

# Successfully had Breach of Contract Claims Against a Small Motor Carrier Dismissed with Prejudice Based on Illinois Sup. Ct. Rule. 103(b)

The plaintiff filed a breach of contract action against a small motor carrier for claims arising out of the alleged sale of the business. Amundsen Davis filed a motion to dismiss based on Illinois Supreme Court Rule 103(b) which requires the plaintiffs to exercise reasonable diligence to obtain service on a defendant. We argued that the plaintiff's 10 month delay was inherently unreasonable as the motor carrier is a limited liability company registered in the State of Illinois and thus service of process could have easily been made on their registered agent. The judge agreed and dismissed the plaintiff's claims with prejudice and awarded the defendant its costs.

## PROFESSIONALS

Khadija K. Ghani  
Associate

Jamie S. Lane  
Partner

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