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BLOGS

Jurisdiction and Procedure

Illinois State Court Dismisses Plaintiff's Claims Against Hotel Franchisor on *Forum Non Conveniens* Grounds

An Illinois court recently dismissed a case brought by a celebrity sports journalist against a hotel franchisor arising out of alleged privacy violations. *Erin Andrews v. Marriot International, Inc.*, No. 10-L-8186 (Cook County Circuit Court, state of Illinois, August 10, 2012). In a case defended by Gray Plant Mooty, Erin Andrews filed a lawsuit in Illinois against Radisson Hotels International, Inc. (and other hotel companies) alleging that she was illegally viewed in the nude by an individual who stalked her and altered the peephole in her guest room door at various hotels in Milwaukee, Nashville, and Columbus. Plaintiff sought to have all her claims against all defendants tried in one lawsuit in Cook County Circuit Court.

Radisson moved to dismiss the plaintiff's lawsuit pursuant to the doctrine of *forum non conveniens*, arguing that the Radisson® hotel at issue was located in Wisconsin. In dismissing the action, the Cook County Circuit Court noted that in weighing both the private and public interest factors that Illinois courts must consider in determining *forum non conveniens* motions, all the relevant factors strongly favored Radisson's suggested forum of Milwaukee County, Wisconsin. The court specifically noted that the franchised Radisson hotel at issue was located in Wisconsin, the individuals with the most knowledge of the alleged incident were located in Wisconsin, compulsory process for the attendance of unwilling witnesses would not be available in Cook County, and the perpetrator was no longer a resident of the state of Illinois. In addition, the court stated that because the plaintiff did not reside in Cook County, her choice of forum was given less deference. Accordingly, the court held that a Wisconsin court had a much greater interest in resolving the matter and dismissed the action against Radisson. The court also dismissed the other defendants from the action on grounds specific to each of them, including lack of in *personam* jurisdiction, sovereign immunity, and the existence of another action pending in Tennessee.