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NO. 5-12-0316

APPELLATE COURT OF ILLINOIS

This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

Honorable  
Andrew J. Gleeson,  
Judge, presiding.

whom live outside of the State of Illinois, suffered injuries as a result of purchasing and ingesting Tylenol, a drug manufactured and marketed by the defendant. The defendant filed a motion that, *inter alia*, sought to sever and dismiss or transfer the claims of the various plaintiffs that reside out of state or outside of St. Clair County, based on the doctrine of *forum non conveniens*. The circuit court denied the motion. The defendant filed a timely petition for leave to appeal, pursuant to Illinois Supreme Court Rule 306(a)(2) (eff. Sept. 1, 2006). This court granted the petition.

¶ 4 After briefs were filed, the plaintiffs filed a motion to dismiss this appeal, stating that they are consenting to the relief requested by the defendant. The defendant objected to the motion to dismiss. We denied the motion to dismiss, because the plaintiffs, as appellees, do not have standing to dismiss this appeal. Due to the consent of the plaintiffs to the relief requested by the defendants, we reverse that portion of the circuit court's order in each case that denied the defendant's motion to dismiss or transfer for *forum non conveniens* and remand with directions that the circuit court dismiss, under the conditions set forth in Illinois Supreme Court Rule 187(c)(2) (eff. Aug. 1, 1986), the claims of all of the plaintiffs in each case who reside outside of Illinois. In addition, we direct the circuit court to transfer to their respective counties, pursuant to Illinois Supreme Court Rule 187(c)(1) (eff. Aug. 1, 1986), the claims of all of the plaintiffs in each case who reside outside of St. Clair County. Further, we direct the circuit court to order the complaints in each case to be amended to state only those claims brought by plaintiffs who reside within St. Clair County. Finally, we find that the defendant is entitled to recover its costs on appeal.

¶ 5 Reversed and remanded with directions.