

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

|                                     |   |                                  |
|-------------------------------------|---|----------------------------------|
| <b>ANDREW V. KOCHERA, JR.,</b>      | ) |                                  |
|                                     | ) |                                  |
| <b>Plaintiff,</b>                   | ) |                                  |
|                                     | ) |                                  |
| <b>vs.</b>                          | ) | <b>Case No. 14-CV-29-SMY-SCW</b> |
|                                     | ) |                                  |
| <b>FOSTER WHEELER, LLC, et al.,</b> | ) |                                  |
|                                     | ) |                                  |
| <b>Defendants.</b>                  | ) |                                  |
|                                     | ) |                                  |
|                                     | ) |                                  |

**MEMORANDUM AND ORDER**

**YANDLE, District Judge:**

Pending before the Court is the Motion to Dismiss Plaintiff’s Complaint for Lack of Specific and General Personal Jurisdiction filed by Defendant General Electric Company (“GE”) on July 14, 2015 (Doc. 263). GE argues Plaintiff cannot demonstrate specific or personal jurisdiction over GE under the Illinois Long-Arm Statute (735 ILCS 5/2-209(a)-(f)). Plaintiff counters that GE has waived its personal jurisdiction defense by actively participating in this litigation. The Court agrees.

A defendant waives its personal jurisdiction defense when it causes the Court to go to “some effort that would be wasted if personal jurisdiction is later found lacking” and gives the plaintiff a “reasonable expectation that it will defend the suit on the merits.” *Mobile Anesthesiologists Chicago v. Anesthesia Assoc. of Houston Metroplex*, 623 F.3d 440, 443 (7<sup>th</sup> Cir. 2010) (citing *American Patriot Ins. Agency v. Mutual Risk Management*, 364 F.3d 884, 887-88 (7<sup>th</sup> Cir. 2004)). Prior to filing the instant motion, GE participated in litigating this case for over sixteen months. In addition to its initial response, GE has entered the appearance of

additional counsel (Docs. 48, 49, and 75), answered Requests for Admissions (Doc. 119), moved for dismissal (Doc. 126), appeared at conferences before the Court (Docs. 145, 193), participated in discovery (Doc. 175), moved for summary judgment (Doc. 204), and filed motions *in limine* (Docs. 210, 211). This degree of activity obviously gave Plaintiff a reasonable expectation that GE will defend the suit on the merits. Accordingly, GE has waived its personal jurisdiction defense and the Motion is **DENIED**.

**IT IS SO ORDERED.**

**DATED: September 23, 2015**

**s/ Staci M. Yandle**  
**STACI M. YANDLE**  
**United States District Judge**