

# ILLINOIS APPELLATE COURT AFFIRMS ANTI-SUIT INJUNCTION

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On March 27, 2009, the Appellate Court of Illinois First District, Fifth Division affirmed an Anti-Suit Injunction enjoining an insured from pursuing duplicative lawsuits outside of Cook County, Illinois. *John Crane Inc. v. Allianz Underwriters Insurance Company, et al.*, 1-08-1845, 1-08-1918 and 1-08-2057 (Consolidated) (Ill. App. Ct. 1st Dist. Mar. 27, 2009). John Crane Inc. instituted proceedings in the Circuit Court of Cook County in May 2004, seeking declaratory judgment against its primary, excess and umbrella insurers with respect to liabilities it faces in numerous underlying asbestos bodily injury claims. After four years of litigation and numerous substantive rulings by the trial court, in May 2008, John Crane instituted five actions in foreign courts seeking duplicative declaratory relief as that sought in the Illinois action.

After conducting a hearing on the Insurers' motion for preliminary injunctive relief, the trial court issued a preliminary injunction enjoining John Crane from pursuing the five foreign actions filed against the Insurers and instituting any further actions outside of the Circuit Court of Cook County. In issuing the preliminary injunction, the trial court concluded that John Crane's multiple actions in the foreign jurisdictions were substantially similar to the case pending in Cook County, sought the application of the same insurance issues, involved the same parties and the same policies and subject matter. The trial court found such conduct harassing and oppressive and enjoined John Crane from pursuing its strategy.

John Crane took an immediate Appeal and after a full briefing and oral argument, the Appellate Court issued an order affirming the trial court's decision entering the preliminary injunction against John Crane. The Appellate Court held that "filing multiple actions in those forums, after four years of litigation of the coverage issues in the instant case, is essentially an attempt to join the defendants in every underlying asbestos claim, and is indeed harassing and oppression."

The court further noted that, while the trial court additionally found that the defendants had established the traditional elements for granting a Preliminary Injunction, such an analysis was unnecessary. The court, citing *In Re: Marriage of Geary*, 384 Ill.App.3d 979 (2d Dist. 2008), noted that courts which issue anti-suit injunctions enjoin parties from filing or proceeding with actions in other courts where (a) either the parties or legal issues are the same or the issues involved in the

later filed action are the type that can and should ordinarily be disposed of in the course of the original action; and (b) there does not appear to be any proper purpose for the maintenance of the later filed action. Based on these considerations, the Appellate Court concluded that the trial court's application of law on issuing the preliminary injunction was not an abuse of discretion.

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