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Levin & Perconti Settles Lawsuit Against a South Suburbs Nursing Home for \$570,000
99-year-old woman dies from asphyxia after neck entrapped between bedrail and mattress

CHICAGO, October 21, 2009 – A South Suburbs nursing home and an unnamed distribution company recently agreed to pay \$570,000.00 to the grandchildren of a 99-year-old woman who died while a resident at the nursing home. Steven M. Levin and Michael F. Bonamarte of Levin & Perconti in Chicago represented the victim’s family in the nursing home negligence and wrongful death case. The settlement was ordered in the Circuit Court of Cook County by the Honorable Judge Kathy Flanagan on October 20, 2009. Under the terms of the settlement, the names of the defendants must remain confidential.

The 99-year-old decedent was admitted to the facility on December 6, 2007 after being hospitalized with seizures. Prior to moving into the nursing home, the decedent had lived in her own home with a caretaker. When she entered the home, the nursing home put bedrails in place. The complaint alleged that the use of bedrails was improper and unnecessary based on the resident’s medical conditions.

On January 27, 2008, as a nurse was making her nightly rounds, she discovered the decedent on the floor next to her bed with her head entrapped between the side rail and mattress. She immediately placed the decedent back into bed and called paramedics who transported her to a nearby hospital. At the hospital, the staff attempted to revive her, but her injuries were too severe and she died several hours after the accident. An autopsy confirmed that the decedent died from compressional asphyxia when her neck became entrapped between the side rail and mattress. The Cook County Coroner who performed the autopsy stated that the manner by which the decedent died was similar to strangulation or hanging.

“The nursing home failed to take the appropriate precautions to prevent our client’s grandmother from becoming entrapped between the mattress and the side rail,” said Michael Bonamarte. “Due to this negligence, she suffered a horrific death. After living 99 plus years, she suffered needlessly during the last conscious moments of her life.”

The Illinois Department of Public Health cited the facility for improper nursing care and resident injury and fined the nursing home \$10,000.

Levin & Perconti is a nationally renowned law firm concentrating in all types of personal injury, medical malpractice, and wrongful death litigation. The lawyers at Levin & Perconti are committed to protecting and vindicating the rights of people who are injured by the negligence of others. Please contact the firm at (312) 332-2872 or visit www.levinperconti.com for more information.

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