2026 IL App (1st) 251983-U

Nos. 1-25-1983, 1-25-2280 (cons.)

Second Division
September 8, 2026

NOTICE: This order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

BENJAMIN RAMIREZ, Plaintiff-Appellee, v. KENDALL HOSPITALITY LLC d/b/a Holiday Inn Express Yorkville, KMS INVESTMENTS, LLC d/b/a Holiday Inn Express Bensenville, BENSENVILLE HOSPITALITY, INC. d/b/a Country Inn & Suites Bensenville, POONAM SHAH, IHG MANAGEMENT (MARYLAND) LLC, IHG FRANCHISING, LLC, HOLIDAY HOSPITALITY FRANCHISING LLC, and CURRAN'S LANDSCAPING, INC., Defendants (KENDALL HOSPITALITY LLC d/b/a Holiday Inn Express Yorkville, KMS INVESTMENTS LLC d/b/a Holiday Inn Express Bensenville, BENSENVILLE HOSPITALITY INC. d/b/a Country Inn & Suites Bensenville, and POONAM SHAH, Defendants-Appellants).	Appeal from the Circuit Court of Cook County. No. 2024 L 008857 The Honorable Kathy M. Flanagan, Judge Presiding.

JUSTICE REYES delivered the judgment of the court.
Justices Lampkin and Rochford concurred in the judgment.

ORDER

¶ 1 *Held:* Dismissing interlocutory appeals in slip and fall case due to lack of appellate jurisdiction in part, and affirming in part the circuit court's denial of a motion to stay the proceedings and enforcement, where defendants failed to provide sufficient evidence or viable arguments in support of a stay.

¶ 2 Defendants Kendall Hospitality LLC, KMS Investments LLC, Bensenville Hospitality Inc., and Poonam Shah filed the instant consolidated interlocutory appeals in a slip and fall case for negligence and premises liability. The appeals were filed pursuant to Illinois Supreme Court Rule 307(a) (eff. Nov. 1, 2017) from the circuit court's denial of a motion to stay and striking of a motion to transfer venue pursuant to section 2-101 of the Code of Civil Procedure (735 ILCS 5/2-101 (West 2024)), and several other contemporaneous and subsequent rulings, the latter of which defendants argue were void for lack of jurisdiction. As defendants' appeals of the stricken motion to transfer and the circuit court's subsequent rulings were from nonfinal judgments or otherwise moot, we lack jurisdiction to consider those arguments and our review is limited to the denial of the motion to stay only. For the reasons set forth below, we affirm the circuit court's denial of defendants' motion to stay.

¶ 3 BACKGROUND

¶ 4 Plaintiff Benjamin Ramirez filed a multicount complaint for damages in the circuit court of Cook County on August 9, 2024, based on theories of negligence and premises liability arising from injuries allegedly sustained as a result of slipping and falling on ice or snow on the premises of a Holiday Inn Express in Yorkville, Illinois, on January 14, 2024.

¶ 5 Following various motions to dismiss submitted by the other defendants (appellants in this case), defendants IHG Management LLC, IHG Franchising, LLC, and Holiday Hospitality Franchising LLC (IHG defendants) appeared and filed a motion to dismiss plaintiff's fourth amended complaint pursuant to section 2-619.1 of the Code of Civil Procedure (735 ILCS 5/2-

619.1 (West 2024)) on May 6, 2025. In this motion, the IHG defendants raised arguments about plaintiff's failure to plead both a legal duty of care and a duty to protect invitees under a premises liability theory. The IHG defendants also raised a motion to dismiss on *forum non conveniens* grounds, pursuant to Illinois Supreme Court Rule 187 (eff. Jan. 1, 2018) and section 2-101 of the Code of Civil Procedure (735 ILCS 5/2-101 (West 2024)), in which they argued that venue in Cook County was improper as plaintiff lacked a relationship to the forum. No affidavits were submitted in support of the motion.

¶ 6 Defendant Kendall Hospitality LLC filed a motion to transfer venue to Kendall County on June 23, 2025. Citing section 2-101 of the Code of Civil Procedure (735 ILCS 5/2-101 (West 2024)), defendant argued in the motion to transfer venue that because the hotel, its owner and operator, and the plaintiff's listed witnesses (as provided in response to interrogatories) are located in Kendall County, and the plaintiff's home forum is California, the case should be transferred to Kendall County so as to prevent severe prejudice to defendants and the burdening of the Cook County court system. In the alternative, defendant Kendall Hospitality LLC argued that it "moves to stay all proceedings, motions, pleadings and enforcement until final appellate determination of the proper venue." Attached to the motion were two affidavits—one from defendants' counsel and one from Shailesh Shah, executive hotel manager of the Holiday Inn Express Yorkville. Defendants' counsel's affidavit restated the legal arguments presented in the motion, and contained a table listing the potential witnesses identified in plaintiff's answers to interrogatories with their respective mileage distances to the Cook County and Kendall County circuit courthouses. The table included two potential witnesses to the accident, two treating fire department personnel, two treating physicians, and the 911 operations center of Kendall County.

¶ 7 Plaintiff filed a motion to compel and for sanctions pursuant to Illinois Supreme Court Rule 219(c) on June 27, 2025, arguing that defendants had defied various court orders regarding timing of depositions and other discovery deadlines, had evaded service and other communications, and had failed to provide an affidavit or further proof to support various motions to dismiss which asserted that defendants KMS Investments LLC and Bensenville Hospitality, Inc. had no connection to the case. Plaintiff maintained that the case "has not moved forward in 10 months because of defendants[']s conduct and delay which has made finding the proper parties and determining what if any role defendants have in the case a game." In particular, plaintiff alleged that despite several attempts to confirm and accommodate the schedules of plaintiff's deponents, Poonam Shah—the listed licensee of the hotel, registered agent for KMS Investments LLC, and secretary for Bensenville Hospitality, Inc.—and Shailesh Shah, and a court order that set a "firm date" by which the depositions should be taken, he still had yet to successfully depose either of them due to defendants' evasive actions. Plaintiff asserted that the two individuals "clearly have information that will clear up the issues in this case to allow the matter to move beyond the pleadings."

¶ 8 Plaintiff filed a second motion to compel and for sanctions on July 21, 2025, alleging that—as plaintiff had predicted in the previous motion to compel—Poonam Shah had failed to appear for his scheduled deposition, and that "[t]he actions of [defendants' counsel] and his client's [*sic*] are egregious, purposeful and obstructionist," demonstrating a "deliberate, contumacious, or unwarranted disregard for the court's authority, orders or discovery rules [of] this Honorable Court."

¶ 9 The circuit court entered an order on August 5, 2025, scheduling a hearing on plaintiff's motion to compel and for sanctions on September 2, 2025, and continuing defendants' motion to stay and transfer to the same date.

¶ 10 On August 11, 2025, defendants Kendall Hospitality LLC, KMS Investments, LLC, Bensenville Hospitality, Inc., and Poonam Shah filed an objection to plaintiff's motion to compel and for sanctions. This objection also incorporated a new motion to transfer venue to Kendall County, as well as a new motion to stay proceedings and enforcement pending appellate determination of the propriety of a stay. In the new motion to stay, defendants argued that the circuit court should grant a stay of proceedings and enforcement as failing to do so would result in an abuse of discretion. Furthermore, defendants argued that they had "proved irreparable injury and demonstrated likelihood of success on the merits," even though they acknowledged that these were the higher legal standards relevant to granting an injunction, not a stay. Defendants cited two affidavits that they had produced in support of their previous motion to transfer venue as proof that demonstrated irreparable injury and likelihood of success on the merits.

¶ 11 A hearing was conducted in the circuit court on September 2, 2025. The circuit court first went through the exhibits to plaintiff's motion to compel and for sanctions, explaining the various stages at which defendants had failed to comply with the discovery process. The circuit court granted the motion to compel and provided defendants with a final 28-day deadline to comply with its ruling, stating that it would grant no extensions for this deadline. Plaintiff's motion for sanctions was entered and continued for the circuit court to monitor defendants' compliance with its order granting plaintiff's motion to compel.

¶ 12 The circuit court then turned briefly to defendants' motion to stay. While initially denying the motion outright, the circuit court proceeded to request that defendants' counsel provide an adequate basis for the stay. At first, defendants' counsel responded that the basis was "[s]o that the Appellate Court can determine the propriety of the stay." After further prompting, defendants' counsel clarified that their purported basis for a stay was "the prejudice *** shown to the defendant Kendall Hospitality if the transfer is not granted." In support of this assertion, counsel referenced the location of plaintiff's listed witnesses in Kendall County. "Counsel, counsel," the circuit court interjected, "you cannot claim inconvenience to a plaintiff for plaintiff's own witnesses. And when and if you put a proper FNC [*forum non conveniens*] motion on file, not just tucked into an objection, then the court will take a look at the propriety of an FNC motion." The circuit court further explained that "[w]itnesses get deposed in the counties in which they reside or transact business anyway. So none of these witnesses are going to be deposed in Cook County ***." Defendants' counsel maintained that the plaintiff's witnesses would be critical to defendants' case, as well. Despite this assertion, the circuit court concluded that it would weigh the proper considerations of hardship, inconvenience, and the private and public interest factors necessary to determining the merits of a motion to transfer venue on *forum non conveniens* grounds upon defendants' filing of a proper *forum non conveniens* motion.

¶ 13 Following the proceedings, the circuit court entered two written orders on September 2, 2025, the more comprehensive of which addressed the IHG defendants' *forum non conveniens* arguments as asserted through their motion to dismiss filed pursuant to Rule 187 (Ill. S. Ct. R. 187 (eff. Jan. 1, 2018)) and section 2-101 of the Code of Civil Procedure (735 ILCS 5/2-101 (West 2024)). The circuit court noted that the IHG defendants had failed to

attach affidavits in support of their newest motion to transfer venue, and explained that "[t]here is no requirement for a plaintiff to plead proper venue. If venue is improper, that is the burden of a defendant to establish, which these defendants have not." The circuit court further explained that the IHG defendants' motion was procedurally improper, as defendants should have filed it pursuant to Illinois Supreme Court Rule 187 (eff. Jan. 1, 2018) (establishing the proper procedures to file a motion to transfer under the doctrine of *forum non conveniens*), rather than "wedged into a 2-615 motion as a 'catch-all' afterthought." Additionally, the circuit court stressed that "the mere rote recitation of the various factors to be analyzed in determining if a case should be *transferred* does not satisfy the lengthy and in-depth evidentiary materials which must accompany" a Rule 187 motion. (Emphasis in original). The circuit court denied the IHG defendants' motion, characterizing it as "another misapprehension of proper provisions of Illinois procedure." The circuit court further noted that the IHG defendants improperly characterized the motion as a motion to dismiss as opposed to a motion to transfer for *forum non conveniens*, given that the alternative venue was within the territorial boundaries of the State of Illinois.

¶ 14 A handwritten order entered the same day denied the motion to stay filed by the defendants in the instant appeal, and struck their motion to transfer venue as had been "incorporated in Defendants' objections to [plaintiff's] motion to compel."

¶ 15 Defendants KMS Investments, LLC, and Bensenville Hospitality, Inc., filed a motion to dismiss plaintiff's fifth amended complaint with prejudice pursuant to section 2-619.1 of the Code of Civil Procedure (735 ILCS 5/2-619.1 (West 2024)) on September 18, 2025. A similar motion was filed the same day on behalf of defendants Poonam Shah and Shailesh Shah. In both motions, defendants sought relief under sections 2-615 and 2-619(a)(9) of the Code of

Civil Procedure (*id.* §§ 2-615, 2-619(a)(9)), arguing that plaintiff failed to plead a duty of care which was owed to him by defendants, and that plaintiff further failed to state a connection of defendants to the maintenance and everyday operations of the Holiday Inn Express Yorkville property, the actual titleholder of which they alleged was Kendall Hospitality LLC.

¶ 16 Defendants filed a notice of interlocutory appeal of the September 2 order pursuant to Illinois Supreme Court Rule 307(a) (eff. Nov. 1, 2017) on September 26, 2025. On September 30, 2025, defendants filed a notice to the circuit court objecting to its jurisdiction, which they claimed had been divested of the circuit court once their notice of appeal was submitted.

¶ 17 Plaintiff filed a motion for sanctions pursuant to Illinois Supreme Court Rule 137 (eff. January 1, 2018) and to quash on October 16, 2025.

¶ 18 Defendants filed a second notice objecting to the circuit court's jurisdiction on October 20, 2025.

¶ 19 On October 24, 2025, petitioners Great West Casualty Company and PTS Worldwide, Inc. filed a motion for leave to file a petition for intervention in the circuit court, stating that plaintiff's injuries occurred during the course and scope of his employment with PTS Worldwide, Inc. The motion further stated that plaintiff had submitted a claim for workers' compensation which was paid by PTS Worldwide, Inc., and its insurer, Great West Casualty Company.

¶ 20 The circuit court entered and continued plaintiff's motion for sanctions and to quash on October 28 until December 2, 2025, over defendants' objection on jurisdictional grounds. The same order directed the "non-appeal" defendants to complete or supplement their written fact and Illinois Supreme Court Rule 213(f)(1), (f)(2) (eff. Jan. 1, 2018), and Rule 214 (eff. July 1, 2018) discovery by November 21, 2025. The circuit court also entered an order on

October 28 granting leave to Great West Casualty Company to file an intervening petition over defendants' jurisdictional objection.

¶ 21 On November 4, 2025, the circuit court entered an order to special stay calendar, stating that the "matter is placed on the following Law Division Stay Calendar: Appellate Calendar" and striking the December 2, 2025, court date, which it had set for a status hearing on defendants' appeal and for motion hearings on plaintiff's motions for default, sanctions, and to quash. The online docket of the Clerk of the Circuit Court of Cook County reflects that the matter was moved to the appeal calendar and indicates there have been no subsequent proceedings in the time since.[1]

¶ 22 Defendants filed a notice of interlocutory appeal of the circuit court's October 28 orders on November 10, 2025, pursuant to Illinois Supreme Court Rule 307(a)(1) (eff. Nov. 1, 2017). This second appeal was docketed at case No. 1-25-2280, and consolidated with defendants' prior appeal, No. 1-25-1983, on November 26, 2025.

¶ 23 ANALYSIS

¶ 24 As a threshold matter, we address plaintiff's argument that we lack jurisdiction to consider most of the questions defendants raise on appeal.

¶ 25 Appellate courts have an independent duty to consider their own jurisdiction before reviewing the merits of a case. *Ontiveroz v. Khokhar*, 2025 IL 130316, ¶ 1; *People v. Smith*, 228 Ill. 2d 95, 104 (2008).

¶ 26 We turn to defendants' first interlocutory appeal. In that notice of appeal, filed on September 26, 2025, defendants stated that they were appealing the circuit court's September

[1] We take judicial notice of the online docket of the Clerk of the Circuit Court of Cook County. See *In re F.P.*, 2014 IL App (4th) 140360, ¶ 39 (appellate courts may take judicial notice of the circuit court's electronic docket).

2, 2025, order which denied their motions to stay and struck their motion to transfer venue. In their brief on appeal, defendants also challenge the circuit court's ruling in its September 2, 2025, order denying the motions to dismiss filed by the IHG defendants—consisting of IHG Management (Maryland) LLC, IHG Franchising, LLC, and Holiday Hospitality Franchising LLC—pursuant to section 2-615 of the Code of Civil Procedure (735 ILCS 5/2-615 (West 2024)), Illinois Supreme Court Rule 187 (Ill. S. Ct. R. 187 (eff. Jan. 1, 2018)) and section 2-101 of the Code of Civil Procedure (735 ILCS 5/2-101 (West 2024)).

¶ 27 We first note that counsel for the defendants-appellants here does not represent the IHG defendants, nor has there been any argument raised concerning why we should consider their arguments regarding the circuit court's treatment of those defendants' motions. Accordingly, any arguments raised regarding the circuit court's ruling on those defendants' motions are generally excluded from our analysis. See, *e.g.*, *Clay v. Pepper Construction Co.*, 205 Ill. App. 3d 1018, 1023 (1990) (holding that appeal by a group of defendants regarding grant of summary judgment against their codefendants was improper due to lack of standing, where the defendant-appellants had not demonstrated sufficient adversity affecting their own interests); see also *St. Mary of Nazareth Hospital v. Kuczaj*, 174 Ill. App. 3d 268, 271 (1988) ("Although the general rule in Illinois is that the only party who may appeal from a judgment in favor of a co-defendant is the plaintiff, the rule is subject to the limitation that it applies only in cases where the rights of the appellant are not affected by the error.") (Citations omitted.); Ill. S. Ct. R. 341(h)(7) (eff. Oct. 1, 2020) ("Points not argued are forfeited and shall not be raised in the reply brief, in oral argument, or on petition for rehearing."). Setting aside this critical fact, the circuit court's denial of the IHG defendants' motion to dismiss pursuant to section 2-615 is an interlocutory order which is not appealable as of right under Illinois Supreme Court Rule

307(a) (eff. Nov. 1, 2017) (allowing for interlocutory appeals as of right from circuit court orders that grant, modify, refuse, dissolve, or refuse to dissolve or modify an injunction, or from other orders relating to specific mortgage, bankruptcy, juvenile, and eminent domain proceedings). See, *e.g.*, *Denis v. P & L Campbell, Inc.*, 348 Ill. App. 3d 391, 394 (2004) (holding that the appellate court lacked jurisdiction to consider an appeal from a denial of a motion to dismiss, which is an interlocutory order).

¶ 28 A similar jurisdictional principle bars defendants' appeal of the circuit court's striking of their own motion to transfer venue on *forum non conveniens* grounds. As the circuit court *struck* rather than *denied* defendants' motion to transfer venue, its decision did not represent a final and appealable order. Most notably, the circuit court did not consider the merits of the motion or direct that it be stricken "with prejudice." *Belluomini v. Lancome*, 207 Ill. App. 3d 583, 586 (1990) (holding that a circuit court order striking a motion to vacate lacked finality, noting there was "no adjudication on the merits of the cause" and distinguishing from cases in which circuit courts struck motions "with prejudice"). As such, we lack jurisdiction to review the circuit court's decision. See *id.*; Ill. S. Ct. R. 303(a)(1) ("A judgment or order is not final and appealable while a Rule 137 claim remains pending unless the court enters a finding pursuant to Rule 304(a)."). Even if the circuit court had denied rather than stricken the motion, defendants' Rule 307(a) appeal still would have been procedurally improper—in that scenario defendants would have needed to petition this court for leave to appeal within 30 days of the circuit court's September 2, 2025, ruling, pursuant to Rule 306(a) rather than Rule 307(a). *Compare* Ill. S. Ct. R. 306(a), (c) (eff. Oct. 1, 2020) (establishing procedures to file a petition for leave to appeal of an interlocutory order allowing or *denying* a motion to dismiss or motion to transfer on *forum non conveniens* grounds, or on the grounds that a defendant is "not a

resident of the county in which the action was commenced, and no other legitimate basis for venue in that county has been offered by the plaintiff") *with* Ill. S. Ct. R. 307(a) (eff. Nov. 1, 2017); see also *Pendergast v. Meade Electric Co.*, 2013 IL App (1st) 121317, ¶ 37; *Secura Insurance Co. v. Illinois Farmers Insurance Co.*, 232 Ill. 2d 209, 217-18 (2009) ("the appellate court does not have the authority to excuse the filing requirements of the supreme court rules governing appeals"). In the case's current posture, though, we are unable to further consider the merits of defendants' arguments on appeal regarding venue and *forum non conveniens* as the circuit court's September 2 striking of their motion to transfer was a non-appealable order.

¶ 29 In defendants' second interlocutory appeal, they take issue with the circuit court's October 28 orders and request that we vacate them due to the circuit court's lack of jurisdiction during the pendency of defendants' prior appeal. As the circuit court entered a stay on November 4, 2025, striking the future court date, defendants' arguments requesting that we vacate the discovery deadline for non-appealing defendants and the continuance on plaintiff's motion for sanctions and to quash which was ordered on October 28, 2025, are moot.

¶ 30 Regarding the circuit court's order granting leave for petitioner Great West Casualty Company to intervene, also entered on October 28, it is true that "a trial court may not rule on a petition that is filed before the appellate court issues its mandate if the petition involves issues that were presented to the appellate court for review." *Longo v. Globe Auto Recycling, Inc.*, 318 Ill. App. 3d 1028, 1035 (2001). Here, however, the petition to intervene did not involve issues that defendants presented for our review. Accordingly, we similarly decline to vacate that order.

¶ 31 As defendants' other arguments are not properly raised before us, all that remains of defendants' appeal is their challenge to the September 2, 2025, denial of their motion to stay

proceedings. According to Illinois Supreme Court Rule 305(b), upon the filing of a notice and motion and the opportunity for the opposing party to be heard, a circuit court "*may* stay the enforcement of any judgment, other than a judgment, or portion of a judgment, for money, or the enforcement, force and effect of appealable interlocutory orders or any other appealable judicial or administrative order," and shall condition the stay "upon such terms as are just." Ill. S. Ct. R. 305(b) (eff. July 1, 2017) (emphasis added). In making this determination, the circuit court may consider factors such as judicial economy and the orderly administration of justice. *Estate of Bass v. Katten*, 375 Ill. App. 3d 62, 68 (2007). A circuit court possesses the discretion to stay proceedings "as part of its inherent authority to control the disposition of cases before it." *Id.* The allowance for interlocutory appeals as of right pursuant to Illinois Supreme Court Rule 307(a) for circuit court orders "granting, modifying, refusing, dissolving, or refusing to dissolve or modify an injunction" (Ill. S. Ct. R. 307(a)(1) (eff. Nov. 1, 2017) extends to orders granting or denying a motion to stay, as a stay is injunctive in nature. *Custer v. Cerro Flow Products*, 2019 IL App (5th) 190285, ¶¶ 20-23; *Cholipski v. Bovis Lend Lease, Inc.*, 2014 IL App (1st) 132842, ¶ 33.

¶ 32 A circuit court's denial of a motion to stay is reviewed for abuse of discretion, requiring us to examine "whether the [trial] court 'acted arbitrarily without the employment of conscientious judgment or, in view of all the circumstances, exceeded the bounds of reason and ignored recognized principles of law so that substantial prejudice resulted.' " *Heim v. Herrick*, 344 Ill. App. 3d 810, 813 (2003) (internal citations omitted). In our review, we examine "the sufficiency of the evidence, not to determine controverted rights or to decide the merits of the case, but only for the limited purpose of ascertaining whether the trial court

abused its discretion in entering the interlocutory order." *Estate of Bass*, 375 Ill. App. 3d at 67-68.

¶ 33 Here, there was effectively no evidence offered in support of defendants' motion to stay, and both the factual and legal bases for their motion remain unclear upon our review. The first version of defendants' motion to stay was included in a motion to transfer venue, filed on June 23, 2025. In that motion, defendants requested a stay as alternative relief if the circuit court did not grant its motion to transfer venue to Kendall County. Such stay, defendants posited, should prevent further circuit court proceedings and enforcement pending "final appellate determination of the proper venue" of the case. This motion was continued until the September 2, 2025, court date. In the meantime, defendants incorporated another version of their motion to stay in their August 11, 2025, objection to plaintiff's motion to compel and for sanctions. In that motion, defendants asserted that the circuit court's denial of a stay would constitute an abuse of discretion, citing a case in which circuit court proceedings had been stayed pending the outcome of a related case filed in another county (*Medline Industries, Inc. v. Pascal*, 23 Ill. App. 3d 346, 347-49 (1974)), and another case (*Stacke v. Bates*, 138 Ill. 2d 295, 304-05 (1990)) involving an appeal of a stay of a money judgment filed pursuant to Illinois Supreme Court Rule 305(a) (eff. July 1, 2017). As the instant appeal involves neither another pending circuit court case nor a money judgment, those citations are inapposite here.

¶ 34 Defendants also asserted in their August 11 motion that they had "proved irreparable injury and demonstrated likelihood of success on the merits," despite such proof not being a requirement for a circuit court to exercise its discretion in granting a stay. The accompanying memorandum cited *Dawdy v. Union Pacific R.R. Co.*, 207 Ill. 2d 167, 174-75 (2003), for the purported holding that " '[f]orum shopping' is illegal in the State of Illinois," and pointed to

that case as an analogous factual scenario in which the public and private interest factors weighed in favor of transfer. Defendants pointed to affidavits of their counsel and Shailesh Shah in support of the motion to transfer venue as proof of irreparable injury and likelihood of success on the merits. These affidavits made legal arguments about the impropriety of Cook County as venue based on the inconvenience to the potential witnesses, who are situated in or more proximate to Kendall County, and also argued that "[i]t would be unfair to burden the citizens of Cook County with trial of this case" due to the comparatively crowded docket of the Cook County court system. The affidavits failed to articulate an independent factual basis for transfer as pertinent to defendants in their own capacities, and asserted that, in the event that defendants' motion was denied, a stay was necessary "until final appellate determination of the proper venue" and to avoid "an abuse of discretion." We find this argument circular and unavailing, and note that defendants failed to provide any affidavits from the identified witnesses whose potential inconvenience forms the sole basis of their motion to transfer. See *Ammerman v. Raymond Corp.*, 379 Ill. App. 3d 878, 890 (2008) (affirming circuit court's denial of motion to transfer for *forum non conveniens*, in which appellate court "f[ou]nd it notable that *** [defendant] failed to provide affidavits from any of the identified witnesses stating that Cook County is an inconvenient forum").

¶ 35 Further, in the September 2 hearing, defendants' counsel stated that the basis of the stay would be "the prejudice *** shown to the defendant Kendall Hospitality if the transfer is not granted." Prompted to explain the assertion of projected prejudice, counsel alluded to the location of plaintiff's listed witnesses in Kendall County. The circuit court cut this explanation short, noting that counsel could not claim inconvenience on behalf of the plaintiff himself for plaintiff's own witnesses as a basis for defendants' motion to stay. The circuit court later

reasoned that, regardless, the witnesses would be deposed in their counties of residence or business rather than Cook County, and that "when and if you put a proper FNC [*forum non conveniens*] motion on file, not just tucked into an objection, then the court will take a look at the propriety of an FNC motion." The circuit court concluded that it would weigh the proper considerations of hardship, inconvenience, and the private and public interest factors upon defendants' filing of a proper *forum non conveniens* motion. We agree with the circuit court's articulation of the proper procedures for motions to transfer for *forum non conveniens* here, as set forth in Illinois Supreme Court Rule 187 (eff. Jan. 1, 2018). As no such motion is properly before us, we cannot determine the merits of that argument in this appeal.

¶ 36 In defendants' opening brief on appeal, they argue that "[o]nly a stay of proceedings would have halted the trial court's year-long illegal assist to plaintiff keeping his case in Cook County," and that the failure to grant a stay "caused severe and harmful prejudice to defendants' rights under Illinois law, the U.S. Constitution and Amendments and Constitution of the State of Illinois." Defendants further assert that the circuit court abused its discretion as a stay was "necessary to preserve the last, peaceable, uncontested status quo between the parties," citing *North Pole Corp. v. Village of East Dundee*, 263 Ill. App. 3d 327, 334 (1994); *Eldridge v. Eldridge*, 246 Ill. App. 3d 883, 888-89 (1993); and *H.T.A., Ltd. v. W.W. Luxion*, 211 Ill. App. 3d 739, 744 (1991). Unlike in those cases, however, defendants do not explain or offer any evidence for what "the last peaceable, uncontested status quo between the parties" might have been here, nor do they explain why a stay of proceedings and enforcement would prevent a disruption to that status.

¶ 37 Relying on a general cite to *Dawdy*, 207 Ill. 2d 167, defendants argue that "[t]he only exercise of discretion available to the Circuit Court was to effectuate the transfer, which

violated Illinois law." In reading *Dawdy*—which contained strong reasoning against the practice of forum shopping and found that the public and private factors in the case supported transfer for *forum non conveniens* in contravention of the circuit court's ruling—we do not find support for defendants' proposition. In that case, the Illinois Supreme Court considered the merits of the defendants' *forum non conveniens* motion, rather than the appeal of a denial of a motion for a stay filed pursuant to Rule 305(b) (Ill. S. Ct. R. 305(b) (eff. July 1, 2017)), which is before us now. See *Dawdy*, 207 Ill. 2d at 171-85. As such, our opinion, unlike that reached in *Dawdy* which reversed and remanded to the circuit court with directions to transfer, is that the circuit court's determination that defendants failed to meet the standard for a stay appears to be made within its sound discretion. The circuit court's ruling lacks any markers of arbitrariness, exceeding the bounds of reason, or ignoring recognized principles of law; and defendants have not provided any proof that substantial prejudice subsequently resulted. Indeed, the evidence defendants advanced in support of their motion to stay was not merely insufficient, but lacking in its entirety. Furthermore, we note briefly that, as the circuit court ultimately entered a stay on November 4, 2025, which was the relief defendants originally sought, their appeal of the circuit court's prior denial of their motion to stay is moot. We therefore affirm the circuit court's September 2, 2025, denial of defendants' motion to stay proceedings and enforcement.

¶ 38 CONCLUSION

¶ 39 For the reasons stated above, we lack jurisdiction to consider defendants' appeals of the circuit court's rulings other than its September 2, 2025, denial of defendants' motion to stay. The circuit court's September 2, 2025, denial of defendants' motion to stay is affirmed

and we dismiss the remainder of the consolidated appeals.

¶ 41 Appeals dismissed in part and affirmed in part.