BRYCE DOWNEY & LENKOV LLC

General Liability Update
November 2015

New Partners

We are pleased to announce that Jeanmarie Calcagno and Juan Anderson have been elevated to income members.

Indiana Supreme Court Holds Attorneys' Fees Not Recoverable Under Indiana General Wrongful Death Statute

In *S.C.I. Propane LLC v. Frederick*, 55 S04-1508-PL-501 (August 27, 2015), the Indiana Supreme Court held that attorneys' fees are not recoverable as damages under the Indiana General Wrongful Death Statute when the decedent is survived by a spouse and/or dependents.

Indiana has three wrongful death statutes: the General Wrongful Death Statute, the Child Wrongful Death Statute, and the Adult Wrongful Death Statute. The Child Wrongful Death Statute provides for the recovery of attorneys' fees. The Adult Wrongful Death Statute does not specifically provide for attorneys' fees but has been interpreted as allowing attorneys' fees to be awarded.

The General Wrongful Death Statute, on the other hand, recognizes two different categories of decedents. One category includes those decedents who are survived by a spouse or children. The second category of decedents includes those who die leaving no surviving spouse or children. Where the decedent is survived by a spouse or dependent, the damages that can be awarded include medical, hospital, funeral and burial expenses and those damages that "inure to the exclusive benefit" of the surviving spouse or dependent.

In *S.C.I.*, the court determined that because attorneys' fees do not evolve from the deprivation to a survivor, they do not qualify as damages under the General Wrongful Death Statute, and as such cannot be awarded in cases in which the estate is pursuing damages on behalf of surviving family.

The court further reasoned that surviving spouses and dependents have a stronger interest in bringing about wrongful death claims and, as a matter of public policy, it is logical that the General Assembly would provide an extra incentive in the form of attorneys' fees to personal representatives prosecuting actions on behalf of those who are not survived by family members.

Thinking Point:
Obviously, the pronouncement of the Supreme Court in *S.C.I.* limiting attorneys' fees in wrongful death actions in which decedents are not survived by family members will be very important in assessing liability and settlement values in wrongful death cases in Indiana.

Illinois Appellate Court Holds Store Owner Not Liable for Trip and Fall on Adjoining Property

In *Caracci v. Patel*, 2015 IL App (1st) 133897 (April 29, 2015), the Illinois Appellate Court upheld summary judgment in favor of a store owner in a lawsuit brought by a patron who tripped and fell in a pothole on an adjoining roadway.

Plaintiff had parked her car in a parking lot that was used by patrons of several different stores in a shopping center complex. Through the parking lot was a roadway that existed on one parcel that belonged to a third party, not the defendants. Plaintiff sued the Defendants claiming that they had appropriated the roadway. According to Plaintiff, Defendants had appropriated the roadway or otherwise assumed a duty to maintain the roadway by hiring someone to remove garbage from the roadway and plow it in the winter. There was also evidence that the Defendants had participated and shared in the cost of the maintenance of the roadway.

In affirming summary judgment in favor of the Defendants, the appellate court held that, while a private landowner owes a duty of care to provide a reasonably safe means of ingress and egress for its property, there is no duty to ensure the safe condition of a public roadway abutting the property. Where, however, the property owner exercises control over the roadway and appropriates it by blocking the land, parking on it, or displaying goods, the property owner may be held liable for injuries occurring on that portion of the adjoining property.

In *Caracci*, however, there was no evidence of affirmative conduct on the part of the Defendants to suggest that they blocked the public from using the roadway or that the roadway was the only means of ingress and egress to Defendants' store. Beyond that, the court held that routine acts of maintenance do not constitute appropriation of property such as to impose liability for the general condition of the property. As such, it was appropriate for the trial court to grant summary judgment in favor of the defendants.

Thinking Point:

Caracci establishes that merely benefiting from the existence of an adjoining roadway or property of another is not enough to constitute appropriation of the property such that liability for the general condition of the premises can be imposed on an adjoining landowner. It is clear from this decision that there has to be evidence of efforts to exclusively control the property by blocking it or using it to display goods before any duty may exist.

Illinois Appellate Court: Exclusive Remedy of Workers' Compensation Act Does Not Apply to Entity that Does Not Have Obligation to Pay Benefits

In *Burge v. Exelon Generation Co.*, 2015 IL App (2nd) 141090 (July 30, 2015), the Illinois Appellate Court held that a defendant that had reimbursed a plaintiff's employer for workers' compensation benefits paid to a plaintiff, was not immunized under the Workers' Compensation Act in a direct action brought by Plaintiff where the defendant is unable to establish that the reimbursement was legally required.

In *Burge*, Plaintiff was injured while working for Exelon Nuclear Security, LLC (ENS). Workers' compensation benefits were paid by ENS. In turn, ENS received reimbursement from Defendant, Exelon Generation Company. Burge then filed a direct civil action against Defendant for negligence. Defendant moved to dismiss, arguing that Defendant had, in essence, paid Plaintiff's workers' compensation benefits and that it had immunity from a direct action under § 5(a) of the Workers' Compensation Act. Defendant's motion to dismiss was supported by an affidavit of its risk manager explaining that Defendant was the sole member of the LLC known as ENS and that it reimbursed the workers' compensation benefits "through" the LLC Agreement. The trial court agreed and granted Defendant's motion.

The appellate court held that the immunity conferred upon employers under § 5(a) of the Workers' Compensation Act cannot be based on a defendant's payments of workers' compensation benefits unless that defendant was under some legal obligation to pay, such as a contractual obligation imposed by a joint venture agreement.

According to the court, the affidavit of the risk manager was insufficient to support that legal obligation. Merely claiming that the reimbursements were made "through" the LLC Agreement is not enough to establish that the agreement created a legal obligation. Further, the court found that the statement made in the affidavit was a conclusion rather than an admissible fact and therefore carried no weight.

Because Defendant had failed to establish a legal obligation to pay Plaintiff's workers' compensation benefits, the trial court improperly granted the motion to dismiss.

Thinking Point:

1. Before voluntarily paying workers' compensation benefits, consider whether doing so will allow you to avoid civil liability.
2. Consider also whether defendant gets some type of civil offset or credit?

Indiana Supreme Court holds That "Direct Involvement" Required for Recovery Under Negligent Infliction of Emotional Distress

In *Clifton v. McCammack*, 49S02-1504-CT-228 (Ind. 2015)(September 21, 2015), the Indiana Supreme Court held that the Plaintiff could not recover for negligent infliction of emotional distress despite his undoubtedly genuine, grief and shock.

In *Clifton,* Plaintiff watched a news story about a fatal car crash, and then drove to the scene of the accident fearing that his son was involved. By the time he had arrived, the unsuccessful resuscitation efforts had ended and his son's body had been moved and covered with a white sheet so that no signs of injury were visible.

Under the bystander rule, a claimant must demonstrate that the scene viewed was essentially as it was at the time of the incident, that the victim was in essentially the same condition as immediately following the incident, and that the claimant was not informed of the incident before coming upon the scene. These factors ensure that the claimant can establish sufficient "direct involvement" with the incident to permit emotional distress recovery.

Here, the trial court found that the undisputed facts established that Plaintiff failed to meet temporal and circumstantial requirements to permit recovery for negligent infliction of emotional distress and granted a motion for summary judgment. Plaintiff appealed, the Court of Appeals reversed, entered summary judgment for Plaintiff and remanded the matter for trial on damages. The Supreme Court granted transfer.

The Supreme Court held that a bystander may establish sufficient direct involvement by proving that the plaintiff actually witnessed or came on the scene soon after the death or severe injury of a loved one with a relationship to the plaintiff analogous to a spouse, parent, child, grandparent, grandchild, or sibling caused by the defendant's negligent or tort feasor's conduct.

According to the court, the scene viewed by the claimant must be essentially as it was at the time of the incident, the victim must be in essentially the same condition as immediately following the incident, and the claimant must not have been informed of the incident before coming upon the scene.

The court explained the importance of the bright line rules for this tort, as there would be virtually no limit to the number of potential claimants, especially in our increased social media age, which allows live streaming video access to constant news coverage.

The court held that Plaintiff did not meet the circumstantial factors under the bystander test as both the scene and victim were significantly changed before he arrived at the accident and he had also been informed of the incident indirectly before coming upon on it by seeing it on the news. Plaintiff was unable to recover for emotional distress damages and defendant was entitled to summary judgment.

Thinking Point:

Clifton is good news for defendants in our quickly evolving social media age. The bystander rule sets forth straightforward limits for recovery. Live streaming footage would result in endless infliction of emotional distress claims in the absence of the limitations imposed by the court

Discovery Rule Does Not Apply to Medical Malpractice Actions for Wrongful Death According to Illinois Appellate Court

In *Moon v. Rhode*, 2015 IL App (3d) 130613, (June 15, 2015), the Illinois Appellate Court for the Third Circuit held that the two-year statute of limitations for bringing a wrongful death action runs from the date on which Plaintiff knew of the death. The discovery provision of § 13-212(a) of the Illinois Code of Civil Procedure which states that a cause of action must be brought within two years after the date on which the claimant knew or should have known of the existence of injury or death runs from the date on which Plaintiff knew of the underlying death, not from the date on which Plaintiff learns that the death was caused by malpractice. This decision is a departure from the decisions of the First and Second District and may be limited as controlling authority to cases brought in the Third Court.

In *Moon*, Plaintiff's 90-year-old mother was admitted to a hospital on May 18, 2009. She ultimately died on May 29, 2009. In the interim,

she experienced numerous complications and had numerous tests performed. CT scans were performed by Defendant, Dr. Rhode, on May 23 and May 24, 2009.

In February 2013, almost four years after the decedent died, Plaintiff had the CT scans independently reviewed. The report from that review suggested that Dr. Rhode had failed to properly review the CT scans and that the failure to do so contributed to decedent's death.

On March 18, 2013, Plaintiff filed a wrongful death action against Dr. Rhode for medical malpractice. Dr. Rhode moved to dismiss on the basis of the two-year statute of limitations under the Wrongful Death Act had expired. Dr. Rhode also argued that, even if the discovery rule applied, the Complaint was still untimely. The trial court agreed and dismissed the Complaint. Plaintiff appealed.

The Illinois Appellate Court acknowledged that under §13-212(a) of the Illinois Code of Civil Procedure, no cause of action for damages for injury or death against a doctor could be brought more than two years after the date on which the claimant knew or should have known of the existence of the injury or death. Rejecting the holdings in two appellate court decisions from other Illinois appellate court circuits, *Young v. McKiegue*, 303 Ill.App.3d 380 (1999) and *Wells v. Travis*, 284 Ill. App.3d 282 (1996) the court in *Moon* held that the discovery rule does not work to extend a wrongful death action beyond the date of which the claimant knew of the death.

According to the court, the General Assembly did not provide a limitations period based upon when a party has knowledge of negligent conduct. Instead, §13-212(a) is clear that the statute of limitations runs from knowledge of the death or injury.

In *Moon*, even though Plaintiff did not discover that Dr. Rhode may have been negligent until 2013, the fact remained that Plaintiff was aware that the decedent died in 2009. Accordingly, strictly applying the statute of limitations enacted by the General Assembly, Plaintiff's cause of action would have to have been brought within two years of knowledge of the decedent's death.

Thinking Point:

The decision in *Moon* is important in that it validates the position that the statute of limitations is to be applied strictly and as worded by the General Assembly. With regard to medical malpractice actions for wrongful death, it is clear that the statute of limitations runs from the date on which the decedent dies. The only basis for extending the statute of limitations beyond that would be if knowledge of the decedent's death could not reasonably be known until a later date.

Seventh Circuit Holds Plaintiff Must Prove Both General and Specific/Individual Causation

In *Higgins v. Koch Development Corp.*, 794F.3d 697 (7th Cir. 2015)(July 20, 2015), the Seventh Circuit Court of Appeals held that the alleged development of asthma and reactive airways dysfunction syndrome (RADS) from inhaling chlorine gas required an expert to prove causation.

In *Higgins*, the Plaintiff and his family were visiting Holiday World amusement park in Indiana owned by the Defendant. A filter pump on the lazy river malfunctioned and chemicals accumulated in the pump. On restart, a cloud of chlorine gas was released into the air. Sometime after this, Higgins walked through the cloud and inhaled an unknown amount of the gas. He had immediate symptoms - chest tightness, burning eyes, shortness of breath, and nausea. The emergency room diagnosed him with "mild chemical exposure." He saw a pulmonologist later that summer. Over a year later, a second pulmonologist diagnosed him with RADS and chronic asthma.

Plaintiff sought to designate one physician as a causation expert, but this expert was disqualified by the trial court. This ruling was not appealed. The trial court also disqualified Plaintiff's treating physician because, even if she had been properly disclosed, her qualifications and methodology were too questionable.

The Seventh Circuit held that under Indiana law, Plaintiff was required to prove both general and specific/individual causation. General causation refers to whether the substance at issue has the capacity to cause the harm alleged. Specific/individual causation refers to whether a particular individual suffers from a particular ailment as a result of the exposure to the substance.

The court concluded that without an appropriate expert, the Plaintiff could not establish specific/individual causation. The Plaintiff attempted to argue that an expert was not needed as a layperson could understand what caused the injury. However, the court determined that a layperson does not possess the requisite knowledge for causation between a brief exposure to the gas and the onset of RADS or asthma. In this case, the quantity of the gas inhaled was unknown, the Plaintiff was obese (which affects lung volume,) asthma has a genetic component and the Plaintiff's father had emphysema. The combination of these created uncertainty and the court noted that a layperson would not be capable of determining specific causation. The fact that the injuries were permanent chronic conditions and not merely symptoms was also a reason as to why a layperson did not have the requisite knowledge.

Questions of medical causation of a particular injury are questions of science necessarily dependent on the testimony of physicians and surgeons learned in such matters. Since there was no obvious origin to the injury and it had multiple potential etiologies, expert testimony was necessary to establish the causation.

Here, the Plaintiff had no expert to establish causation. The Plaintiff's expert had been disqualified and the treating physician had not properly been disclosed as an expert. The court also noted that the treating physician must have treated patients regarding these injuries or had training in toxicology. Neither was provided by the Plaintiff. In addition, there needed to be more than a differential diagnosis (method of diagnosing an ailment.) The doctor needed to undertake a causation-determining-methodology. In other words, they must be able to systematically rule in and rule out potential causes in arriving at the ultimate conclusion. There was no evidence that this was undertaken in this matter. Therefore, the Plaintiff failed to meet his burden.

Thinking Point:

Higgins demonstrated how important it is for expert witnesses to establish not only general causation, but also specific causation and to be able to back up their opinions in specific causation with reliable evidence.

Illinois Appellate Court Affirms Dismissal for Lack of Diligence in Obtaining Service

In our March issue of the General Liability Update, we reported on the case of *Carman-Crothers v. Brynda*, 2014 IL App (1st) 130280, in which the appellate court upheld the dismissal of Plaintiff's Complaint because Plaintiff failed to demonstrate reasonable diligence in attempting to obtain service of process on Defendant. On May 20, 2015, the Illinois appellate court again made the point that plaintiffs must exercise reasonable diligence in obtaining service on a defendant or risk dismissal.

In *Mular v. Ingram*, 2015 IL App (1st) 142439, (May 20, 2015), Plaintiff filed a complaint to recover damages for injuries sustained when she fell at Defendant's home. Plaintiff's Complaint listed Defendant's address as "1694" Van Buren Avenue. However, the summons issued the same day as the complaint incorrectly listed the address as "1649" Van Buren Avenue. Six weeks later and again six months later, Plaintiff issued alias summonses to "1649" Van Buren Avenue. In all instances, the summonses were returned with a notation of "No such address." Finally, almost a year after the lawsuit was first filed, a third alias summons was issued with the correct address, and Defendant was served the very same day.

Defendant moved to dismiss the Complaint pursuant to Supreme Court Rule 103(b), which provides that the failure of a plaintiff to exercise reasonable diligence to obtain service on a defendant is grounds for the complaint to be dismissed. If service of process occurs after the expiration of the applicable statute of limitations, the dismissal is to be with prejudice.

In response to the motion to dismiss, Plaintiff only offered the representation of her attorney that he had waited "an appropriate amount of time" after issuance of the summons to check on service. The trial court granted the motion to dismiss noting that the "excuses and explanations" provided by Plaintiff were insufficient to overcome her lack of reasonable diligence in affecting service. Further, because the two-year statute of limitations had expired, the dismissal was with prejudice.

In affirming the dismissal, the appellate court held that the purpose behind Rule 103(b) was to protect a defendant from unnecessary delay in the service of process and to prevent the plaintiff from circumventing the applicable statute of limitations, which is designed to afford the defendant a fair opportunity of investigation. While the rule does not set forth a specific time within which a defendant must

be served, courts, nonetheless, have broad discretion in determining whether a plaintiff has exercised reasonable diligence.

In *Mular*, Defendant had made out a prima facie case of lack of reasonable diligence simply by pointing to the lapse of one year between the date the lawsuit was filed and the date Defendant was finally served.

While the court noted that the length of time between the filing of the complaint and service is not necessarily dispositive, where, as here, Plaintiff was undoubtedly aware of Defendant's correct address because it was included in the Complaint and there was nothing to suggest that Defendant was not easy to locate (as demonstrated by the fact that she was served the very same day that the third alias summons was issued), there was nothing excusable about plaintiff 's failure to timely serve Defendant. The fact that counsel did not deliberately delay obtaining service is not determinative.

The appellate court also made note of a principle for all plaintiffs to heed. If a plaintiff waits until the close of the limitations period to file a suit, any lengthy delay in service nullifies the protection against stale claims the statute of limitations is designed to afford, thus triggering the need for the protection encompassed in Rule 103(b).

Finally, the court held that simply because Defendant had been made aware of the lawsuit two months prior to being served does not support the argument that Plaintiff exercised reasonable diligence. According to the court, while a defendant's awareness of a lawsuit prior to being served may be a relevant consideration where reasonable but unsuccessful efforts to serve them had been made, the mere fact that the defendant is on notice of the lawsuit long after the statute of limitations has run is irrelevant.

Thinking Point:

In our discussion of *Carman-Crothers* in our March issue, we noted that in many instances, lawsuits are filed at the close of the statute of limitations period and that an unusual delay in obtaining service on defendant is something that should be examined closer as a possible mechanism for early dismissal of the suit.

Mular goes one step further and points out that, by waiting until the end of the statute of limitations period, plaintiffs run the risk of any delay in obtaining service being considered a lack of reasonable diligence, thus serving as grounds for dismissal under Rule 103(b).

Indiana Still Looking to Change Landscape for Medical Malpractice Actions

In our March 2015 General Liability Update, we reported on an Indiana State Senate bill to raise the threshold for filing direct suits against qualified health care providers under the Indiana Medical Malpractice Act from $15,000 to $45,000. A separate measure in the Indiana State House would raise the cap on medical malpractice claims filed with the Department of Insurance from $1.25 Million to $1.65 Million and would raise the individual liability from $250,000 to $300,000.

While both measures failed to become law, legislative interest still exists in raising both the threshold amount for bringing direct actions against qualified health care providers and the maximum amounts recoverable. The General Assembly has recently formed a panel to again examine the prospect of raising the $1.25 Million cap. This could lead to new bills being introduced in committees in both houses.

We will continue to monitor and report on any proposed legislation affecting malpractice actions in Indiana.

Recent Seminars

- On **7/21/15**, **Geoff Bryce** presented "Additional Insured Coverage" to SOICA.
- On **7/23/15**, **Storrs Downey** presented "Solving Common Settlement Problems" and "Successful Subrogation" for CEU Institute in Dallas, TX.
- On **8/26/15**, **Rich Lenkov**, **Justin Nestor** and **Maital Savin** presented at the WCDI Conference on Multi-State Workers' Compensation Laws.
- On **9/16/15**, **Geoff Bryce** presented "Mechanics' Liens In Illinois" to the National Business Institute.
- On **10/27/15**, **Storrs Downey** presented "Marijuana in the Workplace to Boiler & Tank Contractors of Illinois.
- On **10/28/15**, **Jeanne Hoffmann**, **Bob Bramlette, Jim McConkey and Mollie O'Brien** joined Willis Insurance executives and local bankers at Willis Tower. They spoke to construction and corporate executives

about the current interest rate environment and new developments involving various changes in the law.

Upcoming Seminars

- On **11/18/15**, **Justin Nestor** and **Bob Bramlette** will present a seminar about litigation and real estate issues involving selling and purchasing, financing, and leasing commercial, industrial and office properties to the Lakeshore Chamber of Commerce Small Business members.
- On **11/20/15**, **Geoff Bryce** will present "The Legal Impact of Business Decisions Facing the Construction Industry" to IICLE and SOICA.
- On **1/13/16**, **Tim Alberts** will present "Effective Statements" in Des Moines, IA for CEU Institute.

BDL is Growing

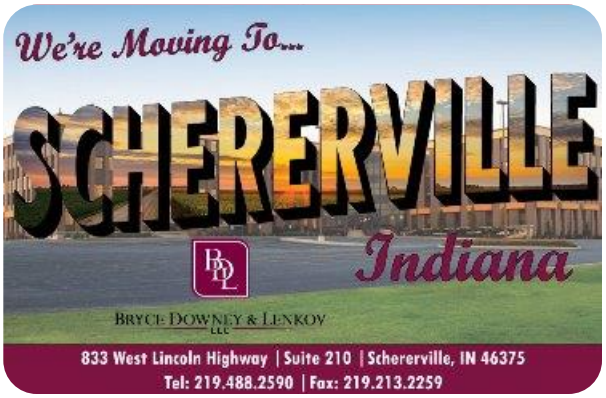
We are pleased to announce the addition of three new attorneys to the firm.

Joe Eichberger, partner, handles civil litigation and construction.

Jim McConkey, of counsel, represents clients in construction and business litigation

Kevin Borozan, associate, defends clients in workers' compensation and general liability matters.

New Indiana Office Location



We are pleased to announce that we moved our Indiana office from Crown Point to Schererville. Our new office is located at **833 W. Lincoln Highway, Suite 210W,** at the intersection of U.S. Routes 30 and 41. Our Schererville office is more than double our previous space and is equipped with two state-of-the art mediation rooms to better serve our clients throughout Indiana.

Other Newsletters

Bryce Downey & Lenkov regularly issues several practice area newsletters. If you would like a copy of any of the below articles from other BDL newsletters, please email our Marketing Coordinator Jason Klika at jklika@bdlfirm.com.

Labor & Employment Law

- Transgender Employees: News And Tips For Employers
- Think you should Terminate an Employee That Calls you a "Nasty MF"? Think Again

General Liability

- The "Open and Obvious" Defense Restored By the Illinois Supreme Court
- Indiana Court of Appeals Affirms Admission of Testimony of Naprapath

Corporate & Construction

- Additional Insured Coverage
- How Can I Lower My Real Estate Taxes?

Workers' Compensation

- Intervening Accident Breaks Causation
- Accident Date Trumps Hearing Date In Wage-Diff Award

Giving Back

"CHILL" With Bryce Downey & Lenkov

Bryce Downey & Lenkov is a longtime supporter of the Respiratory Health Association and is a benefactor at its upcoming event on 11/12/15. The CHILL event is a 2 ½ hour social gathering among the kitchen and bath showrooms on the first floor of the Merchandise Mart. All proceeds support RHA and their mission to protect clean air and ensure proper lung health care.

BDL Participates in Baskets for Breast Cancer

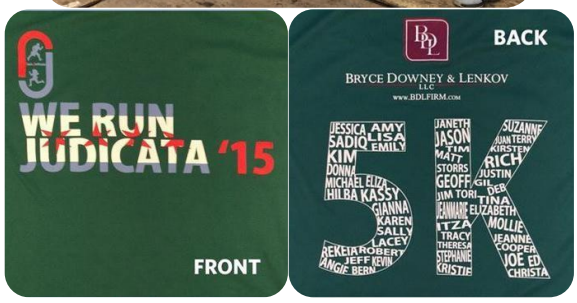
Bryce Downey & Lenkov is proud to have participated in Baskets for Breast Cancer! 100% of sales from the silent auction of over 70 baskets including trips, vacations and sports memorabilia went to breastcancer.org.

Skyline Plunge

For several years now, Geoff Bryce has participated in the Respiratory Healthy Association's "Skyline Plunge." On 9/13/15, he and his wife Sharon, rappelled 27 stories to help raise awareness and funds for lung disease research, education and advocacy. According to Geoff Bryce, "This is a cause that is very near and dear to us and we look forward to participating in various awareness events throughout the year."

Race Judicata

On 9/10/15, BDL braved rain and mud to raise money for Chicago Volunteer Legal Services' Race Judicata 5K Race. CVLS is the first and pre-eminent pro bono civil legal aid provider in Chicago. BDL is a sponsor of the event and won 3rd place in the annual t-shirt design contest!



Contributors to the November 2015 General Liability Update

Bryce Downey and Lenkov attorneys who contributed to this update were Storrs Downey, Jeffrey Kehl, Kirsten Kaiser Kus and Tim Brown.

Cutting Edge Legal Education

If You Would Like Us To Come In For A Free Seminar, Click Here Now Or Email Storrs Downey At sdowney@bdlfirm.com

Our attorneys regularly provide free seminars on a wide range of general liability topics. We speak to a few people or dozens, to companies of all sizes and large national organizations. Among the national conferences at which we've presented:

- Claims and Litigation Management Alliance Annual Conference
- CLM 2014 Retail, Restaurant & Hospitality Committee Mini-conference
- National Workers' Compensation and Disability Conference® & Expo
- SEAK Annual National Workers' Compensation and Occupational Medicine Conference
- 2014 National Workers' Compensation & Disability Conference
- RIMS Annual Conference

Some of our previous seminars include:

- Risky Business: Drugs, Sexual Orientation And Guns In The Illinois Workplace
- Spills, Thrills and Bills: The True Story Behind Illinois and Indiana Premises Liability Law
- Subrogation Basics for Workers' Compensation Professionals
- Employment Law Issues Every Workers' Compensation Professional Needs To Know About

Who We Are

Bryce Downey & Lenkov is a firm of experienced business counselors and accomplished trial lawyers committed to delivering services, success and satisfaction. We exceed clients' expectations everyday while providing the highest caliber of service in a wide range of practice areas. With offices in Chicago, Schererville, Memphis and Atlanta, and attorneys licensed in multiple states, we are able to serve our clients' needs with a regional concentration while maintaining a national practice.

Our attorneys represent small, mid-sized and Fortune 500 companies in all types of disputes. Many of our attorneys are trial bar certified by the federal court and have been named Leading Lawyers, AV Preeminent and were selected to Super Lawyers and Risings Stars lists. Our clients enjoy a handpicked team of attorneys supported by a world-class staff.

Our Practice Areas Include:

- Business Litigation
- Business Transactions & Counseling
- Corporate/LLC/Partnership Organization and Governance
- Construction
- Employment and Labor
- Counseling & Litigation
- Entertainment Law
- Insurance Coverage
- Insurance Litigation
- Intellectual Property
- Medical Malpractice
- Professional Liability
- Real Estate
- Transportation
- Workers' Compensation

Disclaimer: