

Rule 384. Proceedings for the Transfer and Consolidation of Multicircuit Actions.

(a) Motion to Consolidate—Transfer. When civil actions involving one or more common questions of fact or law are pending in different judicial circuits, and the Supreme Court determines that consolidation would serve the convenience of the parties and witnesses and would promote the just and efficient conduct of such actions, the Supreme Court may, on its own motion or on the motion of any party filed with the Supreme Court, transfer all such actions to one judicial circuit for consolidated pretrial, trial, or post-trial proceedings.

(b) Pretrial Consolidation—Remandment. Unless the action is terminated or unless otherwise ordered by the Supreme Court, an action transferred for pretrial proceedings only shall, at or before the conclusion of those pretrial proceedings, be remanded to the circuit from which it was transferred. However, the Supreme Court may, on its own initiative or at the request of the transferee circuit court, separate any claim, cross-claim, counterclaim or third-party claim and remand such claims at any time.

(c) Procedure.

(1) *General.* Except as otherwise provided hereafter, procedures for processing motions for consolidation filed under this rule shall, to the extent feasible, follow the procedures set forth in Rule 383, “Motions for Supervisory Orders.”

(2) *Notice to Clerks.* A party filing a motion to consolidate shall file such motion with the clerk of the circuit court of each circuit in which the actions to be consolidated are pending, and shall include an appendix to such motion specifying the county in which each such case is pending and the names and file numbers of all cases to be consolidated.

(3) *Notice to Parties.* Service on other parties shall be as provided in Rule 383(b).

(4) *Oral Argument.* If the Supreme Court requests oral argument on the motion to consolidate, the clerk of the Supreme Court shall so notify the clerk of each affected circuit court and the attorney(s) for each affected party.

(5) *Procedures—Orders to Consolidate.* If the Supreme Court grants a motion to consolidate or if the Supreme Court initiates a consolidation of cases at the circuit court level, the clerk of the Supreme Court shall transmit the court’s order to the clerk of each affected circuit court and to the attorney(s) for each affected party. The clerks of the circuit courts from which a transfer is ordered shall promptly certify and transfer to the clerk of the circuit court to which the transfer is ordered all documents in the affected cases and in this and all other respects the cases shall be treated as if there had been an intrastate transfer on the grounds of *forum non conveniens*. See Rule 187(c).

Adopted Oct. 25, 1990, eff. Nov. 1, 1990; [amended June 22, 2017](#), eff. July 1, 2017.

Committee Comments

This rule is new and is based upon Title 28, section 1407, of the United States Code, which establishes the procedure in the Federal courts for the transfer of civil actions involving one or more common questions of fact, pending in different districts, to one district for coordination or consolidated pretrial proceedings. This new rule provides for similar procedures in Illinois for the

transfer of related cases pending in different judicial circuits within the State. The rule, however, not only covers cases involving common questions of fact, but includes cases which involve common questions of law as well. Additionally, this rule, unlike 28 U.S.C. §1407, also provides for the transfer of the related cases, where appropriate, for trial or post-trial proceedings and not just for transfers for pretrial proceedings.

Another major departure from the Federal procedures set forth in section 1407 is that transfers in Illinois will be made by the supreme court and not a judicial panel. This was considered required by the Illinois Constitution (Ill. Const. 1970, art. VI, §4) and is more consistent with current Illinois practice. In an attempt to adhere to current Illinois practice, the rule provides that, to the extent feasible, motions processed under the new rule shall follow the procedures set forth in Rule 383, "Motions for Supervisory Orders." Further, where a transfer is ordered by the supreme court the clerks of the courts affected shall treat the case as if there had been an intrastate transfer on the grounds of *forum non conveniens* under Rule 187(c).

Section (c)(2) is new and does not have a counterpart in Rule 383. Section (c)(2) requires a party filing a motion to consolidate to also file a copy of the motion and an appendix specifying the county in which each case is pending and the names and file numbers of all the cases consolidated, with the clerk of the circuit court, where the asserted related actions are pending. Also, in section (c)(4), this rule specifically directs the clerk of the supreme court to notify the clerks of the affected circuits and the parties if the supreme court requests oral argument. This is also the case under section (c)(5) of the rule where the supreme court grants a motion to consolidate, the supreme court clerk again is directed to notify the affected circuit court clerks and the parties.