

TO: Laurel Vietzen
FROM: Deborah Hall
DATE: 31 July 2007
SUBJECT: Questions regarding medical malpractice and illegal immigration.

FACTS: Maria came to the U.S. four years ago and lives with her 90 year old grandfather, Piotr. He does not speak English. Piotr became very ill and was rushed to the emergency room of a rural hospital near I-80, in Illinois. The hospital staff didn't speak Polish, employ a translator, or have any literature in his native language. They requested that Piotr sign papers before being treated. Maria translated the papers that stated in the event of a malpractice suit, the patient agreed to go to binding arbitration. Maria translated "malpractice" as "inaccurate", and did not notice a part of the form, that stated the patient would be treated even if refusing to sign. Further, she did not realize arbitration would occur in California. After Piotr signed the document, he was rushed into a treatment room, however, Maria was told to wait outside. The doctor and nurses were unable to understand Piotr and determine the source of the multiple bruises and lacerations under his clothes. They simply "bandaged him up" and sent him home. The following Monday after Maria went to work, Piotr's caretaker, Wanda, punched him in the stomach for refusing to get out of bed. Later, it was discovered Wanda had severely beaten Piotr the morning of the hospital visit. Piotr did not tell Maria, fearing that they would send him back to the old country if he became too difficult. Piotr died that Wednesday of internal bleeding. The family would like to sue for malpractice in Illinois, but the hospital told them that they would have to go to California for arbitration. In addition, the doctor stated he had no way of knowing the source of Piotr's distress, and therefore, no indication intervention was required. Maria is in the country on a green card and wonders whether she can get in trouble because Piotr was in the country illegally. His tourist visa expired two years ago.

Summary of Authority

Statutes:

Health care law; facilities liability, Il Rev. Stat. Ch 111 ½, 5101, (1983).

This statute discusses the healthcare law that includes action against facilities and facilities liability, which require a professional standard of care from both medical and non medical professions. The standard of care is one of legal significance and generally understood to mean a measure or rule against which a Defendant's conduct is to be measured. The degree of care encompasses that which a reasonably prudent person should exercise in the same or similar circumstances.

In medical malpractice, the standard is applied to measure the competence of professionals. Although Illinois negligence law agrees custom and practice can assist in determining what proper conduct is, they are not necessarily conclusive of it.

Survival Act; statute of limitation, II Rev. Stat. Ch 110 1/2, 27-6, (1983).

The Survival Act allows representation of the decedent to maintain statutory or common law actions which had already accrued to the decedent before he died. Such derivation action is based on injury to the decedent brought by a representative of his estate. Statutory limitations are determined by the date deceased learned of his injury and plaintiff has two years to file suit under the Survival Statute.

Elder abuse and neglect, 320 ILCS 20/1, (29) (f) (5) (i), (2005).

This statute condemns as criminal the failure to report elder abuse by certain persons commonly entrusted with the care of senior citizens, if such person has reasonable cause to suspect. Failure to report elder abuse as defined in Section 565.188, enacted by the legislature 1992. Paragraph four, titled "Reports of abuse or neglect", indicates that whenever a mandated reporter is required to report under this Act in his or her capacity as a member of the staff of a medical or other public or private institution, facility, board and care home, or agency, he or she shall make a report to an agency designated to receive such reports under this Act or to the Department in accordance with its provisions and must also notify the person in charge that a report has been made. Any physician who willfully fails to report as required by this Act shall be referred to the Illinois State Medical Disciplinary Board for action in accordance with subdivision (A) (22) of Section 22 of the Medical Practice Act of 1987.

Wrongful Death Act, 740 ILCS 180/2, (2001).

In wrongful death actions, a cause of action due to neglect or default maintains that if death had not occurred the injured party would have been able to prove cause and recover damages, and the person, corporation or company would be liable. The death shall be caused under such circumstances as to amount to a felony.

Public Law - 80-1012; 80-1031; Alternative dispute resolution, 710 ILCS 5/1, (1961).

Uniform Arbitration Act addresses the validity of a written arbitration agreement to submit to any existing controversy to arbitration or a provision in a written contract to submit to arbitration any controversy thereafter arising between the parties is valid, enforceable and irrevocable, save upon such grounds as exists for the revocation of any contract, except for any agreement between a patient and hospital to submit to binding arbitration a claim for damages arising out of (1) injuries alleged to have been received by a patient, or (2) death of a patient, due to hospital negligence or other wrongful act.

Civil action for deprivation of rights, 42 U.S.C 1983, (1912) (1943).

In instances of failure to report elder abuse, every action shall be brought by the name of person's representative of the deceased and the amount recovered for the exclusive benefit of next of kin, as deemed fair and just by the court. General negligence under this Act requires carelessly or negligently failing to protect the defendant from abuse or neglect or administer treatment and/or properly train individuals to provide care when it was known or should have been known.

Diversity of citizenship; amount in controversy, costs, 28 U.S.C. 1332, (1912) (1943).

Title 28 of the United States Code discussed jurisdictional issues and outlines the procedures for filing action. Chapter 1332, states that (a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between (1) citizens of different States; (2) citizens of a State and citizens or subjects of a foreign state; (3) citizens of different States and in which citizens or subjects of a foreign state are additional parties; and (4) a foreign state, defined in section 1603 (a) of this title, as plaintiff and citizens of a State or of different States. For the purposes of this section, section 1335, and section 1441, an alien admitted to the United States for permanent residence shall be deemed a citizen of the State in which such alien is domiciled.

Emergency Medical Treatment Act, 210 ILCS 70/1, (2003).

Violation of the Emergency Medical Treatment Act will be treated as follows: Violation of this Section constitutes a business offense with a minimum fine of \$5,000 plus \$1,000 per day for a continuing violation, with a maximum of \$25,000. (d) The Director of Public Health in the name of the people of the State, through the Attorney General, may bring an action for an injunction or to restrain a violation of this Section or the rules adopted pursuant to this Section or to enjoin the future operation or maintenance of any facility in violation of this Section or the rules adopted pursuant to this Section.

Attorney General Act; Immigration Assistance Program, 15 ILCS 205/6.6, (2003).

According to the provisions of the Immigration Assistance Program, it is imperative that State government is aware of the needs of its immigrant community and sensitive to the barriers that may prevent them from seeking and obtaining services. The Office of the Attorney General should be equipped to assist immigrants by increasing accessibility to the Office and providing outreach services to the community, which will serve to educate immigrants as to their rights and responsibilities as residents of the state. (b) Within the Office of the Attorney General, there shall be established an Immigrant Assistance Program, which shall be charged with the responsibility of assessing the needs of the State's immigrant community with regard to access to government and other services. In addition, the Immigrant Assistance Program shall be empowered to provide education and outreach services to the immigrant community of the State, subject to funding availability. These services may include, but are not limited to, consumer issues, civil rights issues, and employee rights.

Judicial review of orders of removal, 8 U.S.C. 1252, (1912) (1943).

In the United States, the Attorney General, as authorized by Congress to do so has delegated his authority and discretion to suspend deportation to special inquiry officers of the Immigration and Naturalization Service whose decisions are subject to the review of the Board of Immigration Appeals (BIA). The Attorney General may in his discretion for humanitarian purposes assure family unity.

Repealed. Pub. L. 104-208, div. C, title III, § 308(b) (7), Sept. 30, 1996, 110 Stat. 3009-615, 8 U.S.C. 1254, (1912) (1943).

Immigration law states that the Attorney General may cancel removal of and adjust the status of an alien lawfully admitted for permanent residence who is inadmissible or deportable from the United States, if the alien (A) has been physically present in the United States for a continuous period of not less than 10 years immediately preceding the date of such application; (B) has been a person of good moral character during such period; (C) has not been convicted of an offense under section 1182 (a)(2), 1227 (a)(2), or 1227 (a)(3) of this title, subject to paragraph (5); and (D) establishes that removal would result in exceptional and extremely unusual hardship to the alien's spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence. Good moral character encompasses an act or conviction that does not bar the Attorney General from granting relief under this paragraph.

Adjustment of status of nonimmigrant to that of person admitted for permanent residence, 8 U.S.C 1255, (1912) (1943).

This law describes the necessary requirements needed for the Attorney General to change the status of persons admitted for permanent residence. On application and eligibility for immigrant visa, an alien who was inspected and admitted or paroled into the United States, or the status of any other alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 1154 (a)(1) of this title. The Attorney General, in his discretion and under such regulations as he may prescribe, adjust status, if that alien was lawfully admitted for permanent residence, and (1) the alien makes an application for such adjustment, (2) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence, and (3) an immigrant visa is immediately available to him at the time his application is filed.

Federal Question, 28 U.S.C. 1331, (1912) (1943).

Under the above title, district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States. Words "all civil actions" were substituted for "all suits of a civil nature, at common law or in equity" and to conform to Rule 2 of the Federal Rules of Civil Procedure. See Federal question jurisdiction amount in controversy; costs: (a) The district courts shall have original jurisdiction of all civil actions wherein the matter in controversy exceeds the sum or value of \$ 10,000, exclusive of interest and costs, and arises under the Constitution, laws, or treaties of the United States, except that no such sum or value shall be required in any such action brought against the United States, any agency thereof, or any officer or employee thereof in his official capacity.

Repealed. Pub. L. 98-369, div. B, title VI, § 2663(f), July 18, 1984, 98 Stat. 1168; 42 U.S.C. 1395, (1943) (1986).

In 1986, Congress passed the Emergency Medical Treatment and Active Labor Act. This statute, sometimes referred to as an "anti-dumping" statute, was designed to prevent hospitals, with emergency treatment facilities, from turning patients away. As the instruction and supportive authority suggest, the statute creates two duties. The hospital must provide appropriate medical screening as the first step. If an emergency is found to exist, the hospital must stabilize the patient before that person can be transferred or discharged.

Cases:

***Advincula v. United Blood Service*, 176 Ill 2d, 1, 678 N.E. 2d 1009, 223 Ill 1 (1996).**

This case comments on reasonable negligent conduct should be measured against the standard of care applicable to professional standards of conduct accomplished to incorporate certain subjective qualities and circumstances. Professional rules and industry standards of care should reflect the current state of medical arts and are triggered by the date decedent or a representative discovered the injury was wrongfully caused. The hospital has the duty of review. The plaintiff must establish that the employee or agent was either the institutions actual or apparent agent. Actual agents are further divided into express and implied. In order to prove negligence or actionable negligence there must be a legal duty to exercise care in favor of the person injured, a breach of such duty, and injury proximately caused by the breach.

***Maria Erickson v. Baxter Healthcare*, 131 F. Supp. 2d 995, 2001 U.S. Dist. LEXIS 10040, 57 Fed. R. Evid. Serv. (CBS) 566 (N.D. Ill. 2001).**

In the above medical malpractices case, a duty is established by the existence of a patient-client relationship. The courts must give statutory language its plain and ordinary meaning even when free of apparent ambiguity. Wrongful death and survival actions require an expert's testimony. A reasonably prudent professional would foresee risk of harm to the patient and follow recognized standards of professional competence. Proximate cause encompasses two concepts: cause in fact and legal cause.

***Jones v. Chi. HMO Ltd.*, 191 Ill. 2d 278; 730 N.E.2d 1119; 246 Ill. Dec 654 (2000).**

According to Jones, a hospital is found liable for institutional negligence and vicarious liability with breach of contract for failing to adopt procedures conforming to public policy and/or in compliance with recognized national hospital standards violates an Institution's duty.

***Malanowski v. Jabamoni*, 293 Ill App. 3d 720, 688 N.E. 2d 732, 228 Ill Dec 34 (1st Dist 1997).**

Consonant with the changing role of the hospital, Illinois, like many other jurisdictions, permits recovery in tort for injuries sustained by a patient under the doctrine of "hospital corporate negligence", also simply referred to as "corporate liability". This doctrine recognizes the existence of an independent duty owed directly by the hospital to the patient to review and supervise the medical care administered to the patient. Liability is predicated on the hospital's own negligence.

A duty has also been found where, contrary to the hospital's own bylaws, it failed to use reasonable efforts to assist physicians or their staff in obtaining consultations from other staff physicians. A hospital's duty to review and supervise treatment is administrative or managerial in nature.

***Immigration and Naturalization Service v. Rios-Pined et al.* 471 U.S. 444, 105 S. Ct. 2098, 85 L. Ed. 2d 452, 53 U.S.L.W. 4537 (1985).**

Section 244(a)(1) of the Immigration and Nationality Act, 66 Stat. 214, allows the Attorney General to suspend, revoke, deport, suspend deportation, and adjust the status of an alien for permanent residence in the US. To warrant such action, the alien must have been physically present in the United States for a continuous period of at least seven years, be of good moral character, and demonstrate that deportation would result in extreme hardship to the alien, or alien's spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residents.

***Darling v. Charleston Community Memorial Hospital*, 33 Ill 2d 326, 221 N.E. 2d 253 (2nd Dist. 1965).**

In *Darling*, a duty arises not only with physicians but also institutions. Licensing requirements, accreditation standards, and hospital bylaws are sufficient evidence to define duty. Custom is a relevant measure of determining the standard of care institutions should have exercised as it suggests a body of knowledge common to all, of which infractions impose liability. Duty is to conform to proper and reasonable conduct in light of the apparent risk as to the current state of medical arts. In addition to that degree of care, they are expected to possess a higher degree of skill, care or learning than the average person.

***Purtill v. Hess*, 111 Ill 2d 229, 489 N.E. 2d 867, 95 Ill Dec 305 (2nd Dist. 1986).**

The standard of care means the duty a defendant has to exercise by providing due care which reasonably well-qualified physician would provide under the same or similar circumstances. The standard of care applies to physicians, nurses, social workers, etc., in the physician's community or similar communities recognized as professional conduct. In a negligence medical malpractice case, the burden is on the plaintiff to prove the following elements of a cause of action: the proper standard of care against which the defendant's physician conduct is measured; an unskilled or negligent failure to comply with the applicable standard; and a resulting injury proximately caused by the physician's want of skill or care, unless the negligence is so grossly apparent or the treatment so common as to be within the everyday knowledge of a layperson, and the physician's deviation from that standard. Foundation requirements necessary to permit expert testimony on minimal uniform national standards of care, for the diagnosis and treatment of the Plaintiff's condition, are required before admitting qualified expert witness testimony.

***McCorry v. Evangelical Hospital Corp.*, 331 Ill App 3d 668, 771 N.E. 2d 1067, 265 Ill Dec 108 (1st Distr. 2002).**

When plaintiff shows he relied in part on hospital that is sufficient evidence to show a genuine issue of material fact exists. The reasonable person can conclude the hospital accepted responsibility for its choice-of-doctors, and thus doctors acted as agents of the hospital. When accepting treatment from an allegedly negligence doctor, plaintiff has to met the reliance element of proof needed to hold the hospital liable under the theory of apparent agency and respondeat superior in malpractice and professional liability cases.

***Carlos M. Curry v. Advocate Bethany Hospital*, 204 Fed Appx. 553, Fed R. App. P 34(a) (2), 2006 U.S. App. LEXIS 27336, (7th Cir. 2006).**

In Illinois, a malpractice complaint needs to be supported by an affidavit from a health professional certifying that, in the professional's opinion, "there is a reasonable and meritorious cause for the filing of such an action." Further, the Emergency Medical Treatment and Active Labor Act (EMTALA), requires hospitals receiving federal funds to screen for an emergency medical condition any patient who comes to the hospital. EMTALA is not a federal malpractice statute. The patient should not be discharged unless the requirements of the act are complied with.

***Obnesorge v. Chicago City Ry.*, 259 Ill 424, 102 N.E. 819, 1913 Ill. LEXIS 1991 (Il S. Ct.1913).**

Wrongful death actions brought a remedy that did not exist at common law by virtue of and in contrast to survival statute causes of action that survive death, and may be maintained for the benefit of the estate. A wrongful death action is not a survival statute. According to the Illinois Supreme Court, statutes were conceptually separable and different and should be brought concurrently.

***Murphy v. Martin Oil Co.*, 56 Ill. 2d 423, 308 N.E.2d 583, 1974 Ill. LEXIS 454 (1974).**

When wrongful death is initiated by next of kin for the benefit of next of kin, rather than survival to recompense deceased, is the proper course of action. The usual holding is to concurrently maintain both survival act and wrongful death actions for damages that occurred before death.

***Saika v. Gold*, 49 Cal. App. 4th 1074, 56 Cal. Rptr. 2d 922, 96 Cal Daily Op. Service 7323 (4th Dist. 1996).**

Principles of equity ultimately underlie the enforcement of arbitration agreements. A provision to compel arbitration is a suit in equity to compel specific performance. Specific performance cannot be enforced against a party to a contract which is not as to that party just & reasonable.

Black v. Cutter Laboratories, 43 Cal. 2d 788, 278 P.2d 905, 35 L.R.R.M. 2391 (Cal S. Ct. 1955).

A contract made contrary to the terms of a law designed for the protection of the public and prescribing a penalty for the violation thereof is illegal and void and no action shall be brought to enforce such contract. Submission to arbitration of any controversy which arises out of contract, does not contemplate that the parties may provide for the arbitration of controversies arising out of contracts which are expressly declared by law to be illegal and against public policy of the state. An unlawful transaction cannot be given vitality by the arbitration process.

Whitfield, Immigrant Inspector, et al. v. Hanges, et al., 222 F. 745, 1915 U.S. App. LEXIS 1478 (1915).

A full and fair hearing on the charges which threaten deportation and an absence of all abuse of discretion and arbitrary action by the inspector, or other executive officer, are indispensable to the lawful deportation of an alien without which an alien is deprived of his liberty, who is about to be deported. In such cases, power is conferred and duty imposed upon the US to issue a writ of habeas corpus to relieve him.

Yick Wo v. Hopkins, 118 US 356, 369, 6 S.Ct. 1064, 30 L. Ed 200, US Rev St. 1977 (2 Comp. Stat. 1913, 3925) (1886).

An alien, as well as a citizen, is protected by the prohibition of deprivation of life, liberty or property without due process and equal protection under the law. It applies to all persons within the territorial jurisdiction of the United States without regard to any differences of race, of color, or of nationality. Although a law or rule is fair and just in appearance, yet if it is applied and administered by public authority with an evil eye, or oppressive hand, so as to deprive a person of his fundamental rights, it cannot be sustained.

Josefina Buyson Villarama Cruz v. Immigration & Naturalization Service, 995 U.S. App. LEXIS 655. (9th Cir. 1995).

Failure to consider all relevant facts bearing upon extreme hardship or to articulate the reasons for denying suspension of deportation constitutes an abuse of discretion, without considering the hardship resulting from forcing one's family to leave the country and the effect it has on family ties. Inspectors should consider the presence of petitioner's siblings in the United States in his decision. An alien may undoubtedly suffer hardship by being separated from siblings.

State v. Kaiser, 139 S.W.3d 545; 2004 Mo. App. LEXIS 508 (2004).

It is proper to charge and convict those alleged to have failed to report elder abuse. The primary rule of statutory interpretation requires that the court ascertain the legislature's intent by considering the plain and ordinary meaning of the statute. That statute condemns as criminal the failure to report elder abuse by certain persons commonly entrusted with the care of senior citizens, if such a person has reasonable cause to suspect that a senior under his care has been abused.

Fisher v. Lexington Health Care, 302 Ill. App. 3d 547, 703 N.E. 2d 988, 234 Ill Dec 888 (1st Dist 1998). Fisher explains, "As our supreme court stated in *Wheeler, 108 Ill. 2d at 511; Palmateer, 85 Ill. 2d at 132, 52 Ill. Dec. 13, 421 N.E.2d 876.*" There is no public policy more important or more fundamental than the one favoring the effective protection of the lives and property of citizens." "The protection of the lives and property of citizens is as important and fundamental as protecting them from crimes of violence; and further, cites 320 ILCS 20/1, on Elder Abuse.

Hughes v. Fetter, No. , 341 U.S. 609; 71 S. Ct. 980; 95 L. Ed. 1212 (1951).

In Illinois wrongful death statute actions, local policy must yield to constitutional requirements that full faith and credit must be given in each state to the public acts of any other state. (Conflicts of Law 63 - death statute as a public act) and (Conflict of Law 6), indicate a state cannot devise of removing jurisdictions from courts otherwise competent to escape the obligation of the full faith and credit clause, to enforce all rights and duties valid created under the law of other states.

C.A.M. v. Affiliates, Inc. & Chicago Western Svc., Inc. v. First American Title Insurance Co., 306 Ill App 3d 1015, 715 N.E. 2d 778, 240 Ill Dec 91 (1st Dist 1999).

In implied agency circumstantial evidence establishes a relationship. Although agency relationships are generally a question of fact, a court may decide it as a matter of law and the plaintiff has the burden of establishing agency relationships.

Buckholz v. MacNeal Hospital, 337 Ill App. 3d 163, 785 N.E. 2d 162, 271 Ill Dec 511 (1st Dist. 2003).

To prove an apparent agency, the plaintiff must prove the hospital held itself out as a provider for the type of care at issue and the plaintiff neither knew nor should have known the alleged agent was not a hospital employee.

Secondary Authority:

American Bar Association, The International Lawyer, Summer, 1998, 32 Int'l Law 471.

The Immigration and Naturalization Law Committee's comments, regarding 1998 international legal developments in review that detail new legislation, including the Antiterrorism and Affective Death Penalty Act (AEDPA) enacted on 24 April 1996 and the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (IIRAIRA).

Other:

8 C.F.R. 245.12 (Date).

Chapter one, subchapter B, of the Code of Federal Regulations, explains that the procedures for certain Polish and Hungarian parolees who are adjusting status to that of permanent resident under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, further discussed in (B), (C), or (E) of the Act, require the discretion of the Attorney General for humanitarian purposes.

Illinois Pattern Jury Instructions, Civil No. 105.10.02 (3d Ed).

9-13 Duty to provide medical screening and stabilization before transfer, 1-9 Jury Instructions on Medical Issues 9-13, advises counsel on how to draft jury instructions in medical malpractice actions. [1] Instruction -The [Defendant Hospital] provided an emergency room for the emergency treatment of patients who came to the hospital. When [Plaintiff] came to the emergency room, the [Defendant Hospital] had the duty to provide appropriate medical screening in order to determine whether the [Plaintiff] had an emergency medical condition. If the [Defendant Hospital] determined that the [Plaintiff] had such an emergency medical condition, the [Defendant Hospital] had the duty to stabilize the [Plaintiff's] condition before the [Plaintiff] was discharged or transferred to another facility. If you find from the evidence that the [Defendant Hospital] breached either the duty to provide appropriate medical screening or to stabilize the [Plaintiff] before he/she was discharged or transferred, and that the injuries that the [Plaintiff] suffered were the direct result of such breach, then your verdict on the question of liability should be for the [Plaintiff].

Fed. R. Evid. 803, (8) (c).

Public records, reports, statements and data compilation of agencies are admissible if they set forth factual findings. Breach of duty is a question of fact. Investigations should be made pursuant to authority granted by law.

WILLIAM L. PROSSER, HANDBOOK OF THE LAW OF TORTS, (1941).

The author outlines precedent where there have been wrongful death and survival statutes holding actions have been concurrently maintained. The usual method of dealing with the two causes is to allocate conscious pain & suffering, expenses and loss of earnings of decedent up to the date of death to the survival statute, and the loss of benefit of the survivors to the action of wrongful death.

California Legal Forms 33-104 and Transaction Guide 104.202, Arbitration Clause between Hospital and Patient for Inclusion in Hospital Admission Agreement for inclusion in hospital admissions agreement.

This guide tells us that submission of any medical malpractice disputes to arbitration should not be preconditioned to hospital admission. The title and language may confuse patient and otherwise lead him to believe arbitration is a condition of admission.

Transaction Guide 104-202 - Arbitration Contracts, Vol 2, Ch. 20-23, Part II. Forms, Part 3, 2-20 California Points & Authorities (20.304).

Further, health care service contracts are unenforceable and against public policy and renders arbitration illusory and unenforceable.

Fed. R. Civ. P. 87.

Rule 82. Jurisdiction and Venue Unaffected [Caution: For amendment effective December 1, 2007, see prospective amendment note below.] These rules shall not be construed to extend or limit the jurisdiction of the United States district courts or the venue of actions therein. Title 28, U.S.C., 1391(b) provides: "A civil action wherein jurisdiction is not founded solely on diversity of citizenship may be brought only in the judicial district where all defendants reside, except as otherwise provided by law."