

Ill. County Shells Out \$1 Million to Settle Fatal-Fall Suit

By KEVIN MCVEIGH, ESQ., Andrews Publications Staff Writer

An Illinois county has paid \$1 million to settle a wrongful-death lawsuit alleging a county-owned nursing home failed to prevent an Alzheimer's patient's fatal fall even after she had fallen several other times.

Attorneys representing Helen Menneke's estate said the settlement is the largest ever in the county in a nursing home negligence case.



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Cathy McMullan sued Lake County in 2005 in its 19th Judicial Circuit Court as the administrator of her mother's estate and on behalf of her father and two sisters.

According to the complaint, Menneke entered the Winchester House in Libertyville in January 2004.

Menneke, who had Alzheimer's, allegedly had an unsteady gait and poor balance when she was admitted to the facility. McMullan said Winchester failed to update her mother's care plan to address her risk for falls or to follow several interventions the plan required.

According to the suit, Menneke fell six times at the facility between March and October 2004.

In a September 2004 fall she allegedly suffered head trauma in which blood and clots formed between her skull and brain. The nursing home's staff installed alarms on Menneke's bed and wheelchair after the fall, the

complaint said.

Menneke reportedly fell two more times after that.

In her seventh and final fall Dec. 20, 2004, she broke her hip and elbow, and the alarm systems were not in place or functioning properly, according to McMullan's attorneys.

Both fractures required surgery, the suit said. Menneke returned to the home after the operations, and her condition deteriorated rapidly until she died Jan. 5, 2005, at age 83, McMullan said.

The suit alleged negligence and violations of Illinois' Nursing Home Care Act.

McMullan sought compensation for her mother's pain and suffering and wrongful-death damages for herself, her father and sisters.

Lake County officials agreed to settle the case after an August mediation.

Judge Christopher Starck approved the settlement Nov. 5.

To comment, ask questions or contribute articles, contact West.Andrews.Editor@ThomsonReuters.com.

Susan L. Novosad of Levin & Perconti in Chicago represented McMullan. John A Terselic of Swanson, Martin & Bell in Libertyville represented Lake County.

McMullan ex rel. Estate of Menneke v. County of Lake, No. 05 L 639, settlement order entered (Ill. Cir. Ct., Lake County Nov. 5, 2008).

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