

Successfully Dismissed Citation to Discover Assets Against an Out of State Bank Client in Illinois Case

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Amundsen Davis successfully obtained dismissal of a citation that was sent to a banking client. Our client was sent a citation to discover assets in an Illinois case although they were and are not incorporated in Illinois, its headquarters are not in Illinois, and the bank was not a part of the underlying litigation. Because of this, Illinois courts did not have jurisdiction over the bank. Our client did not want to subsequently be involved in courts across the country responding to collection attempts when it did not have to be, so we worked with them to try and obtain a voluntary withdrawal of the citation by the judgment creditor.

The judgment creditor refused to withdraw the citation when informed that the court did not have personal jurisdiction, so we were forced to file a motion to quash and dismiss the citation that was sent to the bank. After oral argument on the motion, the judge ruled in our favor and dismissed the citation to discover assets.

Out of state banks are often targets for collection efforts in Illinois, but Illinois courts do not have personal jurisdiction over most of those banks to order them to do anything. By challenging the court's jurisdiction, this bank worked for the benefit of its customers by refusing to allow a court to enter any orders that could possibly affect them.

PROFESSIONALS

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