

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

ROBERT ALEXANDER,)
)
Plaintiff)
)
-v-) NO: 17-M6-743
)
DANIEL ZIMMERMAN, M.D., et. al.,) In Re: Galen Insurance Company
)
Defendants)

MEMORANDUM OPINION AND ORDER ON
MOTION OF DEFENDANTS URO CENTER, LTD. AND
ISRAEL BERGER, M.D., INSURED BY GALEN INSURANCE COMPANY,
IN CASES PENDING IN THE LAW DIVISION,
CIRCUIT COURT OF COOK COUNTY, ILLINOIS

I. Factual Background

On May 31, 2017, Galen Insurance Company was placed into liquidation pursuant to order of the Circuit Court of Cole County, Missouri, 17-AC-CC00005. Counsel for the Defendants Uro Center, Ltd. And Israel Berger, M.D., in the instant case filed a motion to stay all proceedings in the above-captioned matter, which ruling would also apply in all cases involving parties insured by Galen Insurance Company.

Pursuant to Section 551 of the Illinois Insurance Guaranty Fund Act, all proceedings arising out of a claim under a policy of insurance, written by an insolvent company, shall be stayed for 120 days from the date of the entry of the order of liquidation, to permit proper defense by the Fund of all such pending causes of action (215 ILCS 5/551).

Further, the Illinois Guaranty Fund must now assume all of the statutorily defined "covered claims" of Galen Insurance Company, pursuant to 215 ILCS 5/537.4.

The instant case, as well as all others pending in the Law Division which involve parties insured by Galen Insurance Company, are "covered claims, which the Illinois Insurance Guaranty Fund must assume. In order to permit the Fund to properly organize a defense of this and other covered claims, the provisions of 215 ILCS 5/551 triggers a 120-day stay of proceedings in these cases.

II. Court's Discussion and Ruling

All of the cases pending in the Circuit Court of Cook County, in the Law Division are in a variety of different procedural positions. All of these cases are distributed among motion judges, and all have different dates for case management and/or status.

In order to complete the proper review of these cases, as required by 215 ILCS 5/551, all such cases must be stayed for the requisite 120-day period. Thereafter, all cases involving insureds of Galen Insurance Company, pending in the Law Division, will be set for a status in Room 2005 fourteen (14) days after the expiration of the 120-day stay period. Counsel for the Galen Insurance Company insureds shall inform the court as to the status of each case, for the court to determine if the matter may be set for a new trial date, returned to the originally assigned judge, or any other such action which may be appropriate under the circumstances of the case.

All future case management dates shall be stricken, all prior orders placing any case on the Insurance Calendar are vacated, and a copy of this order shall be sent to the Presiding Judge of the Law Division, and all Law Division motion judges, upon entry.

Based on the foregoing, the Court orders as follows:

1. The Motion To Stay Proceedings of Defendants, Uro Center, Ltd. and Israel Berger, M.D., is granted;
2. All proceedings in all cases involving parties insured by Galen Insurance Company, pending in the Law Division shall be stayed until December 7, 2017;
3. All Law Division cases shall be set for status in Room 2005 at 2:00 PM on December 14, 2017, for determination of further appropriate proceedings;
5. All currently set court dates for trial, status, and/or case management are stricken;
6. A copy of this order shall be sent to the Presiding Judge of Law Division, and the Motion Judges of Law Division
7. The Clerk of the Circuit Court shall spread this Memorandum Opinion and Order on the electronic docket and place a copy in each court file for all cases identified in Exhibit "A," attached to this Memorandum Opinion and Order.

ENTER

ENTER:

AUG - 7 2017

KATHY M. FLANAGAN #267

JUDGE

NO.

EXHIBIT "A"

TABLE OF CASES WITH PARTIES
INSURED BY GALEN INSURANCE COMPANY

<u>Court Number</u>	<u>Case Name</u>	<u>Calendar</u>
17-M6-743	<u>Alexander v. Zimmerman, et. al.</u>	"E"
14-L-4609	<u>Cascio v. Lai, et. al.</u>	"E"
15-L-4664	<u>Willis v. Wang, et. al.</u>	"F"
16-L-551	<u>Iyke v. THC-Chicago, et. al.</u>	"B"
16-L-2837	<u>Gaston v. Alexander, et. al.</u>	"H"
16-L-2910	<u>Griffin v. Wang, et. al.</u>	"X"