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IN THE  
APPELLATE COURT OF ILLINOIS  
SECOND DISTRICT

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|----------------------|---|-------------------------------|
| JAMIE M. MYERS,      | ) | Appeal from the Circuit Court |
|                      | ) | of Winnebago County.          |
| Plaintiff-Appellant, | ) |                               |
|                      | ) |                               |
| v.                   | ) | No. 07-L-0418                 |
|                      | ) |                               |
| ARTURO MANAS, M.D.,  | ) | Honorable                     |
|                      | ) | J. Edward Prochaska,          |
| Defendant-Appellee   | ) | Judge, Presiding.             |

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JUSTICE HUTCHINSON delivered the judgment of the court.  
Justices Schostok and Birkett concurred in the judgment.

**ORDER**

¶ 1 *Held:* The trial court did not abuse its discretion when it denied plaintiff's motion *in limine* #9, and it did not abuse its discretion in tendering defendant's proposed jury instruction on sole proximate cause. Moreover, the jury's verdict was not against the manifest weight of the evidence; the jury considered the evidence and determined the credibility of the witnesses. We affirmed the judgment of the trial court.

¶ 2 In November 2007, plaintiff, Jamie M. Myers, filed a complaint against defendant, Arturo Manas, M.D., seeking damages for injuries she suffered as a result of defendant's alleged medical malpractice. Specifically, plaintiff sought damages for pain and suffering and permanent disfigurement, which occurred when defendant, who allegedly knew plaintiff was allergic to

adhesive tape, used adhesive tape to dress plaintiff's abdominal wound. Following a jury trial, the jury found in favor of defendant. Plaintiff filed a posttrial motion, which the trial court later denied. Plaintiff timely appeals, contending that (1) the trial court abused its discretion when it denied her motion *in limine*; (2) the trial court abused its discretion when it instructed the jury on sole proximate cause; and (3) the jury's verdict was against the manifest weight of the evidence. We affirm.

¶ 3 The record reflects that in 1999, plaintiff gave birth by Cesarean section, and an adhesive dressing was applied to her abdomen covering the incision. Plaintiff developed a skin reaction either to the Betadine antiseptic solution or to the adhesive dressing. Plaintiff initially came under the care of defendant during her second pregnancy in 2001. At that time, plaintiff informed defendant of her reaction to Betadine or adhesive tape. In May 2001, plaintiff gave birth by Cesarean section, and defendant used a non-iodine solution (Hibiclens) and paper tape to cleanse and dress the abdominal incision wound.

¶ 4 In 2006, during her third pregnancy, plaintiff again came under the care of defendant. On May 31, 2006, plaintiff was admitted to Swedish American Hospital for a Cesarean section and tubal ligation. Plaintiff was administered intravenous fluids, and the nurse used paper tape. Defendant performed the scheduled procedures, and adhesive tape was used to dress the abdominal incision wound. Thereafter, plaintiff suffered an allergic reaction to her skin where the adhesive tape had been applied.

¶ 5 In November 2007, plaintiff filed a complaint against defendant alleging medical malpractice. As amended, plaintiff's complaint alleged, *inter alia*, that defendant committed negligence when he used adhesive tape while he knew or should have known that plaintiff was allergic to adhesive tape based upon prior use; failed to use paper tape; failed to review plaintiff's chart, which would have

reflected the condition in 1999; failed to use paper tape, as plaintiff's chart reflected the use of paper tape in 2001; and failed to note plaintiff's allergy in the prenatal flow record. Plaintiff further alleged that she suffered severe contact dermatitis to her abdomen, permanent disfigurement, which required medical treatment; she lost wages from her employment; she suffered great pain, severe mental and emotional anguish, and permanent disfigurement. Plaintiff sought in excess of \$50,000 as a result of defendant's conduct.

¶ 6 Defendant filed his answer and affirmative defenses to plaintiff's complaint, denying the material allegations of the complaint. For his affirmative defense, defendant alleged that plaintiff had a duty of care for her own safety and to cooperate and fully inform her medical care providers accurately of her medical history. Defendant alleged that, if plaintiff were injured, she failed to inform defendant during the course of his care and treatment of her third pregnancy that she had a past history of allergic reaction to adhesive tape and that she should reasonably have known that adhesive tape would have been used in the treatment and delivery of the child. Defendant alleged that plaintiff also failed to inform the medical staff at Swedish American Hospital of her past history of allergic reaction to adhesive tape and that she reasonably should have known that adhesive tape would be used during and after her treatment. Defendant further alleged that plaintiff's conduct was the sole proximate cause or a contributing proximate cause of any injuries she allegedly sustained.

¶ 7 The case proceeded through discovery and the parties filed motions *in limine*. Among them was plaintiff's motion *in limine* #9, filed on December 16, 2011. Plaintiff sought an order from the trial court precluding defendant from presenting witness or adducing testimony regarding the conduct or culpability of former defendants, who had previously settled with plaintiff, including Janette Jacobs, R.N., Shirley Scholtz, R.N., Swedish American Hospital, or Birth Care Staffing. Plaintiff

also requested the trial court preclude defendant from presenting any testimony or evidence from those former defendants as to whether she or her husband, Troy Myers, told the nurses or any personnel at the hospital of her allergy to adhesive tape.

¶ 8 On December 30, 2011, the trial court conducted a hearing on plaintiff's motion *in limine* #9. Plaintiff argued that the nurses could not be the sole proximate cause of her injury, given the evidence in defendant's chart reflecting her allergy. Plaintiff argued that defendant completed the prenatal flow chart, forwarded it to the hospital three to four days before the surgery, and therefore, defendant would have seen it and would have acted on it. Plaintiff further argued that Dr. Robert Dein testified in his discovery deposition that the sole decision on which type of tape to use belongs to the physician. Defendant responded that courts have held that only some evidence is needed to support a sole proximate cause instruction. Defendant argued that Dr. Dein's deposition testimony reflected his opinion that the nurses were negligent and that they had an independent obligation separate and apart from whatever records they received to gather plaintiff's information and take action upon it. Defendant also argued that his affirmative defense noted that plaintiff had an obligation to communicate the information to him.

¶ 9 Following arguments of the parties, the trial court denied plaintiff's motion. It noted that evidence could be admitted "if there's some evidence \*\*\* that by which a jury could find sole proximate cause. That's all that has to be there in order for this evidence to come in." The trial court added, "I think the jury should be able to consider all the facts and circumstances, including all allegations that people other than the defendant may have committed negligence and that action – their negligence may have proximately caused the plaintiff's injuries." The trial court concluded, "There is enough evidence in this case to get this before a jury and I understand \*\*\* plaintiff's

objection to this, but \*\*\* I believe[] the law in the state of Illinois and I believe there is sufficient evidence in this case for this whole issue about the nurses' negligence to be a part of the case.”

¶ 10 On January 3, 2012, the case proceeded to jury trial. Plaintiff called defendant as an adverse witness. Defendant testified that plaintiff had undergone three Cesarean sections, in 1999, in 2001, and in 2006. Defendant performed the second and third Cesarean sections. Defendant admitted that, in 2001, plaintiff advised him of her allergic reaction to adhesive tape; he used paper tape during plaintiff's delivery. Defendant admitted that he used adhesive tape during plaintiff's 2006 delivery. He admitted that the information regarding her allergy to adhesive tape was contained within his medical chart and that he forgot about it. Defendant testified that he reviewed the 2006 prenatal flow chart, the 2001 operative report, the initial patient questionnaire from 2000, and the 2006 office visits. Defendant admitted that he did not review the 2001 prenatal flow sheet that contained the allergy information. Defendant admitted that, if he had read the entire chart prior to plaintiff's May 31, 2006, Cesarean section, he would have known of plaintiff's allergy and he would not have used adhesive tape during that delivery.

¶ 11 Defendant further testified that he relies upon the patient to provide accurate information about the patient's own body. Defendant testified that he reviewed the first page of plaintiff's 2001 operative report, which would have alerted him to any complications from the prior surgery. Defendant admitted that he did not review the second page of the 2001 operative report, which contained the information on plaintiff's adhesive tape allergy.

¶ 12 Plaintiff testified that, in 2000, she began medical care with defendant and informed him of her allergy to adhesive tape. Defendant used paper tape during plaintiff's second delivery, and she did not suffer any allergic reaction. Plaintiff testified that, during her third pregnancy, she informed

defendant about the 1999 allergic reaction and how she did not have the reaction in 2001. Plaintiff could not recall the exact date of this conversation.

¶ 13 Plaintiff further testified that, on May 31, 2006, she and her husband went to Swedish American Hospital for her third Cesarean section delivery. Plaintiff testified that the nurses were in the middle of a shift change and that she was attended by two nurses during the admission process. Plaintiff testified that she told the nurses of her allergies to penicillin and sulfa, and when asked if she was allergic to latex, plaintiff advised the nurse taking the information that she did not have a latex allergy but had a severe allergy to adhesive tape. When the nursing staff administered an IV, plaintiff advised the nurse of her adhesive tape allergy, and the nursing staff used paper tape on her arm. Plaintiff testified that she did not see defendant prior to the Cesarean section.

¶ 14 Plaintiff testified that, on May 31, 2006, she gave birth by Cesarean section. Plaintiff observed a welt with itching the following day. Plaintiff took the tape off and noticed that the welt was raised and went hip to hip; there were blisters forming. Plaintiff advised the nursing staff. Defendant followed up with plaintiff the next day and informed her that he had reviewed her chart before seeing her and that he was very sorry. Plaintiff's photographs were admitted into evidence, and plaintiff testified regarding her injuries.

¶ 15 On cross-examination, plaintiff admitted that she did not put her adhesive tape allergy on her initial patient questionnaire. Plaintiff admitted that she and defendant had several discussions about some serious family issues in the weeks before her 2006 delivery. Plaintiff admitted that she advised the nursing staff on two occasions of her adhesive tape allergy. Plaintiff also acknowledged that, in 2004, she had a consultation with a plastic surgeon regarding a possible corrective surgery on her abdomen and did not disclose her adhesive tape allergy to the surgeon.

¶ 16 Plaintiff called Dr. Robert Dein as an expert witness by evidence deposition. Dein opined that it was the surgeon's decision as to which tape to use. Dein testified that the standard of care always required a physician to avoid the use of a known allergen upon a patient. Dein testified that defendant's 2001 notes in the prenatal flow record, the preoperative history and physical, the operative report, and the discharge summary all reflected plaintiff's adhesive tape allergy. Dein opined that defendant deviated from the standard of care when he used adhesive tape during plaintiff's 2006 delivery.

¶ 17 Dein further testified that defendant had a duty to review his 2001 records and to record the appropriate information in 2006. Dein opined that defendant failed in his duty to provide Swedish American Hospital with prenatal records that properly documented any allergy to adhesive tape.

¶ 18 On cross-examination, Dein admitted that the hospital nurses had an "independent obligation to identify the allergies and record them and take appropriate action to address them." Dein admitted that plaintiff also had an independent obligation to provide both the nursing staff and defendant accurate information when she was asked about her medical history. Dein admitted that plaintiff understood the distinction between other types of allergies and sensitivities, and her allergy and sensitivity to adhesive tape. Dein testified that plaintiff had advised the nursing staff at the hospital of her allergy, and he opined that the nursing staff was negligent in failing to document that information. Dein also testified that the nursing staff acted upon plaintiff's advisement when they used paper tape on her IV site.

¶ 19 Plaintiff's husband, Troy Myers, testified that, on May 31, 2006, both he and plaintiff advised the nurses of plaintiff's allergy to adhesive tape. Myers testified that the next day plaintiff showed him the red welts and blisters that were forming from the use of the adhesive tape. Myers further

testified that he asked his neighbor, Nancy Hubler, to observe the injuries to plaintiff's abdomen. Hubler, a registered nurse, testified regarding her observations.

¶ 20 Defendant testified on his own behalf. Defendant testified that, during the course of his practice, he had delivered between 5,000 and 6,000 children, and of these, approximately 20 to 30% were born by Cesarean section. Defendant testified that, during her third pregnancy, plaintiff did not tell him or remind him of her allergy to adhesive tape. Defendant testified he would have used paper tape if plaintiff had told him or reminded him. Defendant testified that plaintiff was experiencing some serious family issues ongoing in the weeks prior to her delivery, and these issues became the focus of their conversations. Defendant testified that he prescribed zinc oxide, benadryl, and ice packs for plaintiff while she was in the hospital.

¶ 21 On cross-examination, defendant admitted that he knew of the allergy in 2001 and knew that plaintiff had an allergy to adhesive tape. Defendant testified that, as a competent, educated person, plaintiff should have told him in 2006 of her adhesive tape allergy.

¶ 22 Dr. Peter Weeks, a board certified obstetrician and gynecologist, testified as an expert witness. Weeks reviewed plaintiff's medical records, the depositions, and the photographs, and he opined that defendant complied with the standard of care. Weeks testified that it was reasonable for a doctor to rely upon the patient to accurately relate her allergy history, and there was no barrier that would prevent plaintiff from accurately relating her allergy history to defendant. Weeks testified that the standard of care did not require defendant to review the prior pregnancy records and it was unreasonable to expect defendant to remember the allergy himself. Weeks testified that nothing in plaintiff's medical records indicated a need or an obligation for defendant to review the 2001 records.

¶ 23 On cross-examination, Weeks testified that the operative report provided a sufficient summary of the previous operation. Weeks admitted that the second page of the 2001 operative report contained information about the adhesive tape allergy. Weeks admitted that the 2001 prenatal flow chart, the 2001 preoperative history and physical, and the hospital discharge summary all contained the allergy information. Weeks admitted that the physician's records from plaintiff's 1999 Cesarean section also contained the tape allergy. Weeks admitted that a review of approximately 15 pages of the prior chart would have provided defendant with the allergy information but that it was not incumbent upon him to undertake such a review. Weeks stipulated that defendant knew of the allergy at one point but did not know of the allergy five years later and, therefore, forgot about the allergy. Weeks agreed that, if plaintiff had informed defendant of her allergy during the 2006 pregnancy, then defendant would have known of the allergy and would have been obligated to avoid use of the adhesive tape.

¶ 24 Janette Jacobs, a registered nurse, testified that in May 2006 she was working as a labor and delivery nurse at Swedish American Hospital. Jacobs admitted plaintiff to the hospital and went over the admission forms with her. Jacobs testified that she would have had the prenatal records, previously sent over from the physician's office, available to her, and that she would independently verify the information with the patient. Jacobs testified that she understood it was important that, if a patient reported allergy or sensitivity information different from that on the physician's prenatal records, the physician needed to know that, as it would change the type of tape they would use for surgery. Jacobs testified that it was her responsibility within her training that she would not just rely upon the prenatal records, but would go through her own process to make sure that she had an accurate listing of all of plaintiff's allergies. Jacobs testified that, if plaintiff or her husband told her

that plaintiff had an allergy to adhesive tape, “there is no doubt” that she would have recorded the information. Jacobs testified that, since the adhesive tape allergy was not listed, then plaintiff did not tell her.

¶ 25 On cross-examination, Jacobs testified that she had no independent recollection of either plaintiff or the date of plaintiff’s Cesarean section. Jacobs admitted that there was a shift change at the time of plaintiff’s admission. Jacobs admitted that it was possible another nurse could have begun the admission process and that she took over when she arrived. Jacobs also admitted that, if the prenatal flow chart from defendant had contained the adhesive tape allergy information, she would have verified it with plaintiff, and the allergy would have been listed on all of the hospital records.

¶ 26 The trial court conducted a jury instructions conference, and heard argument on defendant’s proposed Illinois Pattern Jury Instruction Civil, No. 12.04 (IPI Civil, No. 12.04), which instructed the jury on sole proximate cause. Plaintiff’s counsel objected, arguing that IPI Civil, No. 12.04 was inapplicable because defendant’s evidence reflected only contributory negligence as to plaintiff and not negligence of a third party. Defense counsel responded that plaintiff’s expert witness testified that the nurse had an independent obligation to gather the appropriate information, chart it, and communicate it to the physician. Defense counsel argued that Jacobs testified that it was her obligation, and if the information was given to her, she would have done so. Defense counsel further argued that plaintiff testified that she communicated her information to the nurse. Defense counsel argued that defendant’s testimony reflected that he would not have used the adhesive tape had the nurse communicated what plaintiff said she told him.

¶ 27 Following arguments of the parties, the trial court gave the instruction over plaintiff’s objection. The trial court reiterated that there needed to be only slight evidence supporting sole

proximate cause for the instruction to be given and found that there was enough evidence in the record, “more than slight in this case.” The trial court explained, “[y]ou have the whole issue of \*\*\* what the nurses knew, should have known and what they did or did not communicat[e].”

¶ 28 Later, the trial court and the parties reconvened regarding corrections to the jury instructions. With respect to defendant’s proposed instruction IPI Civil, No. 12.04, plaintiff’s counsel argued that it was contradictory to an instruction they had proposed. After argument, the trial court disagreed with plaintiff’s position and explained there was “a lot of contradictory evidence in this case about who told what to who and where[,] and the jury’s got to have to sort all of that out in terms of credibility and who they believe.” The trial court noted that the jury could potentially find that the nurses were aware, based upon the testimony of plaintiff and her husband, that they informed the nursing staff about her allergy and that the nursing staff was the sole proximate cause by failing to communicate that to defendant or otherwise making sure that adhesive tape was not used.

¶ 29 Following deliberations, the jury returned a verdict in favor of defendant and against plaintiff. The trial court entered judgment on the verdict. Plaintiff filed a posttrial motion, which the trial court heard and denied. Plaintiff filed a timely notice of appeal.

¶ 30 Prior to reaching the merits, we will address defendant’s objections to plaintiff’s appellate brief. In his brief, defendant objects to plaintiff’s Statement of the Nature of the Case (Ill. Sup. Ct. R. 341(h)(2) (eff. July 1, 2008)); plaintiff’s first Issue Presented (Ill. Sup. Ct. R. 341(h)(3) (eff. July 1, 2008)); and plaintiff’s Statement of Facts (Ill. Sup. Ct. R. 341(h)(6) (eff. July 1, 2008)). Defendant asks this court to use his proffered Nature of the Case and to strike plaintiff’s first issue. Generally, a reviewing court will not strike portions of a party’s brief unless it includes such flagrant improprieties that it hinders our review of the issues. See *Lock 26 Constructors v. Industrial*

*Comm'n*, 243 Ill. App. 3d 882, 886 (1993). Our review of plaintiff's brief and the record indicates that the violations of Illinois Supreme Court Rule 341 (Ill. S. Ct. R. 341(h) (eff. July 1, 2008)) are minor and do not hinder our review of the case. Furthermore, plaintiff's violations did not hinder defendant's response in his appellate brief. We decline defendant's request to strike the plaintiff's first issue; we will, however, disregard any inappropriate or argumentative statements. See *Jane Doe-3 v. McLean County Unit District No. 5 Board of Directors*, 2012 IL 112479, fn. 4 (citing *John Crane Inc. v. Admiral Insurance Co.*, 391 Ill. App. 3d 693, 698 (2009)).

¶ 31 Plaintiff first contends that the trial court abused its discretion when it denied her motion *in limine* #9. Plaintiff argues that she adduced overwhelming evidence of defendant's negligence such that no other evidence or testimony could rise to the level of sole proximate cause. Plaintiff then recited the evidence presented at trial to corroborate her argument. Plaintiff concludes that the evidence caused "undue prejudice" to her and "precluded a fair trial."

¶ 32 A trial court's evidentiary ruling regarding a motion *in limine* is within its sound discretion, and a reviewing court will not reverse the ruling unless the trial court abused its discretion. *Davis v. Kraff*, 405 Ill. App. 3d 20, 28 (2010). A trial court abuses its discretion when its ruling is " 'arbitrary, fanciful, or unreasonable or when no reasonable person would take the same view.' " *Christmas v. Dr. Donald W. Hugar, Ltd.*, 409 Ill. App. 3d 91, 100 (2011) (quoting *Sbarboro v. Vollala*, 392 Ill. App. 3d 1040, 1055 (2009)). An abuse of discretion standard is highly deferential to the trial court. *Davis*, 405 Ill. App. 3d at 28.

¶ 33 Defendant counters that plaintiff's argument should be waived because plaintiff failed to contemporaneously object to the evidence at the time it was offered at trial and therefore, failed to preserve the issue for review. It is well settled that, to preserve an issue for review, an objection must

be made at trial and the issue must be raised in a posttrial motion. *Gillespie v. University of Chicago Hospitals*, 387 Ill. App. 3d 540, 546 (2008). The doctrine of waiver, however, is a limitation on the parties and not on this court. *First National Bank of LaGrange v. Lowrey*, 375 Ill. App.3d 181, 202 (2007). Notwithstanding waiver, this court may address an issue to carry out its responsibility to reach a just result. *Id.*

¶ 34 We determine the trial court did not abuse its discretion when it denied plaintiff's motion *in limine* #9 and permitted defendant to present evidence that plaintiff's allergic reaction to adhesive tape was the result of another individual's conduct. Defendant's answer and affirmative defense denied that plaintiff was injured as a result of treatment she received under his care and, therefore, defendant was properly allowed to introduce testimony in support of his position that plaintiff's injury was the result of another cause. Because defendant denied that he was the cause of plaintiff's injuries, he was entitled to examine Dein regarding his previously disclosed opinion that the failure by the nursing staff to record or inform defendant of plaintiff's allergy to adhesive tape prior to or during plaintiff's May 2006 Cesarean section proximately caused plaintiff's skin reaction.

¶ 35 Our determination is supported by our supreme court's decision in *Leonardi v. Loyola University of Chicago*, 168 Ill. 2d 83 (1995). In *Leonardi*, the plaintiffs, as administrators of decedent's estate, brought a medical malpractice action against several defendants seeking damages stemming from an improperly performed Cesarean section procedure. Prior to trial, the decedent's attending physician (a named defendant in the malpractice suit) died and his estate settled. The plaintiffs moved *in limine* to bar evidence relating to the alleged negligence of any person other than the remaining named defendants. The trial court denied the motion and allowed evidence relating to

the deceased attending physician's standard of care. *Id.* at 90-92. On appeal, the reviewing court affirmed. *Leonardi v. Loyola University of Chicago*, 262 Ill. App. 3d 411, 415-16 (1993).

¶ 36 On appeal to the Illinois Supreme Court, the plaintiffs argued that the trial and appellate courts erred in denying their motion *in limine* predicated on the “common law principle that there can be more than one proximate cause of an injury, and that a person is liable for his or her negligent conduct whether it contributed wholly or partly to the plaintiff's injury as long as it was one of the proximate causes of the injury.” (Emphasis in original.) *Leonardi*, 168 Ill. 2d at 92-93 (citing *Nelson v. Union Wire Rope Corp.*, 31 Ill. 2d 69, 88 (1964)).

¶ 37 The *Leonardi* court held that the plaintiffs' reliance on this principle was misplaced, as it “presumes that a defendant's conduct is at least a proximate cause of the plaintiff's injury.” (Emphasis in original.) *Leonardi*, 168 Ill. 2d at 93 (citing Restatement (Second) of Torts § 433B, Comment g (1965)). “In the present case, defendants denied that they were even partly a proximate cause of plaintiffs' injuries. Rather, the defense theory was that decedent [deceased attending physician] was the sole proximate cause of [decedent's] injuries.” *Leonardi*, 168 Ill. 2d at 93. The *Leonardi* court concluded that “ ‘an answer which denies that an injury was the result of or caused by the defendant's conduct is sufficient to permit the defendant in support of his position to present evidence that the injury was the result of another cause.’ ” *Id.* at 94 (quoting *Simpson v. Johnson*, 45 Ill. App. 3d 789, 795 (1977)).

¶ 38 The record is clear that the trial court considered all of the relevant arguments in denying plaintiff's motion *in limine* #9. The trial court conducted a hearing, it carefully weighed the relevant considerations, and found that there was sufficient evidence about the nurses' negligence to be a part

of the case. We conclude, therefore, that the trial court did not abuse its discretion and affirm the trial court's decision.

¶ 39 Plaintiff's second contention challenges the trial court's discretion regarding its decision to tender the long form instruction on sole proximate cause to the jury. Plaintiff's argument on this issue is similar to the argument she presented in her first issue, which were written as one contention. Plaintiff argues that she presented "significant and substantial evidence" of defendant's negligence to preclude the trial court from tendering such an instruction to the jury." Plaintiff further argues that "there was no evidence adduced at the trial which would rise to the level of sole proximate cause," and therefore, the trial court erred in giving the instruction to the jury. In support of her argument, plaintiff reiterated the evidence presented at trial and asserted that "[t]here was no testimony adduced that the conduct of some other person, such as the nursing staff of Swedish American Hospital, was the sole proximate cause of [plaintiff's] injuries."

¶ 40 Defendant asserts the record evidence makes clear the trial court was correct in its determination that there was "some evidence" to support giving the sole proximate cause instruction. At oral argument, defendant cited *Tabé v. Ausman*, 388 Ill. App. 3d 398 (2009), and argued that, if the jury believed defendant and his expert witness and determined that defendant did not deviate from the standard of care, then instructing the jury with IPI Civil, No. 12.04 would not have had any effect on the verdict.

¶ 41 The *Tabé* court's discussion of the two-issue rule supports our view of this issue. In *Tabé*, the reviewing court discussed *Strino v. Premier Healthcare Associates*, 365 Ill. App. 3d 895 (2006), in considering whether the trial court erred in granting a new trial based on a purportedly erroneous jury instruction. The two-issue rule precludes review of a jury's general verdict because "the basis

for the verdict” is unknowable in the absence of a special interrogatory. *Strino*, 365 Ill. App. 3d at 904. In other words, the two-issue rule forecloses review of a jury’s general verdict in favor of a defendant because “[t]he general verdict \*\*\* creates a presumption that the jury found in favor of [the defendant] on every defense raised.” *Lazenby v. Mark’s Construction, Inc.*, 236 Ill. 2d 83, 102 (2010). For our purposes, the two-issue rule applies because there were two distinct issues, *i.e.*, standard of care and proximate cause, but the jury returned only a general verdict, such that the mental processes of the jury were not tested by special interrogatories to indicate which of the two issues was resolved in favor of defendant. See *Taber*, 388 Ill. App. 3d at 402 (citing *Strino*, 365 Ill. App. 3d at 904). Plaintiff acknowledged at oral argument that a special interrogatory was not tendered to the jury. Therefore, if the jury determined that defendant did not deviate from the standard of care, then any error in giving IPI Civil, No. 12.04 to the jury would have had no effect on the verdict. Accordingly, we reject plaintiff’s contention.

¶ 42 Plaintiff’s third contention is that the jury’s verdict in favor of defendant was against the manifest weight of the evidence. In support of her contention, plaintiff “specifically incorporates herein by reference her argument” from her first two issues “as it outlines the evidence adduced by her in this case.” Plaintiff’s argument adds defendant’s admission that he “forgot” about plaintiff’s allergy to adhesive tape and defendant’s admission that the allergy information was contained in the records of her 2001 delivery. Plaintiff concludes that the above evidence, coupled with her testimony that she did inform defendant of her allergy in 2006, established that defendant deviated from the standard of care and proximately caused plaintiff’s injuries, and therefore demonstrates that the jury’s verdict was against the manifest weight of the evidence.

¶ 43 It is well established that in reviewing a jury verdict, this court “may not simply reweigh the evidence and substitute its judgment for that of the jury.” *Snelson v. Kamm*, 204 Ill. 2d 1, 35 (2003). Rather, we may only reverse a jury’s verdict if it is contrary to the manifest weight of the evidence. *Id.* A verdict is against the manifest weight of the evidence if the opposite conclusion is clearly evident, or if the jury’s findings are unreasonable, arbitrary, or not based on the evidence. *Id.*

¶ 44 As defendant stated in his brief, this case was a “classic battle of the experts.” Both parties presented expert witnesses who gave their opinions on the issues and provided their reasons. See *Snelson*, 204 Ill.2d at 36. The jury weighed the conflicting evidence, and made a determination as to which parties’ witnesses were more credible. Ultimately, the jury believed defendant, defendant’s witnesses, and defendant’s expert witness, not plaintiff, and rendered its verdict in favor of defendant. After a careful review of the evidence adduced at trial, as set forth above, we cannot find that the jury’s verdict was unreasonable, arbitrary, and not based upon the evidence. We decline to substitute our judgment for that of the jury’s. *Id.* We conclude that the verdict was not against the manifest weight of the evidence.

¶ 45 For the foregoing reasons, we affirm the judgment of the circuit court of Winnebago County.

¶ 46 Affirmed.