



The Chicago personal injury and wrongful death attorneys at Levin & Perconti publish seven blogs to deliver current news and information relevant to our practice. These blogs allow our clients, fellow attorneys, and the public to stay informed on some of the most important issues our field faces today. The *Illinois Injury Lawyer News Brief* is a weekly compilation of entries which highlights some of the most important news covered on our blogs.

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## ILLINOIS INJURY LAWYER NEWS BRIEF

August 20, 2010

### NURSING HOME ABUSE AND NEGLECT

AUGUST 20, 2010

#### State Pays \$16 Million in Nursing Home Lawsuit

*The Washington Post* published a story yesterday on the latest development in a large class-action [nursing home lawsuit](#) out of Maryland. On Wednesday the state began paying \$16 million to various nursing homes and their residents as part of a settlement from a nursing home lawsuit filed in 2005.

The lawsuit involved the improper methods that the state used to gauge the ability of nursing home residents to pay for their own care without government assistance. According to the lawsuit, state officials erroneously inflated the income of certain nursing home residents. The state consequently used that inflation to refuse to provide supplemental financial support to offset the cost of their medical care at nursing homes.

Specifically, both state law and federal law required the state to consider the debt that a resident accrues while awaiting approval for Medicaid coverage as part of the calculation into their ability to pay for their own care without government support. Yet, officials did not factor this adverse financial burden into assessing resident finances. As a result of their mistake, many nursing home residents were left in severe financial straits—needing nursing home care but unable to pay for all of those services without some assistance from state welfare agencies.

In total almost 12,000 current and former residents were affected by the violation of [nursing home law](#). The settlement will attempt to provide relief to those victimized by the legal wrong. Besides that basic fair compensation the resolution of the case also shone a light on the problem, ensuring that from now on the state will make changes to its calculation of funding. In that way, future nursing home residents are spared the stress and heartache of trying to survive while being denied legally obligated medical funds.

As this case demonstrates, and as our [Chicago nursing home lawyers](#) at Levin & Perconti have learned, lawsuits can serve an important social function. Besides attempting to correct a wrong to a particular resident, these lawsuits often serve as wake-up calls to extremely negligent conduct. In that way, future harm is prevented and the system of care is improved for all.

AUGUST 19, 2010

#### Receptionist Steals Funds From Nursing Home Residents

Yesterday we posted an example of elder financial abuse involving the complex swindling a Chicago area senior citizen. In that case, the retiree was cajoled out of \$500,000 after investing money with a con-man whom he assumed was using the funds to develop a construction business.

Today, the *St. Petersburg Times* discusses another form of [senior financial exploitation](#) on the other end of the spectrum—the outright theft of money from nursing home resident accounts.

Until her firing yesterday, Janice Lynn Smith was the receptionist at Heritage Park, a nursing home near Miami. As with many other employees at nursing homes, Smith was in a position to gain access to the accounts of the nursing home residents. Apparently, the ability to steal from these vulnerable residents at the facility was too much for her to resist.

Smith began taking money out of the trust funds of four residents at the facility, all of whom were over 85 years old. In the end, she withdrew nearly \$4,000 from these resident accounts and put it in her own pocket. Fortunately, other nursing home staff noticed problems with the trust accounts. The nursing home administrator began investigating the problem, ultimately revealing the truth about Smith and the theft.

In most cases of [elder financial abuse](#), the problem goes unreported and victims are never compensated for their losses. Many states, including Illinois, have recently begun programs to help stem the wave of elder abuse problems, but much work remains before the problem is truly extinguished.

Our [Chicago nursing home lawyers](#) at Levin & Perconti spend our time fighting for nursing home residents because we understand their vulnerability while living at these facilities. Elderly residents often depend on nursing home staff members to help both with their physical well-being as well as their financial well-being. Any facility that allows its staff members to take advantage of that vulnerability for personal gain needs to be held accountable for their negligence.

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AUGUST 18, 2010

### **Chicago Area Man Victim of Elder Financial Exploitation**

The *Chicago Tribune* recently published a troubling story of **financial abuse** affecting an elderly man from nearby Des Plaines.

Will Harling is seventy one years old, a fact that he believes made him a more attractive target for his abuser, Taha Mahmood. Mr. Harling met Mahmood through a mortgage underwriter, and the two began discussing possible business opportunities. Mahmood seemed to say all the right things, even claiming to have gone to the same high school as Mr. Harling. Eventually, Mr. Harling agreed to assist Mahmood in starting a construction business. However, the funds that were provided to help jump-start the new project were never used to build the business. Instead, they went straight into Mahmood's pocket.

The ruse was taken to new heights when Mahmood manufactured a fake loan approval document (totaling \$2.6 million) in order to convince Harling that the project was progressing. Eventually the repossession of a Rolls-Royce that had been purchased under Mr. Harling's name alerted him to the fraud.

In total, the con-man stole almost \$500,000 from his elderly neighbor. Mr. Harling is now struggling to stay afloat. He is still not sure whether he will be able to afford to keep him home. Mahmood's exploitation of Will Harling seems to be merely one incident in a string of fraudulent actions that swindled funds from innocent parties. In another case, a businessman from Highland Park agreed to finance a small business trip led by Mahmood. In the end, an unnecessary private jet was chartered and the businessman was out \$127,000. In other cases, the scheming con-man was charged with writing \$11,000 worth of bad checks and stealing \$4,000 from a high-end department store.

Our **Chicago nursing home lawyers** at Levin & Perconti are continually disgusted by the length that some will go to take advantage of our vulnerable senior citizens. This form of **elder financial exploitation** occurs all too frequently, including at nursing homes. Recent efforts have attempted to raise awareness of the problem, but the risk of senior financial abuse remains high. Please remain vigilant to possible exploitation of elderly family and friends.

AUGUST 17, 2010

### **La Salle County Nursing Home Administrator Resigns**

The La Salle County Nursing Home administrator, Amjad Hussain, resigned his position last week after only six months on the job, reports the *News-Tribune*.

According to the report, Mr. Hussain had been working towards positive changes at the facility since he started the position in February. The nursing home, located in Ottawa, IL, had previously had a history of abuse and neglect. In the two years prior to his arrival several residents of the nursing home had been sexually abused by other residents. In addition, the facility had gotten into legal trouble after failing to follow state law in some of its furniture purchases.

Yet, just recently, under Amjad Hussain's leadership, the facility had passed an Illinois Department of Public Health survey which confirmed that appropriate changes were being made to correct the previous examples of **nursing home abuse**.

But the improvements to the facility guided by Administrator Hussain ended last week when he offered his resignation to the La Salle County Board. The exact reason for the resignation is unclear; however some sources have confirmed that the main cause was Hussain's frustration at his inability to remove underperforming employees. Apparently, there were legal uncertainties regarding the Administrator's power to fire substandard employees who provide care to the elderly residents. Hussain decided that he did not want to work at the facility if those potentially negligent employees were allowed to keep working with residents.

Employment complications exist in any workplace. However, when the care of vulnerable elderly residents is at stake, no workplace can afford to allow negligent or abusive healthcare workers to risk the safety of our loved ones. Our **Chicago nursing home attorneys** at Levin & Perconti have been involved in countless legal battles involving inadequate nursing home employees who neglected and abused residents, often leading to their death. Please contact our **nursing home lawyers** if you know of anyone who has similarly suffered at the hands of negligent nursing home staff members.

AUGUST 16, 2010

### **Nursing Home Business Sacrifices Care For Profits**

The *Florida Times-Union* profiled a nursing home entrepreneur who has continuously skirted the law, tolerating **nursing home abuse** in an effort to maximize personal profits. Robert Hagan owns sixteen nursing homes in several states, a business which has provided him with an upper class living—he owns three million-dollar-plus homes. Mr. Hagan has built his nursing home business fortune by agreeing to take "difficult" residents, including Alzheimer's patients, the psychotically ill and criminal offenders.

Mr. Hagan was quick to accept the tens of millions of dollars in federal money to care for these difficult patients. But he was less eager to accept the responsibility of ensuring that the facilities that housed the residents were safe and secure. One of his nursing homes in particular, Glenwood Nursing Center, has shown itself to be a bastion of abuse and neglect. For example, one resident, Virginia Thurston, was raped at Glenwood in 2002 by another resident. Nursing home staff members failed to prevent the attack, even though they were well aware of the potential for assault.

Ms. Thurston's daughter filed suit against the nursing home for their negligence in allowing the attack. After hearing the case, a jury demanded Glenwood pay the Thurston family \$750,000 for their mistakes.

The family has not yet received a dime.

Mr. Hagan has used procedural and business maneuvers to avoid paying the judgment against his facility. He attempted to "sell" the facility to a new business to thwart the collection of the judgment. Officials only recently discovered that Hagan was the owner of the new company which supposedly bought the nursing home. Ownership did not actually change hands.

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This attempt to wiggle out of his responsibilities and ignore [nursing home laws](#) seems to be a trend for Hagan. In fact, Florida state officials have attempted to revoke Glenwood's nursing license to force the closure of the facility after repeated examples of residents becoming physically aggressive with one another. Yet after a stay was granted, the nursing facility is still operating indefinitely while they drag out the appeals process.

The extreme lengths to which nursing home administrators are willing to go to avoid paying for their mistakes is exactly why it is important to contact [nursing home abuse attorneys](#) like ours at Levin & Perconti. Even obvious examples of nursing home abuse are often difficult to translate into legal judgments. After a verdict is reached, it then takes even more legal maneuvering to actually collect the money. Please do not allow yourself to be taken advantage of by profit-driven nursing home administrators. If you or a loved one has been neglected at a nursing home contact our lawyers today.

AUGUST 15, 2010

### **Jury In Nursing Home Case Awards Verdict to Resident's Family**

John J. Donahue was 93 years old when he died in 2005 following a horrific accident at the Embassy House nursing home, according to the *Boston Herald*. The facility is owned by Kindred Healthcare, a for-profit company which owns more than 40 nursing homes in and around Boston.

While living at the facility, a mechanical machine known as a "Hoyer lift" was used to lift Mr. Donahue from his bed. Two nursing home employees were supposed to use the machine at all times, because it's the process needed to be performed delicately to avoid injuring the resident. However, in 2005 a staff member at the nursing home attempted to move Mr. Donahue without the necessary aide of a second employee. The single aide was unable to perform the operation safely. During the move a metal safety hook on the device caught Mr. Donahue's face. The hook eventually gouged his eye, which eventually had to be removed. The victimized resident died a little more after the accident from sepsis.

Mr. Donahue's family sued following the accident. However, they initially ran into a few legal complexities. A few years before his death, the nursing home had asked Mr. Donahue to sign a "voluntary" arbitration agreement whereby he agreed to give up his right to sue the nursing home following an accident or his death and instead arbitrate the disagreement. Arbitration is an alternative form of dispute resolution that involves a neutral "arbitrator." The arbitration process can be long, expensive, and unfeasible to many.

Eventually, a judge invalidated the arbitration agreement that Mr. Donahue had signed, because he was 91 years old at the time and suffering from dementia. Obviously, it is highly inappropriate for a nursing home chain to ask a mentally suffering resident to sign away his legal rights.

It was over five years later that an actual trial took place regarding the Hoyer lift accident, with the jury awarding compensation to the family for the [negligent nursing home](#) conduct. Nursing homes typically use all the legal tricks in their arsenal to avoid paying up for the mistakes that their employees make. That is why our [Chicago nursing home lawyers](#) at Levin & Perconti encourage you to contact our office and allow us to use our decades of experience battling nursing home abuse to help vindicate your rights. Please [Click Here](#) to learn more about the tragic case of Mr. Donahue.

AUGUST 14, 2010

### **State Calls For Fines in Angel of Death Case**

We have been tracking the case out of the Britthaven of Chapel Hill, a nursing home embroiled in a tragic controversy of overmedication and death. As previously reported, a registered nurse at the facility was charged with second-degree murder and six counts of patient abuse.

The nurse, Angela Almore, had given several Alzheimer's patients opiate drugs in an effort to make them more manageable and easier to handle. None of the patients were supposed to be receiving any pain medication. Eventually, the reckless medication behavior led to the death of one resident, Rachel Holliday. Ms. Holliday died from pneumonia-related asphyxiation, with "morphine toxicity" as a factor.

As *WRAL News* is reporting, state officials have now cited the [nursing home](#) itself for its negligent conduct that allowed the abuses to occur. After an extensive investigation of the facility, state officials uncovered many examples of unprofessional conduct, inadequate services, and unnecessary prescriptions of drugs. The state is fining the facility \$20,000 for the errors, an amount which many local officials believe to be too small considering the seriousness of the violations.

The findings of other violations at the nursing home beyond the extreme example of opiate drugging suggest that once a culture of negligent treatment is accepted at a facility, repeated abuses occur. It is for that reason that it is especially important for even small signs of [substandard nursing home](#) care to be confronted and fixed.

Basic nursing home violations are often a slippery slope leading to severe abuse and death for vulnerable elderly residents. That is why our [Chicago nursing home lawyers](#) at Levin & Perconti support all efforts to hold inadequate facilities accountable for the abiding by state and federal nursing home laws. Please contact our attorneys if suspect any violations at a facility near you.

AUGUST 13, 2010

### **Will County Nursing Home Cited for Negligence**

Embassy Health Care, a nursing home outside of Chicago in Will County, was recently challenged by nursing home regulators for providing inadequate care to the residents at the facility.

*ABC 7 News* recently discussed the problems the facility faces after federal inspectors uncovered troubling incidents of [poor nursing home](#) care. Specifically, the Wilmington nursing home was found to have neglected patients leading to the development of pressure sores. As has been explained often on this blog, [pressure sores](#) (also known as bed sores or pressure ulcers) are painful and harmful skin lesions that are almost always caused by inadequate care.

In addition, regulators noted that building maintenance problems were ignored by the facility. A fundamental component of proper resident care at nursing homes is the assurance that the actual building itself is safe and secure. Embassy was failing at this basic task.

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After finding these problems, regulators explained that if they were not adequately corrected, the facility would lose all of its federal funding near the end of August. Embassy is a for-profit facility that relies heavily on Medicaid funding in its quest for revenue. Failure to receive those funds would be extremely damaging to the facility's survival.

Our **Chicago nursing home attorneys** at Levin & Perconti fully support all federal efforts that hold our nursing homes accountable for the care that they provided. Many fail to realize that the funds used to pay for the care of many nursing home residents come directly from the government in the form of Medicare and Medicaid payments. That means that it is the taxpayers who foot the bill for these facilities. In that way, inadequate and fraudulent care at these facilities is not only a problem for the abused resident, but also a swindling of everyone's hard-earned tax dollars.

Whether you have family member at a failing nursing home or are just a concerned citizen, we encourage everyone to seek out trained legal professionals if they suspect substandard nursing home care. The proper treatment of our elderly resident can never be compromised.

## MEDICAL MALPRACTICE

AUGUST 20, 2010

### Medical Mistakes Cause 32 Deaths in Oregon Last Year

A medical study was released this week which again emphasized the need to improve patient care at hospitals across the county. As reported in *Oregon Live*, an analysis of self-reporting by the state's Patient Safety Commission recently identified thirty two patients who died in their hospitals last year alone due to **preventable medical errors**. These represent thirty two individuals with an extended network of suffering family and friends who all would have been spared extreme heartache and pain if only the hospitals they visited would have given them the basic standard of care they deserved.

A closer look at the medical errors in the report indicates even more troubling news. On nine different occasions a surgeon operated on the wrong body or the wrong patient. Twenty one times doctors performing surgery left physical objects inside the patient after the procedure. These two types of medical errors in particular represent an egregious failing of the medical professional to provide even the most basic components of proper medical care.

Simple safety checks would eliminate these types of mistakes completely. However, the problems persist. For example, the number of surgeries where doctors leave objects in the body has remained steady for nearly the last eight years. The head of the commission that issued the report noted, "There is no indication that it's [the mistake rate] going down, which is frustrating. Oregon is not unique there. It's a stubborn problem."

The records indicate that these numbers of medical mistakes are about equal to the national average based on percentage of patient load. That means that the number of these mistakes increase dramatically in states with bigger populations, like Illinois.

On top of that, the numbers released in this study are likely to be far lower than the true number of preventable medical errors, because the study represents only the mistakes admitting openly by the hospital. A neutral outside analysis of medical mistakes virtually always finds more problems than are self-reported. For example, while hospitals in the state admitted nine hospital borne infections last year, a neutral state commission found seventy five infections. That means that the hospitals themselves reported only one in every eight mistakes. Decades of experiences in legal battles fighting for patient rights have made clear to our **Chicago medical malpractice attorneys** at Levin & Perconti that hospitals will refuse to admit their problems or provide a legal remedy to patients that they injure. Because of that, the only way to truly hold hospitals accountable for their **medical mistakes** is to utilize every legal step available to force negligent professionals to recognize their substandard care.

AUGUST 19, 2010

### Newborn Baby Accidentally Given Morphine

*Justice News Flash* is reporting on a recent egregious **medical mistake** out of Mission Viejo, California.

Jessica Blischke gave birth to premature triplets in a Caesarean section pregnancy at a local hospital in early April last year. To ease her physical pain following the complex pregnancy, Blischke was prescribed morphine. However, for reasons still unclear, the medical professionals somehow switched Blischke's IV with the IV of one of her newly born infants, Taylee. Instead of the mother receiving the strong pain medication, 4 milligrams of morphine were actually deposited into the veins of the premature infant. Taylee's heartbeat immediately dropped to dangerous levels following the medical error. Doctor's were forced to rush to incubate her so that her body could return to normal breathing levels.

Following the incident doctors were clueless as to the cause of Taylee's sudden heartbeat drop. Tests were performed which revealed the presence of opiates in the newborn's system, but that still was not enough to convince the doctor that a mistake had been made. In fact, the local doctor had the gall to suggest that Blischke herself must have done something to the newborn to create the problem.

Eventually the truth was revealed when the opiate levels in Taylee's body were compared to that of her two sisters—each of whom had no opiates at all.

The state department of health eventually fined the hospital \$50,000 when they became aware of the mistake. Blischke has also retained counsel and has filed a medical malpractice lawsuit against the hospital.

Medical errors that affect newborn children are often the most emotional and costly mistakes a healthcare provider makes. Young children are the most helpless patients in any hospital—they cannot ask questions and are entirely dependent on the medical professional to receive proper care. Also, their bodies are less developed and therefore more prone to complications following medical errors. No **medical mistake** that harms a newborn should be tolerated.

Our **Chicago medical malpractice lawyers** at Levin & Perconti have decades of experience helping the families of newborns protect their legal rights and receive necessary redress for the errors. If you or someone you know has similarly suffered, please contact our offices today.

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AUGUST 18, 2010

### **AMA Study on Medical Malpractice Is Misleading**

These days it is often impossible to talk about medical malpractice without instigating an endless political debate about whether these lawsuits cause healthcare costs to increase, whether reforms are needed, and, if so, what form they should take. However, the debate too often delves into irrational name-calling and exaggeration, instead of focusing on reaching the best balance between the rights of patients to receive standard care and the doctor's need to avoid frivolous claims.

Our **Chicago medical malpractice lawyers** at Levin & Perconti do not ignore the debate; we fully recognize and believe in our role as important advocates for injured patients. Our experience in the field has emphasized that knee-jerk reform efforts (like generic medical malpractice caps on award amounts) bear no logical connection to the basic sense of fairness of responsibility in the patient-doctor relationship. Attempts to impose "caps" on damages is nothing more than a politically organized group (healthcare administrators and medical doctors) attempting to skim away at the rights of a smaller, more diverse, less politically active group (victims of medical errors).

Fortunately for us in Illinois, our Supreme Court recently struck down a state cap on parts of these damages, recognizing the law's unconstitutional violation of the role of judges and juries in our system.

What is frequently forgotten in these medical malpractice debates is the fact that large medical malpractice awards are only given after the time-tested protocols of our legal system play out: each party in a dispute presents their side of the case in a fair, impartial setting in front of an outside jury of their peers that impartially deliberates and collectively decides the correct outcome.

This legal system was literally written into our nation's founding documents as the premier method to dispense justice in our society. The bedrock of our entire system of government should never be wiped away merely because a particular political advocacy group wants special protection for themselves.

Yet, even after courts reject medical malpractice caps, the healthcare community continues to produce studies that attempt to skew the "problem" of medical malpractice lawsuits. Parts of the medical community are attempting to manufacture an inter-professional war by claiming that trial lawyers are constantly assaulting doctors with lawsuits. Instead, the medical community should recognize that a certain number of particularly negligent doctors are causing a large proportion of the errors, and the system helps to weed out these negligent practitioners so that they harm fewer patients.

On top of that, as American Association of Justice spokesman Ray De Lorenzi pointed out after reviewing the latest AMA study from *AMED News*, critics seeking to strip away victim rights seem to forget that 98,000 patients die every single year from errors that should have been prevented. Treating **medical mistakes** cost consumers nearly \$20 billion each year. And those numbers have not been decreasing. If reform is needed, it should focus on stopping **medical mistakes** and saving lives, not limiting the legal rights of the innocent victims of those errors.

AUGUST 17, 2010

### **County and Family Agree On \$5.5 Million Medical Malpractice Settlement**

When hearing the words "medical malpractice," many people immediately think of drawn out legal battles and high courtroom drama involving diagrams of complex medical performances and experts testifying about unique medical procedures. However, in reality, when medical malpractice occurs many parties often never step foot into a courtroom for a trial. Instead, with appropriate legal help to negotiate the dispute, the victims of these mistakes often receive their compensation as a settlement.

For example, a recent **medical malpractice settlement** explained in the *Silicon Valley Mercury News* highlights an amicable agreement that is often reached by victims of medical mistakes and the facility that made the error. Fifteen year old Elizabeth Nicks was performing a high-school cheerleading stunt when she fell. She was rushed to the nearby hospital where she was treated for bleeding on the brain. After five days of care the hospital released her. Unfortunately, she should have never been allowed to leave the close supervision of medical professionals at the hospitals. The very next day she was rushed back to the hospital. The complications were too much for the doctors to fix completely. She now suffers from permanent brain damage, retardation, and paralysis.

Elizabeth will need close medical care for the rest of her life because of the complications from the fall. In order to pay for that, her family has agreed to a \$5.5 million dollar settlement with the county which operates the hospital that negligently released her too early. In that way, the Nicks family was able to receive the proper compensation for their suffering without having to go through the ordeal of a trial.

Our **Chicago medical malpractice attorneys** at Levin & Perconti have similarly negotiated countless settlements with victims of medical mistakes. In one case, we successfully negotiated a \$5.35 million settlement against a hospital that had failed to diagnose postpartum cardiomyopathy that led to the death of an 18 year old first time mother.

Victims of harmful **medical mistakes** and their families typically want to receive equitable compensation for their losses in as timely and efficient manner as possible. That is where expert legal teams are vital. With the appropriate lawyers with settlement experience, injured victims are able to reach a fair conclusion to their ordeal without the burden and stress that prolonged legal battles bring.

AUGUST 16, 2010

### **Illinois Finally Begins Reporting Hospital Infection Rates**

We have often mentioned on this blog the growing problem of hospital borne infections. These are illnesses that a patient contracts while they are at the hospital to be treated for another medical problem. These infections are almost always the result of medical errors and negligent conduct that can be prevented. Proper hand washing, sterilizations, and other cleanliness protocols have been shown to decrease these infections significantly.

As we reported last week, the problem is estimated to cost medical care consumers over \$30 billion each year and take the lives of upwards of 100,000 patients. Those staggering costs should obviously have translated into a concentrated effort to fix the problem. However, the remedial actions have fallen far short. In fact, even the basic task of compiling and making data available on the total number of these infections has taken years to accomplish.

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Illinois has just recently begun the task of informing its citizens on hospital performance with regard to these infections. As reported in *St. Louis Today*, Illinois officials have finally posted their first hospital "report card" that includes initial data on some **hospital generated infection** rates. This initial reporting does not include the bulk of infections. Only central line associated bloodstream infection rates are available in the latest report. These are infections caused by catheters that deliver fluid and other medications into the body.

While the initial data is small, the information is clearly a step in the right direction. Any public reporting that shines a spotlight on **medical errors** is a good development. The Illinois General Assembly sought to address this reporting problem six years ago. However, drafting errors in the legislation and funding errors in later years delayed the implementation of the report until now. A spokeswoman for the Illinois Department of Health insists that even more hospital infection data will become available in the future. She explained, "We are in the process of trying to get some additional data. We're hoping to have surgical-site infection data by the end of the year."

[Click here](#) to check out the latest Illinois medical report card, including information on hospital infection rates. You can look up your own nearby hospital by name or zip code. Our **medical malpractice lawyers** at Levin & Perconti encourage all patients to take advantage of this new information to help inform their healthcare decisions. Our decades in practice have made clear the risks associated with seeking medical care at a substandard facility. Personal health is too important to risk on any facility that consistently allows patients to get sicker while they are there than before they even arrived.

AUGUST 15, 2010

### **Doctor Sued For Failing To Diagnose Cortisol Problem**

*The Madison-St. Clair Record* recently discussed a new **medical malpractice** lawsuit filed in southern Illinois. The suit involves two doctors from St. Elizabeth's Hospital for their actions that contributed to the death of Sean O'Bonnon. Mr. O'Bonnon rushed to the hospital's emergency room on Christmas Eve 2008 for severe strep throat.

Besides the strep throat, Mr. O'Bonnon's body had actually stopped producing cortisol. According to the Mayo Clinic, cortisol is a hormone produced by the adrenal glands; insufficient production of it can be life threatening.

However, the two emergency room doctors failed to notice the cortisol-production problem, a condition known as "adrenal crisis." In fact, the doctors negligently failed to even treat his strep throat, take a proper medical history, or admit him to the hospital for further observation. Instead, Mr. O'Bonnon was sent home, where he died the following day, Christmas Day 2010.

The doctors' **failure to diagnose** life-threatening problems with their patients is one of the more egregious forms of medical malpractice. Patients have the reasonable expectation that when they visit a doctor with medical concerns, the doctor will be able to properly diagnose their problems if possible. All too often however, especially in emergency room context, patients are sent away before receiving the proper care. This shuffling of patients can have deadly consequences, as the O'Bonnon family discovered after their tragedy.

As our **Chicago medical malpractice** lawyers at Levin & Perconti know, failure to for doctor's to recognize and identify problematic conditions can have deadly consequences. Please contact our attorneys if you know of anyone who has similarly suffered at the hands of a failure to diagnose a serious medical problem.

AUGUST 14, 2010

### **Jury Awards \$2 Million in Medical Malpractice Case**

A **medical malpractice** case involving the tragic death of three year old twin brothers recently ended with a verdict for the plaintiffs, reports the *Columbus Dispatch*.

The terrible trauma that still haunts the Legge family occurred in April 2006, when two of the family's twin boys visited a Maryland otolaryngologist to perform basic tonsillectomies. The procedures were supposed to be routine operations without too much risk. In fact, hundreds of thousands of these procedures occur every year across the country without any complications. Following the surgery the doctor discharged the brothers with a note indicating that everything was normal. The boys, A.J. and Joshua were prescribed pain medication and were home in the afternoon.

However, the very night that they arrived back home following the surgery, one of the twins, A.J., stopped breathing. Shortly after midnight his parents called 911, and an ambulance arrived to rush him to the hospital. The emergency room doctors did everything that they could, but A.J. died shortly after arriving.

At the same time, back at their home, the other twin, Joshua had stayed with a neighbor while A.J. was rushed to the hospital. Just about the time that the emergency room doctor was informing the family that A.J. could not be saved, Joshua had also stopped breathing. Another ambulance was called, but it was too late for him as well. He died shortly after arriving at the hospital.

The unbelievably tragic loss of both children hours from one another was eventually discovered to have been caused by a cerebral edema, or fluid on the brain. The medication prescribed for the children after the surgery had caused the fatal stoppage of breath. The children had a pre-existing condition that made it impossible for them to properly process the pain medication.

The risk of the boys breathing was made clear to the doctor before the procedures, because their mother had informed him of the kid's history of snoring and breathing trouble while asleep. However, even knowing that, the doctor did not request for the children to stay overnight in the hospital following the surgery, which was a standard process for patients under three years old—especially those with a history of breathing trouble.

After hearing all of the evidence, a jury in the **medical malpractice** case found that the doctor had been negligent in his treatment following the surgery. That negligence had directly led to the children's death.

The Legge family tragedy serves as a reminder than even routine medical procedures involve inherent risk that should be carefully monitored. That risk is even more pronounced when the medical professionals charged with the task fails to follow basic security protocols to ensure the patient's safety. If you or anyone you know has suffered similar tragedy that could have been prevented, please contact our **Chicago medical malpractice** attorneys at Levin & Perconti today.

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## CAR ACCIDENTS

AUGUST 19, 2010

### Chicago DUI Car Accident Kills 4 Year Old

A young Chicago preschool student is dead and a 24 year old woman is in police custody after a **deadly car accident** last weekend on the north side of the city. The *Chicago Sun-Times* reports that shortly before 7 a.m. on Sunday morning, Leticia Medel was driving eastbound on Fullerton Avenue in her Dodge Avenger with her husband in the front seat and her two small children in the back, a 2 year old and a 4 year old. Eventually her vehicle rear-ended a Honda Civic that was stopped at a traffic light. The force of the initial crash caused the Civic to hit another vehicle in front of it before stopping against a building. After the first impact the Avenger then crossed over into the second eastbound lane, striking a Chevy Tahoe. All told, four vehicles were involved in the car accident.

Following the wreck, Medel and her husband grabbed the two children from the back of the Avenger and ran from the scene. The two children were eventually brought to nearby Children's Memorial Hospital. Jonathan, the four year old, had suffered a lacerated liver and multiple contusions. Doctors did everything that could to save the young child, but he was pronounced dead shortly after 2 p.m. that afternoon.

The causes of the car crash that led to Jonathan's death are varied but all involve extreme negligence of the part of Leticia Medel. Perhaps most damaging of all, Medel was drunk at the time of the crash. She had a blood alcohol level of .151, nearly twice the legal limit. Two beer cans were also found by police inside the vehicle. On top of that, Medel was driving between 15 and 20 miles over the speed limit at the time of the impact, significantly contributing to the seriousness of the accident. Those factors combined with her failure to properly buckle-in her two young children created the tragic accident that claimed the life of the innocent 4 year old.

It is difficult to read these car accident stories and comprehend how anyone could engage in this type of extreme, reckless driving. However, the sad reality is that our roads are filled with many drivers who continually engage in conduct that places themselves, their children, and all other drivers at extreme risk. Our **Chicago car accident attorneys** at Levin & Perconti encourage everyone to not only operate their own vehicles with caution but to also vigilantly monitor all other potentially **negligent drivers**.

AUGUST 17, 2010

### Man Intentionally Drives Car Into Oncoming Traffic

An 80 year old Chicago area man was taken into police custody yesterday after a bizarre act of felony driving that led to a serious **car accident** involving three vehicles and resulting in severe injury to an innocent driver.

As *Fox News Chicago* reports, a week and a half ago, George Smith, a St. Charles resident, was driving east on Illinois Route 38 when he suddenly veered his car onto the other side of the road, directly into westbound traffic. Mr. Smith was driving a large SUV, and the vehicle collided head-on with a Volvo, which subsequently hit another smaller car.

The driver of the third car was uninjured, but the Volvo driver remained stuck in his vehicle with severe injuries following the crash. It took emergency crews using special extrication equipment to release him. He was airlifted to a nearby hospital where doctors are still treating his injuries. The intentionally reckless driver, Mr. Smith, was also injured in the car accident. He broke several vertebrae, both legs, shattered his hip, and suffered head trauma leading to bleeding on the brain.

The shocking circumstances of the car crash symbolize in the most egregious way the sad reality that even the more careful drivers are not completely safe while on the road. The decades of legal experience of our **car accident attorneys** at Levin & Perconti have shown that often the most severe vehicle accidents involve one negligent driver who takes other innocent drivers and passengers in their wake.

Rarely will someone come upon a driver so suicidal that they are willing to drive head-on into oncoming traffic. However, virtually everyone will share the road with drivers who go too fast for conditions, become distracted while on the phone, or make risky lane changes in an effort to save a few seconds.

There is only so much care that a single driver can take to avoid deadly car accidents, because no one can control the negligent drivers around them. All it takes is being in the wrong place at the wrong time and a risky fellow driver may cause untold destruction. If you or someone you know has been the unfortunate victim caught in the crosshairs of a **negligent driver**, please contact our office today to learn more about your rights.

AUGUST 15, 2010

### Head-On Chicago Car Accident Kills One and Injures Three

A fatal **Chicago area car crash** this week took the life of woman in her 20s and left three others in very critical condition.

As reported in *My Fox Chicago*, the accident occurred near Antioch very early Thursday morning, around 2 am. On a country road outside of town, an SUV collided head-on with a Mitsubishi hatchback. As is virtually always the case in high-speed head-on collisions, the damage was daunting.

The female driver of the hatchback was pronounced dead on the scene and had to be extricated from the car. The driver of the SUV was ejected from the vehicle following the impact, and both of his passengers required emergency personnel assistance to be removed from the wreckage. All three survivors were airlifting to a local hospital where medical professionals continue to work to save their lives.

Experts are still piecing together the cause of the deadly collision. However, they suspect that alcohol and speed are two likely factors. The accident occurred on a curve in the road, where the speed limit lowers to 40 mph. The location of the vehicles and the outcome of the collision makes it a virtual certainty that the accident occurred at speeds well over the legal limit.

Authorities may never know for certain what caused the tragedy of this accident. However what remains clear is that all dangerous speeds on dangerous portions of roadway under the influence of alcohol are a lethal combination. All it takes is one driver willing to risk these conditions to cause a deadly accident like the one here. In fact, the tragedy of many of these accidents is that one party is often driving with perfect care and caution. They just happened to be caught in the crosshairs of a negligent fellow driver.

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Nothing can be done to fully fix the damage caused by these vicious car crashes. However, the legal rights of the injured parties can still be respected and honored. That is where our **car accident attorneys** at Levin & Perconti come in. We are committed to helping victims of these accidents receive the compensation possible to best preserve their legal benefits. Please contact our office if you have suffered at the hands of a **car accident**.

AUGUST 13, 2010

### **Chicago DUI Lawsuit Settles for \$1 million**

The *Chicago Tribune* reported on the end of a Chicago lawsuit connected to tragic **drunk driving accident** that led to the death of the driver's passenger, another innocent driver, and the unborn child that she was carrying.

The lawsuit involved Diamond's Gentleman Club, an adult club located in West Chicago. The drunk driver, John Homatas spent the evening at the club before leaving drunk in January 2006. Mr. Homatas was found vomiting in the bathroom of the club by bouncers. After being found, the bouncers ejected him from the club and placed him in his car. He subsequently drove the car onto Illinois Highway 25 before driving head-on into a car driven by twenty-seven year old April Simmons who was eight months pregnant at the time. Mr. Homatas's passenger, Mrs. Simmons, and her unborn child were all killed in the accident.

The club argued that they were not at all responsible for the crash, because Mr. Homatas brought his own alcohol into the club. However, the Illinois Supreme Court disagreed in a ruling that preserved the logical right of injured victims to hold all responsible parties accountable.

Our **Chicago car accident attorneys** at Levin & Perconti offer sincere sympathies to all the individuals whose lives were destroyed by this tragic accident.

Everyone understands the dangers of drunk driving, but many continue to risk that harm. That risk-taking ruins lives. Traveling by car involves many natural risks even when all drivers are alert. Any lowering of senses dramatically increases the risks. On top of that, all third parties (like the dance club) need to understand the role that they play in these deadly accidents. Placing an obviously intoxicated individual behind the wheel of the dangerous machine is never acceptable. Mr. Simmons lost his wife and unborn child on that tragic night. Even slightly more responsible behavior by the employees of the club might have saved those lives. If you have similarly suffered at the hands of irresponsible conduct on the road, please contact our **car accident lawyers** today.

## **TRUCKING ACCIDENTS**

AUGUST 20, 2010

### **Two Truck Drivers Killed in Separate Accidents on I-57 near Chicago**

Tragedy struck twice yesterday in two separate **truck accidents** on Interstate 57. As noted in *The Herald-News*, the first semi-truck accident occurred shortly before 9:30 a.m. about 30 miles south of Chicago. A truck was traveling southbound on the highway when it slammed into another truck in front of it. The impact caused the large vehicle to burst into flames. The driver of the engulfed truck was killed in the crash, while the truck driver who was rear-ended was brought to the hospital with non-life threatening injuries.

That fatal morning truck accident was not the only destruction on I-57 yesterday. About an hour after traffic resumed following the first crash, a second semi accident struck the roadway. About 4:30 p.m. a northbound semi struck the rear of another semi that was slowed on the roadway only a few miles from the morning crash. A third semi then struck the wreckage created by the collision. One of the drivers of this second crash was also killed, though at the time of the report it was unclear which driver had died.

Failing to properly stop in time to prevent a collision is an extremely common form of highway accident. This is especially true with large semitrailers. The size and speed of these large machines makes it difficult for them to stop quickly when necessary. It is for that reason that warnings are often posted about not following these vehicles too closely or in blind areas. They simply do not maneuver as well as normal vehicles and therefore are more susceptible to accidents when road conditions require them to stop suddenly.

Our **Chicago truck accident attorneys** at Levin & Perconti have been involved in many forms of semitrailer accidents, including rear-end collisions. We encourage all drivers, including semi drivers, to take extra precaution whenever traveling near big rig vehicles. Many of our highways are currently undergoing construction work, requiring many stop and start construction zones. These locations in particular pose dangerous risks to large vehicles that cannot change speeds as easily as small cars. Please pay particular attention to surrounding vehicles at these locations to best lower the risk of being involved in a tragic **truck accident**.

AUGUST 18, 2010

### **Illinois Truck Driver Dies in Fatal Accident**

A southern Illinois semi-rig driver was killed on Monday when he lost control of his truck on Interstate 64/Highway 40, near the Taylor Avenue bridge. As explained in *Fox 2 Now*, the truck accident closed traffic for four hours and forced engineering crews to investigate the structural stability of an overpass bridge.

The driver, Thomas Joseph Niemeyer, was traveling along the highway when his truck suddenly swerved left, hitting the nearby Taylor Avenue bridge overpass. Authorities are still investigating and do not know what caused the vehicle to swerve dramatically left leading to the deadly **truck accident**.

As a result of the collision, Mr. Niemeyer was thrown from the semitrailer. He was too badly injured by the time medical crews arrived, and he was pronounced dead at the scene.

Our **Chicago truck accident attorneys** at Levin & Perconti understand that the causes of many deadly accidents are difficult to determine. This is especially true with single vehicle accidents. The list of possible causes are many, from the driver suffering medical problems while behind the wheel to improper manufacturing in components of the vehicle. These accidents occur with too much frequency to avoid looking into their causes. In that way, victims can be properly compensated and other motorists may be saved from injury if the reason for the truck crash is understood and prevented in the future.

For those reasons it is especially important to look into all of your legal options if someone you know has been hurt in a single vehicle truck accident. Our expert **accident attorneys** will help investigate the possible causes of the crash to determine if your loved one's crash should have been prevented.

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AUGUST 16, 2010

### **Fatal Chain-Reaction Accident Involves Three Semi Trucks**

Another tragic freeway crash this week proves once again that slowed traffic from one accident often leads additional crashes as on-coming drivers fail to notice the stand-still. As reported by *Fox 2 Now*, the combined accidents in the latest crash involved several semitrailers and claimed the lives of two individuals.

The destruction began early in the morning last week when a big rig that was too tall for the road hit an overpass, tipping over and loosing its seafood cargo all over the highway. The incident did not harm anyone, but it caused traffic to jam behind the accident. As traffic built up, the line of stopped cars grew behind the scene of the first distressed truck. One semitrailer that came upon the stopped traffic was caught off-guard by the stoppage and was unable to slow down in time. As a result, the rig slammed into the back of another semi that was stopped in front of it. This **truck crash** caused a chain-reaction, with four more cars bouncing off one another. The semi that started the second crash by failing to stop ended up bursting into flames from the impact. The driver of the rig and his passenger were trapped inside the vehicle when it combusted. Both were killed.

Witnesses to the accident were incredibly shaken by the drama. One driver who was directly in front of the truck accident explained, "The fire was so hot and the smoke was just rolling out, that you just couldn't get close to it. I really wanted to do what I could to help the victims inside, but I knew it was too late."

This is the second truck crash that we have posted this week involving a driver's failure to stop when coming upon slowed traffic on the freeway. Our **Chicago truck accident attorneys** at Levin & Perconti have been involved in several legal cases where similar accidents have occurred. Slowed freeway traffic spots are some of the most dangerous locations on the road. Please contact our offices if you or someone you know has suffered injury as the result of one of these vehicle accidents. Please [click here](#) to read more about this tragic crash.

AUGUST 14, 2010

### **Two Semi Trailer Accidents in Same Location on Interstate-80**

The *News Tribune* recently wrote about a **traffic accident** that involved six cars, including several large semitrailers on Illinois interstate 80.

Kevin Haeffner was driving a semi truck at about 2:20 in the afternoon when he lost control of the vehicle while traveling eastbound on I-80. While out of control the truck slammed into another semi that was stopped and disabled on the side of the road. The accident caused the semi driven by Haeffner to overturn and spill its meat cargo.

The truck crash backed up traffic for several miles around the scene of the accident. Only twenty minutes after the crash, another semi was pulling up to the slowed down traffic area and was unable to stop in time. This semitrailer driven by Rex Davis hit three other vehicles that were stopped in traffic. This second accident caused severe damage to the vehicles hit by the truck. The local fire chief indicated that one of the cars was still stuck underneath the semi when they arrived. Rescue crews were forced to conduct extensive extraction maneuvers to free two passengers trapped in their vehicles.

All told the driver of the initial semi, Kevin Haeffner, the driver of a vehicle in the second crash, and his fourteen year old daughter were all injured in the accident and were still in the hospital at the time of the report.

As this situation suggests, some of the most dangerous locations on our highways are the areas where high speed traffic is forced to slow down quickly. Our **truck accident attorneys** at Levin & Perconti are all too familiar with the damage that is caused at these locations, especially by large vehicles like semitrailers. If you have been involved in an accident with one of these machines, please contact our **truck crash attorneys** today to learn more about your legal rights.

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