Alex Vandeloo

Klaine v. Southern Illinois Hospital Services

1. Procedure
	1. Who are the parties?
		1. Plaintiff: Carol and Keith Klaine
		2. Defendant: Southern Illinois Hospital Services (Frederick Dressen and Southern Illinois Medical Services)
	2. Who brought the actions?
		1. The plaintiffs, Carol and Keith Klaine
	3. In what court did the case originate?
		1. Williamson County circuit court
	4. Who won at trial-court level?
		1. Plaintiffs, Carol and Keith Klaine
	5. What is the appellate history of the case?
		1. The defendants, Southern Illinois Hospital Services, appealed that they should not have to pay the monetary sum for “friendly contempt” penalty for failing to produce documents to the plaintiffs. The appellate court affirmed the appeal.
2. Facts
	1. What are the relevant facts as recited by the courts?
		1. The plaintiffs filed an amended complaint in the circuit court of Williamson County on August 10, 2012, alleging medical malpractice on the part of Dr. Dressen during a gallbladder removal procedure that took place on February 2, 2011, causing a colon perforation and two additional procedures to resection the colon and create an ileostomy.
		2. In addition to the claims against Dr. Dressen, the plaintiffs alleged causes of action against the defendant for negligent credentialing of Dr. Dressen.
		3. On March 18, 2013, the plaintiffs filed a motion to compel the defendant to produce certain documents in discovery, and the defendant filed a response with a privilege log specifying that certain documents that were responsive to the plaintiffs’ discovery requests were privileged.
		4. The circuit court conducted an in camera review of the documents that the defendant claimed were privileged, which were submitted to the circuit court under seal and remain under seal on appeal.
		5. On May 7, 2013, the circuit court ruled that all of the documents were privileged with the exception of “Group Exhibit B,” “Group Exhibit F,” and “Group Exhibit J,” and this ruling was embodied in a letter to the parties on that date.
		6. On May 23, 2013, the defendant filed a motion to reconsider as to “Group Exhibit F” and “Group Exhibit J,” which the circuit court denied on June 10, 2013.
		7. On June 26, 2013, the defendant filed a motion for a finding of contempt in order to facilitate an immediate appeal from the circuit court’s order pursuant to the terms of Illinois Supreme Court Rule 304(b)(5) (eff. Feb. 26, 2010).
		8. On July 9, 2013, the circuit court granted the motion and assessed a $1 “friendly contempt” penalty.
		9. The defendant filed a timely notice of appeal.
	2. Are there any facts that you would like to know but that are not revealed in the opinion?
		1. What was the total amount of monetary damage done to the plaintiff?
		2. Did the physician fully explain to the patient that a procedure like this has side effects?
3. Issues
	1. What are the precise issues being litigated, as stated by the court?
		1. Whether or not Southern Illinois Hospital Service should pay a “friendly contempt” penalty for failing to produce documents to the plaintiffs. Defendants argued the documents were privileged information.
	2. Do you agree with the way the court has framed those issues?
		1. Yes, because the courts looked over the documents and decided a few exhibits and “Surgeon Case Histories” should be produced to the plaintiffs.
4. Holding
	1. What is the court’s precise holding (decision)?
		1. The appellate court vacated the order that found the defendant to be in contempt and assessed a monetary penalty.
	2. What is the rationale for that decision?
		1. Even though the court affirmed the decision to allow the plaintiff to look at some of the privileged documents, they did not allow them to view them all because they were confidential. Therefore the verdict was remanded.
	3. Do you agree with the rationale?
		1. Yes, because the court has looked over all the documents and allowed the plaintiffs to view the records, but only with modifications.
5. Implications
	1. What does this case mean for healthcare today?
		1. This case looks at the monetary side of medical malpractice lawsuits. Hospitals and other healthcare organizations can lose a lot of money when one of their physicians commits malpractice. Insurance may be able to pay for some but it is also the hospital’s reputation on the line.
	2. What were its implications when the decision was announced?
		1. The physician or Southern Illinois Hospital Service would not have to pay the “friendly contempt” penalty.
	3. How should healthcare administrators prepare to deal with these implications?
		1. Be sure to have all confidential records in orderly files just in case something like this would happen. If an administrator would be responsible for a lost confidential record, much worse problems would arise.
	4. What would be different today if the case had been decided differently?
		1. If the physician would have had to pay that penalty, more lawsuits like this would arise because people would see that additional money could be made in malpractice lawsuits.
6. Citation
	1. "Klaine v. Southern Illinois Hospital Services." *Illinois Official Reports*. 6 Aug. 2014. Web. 24 Nov. 2014. <http://www.state.il.us/court/Opinions/AppellateCourt/2014/5thDistrict/5130356.pdf>.