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No. 1-11-1508

IN THE APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

PAUL A. CAGHAN,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellant,)	Cook County.
)	
v.)	No. 10L11140
)	
JEFFREY CAGHAN, SUSAN CAGHAN,)	
LINDA CRESCIMANO, and PRIME PRODATE,)	
INC., et al.,)	The Honorable
)	Bill Taylor,
Defendants-Appellees.)	Judge Presiding.

JUSTICE PUCINSKI delivered the judgment of the court.
Presiding Justice Lavin and Justice Sterba concurred in the judgment.

ORDER

¶1 *HELD*: Order of the circuit court dismissing plaintiff's complaint for lack of personal jurisdiction over non-resident defendants affirmed where the defendants lacked sufficient contacts with Illinois to satisfy due process requirements.

¶2 Plaintiff Paul Caghan appeals an order of the circuit court dismissing his complaint for lack of personal jurisdiction over several non-resident defendants. On appeal, plaintiff argues

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that the court's order was entered in error because the defendants committed various torts against plaintiff, an Illinois resident, and thus, jurisdiction is proper under the Illinois long-arm statute. Moreover, plaintiff maintains that exercising jurisdiction over the defendants would not offend due process principles. For the reasons explained herein, we affirm the judgment of the circuit court.

¶3

I. BACKGROUND

¶4 On September 30, 2010, plaintiff filed a complaint alleging fraud and breach of fiduciary duty against his estranged siblings, Jeffrey Caghan, Susan Caghan and Lisa Crescimano as well as 17 corporate entities, including Prime Prodata Inc., which plaintiff alleged were either owned, controlled or managed by the individual defendants.¹ The basis for plaintiff's suit was the defendants' alleged mismanagement of a now-defunct family business (Country Lane Foods, Inc.) and their purported concealment and misrepresentation of plaintiff's shares in the trust of their deceased mother (the Elaine Caghan Trust) and the estate of their deceased father, Allen E. Caghan. Plaintiff alleged that all of the conduct that provided the basis for his complaint occurred "from on or about October 1979 to the present."

¹ Plaintiff voluntarily dismissed his claims against Neil Genshaft, the other individual aside from his siblings that he brought suit against, and the majority of the corporate entities named as defendants in his complaint. For purposes of this instant appeal, the term "defendants" will be used only in reference to Jeffrey Caghan, Susan Caghan, Lisa Crescimano, and the corporate entity Prime Prodata Inc, which is a company that is owned and operated by his sister Susan.

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¶5 Included in the complaint were allegations that Jeffrey and Susan "fabricated a second set of books and records for the trust and estate to conceal assets from" him and sent him documentation misrepresenting the value of Country Lane Foods. Specifically, plaintiff alleged that on December 15, 1996, defendants Jeffrey and Susan Caghan mailed plaintiff financial statements and balance sheets for Country Lane Foods which misrepresented the company's financial status in 1985, 1986, 1988. On the same date, plaintiff alleged that Jeffrey and Susan also mailed him reports misrepresenting the income, expenditures, shares and assets pertaining to the Elaine Caghan Trust through March 1996. In addition to the mailings, plaintiff alleged that on April 14, 1999, his sister, Susan, made an oral misrepresentation when she visited plaintiff at his Chicago home and informed him that "[t]he business just dried up after Dad died. Jeff ran the business into the ground. There's nothing left. The bank is threatening to foreclose on the plant to pay Dad's old debts." Plaintiff alleged that Jeffrey made a similar misrepresentation on November 24, 2001, in Canton, Ohio when he said: "I guess I just mishandled the business. I feel like I let the family down. Things are really bad now." The complaint further alleged that although his siblings' unlawful conduct happened years prior to the filing of the complaint, plaintiff had "no reasonable opportunity to discover the existence of wrongful conduct or the action complained of until September 14, 2010, when he received and reviewed title reports and copies of land records." As a result of his siblings' fraudulent actions, plaintiff alleged that he suffered "substantial damage in the form of economic and pecuniary losses, lost dividends, capital expenditures, capital contributions, equity, business opportunities, distributions, returns, interest appreciation, compensatory damages and special damages and those losses will continue

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in the future." Plaintiff's breach of fiduciary duty claim was premised on the allegation that Jeffrey and Susan were executives of Country Lane Foods and that their actions pertaining to that business, including the aforementioned mailing of fraudulent financial records, constituted a breach of the duty that they owed to plaintiff by virtue of his status as a shareholder in that corporation.

¶6 Defendants subsequently filed a motion to dismiss plaintiff's complaint for lack of personal jurisdiction arguing that each of the defendants was, at all relevant times, a permanent non-Illinois resident and did not have any contacts with, or commit any acts in, the State of Illinois that would subject them to jurisdiction pursuant Illinois's long-arm statute. In addition, defendants maintained that the trust, estate, properties and businesses that were the subject of plaintiff's complaint were all located outside of Illinois and contended that any effort to exercise personal jurisdiction over them would not comport with due process requirements. The siblings each filed affidavits contesting personal jurisdiction in this matter.

¶7 In her affidavit, Linda averred that she has resided in the State of Florida for the past 30 years, where she works as a private school librarian. Linda further stated that the last time that she spent time in Illinois was 17 years ago to attend a family event. It was strictly a social visit and she did not discuss any business matters or matters pertaining to the management of her mother's trust or her father's estate with plaintiff.

¶8 In the affidavit completed by Susan, she stated that she was a permanent resident of Ohio and has lived there for the past 20 years. She is the President and sole shareholder of Prime ProData, a company that provides information technology to food companies. Prime ProData is

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an Ohio Corporation and maintains offices in Ohio. Prime ProData has never done business in Illinois. It has never obtained a business license in Illinois and has never applied for such a license. Susan further averred that her company does not advertise in Illinois. Over the past decade, 97% of Prime ProData's sales took place in Ohio. Sales to Illinois customers constituted less than 0.6% of the company's overall sales.

¶9 In her affidavit, Susan did acknowledge that she did visit plaintiff in Illinois years ago, but indicated that they were "strictly social" visits. Susan had no recollection of making a statement during her 1999 visit to plaintiff's house that: "The business just dried up after Dad died. Jeff ran the business into the ground. There's nothing left. The bank is threatening to foreclose on the plant to pay Dad's old debts." Susan maintained, however, that the "facts regarding the bank's foreclosure of the business are true." Susan also indicated that she had "no recollection of" mailing plaintiff financial statements for Country Lane Foods or written statements concerning the assets of the Elaine Caghan Trust, and averred that any information that would have been sent to plaintiff would have been sent by a business accountant or lawyer and would have contained accurate, rather than misleading information.

¶10 In his affidavit, Jeffrey averred that he has resided in Ohio for the last 20 years, is a permanent resident of that State, and has not visited Illinois for more than 15 years. In his affidavit, Jeffrey indicated that he had no recollection of mailing any documentation concerning the financial status of Country Lane Foods or any statements pertaining to the Elaine Caghan Trust in December 1996. Moreover, Jeffrey maintained that he has "been unable to locate copies of such correspondence" and indicated that he did not "believe that [he] ever personally sent such

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documents to" plaintiff. Jeffrey further denied that he had any recollection of making a misleading oral misrepresentation to plaintiff in Ohio on November 24, 2001 regarding his purported "mishandl[ing]" of the family business.

¶11 Plaintiff filed a response, urging the court to deny defendants' motion. Although he acknowledged that his siblings were permanent non-residents of Illinois, he argued that jurisdiction was proper because their tortious activity was directed at him, an Illinois resident. Relying on this court's earlier decision in *Kalata v. Healy*, 312 Ill. App. 3d 761 (2000), plaintiff maintained that jurisdiction pursuant to the Illinois long-arm statute over a non-resident defendant is proper where the defendant performs a tortious act or omission that causes an *injury* in Illinois. Plaintiff did not file a counter-affidavit along with his response.

¶12 The trial court, in a detailed written order, granted defendants' motion to dismiss for lack of jurisdiction, finding that plaintiff failed to sufficiently allege the existence of an injury in Illinois, a necessary element to subject defendants to Illinois jurisdiction under the long-arm statute. In so holding, the court found plaintiff's reliance on *Kalata* unpersuasive, explaining:

"Plaintiff's role was passive. He simply received two mailings, first, a set of books and records for the trust and estate and second, in December 1996, financial statements and balance sheets for Country Land and income reports for the trust. Plaintiff has not alleged an injury that occurred in Illinois. The scheme/plan and various acts alleged all occurred in Ohio, to accounts or properties in Ohio. The two mailings were sent from Ohio. Plaintiff has not alleged that he was anything more than a mere recipient of some books, records and balance sheets. He has not alleged an interest in Illinois that

has been affected by Defendants' scheme/plan. Subsequently, this Court is not persuaded that *Kalata* applies to the facts of this case. Therefore, this Court finds that it does not have personal jurisdiction under the Illinois long-arm statute over Defendants for the alleged tortious acts perpetrated by them."²

¶13 Because the court found that there was no personal jurisdiction over defendants under the Illinois long-arm statute, it did not engage in a due process analysis. This appeal followed.

¶14 II. ANALYSIS

¶15 On appeal, plaintiff contends that the court erred in finding that it lacked personal jurisdiction over defendants under the long-arm statute. Plaintiff maintains that defendants submitted themselves to the jurisdiction of Illinois courts by virtue of their tortious actions and the breach of their fiduciary duties that they owed to him, an Illinois resident. Moreover, plaintiff argues that requiring defendants to litigate the merits of his complaint in Illinois would not have infringed upon defendants' due process rights. Accordingly, because the exercise of jurisdiction would be proper under the Illinois long-arm statute and would accord with due process principles, plaintiff maintains that the trial court's dismissal of his complaint on jurisdictional grounds was erroneous.

¶16 Defendants respond that the circuit court correctly dismissed plaintiff's complaint because he "did not put forth any evidence, let alone competent evidence, to refute Defendants' three

² In its written order, the court references two mailings; however, based on the facts alleged in plaintiff's complaint it appears that there was only one mailing that contained financial information about two family assets: Country Lane Foods and the Elaine Caghan Trust.

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affidavits denying personal jurisdiction in Illinois." In addition to plaintiff's failure to offer an counter-affidavit or evidentiary material to establish personal jurisdiction over defendants, plaintiff's allegations, on their face, do not sufficiently assert that defendants committed a tortious action or breached a fiduciary duty in Illinois. Moreover, defendants contend that subjecting them to jurisdiction in Illinois would offend due process principles because they have had "no contacts with Illinois by which it could be said that they purposely availed themselves of the laws of Illinois or that they had fair and reasonable notice to expect to be haled into Illinois to defend this lawsuit."

¶17 When a plaintiff brings suit against one or more non-resident defendants, it is the plaintiff's burden to establish a *prima facie* case of personal jurisdiction over the non-resident parties. *Morgan, Lewis & Bockius LLP v. City of East Chicago*, 401 Ill. App. 3d 947, 951-52 (2010). Where parties file conflicting affidavits pertaining to jurisdiction, those conflicts will be resolved in favor of the plaintiff for the purposes of establishing a *prima facie* case of personal jurisdiction over the non-resident defendants. *Morgan*, 401 Ill. App. 3d at 952; *Estate of Isringhausen v. Prime Contractors & Associates*, 378 Ill. App. 3d 1059, 1063 (2008). Where, however, facts alleged in an affidavit are not contradicted by counter-affidavit, they must be taken as true, notwithstanding the existence of contrary statements contained in the adverse party's pleadings. *Kutner v. DeMassa*, 96 Ill. App. 3d 243, 248 (1981); see also *Hanson v. Ahmed*, 382 Ill. App. 3d 941, 943 (2008) (recognizing that a plaintiff's *prima facie* case "may be overcome by uncontradicted evidence that defeats jurisdiction"). Therefore, if a non-resident defendant's affidavit contesting jurisdiction is not refuted by a counter-affidavit that is filed by

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the plaintiff, then the facts contained in the defendant's affidavit must be accepted as true.

Kutner, 96 Ill. App. 3d at 248. Where as here, the circuit court decides a jurisdictional challenge absent an evidentiary hearing, and solely on the basis of documentary evidence, the standard of review employed on appeal is *de novo*. *Russell v. SNFA*, 2011 IL App (1st) 093012-B, ¶ 19; *Hanson*, 382 Ill. App. 3d at 945.

¶18 Illinois courts employ a two-prong analysis to determine whether they may assert personal jurisdiction over one or more non-resident defendants. *Morgan*, 401 Ill. App. 3d at 952; *Hanson*, 382 Ill. App. 3d at 943. Under the first prong, the court must determine whether the facts of the case meet the requirements for personal jurisdiction under the Illinois long-arm statute (735 ILCS 5/2-209 (West 2008)). *Morgan*, 401 Ill. App. 3d at 952; *Hanson*, 382 Ill. App. 3d at 943. If jurisdiction is proper under the long-arm statute, then the court must proceed to the second prong of jurisdictional analysis and determine whether the exercise of jurisdiction would comport with due process requirements. *Morgan*, 401 Ill. App. 3d at 952; *Kalata v. Healy*, 312 Ill. App. 3d 761, 765 (2000).

¶19 In accordance with this two-prong analysis, we first turn our attention to the Illinois long-arm statute. Section 2-209 of the Illinois Code of Civil Procedure sets forth the circumstances pursuant to which Illinois courts can exercise personal jurisdiction over a defendant. 735 ILCS 5/2-209 (West 2008); *Russell*, 2011 IL App (1st) 093012-B, ¶ 22. Subsection (a) governs specific jurisdiction and lists 14 actions, which if undertaken by a non-resident defendant, will subject him or her to Illinois jurisdiction. 735 ILCS 5/2-209(a) (West 2008); *Russell*, 2011 IL App (1st) 093012-B, ¶ 22. Subsection (a), in pertinent part, provides as follows:

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"(a) Any person, whether or not a citizen or resident of this State, who in person or through an agent does any of the acts hereinafter enumerated, thereby submits such person, and, if an individual, his or her personal representative, to the jurisdiction of the courts of this State as to any cause of action arising from the doing of any such acts:

* * *

(2) The commission of a tortious act within this State;

* * *

(11) The breach of any fiduciary duty within this State." 735 ILCS 5/2-209(a)(2), (11) (West 2008).

¶20 Here, plaintiff's complaint alleged that defendants entered into a scheme to defraud him. Based on the complaint, the majority of the actions alleged to have been undertaken by defendants took place in Ohio with respect to the mismanagement of the trust and estate of their deceased parents as well as the mismanagement of Country Lane Foods, the now-defunct family business. The specific actions that were alleged to have been directed at, or taken place in Illinois, included the mailing of documentation that misrepresented the financial status of Country Lane Foods and the Elaine Caghan trust and an oral misrepresentation made by Susan when she was visiting plaintiff in Chicago regarding the financial status of the family business. The mailing of said documentation was alleged to have occurred on December 15, 1996 and the conversation between plaintiff and Susan was alleged to have taken place on April 14, 1999. Although plaintiff alleged that a similar oral misrepresentation was made by Jeffrey, the complaint alleged that conversation took place on November 24, 2001, in Ohio rather than

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Illinois.

¶21 Initially, we acknowledge that defendants did submit affidavits attached to their motion to dismiss for lack of personal jurisdiction addressing these allegations and these affidavits were not contradicted by plaintiff; however, we do not find that plaintiff's failure to file a counteraffidavit is fatal to his assertion of jurisdiction over defendants in this case. Supreme Court Rule 191 provides:

"[A]ffidavits submitted in connection with a motion to contest jurisdiction over the person *** shall be made on the personal knowledge of the affiants; shall set forth with particularity the facts upon which the claim, counterclaim or defense is based; shall have attached thereto sworn or certified copies of all papers on which the affiant relies; shall not consist of conclusions but facts admissible in evidence; and shall affirmatively show that the affiant, if sworn as a witness, can testify competently thereto." Ill. S. Ct. R. 191(a) (eff. July 1, 2002).

¶22 Although each of plaintiff's siblings filed affidavits with clear statements pertaining to his or her residency status, the affidavits do not contain similar explicit statements disavowing the specific allegations of misconduct in Illinois contained in the complaint. Notably, in the affidavits submitted by Jeffrey and Susan, they do not deny mailing financial records to plaintiff or having conversations with plaintiff about the financial status of family assets; rather both state that they "have no recollection" of plaintiff's allegations pertaining to the mailings and conversations. Because defendants affidavits do not contain *facts* that expressly contradict the allegations in plaintiff's complaint, the mere existence of these affidavits does not warrant

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dismissal of plaintiff's complaint on jurisdictional grounds. See, e.g., *LaSalle National Bank of Chicago v. Akande*, 235 Ill. App. 3d 53, 61 (1992) (finding that the plaintiff's failure to file a counteraffidavit was not fatal to an assertion of personal jurisdiction over a non-resident defendant where the defendant's affidavit did not contain any statements of fact that expressly contradicted the allegations set forth in the plaintiff's complaint).

¶23 Given that these affidavits do not provide us with grounds to affirm the trial court's dismissal of plaintiff's complaint on jurisdictional grounds, we return our focus to the allegations contained in plaintiff's complaint and consider whether those allegations establish personal jurisdiction over defendants under the long-arm statute. In determining whether a tortious act has been committed pursuant to section 2-209 of the long-arm statute, the focus " 'is not on the ultimate question of whether the defendant's acts or omissions were tortious but, rather, on whether the plaintiff has alleged that the defendant 'is the author of the acts or omissions within the State.' " *Kalata*, 312 Ill. App. 3d at 767, quoting *International Business Machines Corp. v. Martin Property & Casualty Insurance Agency, Inc.*, 281 Ill. App. 3d 854, 859 (1996). This jurisdictional requirement is satisfied if there is evidence that "the defendant performs an act or omission that causes an injury in Illinois and the plaintiff alleges the act was tortious in nature." *Kalata*, 312 Ill. App. 3d at 766; *IBM*, 281 Ill. App. 3d at 859.

¶24 For example, in *Kalata*, the plaintiff, an Illinois resident filed a complaint containing a fraud claim against a California defendant. The complaint alleged that the defendant called the plaintiff from California and persuaded her to enter into a joint venture. The plan was for each party to contribute \$100,000 to the joint venture which would be deposited into a joint California

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bank account. The defendant would then use the money to make various investments for the benefit of both parties. After multiple conversations and phone calls, the plaintiff agreed to the plan and deposited funds into the California bank account. The defendant subsequently sent the plaintiff various bank documents, but the plaintiff later learned that the defendant had withdrawn all of the funds and would not return money to the plaintiff despite her repeated demands to do so. We found that plaintiff's allegations established jurisdiction under section 2-209(a)(2) of the long-arm statute. In so finding, we observed: "Plaintiff alleged that defendant solicited and obtained money from plaintiff in a scheme designed to defraud her. Defendant made telephone calls to plaintiff in Illinois, mailed bank documents to plaintiff in Illinois, the money was sent from Illinois, and the injury suffered by plaintiff occurred in Illinois. Such allegations are sufficient to satisfy the jurisdictional requirements of section 2-209(a)(2)." *Kalata*, 312 Ill. App. 3d at 767.

¶25 The trial court, in its written order dismissing plaintiff's complaint on jurisdictional grounds, found *Kalata* distinguishable, noting that unlike the plaintiff in *Kalata*, "plaintiff's role [in the instant case] was passive. He simply received two [sets of] mailings, first a set of books and records for the trust and estate and second, in December 1996, financial statements and balance sheets for Country Land and income reports for the trust." However, whether plaintiff was an active or passive victim of a fraud scheme is not relevant; rather, for jurisdictional purposes, the "focus is on the defendant's activities within the forum state and not on those of the plaintiff." *Estate of Isringhausen*, 378 Ill. App. 3d at 1063. Here, based on the uncontradicted allegations contained in plaintiff's complaint, his siblings sent him financial records that

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misrepresented the financial status of family assets and Susan made a verbal statement when she was visiting plaintiff in Illinois that purportedly misrepresented the financial status of the family business. These actions resulted in an economic injury to plaintiff, an Illinois resident. We find that as in *Kalata*, the mailing of financial records and the making of a verbal misrepresentation satisfies the requirements for personal jurisdiction under section 2-209(a)(2) of the Illinois long-arm statute.³

¶26 Nonetheless even if jurisdiction is proper under the long-arm statute, an Illinois court may not exercise jurisdiction over the out-of-state defendants unless the requirements of due process are also met. *Estate of Isringhausen*, 378 Ill. App. 3d at 1065 ("An exercise of jurisdiction under the provisions of the provisions of the long-arm statute *** must comport with the due-process clause of the United States Constitution"). Accordingly, we address the second-prong of our jurisdictional analysis to determine whether the exercise of jurisdiction in this case would comport with due process principles.

¶27 To satisfy due process requirements, there must be some evidence that the non-resident defendants have had " 'certain minimum contacts with [Illinois] such that *** maintenance of the suit does not offend 'traditional notions of fair play and substantial justice.' " *Morgan*, 401 Ill. App. 3d at 952, quoting *International Shoe Co. v. Washington*, 326 U.S. 310, 316, 66 S. Ct. 154,

³ Given that we have established that the requirements for personal jurisdiction have been met under section 2-209(a)(2), we need not examine whether jurisdiction could also be established pursuant to section 2-209(a)(11) based on defendants' purported breach of fiduciary duty.

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158, 90 L. Ed. 95, 102 (1945). " 'The minimum contacts analysis must be based on some act by which the defendant purposefully availed itself of the privilege of conducting activities within the forum state, in order to assure that a resident will not be haled into a forum solely as a result of random, fortuitous, or attenuated contacts with the forum or the unilateral acts of a consumer or some other third person.' " *Russell*, 2011 IL App (1st) 093012-B, ¶ 23. To determine whether the federal due process standard has been satisfied so as to warrant Illinois jurisdiction, we consider: (1) whether the nonresident defendants had 'minimum contact' with the forum state such that there was 'fair warning' that the defendants may be haled into a forum court; (2) whether the action arose out of or is related to the defendants' contacts with the forum state; and (3) whether it is reasonable to require the non-resident defendants to litigate in the forum. *Estate of Isringhausen*, 378 Ill. App. 3d at 1065.

¶28 Here, we do not find that defendants had sufficient minimum contacts with Illinois to satisfy due process requirements. Plaintiff's complaint alleged that his siblings engaged in a long-term scheme to defraud him of family assets. Specifically, the purported acts were alleged to have taken place "from on or about October 1979 to the present" and primarily involved the mismanagement of their mother's trust in Ohio, the administration of their father's estate, whose estate was closed by an Ohio court in 1996, as well business decisions concerning Country Lane Foods, an Ohio-based company. Plaintiff's complaint also included references to prior litigation in Ohio state courts and decisions his siblings made concerning Ohio real estate. Although plaintiff alleges that the fraudulent activities of his siblings were long-standing and systemic, he alleged only two acts undertaken by defendants that were specifically directed at Illinois: a

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conversation involving plaintiff and Susan on April 14, 1999, in which Susan misrepresented the financial status of the family business; and the mailing of financial statement undertaken by Susan and Jeffrey on December 15, 1996. Although plaintiff claims to have experienced an economic injury in Illinois, "the fact that the plaintiff claimed to have experienced an injury in Illinois is insufficient to establish minimum contacts by a nonresident defendant." *Hanson*, 382 Ill. App. 3d at 945. Based on plaintiff's claim of a long-standing fraud scheme involving Ohio property, an Ohio business, and an Ohio trust and estate, we find that the two specific instances of defendants' limited contacts with Illinois do not satisfy the federal due process requirement of minimum contacts. *Compare Kalata*, 312 Ill. App. 3d at 769 (finding sufficient minimum contacts where the defendant, during the course of a scheme to defraud an Illinois plaintiff, "initiated contact with plaintiff about the joint venture and frequently used the telephone and mail system to carry out the completion of the contract between the two parties") *with Gordon v. Gordon*, 379 Ill. App. 3d 732, 736 (2008) (finding that the defendant, although she had "some contact [with] Illinois" by virtue of a phone call and an e-mail, did not have sufficient minimum contacts with the forum state to satisfy due process requirements). Because we conclude that the plaintiff has failed to meet this threshold requirement to satisfy due process, we need not address the two remaining elements of the federal due process analysis. See *Hanson*, 382 Ill. App. 3d at 945.

¶29 We similarly find that the allegations contained in plaintiff's complaint are also inadequate to satisfy Illinois due process requirements. In Illinois, "jurisdiction is to be asserted only when it is fair, just, and reasonable to require a nonresident defendant to defend an action in

Illinois, considering the quality and nature of the defendant's acts which occur in Illinois or which affect the interests located in Illinois.' " *Hanson*, 382 Ill. App. 3d at 946, quoting *Rollins v. Ellwood*, 141 Ill. 2d 244, 275 (1990). As noted above, the two instances of defendants' specific contact with Illinois include the mailing of financial records and the verbal misrepresentation made by Susan. Considering the quality and nature of defendants' conduct that occurred in Illinois in relation to the multitude of events that purportedly occurred in Ohio during their alleged long-standing scheme to defraud plaintiff, we are unable to conclude that it would be reasonable to require defendants to defend plaintiff's action for fraud and breach of fiduciary duty in Illinois. See, e.g., *Hanson*, 382 Ill. App. 3d 945-46 (finding that the defendants' participation in two phone conversations represented "extremely attenuated contacts with Illinois" and that it would not be just and reasonable to require the defendants to defend a defamation action against them in Illinois based on these two limited contacts).

¶30

III. CONCLUSION

¶31 For the foregoing reasons, the order of the circuit court granting defendants' motion to dismiss for lack of personal jurisdiction is affirmed.

¶32 Affirmed.