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Lawsuit filed on behalf of an 82-year old woman who died from abuse and neglect in Lemont Nursing home

Chicago, IL – Steven M. Levin of the Chicago-based law firm Levin & Perconti filed a lawsuit on behalf of Teresa, (“Terry”) Thorp (Chicago), the daughter of 82-year old Minnie Burger who died in May 2007 from abuse and neglect in Lemont Nursing and Rehabilitation Center. The suit alleges that Lemont failed to provide proper supervision and assistance to Minnie Burger, a resident documented to be at high risk for falls. This failure resulted in Burger suffering several falls and then dying from complications of her injuries. The Illinois Department of Public Health (IDPH) is currently investigating this case.

Minnie was admitted to Lemont Nursing and Rehabilitation in 2004 for rehabilitation following a shoulder injury. The rehabilitation facility had been highly recommended to the family.

Once Minnie’s rehabilitation for her shoulder injury had been completed, the family realized that Minnie’s overall physical and mental condition were declining and that she would require constant supervision and skilled nursing care. Since Minnie had received quality care in Lemont’s rehabilitation center, her family felt confident in Lemont’s ability to provide quality skilled nursing care. The administration assured Thorp that they had sufficient number of trained and supervised staff necessary to provide for Minnie’s care needs.

Upon admission to Lemont's residential facility, Minnie Burger required assistance ambulating and with all activities of daily living. She was also at high risk for falls and required constant supervision and assistance.

Shortly after her admission, the family noted a decline in the quality of care Minnie was receiving. She was frequently underdressed for freezing winter temperatures and often discovered in soiled clothing or lying in unsanitary conditions. Although Lemont was aware that Minnie was at serious risk for falls because she had not been properly supervised. Lemont's administration failed to develop and implement preventative plan of care and appropriate supervision to protect Minnie from dangerous falls.

Due to Lemont's failure to properly supervise and assist Minnie, she sustained one serious fall on September 15, 2006 which caused multiple rib fractures and severe pain and a second fall on May 11, 2007 which caused fractures to her right femur and right hip. The complaint alleges that the injuries Minnie suffered on May 11, 2007 caused or contributed to cause her death three days later on May 14, 2007.

Other allegations in the complaint include the staff's failure to identify, control and treat an infection in Minnie's leg and failure to protect Minnie from the abuse of a fellow resident who hit Minnie in the face with an object which resulted in facial injuries. Throughout her stay at Lemont, Minnie suffered an overall deterioration of her physical and mental condition which caused her to live the remaining months of her life in undignified and substandard conditions.

Steven M. Levin, the lawyer for Plaintiff Teresa Thorp remarked: "Unfortunately falls at nursing homes that result in serious injuries or death are not uncommon in

Illinois. This is one of many instances where even though the nursing home is aware of the resident's fall risk, the home did not protect her because they lack sufficient staff both in numbers and training."

Minnie is survived by her daughter Terry, and grandchildren Jaimie, Christopher, Neil and Jay. Plaintiff Terry Thorp wants her mother's story told so that other families can be spared this type of tragedy.

"In Lemont my mom had no quality of life and no quality of care. She was being completely neglected and abused. What happens to the residents with no families? Our family was active. My husband and I were always there and her grandchildren visited often. This was supposed to be one of the better nursing homes. We expected quality of care and we didn't get it. In the end, it caused my mom to die early. It is very sad that the last four days of her life were filled with unbearable pain and suffering until her very last breath. We counted on Lemont to take care of her because we could no longer care for her at home, and this is what happened when we trusted them to care for her. If this is happening in a home with a good reputation what is happening in the other homes?" Terry said.