time in which to challenge removal [4-1] is

granted. Plaintiffs are given an additional 30 days in which to move to remand this case. No notice (dk) [Entry date 03/01/96]

- 3/21/96 -- SCHEDULE set on 3/21/96 by Hon. Ruben Castillo : The status report filing date of 4/16/96 and the status hearing set for 4/19/96 are stricken. Mailed notice (ro)
- 3/21/96 6 MOTION by defendant Lloyd's of London to dismiss the complaint pursuant to Civ. R. 12(b)(3) (Exhibits); Notice of motion. (dk) [Entry date 03/22/96]
- 3/21/96 7 MOTION by plaintiffs to remand case to the Circuit Court of Cook County (Attachments); Notice of motion. (dk) [Entry date 03/22/96]
- 3/21/96 8 MINUTE ORDER of 3/21/96 by Hon. Ruben Castillo : Defendants' response to plaintiffs' petition for remand is due 04/10/96. Plaintiffs' reply is due 04/24/96. Motion will be taken under advisement and the court will rule by mail. Defendants' motion to dismiss the complaint pursuant to Civ.R.12(b)(3) is entered and continued generally until the court rules on plaintiffs' petition for remand [7-1], [6-1]. Mailed notice (dk) [Entry date 03/22/96]
- 4/10/96 9 BRIEF by of the Corporation of Lloyd's of London in opposition to plaintiffs' petition for remand case to the Circuit Court of Cook County [7-1] (Exhibits); Notice of filing (rm) [Entry date 04/11/96]
- 4/24/96 10 REPLY by plaintiffs in support of its petition for remand of case to the Circuit Court of Cook County [7-1] (Attachments) (rm) [Entry date 04/29/96]
- 6/27/96 11 MINUTE ORDER of 6/27/96 by Hon. Ruben Castillo : The parties are directed to file a joint status report providing the court with the current status of the administrative proceeding against Lloyd's of London, File No. 9200232, no later than 7/3/96. Joint status report due 7/3/96 . Telephoned notice (rm) [Entry date 06/28/96]
- 7/3/96 12 SUPPLEMENTAL STATUS REPORT by defendants of the Illinois Securitiies Department Administrative proceedings; Notice of filing (rm) [Entry date 07/08/96]
- 7/3/96 13 SUPPLEMENTAL STATUS REPORT by plaintiffs; Notice of filing (rm) [Entry date 07/08/96]
- 7/3/96 14 JOINT STATUS REPORT by plaintiffs and defendant Lloyd's of London (rm) [Entry date 07/08/96]
- 7/31/96 -- SIXTEEN ORIGINAL SUMMONS and sixteen copies issued as to Lime St Underwriting, Kingsley, Lloyd's of London, Feltrim Underwriting, Additional, London Wall Members', Stafford Run-Off, Falcon Agcy Ltd, Merrett Syndicate, Anton Managing Agcy, Oxford Underwriting, PW Kininmonth Ltd, Sturge Holdings PLC, R W Sturge Ltd, Gooda & Prt Ltd and Bankside Members Agency, Ltd. (nlm) [Entry date 08/01/96]

- 8/1/96 15 MOTION by defendant Lloyd's of London for leave to file defendant's second supplemental status report of the Illinois Securities Department administrative proceedings ; Notice of motion. (ksl) [Entry date 08/05/96]
- 8/2/96 16 MINUTE ORDER of 8/2/96 by Hon. Ruben Castillo : Granting defendant Lloyd's of London's motion for leave to file defendant's second supplemental status report of the Illinois Securities Department administrative proceedings [15-1]. Mailed notice (ksl) [Entry date 08/05/96]
- 8/2/96 17 SECOND SUPPLEMENTAL STATUS REPORT by defendant Lloyd's of London of the Illinois Securities Department administrative proceedings (Exhibit). (ksl) [Entry date 08/05/96]
- 8/2/96 18 MEMORANDUM, OPINION, AND ORDER (ksl) [Entry date 08/05/96]
- 8/2/96 19 MINUTE ORDER of 8/2/96 by Hon. Ruben Castillo : Enter memorandum opinion and order. Denying plaintiffs' petition to remand case to the Circuit Court of Cook County [7-1], or in the alternative, to abstain pending the outcome of the state administrative proceeding. Defendants' memorandum in support of their motion to dismiss the complaint pursuant to Civ. R. 12(b)(3) [6-1] is due 08/16/96. Plaintiffs' response will be due 09/06/96. Defendants' reply will be due 9/13/96. Motion to dismiss the complaint pursuant to Civ. R. 12(b)(3) [6-1] will be taken under advisement and the court will rule by mail. Mailed notice (ksl) [Entry date 08/05/96]
- 8/19/96 20 BRIEF by defendant Lloyd's of London in support of motion to dismiss the complaint pursuant to Civ. R. [6-1] (Exhibits) (rm) [Entry date 08/20/96]
- 8/28/96 23 MOTION by defendant Lloyd's of London for leave to file supplement to brief of defendant Lloyd's in support of motion to dismiss with recent citation (Exhibit); Notice of motion (rm) [Entry date 09/05/96]
- 8/29/96 21 ATTORNEY APPEARANCE for defendants PW Kininmonth Ltd, unknown Bankside Members, defendants Falcon Agcy Ltd, Additional, Sturge Holdings PLC, R W Sturge Ltd, Oxford Underwriting, Stafford Run-Off by Lee A. Freeman, John F. Kinney, James T. Malysiak, Derek J. Meyer with Rule 39 affidavits (rm) [Entry date 08/30/96]
- 8/29/96 22 MINUTE ORDER of 8/29/96 by Hon. Ruben Castillo : The parties are hereby directed to brief the effect of the recent 4th Circuit decision regarding the Lloyd's financial rescue plan, in addition to the other issues they plan to brief, in their remaining briefs on Lloyd's motion to dismiss. Mailed notice (rm) [Entry date 08/30/96]
- 8/29/96 24 AGREED MOTION by certain defendants Sturge Holdings PLC, R W Sturge Ltd, Oxford Underwriting, Stafford Run-Off, Bankside Members, PW Kininmonth Ltd, Falcon Agcy Ltd, Additional to extend time to answer or otherwise plead to the complaint; Notice of motion (rm) [Entry date 09/05/96]

- 9/3/96 25 MOTION by defendant Lloyd's of London for leave to file supplement to brief of defendnat Lloyd's in support of motion to dismiss with additional recent citation (Exhibit); Notice of motion (rm) [Entry date 09/05/96]
- 9/4/96 26 MINUTE ORDER of 9/4/96 by Hon. Ruben Castillo : Granting certain defendants' agreed motion to extend time to answer or otherwise plead to the complaint [24-1]. Defendants to answer or otherwise plead to the complaint 30 days after the Court has ruled on Lloyd's motion to dismiss. Defendant's motion for leave to file supplement to brief of defendant Lloyd's in support of motion to dismiss with recent citation [23-1] is granted. Defendant's i motion for leave to file supplement to brief of Lloyd's in support of motion to dismiss with additional recent citation [25-1] is granted. Plaintiffs' response to defendnant's motion to dismiss the complaint [6-1] is due 9/13/95. Defendant's reply is due 9/20/96. Mailed notice (rm) [Entry date 09/05/96]
- 9/13/96 27 MEMORANDUM of law by plaintiffs` in opposition to defendants' motion to dismiss the complaint pursuant to Civ. R. 12(b)(3) [6-1] (Exhibits) (rm) [Entry date 09/16/96]
- 9/20/96 28 REPLY by Lloyd's of London in support of motion to dismiss the complaint pursuant to Civ. R. 12(b)(3) [6-1] (Exhibits); Notice of filing (rm) [Entry date 09/23/96]
- 11/14/96 29 MOTION by certain plaintiffs to voluntarily dismiss this action; Notice of motion (rm) [Entry date 11/25/96]
- 11/14/96 30 MOTION by defendant Lloyd's of London to dismiss certain plaintiffs with prejudice pursuant to settlement agreement (Exhibits); Notice of motion (rm) [Entry date 11/25/96]
- 11/21/96 31 MINUTE ORDER of 11/21/96 by Hon. Ruben Castillo : Motion of certain plaintiffs to voluntarily dismiss this action [29-1] and defendant's motion to dismiss certain plaintiffs with prejudice to settlement agreement [30-1] are granted. The following plaintiffs are dismissed with prejudice: terminating party Thomas K Brooker, Patricia H Buehler, Terry G Chapman, Mary Claire Gallagher, John P Gallagher, Thomas J Gallagher, Anne M Gallagher, Robert E Gallagher, Isabel L Gallagher, Robert E Gallagher, J Patrick Gallagher, Katherine Gallagher Goese, Allan S Greene, Alton B Harris, Carol M Hathaway, Alan J Hunken, Charles A Janda, James C Kenny, John E Kenney, Gerard M Kenny, Patrick B Kenny, Vince A Konen, Nancy Kurz, George C Lyman, Michael McDermott, T R Miles, Gerald B Mullin, William C O Donnell, Charles W Olson, Thomas P O'Malley, Robert E Rocque, George V Rusu, K Dino Sirakides, AlexanderStevens, Craig M Van der Voort, Petra Von Heimborg. Mailed notice (rm) [Entry date 11/25/96]
- 11/27/96 32 ORDER (rm) [Entry date 12/02/96]
- 11/27/96 33 MINUTE ORDER of 11/27/96 by Hon. Ruben Castillo : Enter order. Mailed notice (rm) [Entry date 12/02/96]

12/5/96 34 MEMORANDUM, OPINION, AND ORDER (rm) [Entry date 12/09/96]

12/6/96 35 MINUTE ORDER of 12/6/96 by Hon. Ruben Castillo : This order is entered nunc pro tunc 12/5/96. Enter memorandum opinion and order. Defendant's motion to dismiss the complaint pursuant to Civ. R. [6-1] is granted. This lawsuit is hereby dismissed without prejudice to its refiling in an appropriate English court. terminating case Mailed notice (rm) [Entry date 12/09/96]

12/6/96 36 ENTERED JUDGMENT (rm) [Entry date 12/09/96]

Case Flags:
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GOTTSC

END OF DOCKET: 1:96cv852

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