

## Doctor's contact too minor for case

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A woman's doctor in Wisconsin should not have been subject to her medical malpractice lawsuit in Illinois based on a phone call about her care, a state appellate panel ruled.

A panel of the [1st District Appellate Court](#) affirmed the argument by the doctor and his employer that they did not have sufficient contacts with Illinois to satisfy the requirements for personal jurisdiction.

Justice [Maureen E. Connors](#) delivered the judgment of the court, with opinion.

Michelle Clemens filed a complaint in [Cook County Circuit Court](#) in March 2019 alleging negligence against Michael Landrum, M.D., and his employer Bellin Health Systems, Inc., of Green Bay, Wisconsin, and others.

Clemens stated that in May 2017, she presented to Dr. David Greenberg of Advocate Good Shepherd Hospital in Barrington with calf pain. An ultrasound revealed deep vein thrombosis (DVT), and Greenberg ordered a shot of Lovenox and started her on Eliquis, both anticoagulants.

Clemens later developed a massive brain bleed, but her surgery had to be delayed because she was on Eliquis. As a result, she alleges, she later experienced severe and non-reversible neurological symptoms.

Landrum had begun treating Clemens a month earlier for endocarditis. Clemens said she informed him that once she was released, she would move home to Illinois and return for her remaining treatments. Landrum completed a referral to Coram CVS Specialty Infusion Services in Peoria so that Clemens could receive home infusion antibiotic therapy. He also received her lab results for monitoring purposes, Clemens alleges.

Clemens maintains that Landrum consulted with Greenberg by phone when she was in the emergency room. Landrum said the call did not include enough information to be a consultation.

After [Christopher E. Lawler](#), then a Cook Circuit Court judge, denied multiple attempts to remove Landrum and Bellin from the case, they appealed to the Illinois Supreme Court, which moved the case to the appellate court.

In the appellate panel's opinion, filed Friday, Connors affirmed the defendants' argument that they are not subject to the circuit court's specific personal jurisdiction.

She wrote that the issue at the heart of the appeal is specific jurisdiction, "which is "case-specific" and "exists when the plaintiff's cause of action arises out of or relates to the [defendants'] contacts with the forum state."

Connors wrote that the medical report attached to Clemens' first amended complaint stated that Greenberg had a phone conversation with Landrum, informed Landrum of the DVT and how he would treat Clemens, and then administered the Lovenox and Eliquis.

She wrote that the phone call was "the only act that connects Landrum to Clemens's cause of action" and "falls well short of a substantial connection with Illinois."

The call was initiated by Clemens' mother and Greenberg. Landrum's participation was extremely limited, and he did not provide any input into the treatment plan, she continued.

She wrote that to subject Landrum to personal jurisdiction based on "this attenuated connection with Illinois" would violate due process, citing *Hanson v. Ahmed*, 382 Ill. App. 3d 941, 945 (2008).

"Clemens did not meet her burden to establish that Landrum and Bellin are subject to personal jurisdiction in Illinois," she wrote.

She remanded the case with directions to enter an order dismissing Landrum and Bellin.

Justices [Mathias W. Delort](#) and [Thomas E. Hoffman](#) concurred in the judgment and opinion.

[Julie A. Teuscher](#), [John J. Reid](#), and [RuthAnne B. Waldrop](#) of [Cassiday Schade LLP](#) represented Landrum and Bellin. They could not be reached for comment.

[Robert J. Napleton](#), [Bradley Z. Schulman](#) and [Lynn D. Dowd](#) of [Motherway & Napleton LLP](#) represented Clemens. Schulman said the team is "disappointed" with the panel's decision and that they are considering filing a petition for leave to appeal.

The case is *Clemens v. Greenberg*, 2022 IL App (1st) 201129.

Practice Areas: [Medical Malpractice Law](#)

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