

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
GENERAL ORDER 10 - 0008**

The full Court met in executive session on Wednesday, October 27, 2010 and approved an amendment to Local Rule 40.4 regarding Related Cases; Reassignment of Cases as Related. The modification clarifies the filing of claimed related cases. The proposed amendment was published with comments due on July 19, 2010. No comments were received from the Public or the Rules Advisory Committee on Local Rules and Procedures.

The Court's Rules Committee discussed the rule at its meeting of September 21, 2010. It recommended that the full Court adopt the proposed amendment as published.

The full Court considered the recommendation of the Rules Committee at its meeting on October 27, 2010 and agreed to modify Local Rule 40.4. Therefore,

By direction of the full Court, which met in executive session on Wednesday, October 27, 2010,

IT IS HEREBY ORDERED that Local Rule 40.4: Related Cases; Reassignment of Cases as Related be amended as follows (additions shown thus, deletions shown ~~thus~~):

LR40.4. Related Cases; Reassignment of Cases as Related

(a) DEFINITIONS. Two or more civil cases may be related if one or more of the following conditions are met:

- (1) the cases involve the same property;
- (2) the cases involve some of the same issues of fact or law;
- (3) the cases grow out of the same transaction or occurrence; or
- (4) in class action suits, one or more of the classes involved in the cases is or are the same.

(b) CONDITIONS FOR REASSIGNMENT. A case may be reassigned to the calendar of another judge if it is found to be related to an earlier-numbered case assigned to that judge and each of the following criteria is met:

- (1) both cases are pending in this Court;
- (2) the handling of both cases by the same judge is likely to result in a substantial saving of judicial time and effort;
- (3) the earlier case has not progressed to the point where designating a later

filed case as related would be likely to delay the proceedings in the earlier case substantially; and

(4) the cases are susceptible of disposition in a single proceeding.

(c) MOTION TO REASSIGN. A motion for reassignment based on relatedness may be filed by any party to a case. The motion shall—

(1) set forth the points of commonality of the cases in sufficient detail to indicate that the cases are related within the meaning of section (a), and

(2) indicate the extent to which the conditions required by section (b) will be met if the cases are found to be related.

A copy of the complaint or other relevant pleading in each of the higher-numbered cases that are the subject of the motion shall be attached to the motion.

The motion shall be filed ~~with the judge before whom~~ in the lowest-numbered case of the claimed related set and noticed before the judge assigned to that case is pending. Where all of the cases claimed to be related are assigned to magistrate judges on consent, then the motion shall be filed with the magistrate judge before whom the lowest-numbered case is pending. Where one or more of the cases claimed to be related is assigned to a magistrate judge on consent and one or more of the remaining cases is assigned to a district judge, the motion shall be filed with the district judge having the lowest-numbered case.

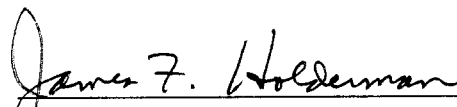
In order that all parties to a proceeding be permitted to respond on the questions of relatedness and possible reassignment, such motions should not generally be filed until after the answer or motions in lieu of answer have been filed in each of the proceedings involved.

(d) RULING ON MOTION. The judge to whom the motion is presented may consult with the judge or judges before whom the other case or cases are pending. The judge shall enter an order finding whether or not the cases are related within the meaning of the rules of this Court and, if they are, whether the higher-numbered case or cases should be reassigned.

Where the judge finds that the cases are related and that reassignment should take place, a copy of that finding will be forwarded to the Executive Committee together with a request that the Committee reassign the higher-numbered case or cases.

A copy of any finding that cases either are or are not related and, if they are, that reassignment should or should not take place shall also be sent to each of the judges on whose calendar one or more of the higher-numbered cases is or are pending. Any judge to whom one or more of the cases involved is or are assigned may seek a review of the finding by the Executive Committee. The order entered by the Committee following review shall be final.

ENTER:
FOR THE COURT



Chief Judge

Dated at Chicago, Illinois this 2nd day of November, 2010