

September 25, 2026

No. 1-25-1440

NOTICE: This order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

JEREMY ROWE,	)	Appeal from the Circuit Court
	)	of Cook County.
Plaintiff-Appellant,	)	
	)	
	)	
v.	)	No. 24 L 8947
	)	
CENTRAL MACHINERY COMPANY, LLC, d/b/a/	)	
CenMac Metal Works, RODNEY GALBREATH,	)	
KENNETH HALL, BRIAN MILLER, GRANT OEHLER,	)	
MC MACHINERY SYSTEMS, INC. and MURATA	)	
MACHINERY, LTD.,	)	Honorable
	)	Maire Dempsey,
Defendants-Appellees.	)	Judge, presiding.

JUSTICE C.A. WALKER delivered the judgment of the court.
Presiding Justice Oden Johnson and Justice Mikva concurred in the judgment.

ORDER

¶ 1 **Held:** We affirm the circuit court’s grant of certain defendants’ motions to dismiss for lack of personal jurisdiction because plaintiff’s claim does not arise from or relate to any alleged contact with Illinois by those defendants, and dismiss plaintiff’s challenge to the circuit court’s grant of motions to dismiss for *forum non conveniens* for lack of jurisdiction because plaintiff did not petition this court for leave to appeal within 30 days.

¶ 2 Plaintiff Jeremy Rowe appeals from an order of the circuit court that granted (1) a motion to dismiss for lack of personal jurisdiction filed by Central Machinery Inc., d/b/a CenMac Metal Works (CenMac), Rodney Galbreath, Kenneth Hall, Brian Miller, and Grant Oehler (collectively, “the Individual Defendants”), and (2) two motions to transfer the matter to Marion County, Ohio, pursuant to the doctrine of *forum non conveniens*, filed separately by defendants MC Machinery System, Inc. (MC) and Murata Machinery, Ltd. (Murata). Rowe was injured in a workplace accident involving a machine called a “press brake” (the Press Brake). The incident occurred at a facility operated by CenMac, Rowe’s employer, in Marion County, Ohio. The Individual Defendants were all employees of CenMac and residents of Ohio. CenMac purchased the Press Brake from MC, a company located in Elk Grove Village, Illinois. Murata, a Japanese company, allegedly manufactured the Press Brake. The circuit court found that CenMac and the Individual Defendants lacked minimum contacts with Illinois to sustain personal jurisdiction and MC and Murata had established that Marion County was a substantially more appropriate forum for the surviving claims against them. Rowe appeals. For the following reasons, we lack jurisdiction to consider Rowe’s challenge to the *forum non conveniens* dismissals. We affirm, however, the circuit court’s dismissal of the claims against CenMac and the Individual Defendants for lack of personal jurisdiction because Rowe’s cause of action did not arise from or relate to any contacts those defendants had with Illinois.

¶ 3

BACKGROUND

¶ 4 Rowe filed his complaint on August 13, 2024, in Cook County, Illinois. Therein, he identified CenMac, his employer, as a “limited liability company or other business entity organized and existing under the laws of the State of Ohio with its principal place of business (PPOB) in Marion County, Ohio, which is where Plaintiff’s injury occurred.” The complaint identified Galbreath (President), Hall (Plant Manager), Miller (Production Manager), and Oehler (Supervisor) as CenMac employees who “personally participated in, committed, required, or directed the acts, failures, and/or removals” at issue. As to the other defendants, Rowe described MC as a business entity organized in Delaware with its PPOB in Elk Grove Village, Illinois, while Murata was a business entity organized under the laws of Japan with a PPOB in Fushimi-ku, Japan (Rowe sued multiple entities related to Murata, but voluntarily dismissed each entity besides Murata Machinery, Ltd., and those entities are not party to this appeal).

¶ 5 The incident in which Rowe was injured occurred at CenMac’s Marion County, Ohio facility on August 14, 2022, while Rowe was operating the Press Brake. CenMac allegedly purchased the Press Brake from MC in September 2018. Rowe maintained, “By purchasing the Subject Press Brake from [MC], Defendant [CenMac] engaged in business in Illinois and entered into a contract within Illinois.” Rowe further alleged that both MC and Murata were responsible for manufacturing, producing, creating, constructing, and assembling the Press Brake, as well as its sale, distribution, preparation, packaging, and placement in the stream of commerce.

¶ 6 On August 14, while operating the Press Brake, the machine “cycled while [Rowe’s] hands were still in the point of operation, causing [Rowe] to suffer *** injuries, damages, harms and losses.” The incident occurred, according to Rowe, because CenMac “deliberately removed, eliminated, bypassed, disregarded, and/or failed to provide point of operation guarding that would have prevented” his injuries. He cited federal regulations and a section of the Ohio Administrative

Code, both of which required press brake safety features absent from the Press Brake on August 14, 2022. As a result of the incident, Rowe suffered multiple injuries to his hands, including amputation of fingers on his right hand.

¶ 7 As to the Individual Defendants, Rowe alleged, each “can be held liable to Plaintiff under the Ohio common law workplace intentional tort standards.”

¶ 8 Rowe also brought products liability claims against MC and Murata under the alternative theory that those parties were responsible for the insufficient safety features on the Press Brake. He further alleged that MC performed service on the Press Brake on location at CenMac’s Marion County, Ohio plant on multiple occasions.

¶ 9 On September 26, 2024, MC filed a motion to transfer pursuant to *forum non conveniens*, arguing the case should be transferred to Marion County, Ohio. In support, MC argued, “This case involves injuries to an Ohio citizen as a result of an accident that occurred in Marion County, Ohio from a product located in Marion County, Ohio that was serviced and modified in Marion County, Ohio.” It further emphasized Rowe sought to apply Ohio law to the case, and described any contacts to Illinois as “tenuous, at best.” Moreover, the witnesses to the incident lived in or near Marion County, Ohio. Finally, MC argued Rowe’s choice of venue deserved “little deference” because he filed outside of his home venue, and described Rowe’s act of filing the case in Cook County, Illinois as “forum shopping.”

¶ 10 On February 19, 2025, CenMac and the Individual Defendants collectively moved to dismiss for lack of personal jurisdiction pursuant to section 2-301 of the Illinois Code of Civil Procedure (735 ILCS 5/2-301 (West 2022)). CenMac argued it was not subject to general jurisdiction in Illinois, and specific jurisdiction did not apply because Rowe could not demonstrate CenMac had minimum contacts with Illinois. In so arguing, CenMac maintained Rowe’s “subject

incident did not arise from the subject purchase contract,” the only alleged contact CenMac had with Illinois. It further denied Rowe could show “a long-term and open-ended contractual relationship” between CenMac and MC.

¶ 11 The Individual Defendants echoed these arguments, and emphasized that each of them lived in Ohio and worked for CenMac out of the Marion County facility, with each attaching an affidavit averring as such. They added that Rowe’s complaint “does not allege an act by which the individual defendants purposefully availed themselves of the privilege of conducting activities within” Illinois.

¶ 12 Additionally, in the first of two affidavits submitted by Galbreath, he averred that CenMac’s PPOB is Ohio; it has no Illinois business license and never operated or conducted business in Illinois; the Press Brake was located at the Marion County facility; and CenMac “purchased the subject Press Brake machine from [MC], but the purchase contract was not executed *** in Illinois.”

¶ 13 On February 24, 2025, the circuit court entered an order permitting Rowe to issue discovery to all defendants regarding their respective *forum non conveniens* and personal jurisdiction motions. Murata filed its own motion to transfer pursuant to *forum non conveniens* on April 21, 2025.

¶ 14 Rowe responded to the *forum non conveniens* motions on May 23, 2025. He argued, in relevant part, that it was likely at least some witnesses with knowledge of the Press Brake’s installation and maintenance were MC employees located in Illinois. Moreover, the Murata witnesses were located in Japan, and Murata’s conduct related to the case involved shipping into Illinois, meaning Ohio was not “substantially more convenient” for Murata. Given these

connections to Illinois, the balancing of the relevant *forum non conveniens* factors did not strongly favor transfer to Ohio.

¶ 15 Rowe also responded to CenMac and the Individual Defendants' motion to dismiss, arguing "the Defendants availed themselves to the jurisdiction of the State of Illinois by entering into a purchase contract and service agreement with an Illinois corporation for the purchase, maintenance, and service of the press brake that caused Plaintiff's injuries." Rowe did not contend that Illinois had general jurisdiction over CenMac or the Individual Defendants. He argued, instead, that specific jurisdiction applied, in part because the "cause of action clearly 'arises out of relates to' " CenMac's contact with Illinois because the Press Brake was purchased from an Illinois company. As to the Individual Defendants, Rowe argued his complaint sufficiently alleged that each was "directly involved" in the Press Brake purchase by virtue of their "high ranking positions" at CenMac.

¶ 16 In its reply, MC noted that Rowe did not discuss any of the various defendants' discovery answers in his response, and submitted this was likely because those responses demonstrated that "100% of the individuals with knowledge of the occurrence whose deposition will need to be taken in this case are located in Marion County, Ohio," as were six of the nine named witnesses with knowledge of the installation and delivery of the Press Brake, and five of the six named witnesses with knowledge of the Press Brake's sale from MC to CenMac.

¶ 17 On June 23, 2025, the circuit court granted CenMac and the Individual Defendants' motion to dismiss for lack of jurisdiction, and MC's and Murata's motions to transfer for *forum non conveniens* to Marion County, Ohio, in one written order. As to the latter, the order stated it was entered pursuant to Illinois Supreme Court Rule 187 (eff. Jan. 1, 2018). The order continued, "[P]ursuant to Illinois Supreme Court Rule 187(c)(2) *** the Court hereby dismisses Plaintiff's

causes of action [against MC and Murata] without prejudice with each party to bear its own costs and be subject to the following conditions:

- (i) if the plaintiff elects to file the action in another forum within six months of the dismissal order, [MC and Murata] shall accept service of process from that court; and
- (ii) if the statute of limitations has run in the other forum, then [MC and Murata] shall waive that defense.”

The order concluded with two additional items: “The Court also finds that the Dismissal of this action under the doctrine of *forum non conveniens* shall be upon the other conditions set forth in Illinois Supreme Court Rule 187(c)(2),” and “As it pertains to the Court’s rulings, the Court hereby finds no just reason to delay enforcement of, or appeal from, this Court’s order pursuant to Illinois Supreme Court Rule 304(a).” At the oral argument on the motions, the court requested the parties “send in an order with [Rule] 187 language.” This appeal followed.

¶ 18

JURISDICTION

¶ 19 On appeal, Rowe challenges the circuit court’s resolution of each defendants’ motion, specifically (1) the dismissal with prejudice of his case against CenMac and the Individual Defendants for lack of personal jurisdiction, and (2) the dismissal with leave to re-file in Marion County, Ohio, pursuant to the doctrine of *forum non conveniens*, regarding MC and Murata. CenMac and the Individual Defendants do not dispute the jurisdiction of this court to consider Rowe’s appeal as it relates to the counts against them, as their dismissal with prejudice was a final order, the court included Rule 304(a) language in its order, and Rowe filed a timely notice of appeal. See Ill. S. Ct. Rs. 303(a)(1) (eff. July 1, 2017) and 304(a) (eff. Mar. 8, 2016). Murata, however, challenges our jurisdiction over the *forum non conveniens* ruling, contending that the

court's order was not final on this point, and Rowe did not follow the procedure outlined in Illinois Supreme Court Rule 306 (eff. Oct. 1, 2020), regarding appeals from interlocutory *forum non conveniens* orders. We begin with this issue.

¶ 20 Generally, this court may exercise jurisdiction only over final and appealable orders. *Blumenthal v. Brewer*, 2016 IL 118781, ¶ 22. The circuit court cannot transform a nonfinal order into a final and appealable order simply by including Rule 304(a) language. *Id.* ¶ 24. An order granting a motion to dismiss pursuant to *forum non conveniens* under Rule 187 is an interlocutory order that may be appealable only if the requirements of Rule 306 are satisfied. See, *Susman v. North Start Trust Co.*, 2015 IL App (1st) 142789, ¶¶ 10-12; *Quaid v. Baxter Healthcare Corp.*, 392 Ill. App. 3d 757, 762-65 (2009).

¶ 21 Under Rule 187,

“Dismissal of an action under the doctrine of *forum non conveniens* shall be upon the following conditions: (i) if the plaintiff elects to file the action in another forum within six months of the dismissal order, the defendant shall accept service of process from that court; and (ii) if the statute of limitations has run in the other forum, the defendant shall waive that defense. If the defendant refuses to abide by these the conditions, the cause shall be reinstated for further proceedings in the court in which the dismissal was granted.” Ill. S.

Ct. R 187(c)(2) (eff. Jan. 1, 2018).

Rule 306, in turn, reads in relevant part, “A party may petition for leave to appeal to the Appellate Court from the following orders of the trial court: *** (2) from an order of the circuit court allowing or denying a motion to dismiss on the grounds of *forum non conveniens*.” Ill. S. Ct. R 306(a)(2) (eff. Oct. 1, 2020). The petition must be filed within 30 days of the circuit court's order. Ill. S. C. R. 306(c)(1) (Eff. Oct. 1, 2020).

¶ 22 The combined effect of these rules is that, under Illinois law, a party cannot appeal the grant or denial of a *forum non conveniens* motion entered pursuant to Rule 187 without first timely petitioning for, and receiving, leave from this court. The record shows that the circuit court entered the portion of its June 23, 2025, order relevant to the *forum non conveniens* motions of MC and Murata pursuant to Rule 187. That ruling was therefore interlocutory, and, under Rules 306(a)(2) and 306(c)(1), Rowe had to file a petition for leave to appeal with this court within 30 days, which is a jurisdictional requirement. See *National Seal Co. v. Greenblatt*, 321 Ill. App. 3d 306, 308 (2001) (citing *Kemner v. Monsanto Corp.*, 112 Ill. 2d 223, 236 (1986)). He did not do so. Instead, he filed a standard notice of appeal pursuant to Illinois Supreme Court Rule 301 (eff. Feb. 1, 1994).

¶ 23 Based on the above, we lack jurisdiction to consider Rowe’s appeal of the circuit court’s grant of MC’s and Murata’s *forum non conveniens* motions and dismiss that portion of the appeal. The fact that the circuit court included Rule 304(a) language does not alter this result, because the *forum non conveniens* portion of the order was nonfinal, and could not be rendered final by the including the language. *Blumenthal*, 2016 IL 118781, ¶ 24. We recognize that Illinois appellate courts have not uniformly interpreted the supreme court rules as requiring a party in this circumstance to file a petition for leave to appeal rather than a standard notice of appeal.

¶ 24 ANALYSIS

¶ 25 Rowe’s lone remaining argument on appeal is the circuit court erred in dismissing his claims against CenMac and the Individual Defendants for lack of personal jurisdiction.

¶ 26 When a non-resident defendant files a motion to dismiss arguing lack of personal jurisdiction, the plaintiff bears the initial burden to establish a *prima facie* case for the court to exercise personal jurisdiction over the defendant. *Russell v. SNFA*, 2013 IL 113909, ¶ 28. The circuit court will consider “the uncontroverted pleadings, documents, and affidavits, as well as any

facts asserted by the defendant that have not been contradicted by the plaintiff.” *Madison Miracle Productions, LLC v. MGM Distribution Co.*, 2012 IL App (1st) 112334, ¶ 34 (quoting *Cardenas Marketing Network, Inc. v. Pabon*, 2012 IL App (1st) 111645, ¶ 28). We review *de novo* the circuit court’s decision to grant a motion to dismiss for lack of personal jurisdiction based on documentary evidence alone. *Russell*, 2013 IL 113909, ¶ 28. We may affirm on any basis in the record. *Solargenix Energy, LLC v. Acciona, S.A.*, 2014 IL App (1st) 123403, ¶ 25.

¶ 27 Illinois’ long-arm statute lists conduct that a party can engage in that might subject it to Illinois’ jurisdiction. 735 ILCS 5/2-209 (West 2022). The statute also contains a catchall provision which permits Illinois courts to “exercise jurisdiction on any other basis now or hereafter permitted by the Illinois Constitution and the Constitution of the United States.” *Id.* § 2-209(c). The Illinois Supreme Court acknowledged it was theoretically possible that a case could present a situation where the Illinois Constitution’s due process requirements differ from federal requirements. *Rios v. Bayer Corp.*, 2020 IL 125020, ¶ 17. Neither party contends that is the case here, however, and accordingly we will analyze this case based on the federal due process requirements for personal jurisdiction. *Id.*

¶ 28 Under both the Illinois and federal constitutions, Illinois may exercise jurisdiction over a defendant only if that defendant has sufficient “minimum contacts” with Illinois such that the exercise of jurisdiction “does not offend traditional notions of fair play and substantial justice.” *International Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945) (quoting *Milliken v. Meyer*, 311 U.S. 457, 463 (1940)). There are two types of personal jurisdiction: general and specific. *Russell*, 2013 IL 113909, ¶ 36. Rowe conceded that CenMac and the Individual Defendants were not subject to general jurisdiction in Illinois.

¶ 29 Establishing minimum contacts for specific personal jurisdiction requires a plaintiff to show three things: (1) the defendant purposefully availed itself of the protection of the proposed forum’s laws through certain contacts with that forum, (2) the plaintiff’s cause of action “arises from or relates to” those certain contacts with the forum, and (3) the exercise of jurisdiction would be reasonable such that it comports with due process requirements. See *Kothawala v. Whole Leaf, LLC*, 2023 IL App (1st) 210972, ¶¶ 22-23, 62. Relating to the second requirement, the United States Supreme Court has explained that while this is not a “causation-only” standard, it also is not an “anything goes” standard because the “relates to” requirement imposes “real limits.” *Ford Motor Co. v. Montana Eighth Judicial District*, 592 U.S. 351, 361-62 (2021). Before *Ford*, the Illinois Supreme Court characterized the “arise from or relates to” standard as lenient, but still serving to bar jurisdiction if the contacts at issue are random or incidental. See *Russell*, 2013 IL 113909, ¶¶ 42, 83; see also *City of Chicago v. Westforth Sports, Inc.*, 2025 IL App (1st) 231908, ¶ 56.

¶ 30 Finally, we note the Individual Defendants were employees of CenMac and thus potentially subject to protection per the “fiduciary shield” doctrine, which maintains that “ ‘[t]he existence of personal jurisdiction must be established by acts of the defendant; however, the conduct of a person in a representative capacity cannot be relied upon to exercise individual jurisdiction over that person.’ ” *Rollins v. Ellwood*, 141 Ill. 2d 244, 276 (1990) (quoting *Hurletron Whittier, Inc. v. Barda*, 82 Ill. App. 3d 443, 447 (1980)).

¶ 31 The record shows CenMac is an Ohio company with its PPOB in Marion County, Ohio, and its lone alleged contact with Illinois was the purchase of the Press Brake from MC. MC serviced the Press Brake in Ohio. Each individual Defendant lives in Ohio and works at CenMac’s Marion County plant, and had no alleged contact with Illinois beyond a generally alleged role in

the purchase of the Press Brake. Per the complaint, Rowe's theory against both CenMac and the Individual Defendants is based solely on their alleged intentional conduct of altering the Press Brake to compromise its safety features after its purchase.

¶ 32 On this record, we find that Rowe's cause of action does not arise from or relate to the alleged contact CenMac and the Individual Defendants had with Illinois, and therefore he cannot establish a mandatory requirement for personal jurisdiction, and the circuit court was correct to dismiss the case with prejudice against Rowe and the Individual Defendants. We affirm the court on this basis alone, and do not make any substantive ruling on whether Rowe successfully alleged that CenMac and/or the Individual Defendants purposefully availed themselves of the protection of Illinois law, or whether the exercise of personal jurisdiction would be reasonable under the circumstances. In so finding, we acknowledge Illinois courts typically analyze purposeful availment first. See *Kothawala*, 2023 IL App (1st) 210972, ¶ 25. But here, even assuming without finding that Rowe could show purposeful availment through the lone contact of CenMac purchasing the Press Brake from an Illinois company, and that the Individual Defendants were not protected by the fiduciary shield doctrine, it is obvious from the face of the record that Rowe cannot establish that his claim has any relation to the act of purchasing the Press Brake, even under the most lenient of "arise from" or "relate to" understandings.

¶ 33 The alleged contact pertains to the contract for purchase only; Rowe was not a party to that contract, and brings no claim regarding a breach of that contract. Instead, Rowe's claim arises from the alleged conduct of CenMac and the Individual Defendants to alter the Press Brake to remove safety features, an allegation of an intervening act which severs the relevance of any remote, attenuated contact CenMac and the Individual Defendants may have had with Illinois. If the "arises from or relates to" requirement is not "anything goes," as the United States Supreme Court in *Ford*

unequivocally stated it was not, then the standard at the very least prevents Illinois from exercising personal jurisdiction over defendants whose contacts with the forum are not even alleged to have had any connection with the acts that injured a plaintiff. See *Ford*, 592 U.S. at 362; see also *Alderson v. Southern Co.*, 321 Ill. App. 3d 832, 848 (2001) (“One of the concepts underlying the “arising out of” analysis is that “individuals and corporations must be able to conduct interstate business confident that transactions in one context will not come back to haunt them unexpectedly in another.” (quoting *RAR, Inc. v. Turner Diesel, Ltd.*, 107 F.3d 1272, 1278 (7th Cir. 1997))); *Gaidar v. Tippecanoe Distribution Service, Inc.*, 299 Ill. App. 3d 1034, 1046-47 (1998).

¶ 34 Rowe argues that under Illinois law, a defendant located outside Illinois may be subject to jurisdiction in Illinois based on a business transaction with an Illinois seller as the lone contact, provided the defendant was an “active buyer.” See *Compass Environmental, Inc. v. Polu Kai Services, L.L.C.*, 379 Ill. App. 3d 549, 560 (2008). He also cites *Commerce Trust Co. v. Air 1st Aviation Companies, Inc.*, 366 Ill. App. 3d 135, 143-44 (2006), for the general proposition that the continued dealings between MC and CenMac, including the maintenance work done on the Press Brake in Ohio after the sale, suggest an ongoing business relationship. These arguments fail because the body of law regarding minimum contacts in the context of contract disputes is inapplicable; Rowe was not a party to the contract between MC and CenMac for the sale of the Press Brake, meaning the details of its negotiation are irrelevant to his case.

¶ 35 CONCLUSION

¶ 36 Rowe did not petition this court for leave to appeal from the *forum non conveniens* ruling within 30 days, and therefore, we lack jurisdiction to review the dismissal of Rowe’s claims against MC and Murata. Additionally, the record shows that Rowe’s cause of action against CenMac and the Individual Defendants does not arise from or relate to any alleged contact those defendants had

with Illinois. The circuit court therefore correctly granted their motion to dismiss for lack of personal jurisdiction. Accordingly, the June 23, 2025, order of the circuit court is affirmed **as to** the personal jurisdiction ruling, and we dismiss Rowe's appeal insofar as it challenges the *forum non conveniens* aspect of that order.

¶ 37 Affirmed in part, dismissed in part.