

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

TRAD THORTON, et al.,)	
)	
Plaintiffs,)	
)	No. 07 L 004642
v.)	
)	
HAMILTON SUNDSTRAND CORP., et al.,)	
)	
Defendants.)	

ORDER

This matter coming before the court on Defendants' Motion to Dismiss on the basis of *forum non conveniens*, the court having considered the written submissions and oral arguments of the parties, **HEREBY FINDS AS FOLLOWS:**

I. Procedural Posture

This case arose when a commuter airplane crashed while approaching an airport in Lockhart River, Queensland, Australia. Fourteen wrongful death and survival actions were filed in Cook County, Illinois alleging negligence and products liability. Defendants brought this joint motion to dismiss and assert that Australia is a more convenient forum to litigate these issues.

II. Australia is an adequate forum.

At the outset of a *forum non conveniens* motion, the court must first consider whether there is another adequate alternative forum that can resolve a plaintiff's claims. *Piper Aircraft Co. v. Reyno*, 454 U.S. 235, 255 (1981). Generally, another forum is adequate if the defendant is amenable to process in the alternative forum. *Piper Aircraft Co.*, 454 U.S. at 255. However, an alternative forum can be inadequate if the application of foreign law would deny the plaintiff a remedy or treat the plaintiff unfairly. *Philips Elecs. N.V. v. New Hampshire Ins. Co.*, 312 Ill.