

APPELLATE COURT OF ILLINOIS, FIRST JUDICIAL DISTRICT, SECOND DIVISION

Seilheimer v. Olsen

2025 IL App (1st) 240418 · No. 1-24-0418 · Decided December 30, 2025

SUMMARY

The Illinois Appellate Court, First District, reviews a circuit court order transferring a vehicle-accident negligence action from Cook County to Lake County under the doctrine of forum non conveniens. The court holds that the defendant failed to show that Cook County was inconvenient or that the private and public interest factors strongly favored transfer. The appellate court reverses the transfer order.

CASE DETAILS

COURT	Appellate Court of Illinois, First Judicial District, Second Division
WRITING FOR THE COURT	Justice Ellis; Presiding Justice Van Tine; Justice D.B. Walker
JURISDICTION	Illinois Appellate Court, First District, Second Division
DECIDED	December 30, 2025
DOCKET	1-24-0418
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiffs petitioned for interlocutory review under Illinois Supreme Court Rule 306(a)(2) of the circuit court's order granting defendant's forum non conveniens motion and transferring the negligence action from Cook County to Lake County.
STANDARD OF REVIEW	Forum non conveniens rulings are reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published Illinois appellate opinion; precedential
PARTIES	Perry Seilheimer, Melanie Seilheimer v. Neils Olsen

TOPICS

- forum non conveniens
- appellate procedure
- standard of review
- negligence
- civil procedure

PRACTICE AREAS

- civil procedure
- torts
- negligence
- appellate procedure

QUESTIONS PRESENTED

1. Whether the circuit court abused its discretion by granting defendant's forum non conveniens motion and transferring the case from Cook County to Lake County.
2. Whether the private and public interest factors strongly favored transfer despite plaintiffs' choice to sue in defendant's home county.
3. What weight should be given to modern technology, including electronic records, remote depositions, and remote court appearances, in evaluating forum non conveniens factors.

HOLDINGS

1. The circuit court abused its discretion by finding that the balance of private and public interest factors strongly favored transfer from Cook County to Lake County.
2. The private and public interest factors did not favor transfer, much less strongly favor transfer, because defendant failed to establish meaningful inconvenience concerning the parties, evidence, witnesses, compulsory process, or court congestion.

KEY QUOTATIONS

“The defendant must show that the balance of interests “strongly favors” transfer.” (¶ 13)

“The plaintiff’s choice of forum still begins “in the lead.”” (¶ 16)

“Even if Lake County would be a sensible choice for a forum, and even if it might make more sense than Cook County if the choice were ours, under no circumstances could we say that the balance of factors strongly favors transfer to Lake so as to upset plaintiffs’ substantial right to choose a forum.” (¶ 70)

FACTUAL BACKGROUND

In October 2021, Perry and Melanie Seilheimer were involved in a vehicle collision with Neils Olsen at an intersection in unincorporated Lake County, Illinois. Olsen, who resided in Cook County, admitted that he was distracted and entered the intersection out of turn; he pleaded guilty to failing to reduce speed to avoid an accident. The Seilheimers lived in Lake County, and Perry underwent shoulder surgery and received medical treatment there.

PROCEDURAL HISTORY

Plaintiffs sued defendant in the Circuit Court of Cook County for injuries arising from a vehicle collision in Lake County. The circuit court granted defendant's motion to transfer under forum non conveniens, finding that the private and public interest factors strongly favored Lake County. The Illinois Appellate Court granted plaintiffs' timely petition for review, reversed the transfer order, and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The cause was remanded to the Circuit Court of Cook County for further proceedings; the opinion provided no more specific instructions.

CASES CITED

- Fennell v. Illinois Central R.R. Co., 2012 IL 113812
- Langenhorst v. Norfolk Southern Ry. Co., 219 Ill. 2d 430 (2006)
- First American Bank v. Guerine, 198 Ill. 2d 511 (2002)
- Elling v. State Farm Mutual Automobile Insurance Co., 291 Ill. App. 3d 311 (1997)
- Foster v. Hillsboro Area Hospital, Inc., 2016 IL App (5th) 150055
- Peile v. Skelgas, Inc., 163 Ill. 2d 323 (1994)
- Peile v. Skelgas, Inc., 242 Ill. App. 3d 500 (1993)
- Kwasniewski v. Schaid, 153 Ill. 2d 550 (1992)
- Vivas v. Boeing Co., 392 Ill. App. 3d 644 (2009)
- Kowalczyk v. Illinois Central Railroad Co., 2021 IL App (1st) 210206-U
- Milton v. Boeing Co., 2023 IL App (1st) 220647
- Erwin, 408 Ill. App. 3d at 281
- Hayes v. Fireman's Fund Mortgage Corp., 272 Ill. App. 3d 271 (1995)
- Johnson v. Nash, 2019 IL App (1st) 180840
- Ammerman v. Raymond Corp., 379 Ill. App. 3d 878 (2008)
- Evans, 2020 IL App (1st) 200528, ¶ 44
- Kahn v. Enterprise Rent-A-Car Co., 355 Ill. App. 3d 13 (2004)
- Brummett v. Wepfer Marine, Inc., 111 Ill. 2d 495 (1986)
- Griffith v. Mitsubishi Aircraft International, Inc., 136 Ill. 2d 101 (1990)
- Foster v. Chicago & North Western Transportation Co., 102 Ill. 2d 378 (1984)