

E-FILED

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Clerk, U.S. District Court, ILCD

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION**

PEOPLE OF THE STATE OF)
ILLINOIS, ex rel. LISA MADIGAN,)
Attorney General of the State of)
Illinois,)
)
Plaintiff,)
)
v.)
HEMI GROUP, LLC,)
)
Defendant.)

No. 08-3050

OPINION

JEANNE E. SCOTT, U.S. District Judge:

This cause is before the Court on Defendant’s Motion and Memorandum in Support of Motion to Amend Decision to Add Certification for Interlocutory Appeal Pursuant to 28 U.S.C. § 1292(b) and to Stay Order Setting Deadline for Filing of Answer or For a Stay of Proceedings (d/e 8). In an Opinion issued October 10, 2008 (d/e 7), the Court denied Defendant’s Motion to Dismiss for Lack of Personal Jurisdiction (d/e 2). The Court found that Defendant’s Internet activities provided a basis for specific jurisdiction. The Court’s decision involved a

controlling question of law on which there are substantial grounds for difference of opinion. Additionally, an immediate appeal may materially advance the ultimate termination of the litigation. Thus, the Court grants a certificate of appealability on the question of whether it has personal jurisdiction over a defendant that sold cigarettes over the Internet to residents in Illinois and coordinated shipping of the purchased cigarettes to Illinois while specifically refusing to sell or ship to residents of at least one other state.

THEREFORE, Defendant's Motion and Memorandum in Support of Motion to Amend Decision to Add Certification for Interlocutory Appeal Pursuant to 28 U.S.C. § 1292(b) and to Stay Order Setting Deadline for Filing of Answer or For a Stay of Proceedings (d/e 8) is ALLOWED to the extent that the Court grants a certification for interlocutory appeal and stays the proceedings in this Court pending a decision from the Court of Appeals. IT IS THEREFORE SO ORDERED.

ENTER: December 19, 2008

FOR THE COURT:

s/ Jeanne E. Scott
JEANNE E. SCOTT
UNITED STATES DISTRICT JUDGE