

[Print Page](#)

By JILLIAN DUCHNOWSKI - jduchnowski@nwherald.com

Former medical director added to defendant list

WOODSTOCK – The former medical director of a Woodstock nursing home at the center of the “Angel of Death” criminal probe has been added as a defendant to a lawsuit filed by the family of a woman whose death is under investigation.

The family of Virginia Cole, a 78-year-old former cafeteria worker, added then-Woodstock Residence Medical Director Gurbax S. Saini to a wrongful death lawsuit seeking more than \$50,000. The lawsuit does not allege that Saini was part of a plot to give residents morphine that they did not need, attorney Steven Levin said.

Rather, the lawsuit claims that Saini contributed to Cole’s death by acting negligently. Efforts to reach Saini for comment Wednesday afternoon were unsuccessful.

“As the medical director of the nursing home, we believe he had certain obligations,” Levin said.

Cole’s was among three bodies exhumed in 2007 as part of a criminal investigation that led to charges of neglect against the facility’s nurse and nursing supervisor. The felony cases remain pending against Marty Himebaugh, 58, and Penny Whitlock, 61, both of whom also are named in the civil lawsuit.

“Virginia Cole’s family has been subjected to a long, trying ordeal that hopefully in the near future will come to an end,” Levin said, adding that there was no way to determine whether the civil case would be resolved before the criminal cases.

The amended lawsuit filed Wednesday alleges, among other things, that Saini improperly diagnosed Cole with a terminal illness, failed to determine whether she was in pain before authorizing treatment with morphine, and failed to ensure that the facility had proper practices for handling and storing controlled substances.

Cole lived at the Woodstock facility for about two months before her death on Sept. 10, 2006.

Saini was named in a similar wrongful-death lawsuit involving John Sherman, a 52-year-old liver cancer patient who died Sept. 18, 2006, at Woodstock Residence. Saini has denied the allegations in that lawsuit, which is next due in court April 7.

The answering service at Saini’s Island Lake practice indicated he was unavailable until Friday morning. Staff for Woodstock attorney Tom Rausch, who is representing Saini in the Sherman lawsuit, indicated Rausch was unavailable Wednesday afternoon.

The Cole lawsuit also names Whitlock, Himebaugh, and Woodstock Residence. It was filed in Cook County Circuit Court in September 2008 and transferred to McHenry County Circuit Court in July.

Attorneys for Cole’s family have until April 30 to seek information about four other individuals before deciding whether to add them to the lawsuit.

Also on Wednesday, an attorney from the McHenry County State’s Attorney’s Office asked a judge to prevent Levin from receiving information about Cole’s autopsy. Attorney Donald Leist asserted Coroner Marlene Lantz had an investigative privilege.

“In order to avoid jeopardizing the current criminal prosecution, the records sought in the subpoena should remain confidential,” Leist wrote in his motion.

A hearing on the matter is scheduled for March 31.

Copyright © 2010 Northwest Herald. All rights reserved.