

DOCKETED
SEP 15 2003

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

Brenda Palmer

Plaintiff,

v.

Combined Insurance Company of America,
Defendant.

No. 02 C 1764

Judge James B. Zagel

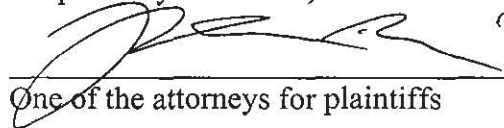
FILED
SEP 14 2003

NOTICE OF MOTION

To: SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that on Tuesday, September 9, 2003, at 10:15 a.m., or as soon thereafter as I may be heard, I shall appear before the Honorable Judge James B. Zagel at the United States District Courthouse, 219 S. Dearborn Avenue, Chicago, Illinois in the courtroom usually occupied by him, and then and there present the attached PLAINTIFFS' MOTION FOR STATUS REGARDING REASSIGNMENT.

Respectfully submitted,



One of the attorneys for plaintiffs

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CERTIFICATE OF SERVICE

On September 4, 2003, undersigned Counsel served the attached Notice of Motion on:

John P. Lynch (*via hand delivery*)

Mark Steven Mester

Patrick E. Gibbs

Matthew Rawlinson

Latham & Watkins

233 South Wacker Drive

5800 Sears Tower

Chicago, IL 60606

Douglas Robert Stevens (*regular mail*)

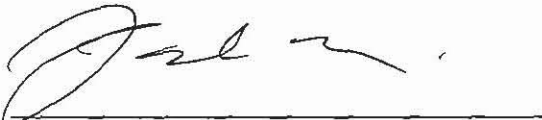
Robert Bruce Slocum

Aon Corporation

200 East Randolph Street

8th Floor

Chicago, IL 60601

A handwritten signature in black ink, appearing to read 'Paul W. Mollica', is written over a horizontal line.

Paul W. Mollica

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PLAINTIFFS' MOTION FOR STATUS REGARDING REASSIGNMENT

Plaintiffs, by counsel, move for a status regarding the assignment of *Radmanovich v. Combined Ins. Co.*, No. 02C9502 to this Court, which defendant now opposes, and state as follows:

1. On July 29, 2003, plaintiffs moved for the reassignment of *Radmanovich* from the docket of the late Judge James Alesia to this Court. No opposition was filed and the motion was granted on July 31, 2003 according to PACER. By coincidence and unknown to plaintiff, on July 29, 2003, the Executive Committee ordered assignment the same case to Judge John W. Darrah.

2. At a hearing on August 12, 2003, the Court explained that the motion was granted "because Judge Darrah and I have consented to the transfer of the case to me." (Tr. at 2, Ex 1.) Again, at that time defense counsel raised no objections to this order. Also at that time, the Court stayed the running of the statute of limitations in *Radmanovich* until notice issues could be resolved.

3. On August 29, 2003, this Court entered an order certifying a class action in *Palmer*. Both parties are working on and exchanging drafts of joint notice in both *Radmanovich* and *Palmer*.

4. On September 3, 2003, Judge Darrah held a status in *Radmanovich*. (Plaintiff's counsel, relying on this Court's reassignment order and August 12, 2003 hearing, was not in attendance.) Although we do not yet have a transcript (it has been ordered), defendant informs us that Judge Darrah wants "the parties to meet and confer about the matter and then to contact the Chief Judge to determine whether Judge Zagel's granting of the motion to reassign *Radmanovich*

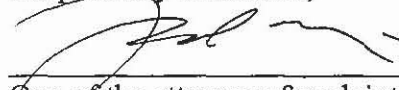
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as a related case trumps the Executive Committee's assignment of *Radmanovich* to Judge Darrah." (Ex. 2.)

5. In further correspondence, defendant now apparently opposes reassignment. (Ex. 3.)

6. Because this Court has already entered orders in *Radmanovich* in the wake of the reassignment, and the parties have been working on the assumption that this Court would authorize joint notice in both cases, the issue of case assignment has real and immediate consequences for the class. We ask this Court for a status to attempt to resolve the matter if possible, as opposed to extended motion practice between the Chief Judge, Judge Darrah and this Court.

Respectfully submitted,



One of the attorneys for plaintiffs

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Paul W. Mollica

**SEE CASE
FILE FOR
EXHIBITS**