

**UNITED STATES DISTRICT COURT  
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 5.1.1  
Eastern Division**

Baxter International, Inc.

Plaintiff,

v.

Case No.: 1:11-cv-09131  
Honorable Elaine E. Bucklo

AXA Versicherung

Defendant.

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**NOTIFICATION OF DOCKET ENTRY**

This docket entry was made by the Clerk on Friday, January 11, 2013:

MINUTE entry before Honorable Elaine E. Bucklo: Plaintiffs motion for an order requiring defendant to post security under 215 ILCS 5/123 is [67] denied without prejudice to refile, if it becomes necessary for defendant to file an answer and it fails to post security before doing so. Section 5/123(5) requires an unauthorized foreign or alien company to post a security or to become authorized before filing any pleading but does not specifically require an unauthorized foreign or alien company to do the same before filing a motion. Though § 5/123(5) specifically excepts certain types of motions from the security requirement, the language does not suggest that the excepted motions are exclusive. Further, I am not convinced by plaintiffs argument that interpreting pleading narrowly would conflict with the statutes express application to arbitration proceedings. In fact, the opposite is more likely true: Because the statute applies only to pleadings, which plaintiff recognizes do not exist in most arbitration proceedings, it would have been necessary to explicitly include such proceedings in a statute that otherwise could not have been read to apply to arbitration. Defendants motion to strike [76] is denied as moot. Mailed notice (jdh)

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