

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

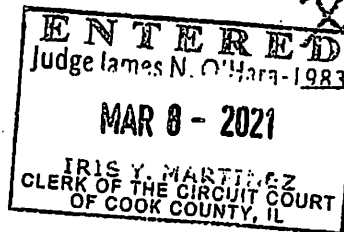
TONEY EVANS, as Special Administrator of )  
the Estate of WANDO EVANS, Deceased, )  
 ) No. 2020 L 003938  
Plaintiff, )  
 ) Hon. James N. O'Hara  
v. )  
 ) Calendar A  
WALMART INC. and J2M EVERGREEN, LLC, )  
 )  
Defendants. )

**ORDER**

This matter is before the Court on defendant Walmart Inc.'s motion to dismiss pursuant to 735 ILCS 5/2-619(a)(9). After reviewing the memorandum on file, the briefs and exhibits attached thereto, and the applicable law, the Court states as follows:

**It is hereby ordered:**

1. Walmart's motion to dismiss Counts I through III—the wrongful death and survival claims—is GRANTED with prejudice, as these claims are barred by the Workers Compensation Act and the Workers' Occupational Diseases Act. See, e.g., *Lannom v. Kosco*, 158 Ill. 2d 535, 540-41 (1994); *Hartline v. Celotex Corp.*, 272 Ill. App. 3d 952, 955 (1st Dist. 1995); *Mayfield v. ACME Barrel Co.*, 258 Ill. App. 3d 32, 35-36 (1st Dist. 1994).
2. Walmart's motion to dismiss Count IV—the Family Expense Act claim—is GRANTED with prejudice.



*James N. O'Hara*  
Hon. Judge James N. O'Hara

