

# Kelley Drye Wins Key Appeal For SmithKline Beecham

August 8, 2003

Kelley Drye won a significant appeal on behalf of SmithKline Beecham Corporation, overturning a trial court's order denying transfer based on forum non conveniens. In this matter, the plaintiff sued SmithKline Beecham as the manufacturer of an over-the-counter cold remedy alleging that her use of the medication caused her to suffer a stroke. The plaintiff brought the suit in St. Clair County, Illinois, a jurisdiction in Southern Illinois that had no connection to the case, as it is located hundred of miles from any potential witnesses and the plaintiff received all of her relevant medical care in Cook County.

Kelley Drye argued before the trial court that the case should be transferred to Cook County; when the trial court refused to transfer the matter, Kelley Drye petitioned for interlocutory appeal. The Appellate Court of Illinois for the Fifth District granted the petition for leave to appeal and eventually reversed the trial court's decision, finding that the trial court abused its discretion and ordered that the matter be transferred to either Cook or Lake County.