
ILLINOIS INJURY LAWYER NEWS BRIEF

August 13, 2010

NURSING HOME ABUSE AND NEGLECT

AUGUST 13, 2010

Will Country 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.

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.

AUGUST 12, 2010

Latest Investigation At An Illinois Nursing Home

WIFR News recently discussed the latest nursing home inspections as part of Operation Guardian – an Illinois program aimed at improving care at nursing home facilities across the state.

Illinois officials conducted the latest surprise investigation at Park Strathmoor in Rockford. While at the facility, the inspectors found several residents with arrest warrants. The nursing home officials had no idea that some of their residents were wanted for crimes. These findings bring to the total number of nursing home residents to found with active arrest warrants to 84 since the Operation began.

As Attorney General Lisa Madigan explained, "people who have criminal histories are not being denied care but... We do not want a situation where elderly, vulnerable individuals are going to be harmed in our nursing homes."

Madigan was spurred to begin the program in part based on the high number of calls her office receives from friends and family of nursing home residents who worry about the care at the facility where their loved one is staying. In fact, many staff members at these Illinois nursing homes have notified state officials about the lacking conditions in which they work.

Our **Chicago nursing home attorneys** at Levin & Perconti have similarly seen the downright abysmal conditions at many of these care facilities. Many nursing homes involved in our legal cases have provided little to no protection for residents victimized at the hands of other residents. It only takes one instance of a nursing home failing to provide proper oversight of residents for sexual and physical abuse to occur.

While Operation Guardian seeks to root out some potential dangerous residents, the vast majority of potentially harmful nursing home residents will remain hidden. That is why it is imperative for nursing homes to conduct their own screening protocols to keep out particularly dangerous individuals. On top of that, these facilities need to provide careful monitoring of all complaints from one resident against another. If you suspect improper treatment of any kind at a nursing home near you, please contact our **nursing home lawyers** and learn what can be done to vindicate the victims and protect all future residents at the facility. Please [Click Here](#) to read more about this latest Illinois nursing home investigation.

AUGUST 11, 2010

Chicago Nursing Home Faces Forced Closure

A negligent **Chicago nursing home** will be closed by the state, reports *CBS 2 Chicago*. Columbus Manor Residential Care Home faces over \$100,000 in fines and closure after Illinois nursing home inspectors uncovered repeated examples of inappropriate care at the facility.

Reports confirm that residents were attacking each other physically, and one elderly female resident was forced to fight off another male resident's attempt to sexual assault her. In another case, the nursing home staff failed to inform the doctor of one resident about his serious illness. The 61 year old resident died as a result.

A basic component of any nursing home care is honest reporting about medical conditions and ensuring a safe living environment for all residents at the facility. However, Columbus Manor was unable to meet even these fundamental requirements of adequate nursing home care.

Our **Chicago nursing home attorneys** at Levin & Perconti are experts in uncovering the negligent, abusive conduct at our city's nursing homes. We have fought countless legal battles on behalf of victimized seniors and their families who have endured these shameful care practices for years. Our commitment is to vindicating the abused and helping to ensure that future acts of **nursing home negligence** never occur.

That is why we support all efforts by Illinois regulators to shut down the worst nursing homes in our city. Unfortunately, many administrators of these facilities refuse to make the necessary changes to ensure that their residents are treated to the quality of care that they deserve and that the law demands. The only recourse is to close them down so that no future resident is put in peril. Please contact our office if you know of any similar nursing home abuses.

AUGUST 10, 2010

Drug CEOs Prioritize Cash Over Nursing Home Resident Care

The Wall Street Journal recently published an article that shed light on a widespread problem that plagues the care given to **nursing home residents** everywhere: corrupt deals between nursing home administrators and drug companies.

The article focuses on Joel Gemunder, the former CEO of Omnicare, the largest distributor of pharmaceuticals to nursing homes. Mr. Gemunder officially announced his retirement last week, taking almost \$130 million in pension benefits on his way out. The amount is a staggering sum of money for a single individual, especially considering that the stock value of the company he is leaving dropped over 60% in his final years running the enterprise.

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The mammoth pension amount is consistent with how Omnicare has prioritized values: cash over quality--profits over care. Over the course of its history, the company has even shown a willingness to break the law in order to make as much money as possible. A recent Chicago example has made headlines.

As has previously been reported on this blog, Chicago nursing home magnet Morris Esformes sold his company, Total Pharmacy, to Omnicare several years ago. Recent records have uncovered that during the sale process, Mr. Esformes illegally took kickback money from Omnicare to ensure that certain pharmacy contracts would remain in place following the sale. Besides being an illegal dedication of Medicare and Medicaid funds, these practices trivialize **nursing home care**.

Instead of making pharmaceutical choices based on quality and need, these practices treat senior medication as if it were merely a way to maximize profits. Our senior nursing home residents should receive the best medication possible targeted directly to their need. However, as this story indicates, Chicago nursing home operators and large drug companies are collectively using our nursing home residents as means to increase their own wallet size.

Our **Chicago nursing home attorneys** at Levin & Perconti support the simple values of quality and balance in nursing home care. It should not be a controversial position to believe that the most important goal of nursing home operators is to provide the best care possible to the residents in their facility. Sadly, quality care continues to take a backseat to profits at many Chicago nursing homes. If you know of an incident at a facility near you, please contact our offices and learn how we can help.

AUGUST 9, 2010

Nursing Home Fails to Prevent Sexual Abuse

A nursing home has been cited by state officials for failing to prevent and properly report the tragic sexual abuse of one resident at the facility by another resident.

The *Lexington Herald-Leader* is reporting on the incident. An 88 year old Alzheimer's resident at the facility, Mae Campbell, was in her room when a male resident entered and refused to allow her to leave. When nursing aides finally found Ms. Campbell in her room, she had semen on her and the male patient's privates were exposed.

The state has issued several citations against the facility, noting, "'The facility failed to protect residents from unwanted sexual contact, failed to report the allegations to appropriate state agencies and failed to thoroughly investigate the allegations of sexual abuse.'

Alzheimer's patients at nursing facilities across the country are often treated by both staff members and other residents in a disturbing, dehumanized manner. It is incomprehensible for any of our elderly friends and family to have their dignity abused as they suffer mental and physical health problems. Our **nursing home abuse attorneys** at Levin & Perconti have waged countless battles against all those who take advantage of these vulnerable community members. **Elder abuse** will not be stopped unless all those who witness the conduct report it and take action.

The family of Ms. Campbell came forward with their story in order to shed light on the problem. Ms. Campbell daughter explained, "It is my hope that today's charges send a message to nursing home operators and administrators that they have an obligation to notify authorities if a resident is abused while in their care,"

Our lawyers encourage friends and family of nursing home residents to pay close attention to the care provided at their facility. All too often no one speaks up for these abused, suffering seniors -- not even the nursing home workers in charge of their protection. To read more about nursing home abuse, please [Click Here](#).

AUGUST 8, 2010

Nursing Home Negligence Leads to Wheelchair Accident

A basic part of almost all nursing home care is the guarantee that staff members will ensure that the most vulnerable residents be given near constant supervision to prevent harm. Many patients in these facilities decided to begin living there precisely because they had conditions which required close monitoring to ensure their safety. Yet, despite the simplicity of the task, day in and day out many nursing home staff members fail to follow through and give **inadequate supervision**, leaving vulnerable residents alone.

That is what happened last week at a nursing home in Scranton. The *Times-Tribune* reported on the serious accident at the Jewish House, involving 81-year old resident Elizabeth LaCoste.

After watching a musical performance with several other residents away from the facility, Mrs. LaCoste was left outside the performance center in her wheelchair. The sidewalk where she was left was slanted, with one side pitching downward toward a side street. Without nursing home staff to assist her, Mrs. LaCoste's chair eventually started traveling down the slope. Eventually, her wheelchair rushed all the way to the bottom, popped over the curb, and threw the helpless nursing home resident into the middle of the hard, paved road.

The careless nursing home staff incident resulted in Mrs. LaCoste breaking her collarbone, suffering head injuries, bruises, and abrasions. She died a month after the accident.

Our **Chicago nursing home attorneys** at Levin & Perconti sympathize with the friends and family of Mrs. LaCoste and understand their outrage at the treatment of their loved one. **Elopement** occurs all too often at these facilities, where residents are ignored for too long or in too risky situations, resulting in harmful accidents like this. If you know of similar problems at a nursing home near your, please contact our offices to learn what can be done to stop it.

AUGUST 7, 2010

Nursing Home Negligence Causes Deadly Fall

The *Los Angeles Times* reported on a tragic act of **inadequate nursing home care** that has led to the death of a resident at the Pilgrim Haven Health Facility.

The doctor for the 85-year old victim was very clear when he explained to nursing home officials that the patient had a heart condition and diabetes which required his walker be nearby at all times. In addition the doctor explained that the resident would require supervision at all time while walking or attempting to walk. However, even those simple, direct commands were too much for the negligent nursing home staff to handle.

The resident first fell in early October attempting to get out of his bed. His walker was not within his reach. An employee found the man, claims he only suffered a small scratch and failed to check-up further. Two months later the elderly resident fell yet again. A quick neurological examination after the second fall did show any major problems, but that same night the man began looking pale, listless, and started vomiting.

However, because of short staffing levels, no registered nurse was on duty the night the patient began having these problems. Because of that, nursing home employees basically ignored the symptoms for several hours. Employees only acted the next morning, transferring the man to the hospital where he died very shortly after arriving. Doctors at the hospital immediately discovered that head trauma had caused bleeding in the man's brain, but by the time he arrived at the hospital it was too late to save him.

Following the incident state health officials have cited the nursing home for its abuse and negligence. They are required to pay a \$100,000 fine and improve its fall monitoring. Regardless of their failure to having proper nursing staff on hand, and inability to effectively monitor the movement of a known-fall risk, the nursing home officials still claim that they acted properly. They are appealing the decision.

Nursing home negligence, like the failure to prevent falls, occurs at facilities big and small in all parts of the country. Unfortunately, any time that a facility stands to lose money because of their bad acts, they resort to all he legal maneuvers in their arsenal to avoid paying. That is where our **Chicago nursing home attorneys** at Levin & Perconti come in. Our attorneys have decades of experience fighting for the friends and family of victims similar to the resident in this case. We are committed to standing up the large nursing home companies and asserting the legal rights of

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those injured by their mistakes and abuses. If you need help standing up to an abusive nursing home, please contact our offices and explain your story.

AUGUST 6, 2010

Effect of New Illinois Nursing Home Laws

In several posts over the past two weeks we reported on the new legislation recently passed by the General Assembly and signed into law by Governor Pat Quinn to improve safety and care at nursing homes in Illinois. The new **Illinois nursing home law** mandated new staffing levels at many facilities and increased background checking of incoming residents. The purpose of both prongs of the legislation was to ensure that all residents were lawfully at the facility and that sufficient resources were available to provide them with the level of care they deserved.

The effects of the new mandates are already being seen at Illinois nursing homes as several facilities begin ramping up their staff levels and quality of care measures. For example, as reported in *Rockford's Channel 13 News*, the Asta Care Center in Rockford recently admitted that to comply with the new regulations, it would need to hire two to four more psychiatrists and social workers. These new workers, said an administrator at the facility, will provide more daily face-to-face interaction with nursing home residents. This increased professional care will allow the facility to properly measure the happiness of the residents of efficacy of the nursing home's programs on health and wellness. These are small, but important steps in the effort to stop **nursing home abuse** and neglect.

These new requirements incumbent upon Illinois nursing homes mark the bare minimum quality of care for elderly residents at these nursing homes. The failure of many current facilities to meet these basic care standards marks the obvious problem we still have across the state in providing abuse-free treatment of our seniors.

Our **Chicago nursing home lawyers** at Levin & Perconti understand this continual fight to provide respectable care to our vulnerable seniors. We plan on working hard to ensure that the new law in Illinois is honored by nursing home administrators. If you suspect inadequate care at a facility near you, please contact our office to discuss the legal options to improve the quality of care provided to the residents at the nursing home.

MEDICAL MALPRACTICE

AUGUST 13, 2010

Negligent Hospital Misidentifies Infant Remains

This week the *Houston Chronicle* discussed an unfortunate **hospital mistake** that led to additional suffering for an already devastated family. Amy Ramos was five months pregnant when she began have physical problems related to the pregnancy. She rushed to the hospital only to discover that the fetus was without a heartbeat. There was nothing that could be done to save the child. Mrs. Ramos was forced to undergo a surgical pregnancy the next day to remove the fetus. Amy and her husband Richard held a funeral service three days later with what they thought were the remains of their five month old fetus.

However, shortly after the service, the hospital discovered that they had never given the proper remains to the funeral home. Instead, an unidentified big toe was actually delivered and placed into what the family thought was the burial container.

Of course, news of the mix up only further agonized the grieving couple. The burial container had to be exhumed. The couple was then forced to have another service three days later with the proper remains, undergoing the painful process for the second time.

Patients and their families place immense trust in hospital employees to handle the most delicate and important parts of their lives. Besides quality health care, these medical facilities should also be held to a basic standard of responsible administration of affairs following tragic deaths. No family should have to endure the pain felt at losing an expected child. It is especially unconscionable for the suffering family to have their grieving processes upended by this careless **hospital error**.

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Please contact our **medical malpractice attorneys** at Levin & Perconti any time that you have suffered at the hands of negligent conduct by hospitals aides, nurses, doctors, staff, or administrators. We are committed to putting our decades of legal experience in this area to ensure that your rights are protected.

AUGUST 12, 2010

Jury Awards \$2.35 Million in Medical Malpractice Case

A medical malpractice trial recently ended involving a terrible **medical misdiagnosis** of a kidney problem in a young 24 year old mother of two. As reported in the Washington Post, Yesenia Rivera went to her local emergency room several years ago complaining of pain in her left side. The doctors incorrectly believed the pain was caused by kidney stones. They gave her medication and sent her home. Two days later, however, Rivera was again suffering from extreme side abdominal pain. She rushed back to the emergency room to seek help. ER doctors believed that she was suffering from either a gallbladder problem or ectopic pregnancy.

It was until twelve hours later that it was finally discovered that Rivera was in fact suffering from a kidney infection. The delay in diagnosis allowed the infection to spread. Eventually gangrene set in, leading to severe amputations. Ms Rivera ultimately lost part of her left leg and her right foot. In addition, in a syndrome called "autoamputation" the several injured tips of her fingers literally fell off on their own.

The debilitating injuries have costs hundreds of thousands of dollars in medical bills and lead to months of physical therapy. On top of that, Rivera now uses prosthetics and has been unable to work since the complications from the **delayed diagnosis**.

Our **Chicago medical malpractice lawyers** at Levin & Perconti have fought for decades for the rights of victimized patients like Ms. Rivera. The mismanagement of her care by the physicians at the emergency room that treated her is an unacceptable breach of the care all medical patients deserve.

Often forgotten in cases discussing these medical errors are the other innocent victims when these mistakes are made, like Ms. Rivera's two young children. All the suffering that their mother endured affects their day to day lives. Our medical malpractice attorneys are committed to pursuing justice both for the patients hurt by medical negligence and the suffering family who was also scared by the mistake.

AUGUST 11, 2010

\$19.5 Billion Worth of Medical Mistakes Each Year

The *Wall Street Journal Blog* recently posted on the staggering cost of **medical errors** each year in hospitals across the country. The Society of Actuaries commissioned the study into the cost of these errors on the U.S. economy, using an admitted conservative estimate of 1.5 million errors in a year.

All told, the cumulative amount spent on these medical errors including actual healthcare costs, lost productivity, and increased mortality rate is slightly less than \$20 billion. Other studies have attempted to measure the true cost of the preventable doctor mistakes, but this latest study offers the largest sample size, using neutral data, and with better control measures. In other words, these study results represent the best analysis to date on the true economic cost of medical malpractice.

Interestingly, the costliest error is **bed sores**. These sores (also known as pressure sores) are almost always caused by negligent medical care and involve patients developing deep skin lesions caused by constant pressure on bone prominences on the body. They develop when a patient (or nursing home resident) is not given the proper care while spending large amounts of time in bed.

As these figures indicate, the financial cost of medical errors alone should be enough to prompt drastic efforts to ensure that they occur less frequently. Of course these economic figures do not factor in the terrible emotional, mental, social costs caused by preventable hospital mistakes.

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As our **Chicago medical malpractice attorneys** at Levin & Perconti are fully aware, entire families are often torn apart by doctor mistakes that could easily have been prevented. Renewed energy and effort should be placed on identifying troubled hospitals and doctors, holding them accountable for their errors and ensuring that they do not injure other patients.

AUGUST 10, 2010

Hospitals Should Do More to Prevent Infections

A *Las Vegas Sun* editorial last week blasted the inadequate measures taken by most hospitals to prevent the spreading of **hospital borne infections**. As the paper explains, while these infection rates--which are almost always preventable--should be dropping as hospital administrators become more aware of the problem, the rates are actually increasing. In fact, in just the area sampled in the investigation, MRSA cases (one of the most common types of hospital infection) rose by nearly 34 percent in 2009.

The rise in infection rates is all the more disappointing because the methods of eliminating the problem are widely known. It is not too much for patients to ask that their hospitals be clean and safe. The only thing needed is for doctors, nurses, aides, hospital administrators and all other medical personnel to step up and follow the well-known prevention procedures. Too many healthcare workers, however, refuse to follow simple steps and risk the lives of all patients instead. As the editorial reports, "among the most egregious of these practices are when patients with contagious infections are placed in rooms with uninfected patients, rooms are not adequately cleaned between patient stays and medical professionals fail to wash their hands".

The problem is made even more urgent by the seriousness with which the complications affect patients. These infections have the potential to cause complicated harm and even death to those unfortunate patients who happen to fall victim. For example, the investigation found one patient who went into the hospital to undergo hip surgery only to die later from an infection he received at the hospital.

Overall, estimates suggest that the hospital infections cost Americans up to \$30 billion a year in medical bills and claim the lives of over 100,000 individuals. These stats alone should be enough to jolt the medical community into finally doing what is right. Our **Chicago medical malpractice lawyers** at Levin & Perconti have decades of experience acting as tireless advocates on behalf of patients who received substandard care at hospitals. **Inadequate medical treatment** is never acceptable. Please contact our offices if you or someone you know has faced similar complications following a hospital visit.

AUGUST 9, 2010

Girl Suffocated To Death At Hospital

St. Louis Today recently discussed the tragic suffocation death of a sixteen year old girl at the SSM DePaul Health Center. As the newspaper uncovered, the death was only one of a string of error-riddled incidents at the hospital over the last several years.

Alexis Evette was a foster child at the facility who had an emotional fit and began hitting, biting, and scratching staff members at the hospital. In an attempt to restrain her, two aides grabbed Alexis's arms and held her face down into a bean bag while a nurse injected what was supposed to be a calming sedative. Alexis continued to scream and kick for a short while after the injection before eventually going limp.

After she stopped moving, the aides all left the room without checking on her in any way. It wasn't until another ten to twelve minutes that another nurse saw Alexis, noticed that she clearly looked askew, and rushed into the room to check on her. The nurse discovered that Alexis was not breathing and only had a faint pulse. There was nothing that could be done, however, and Alexis died shortly after. The medical examiner ruled the incident a homicide, noting that the girl suffocated to death in the bean bag where she was held face down.

The improper restraint that killed Alexis is unfortunately an all too-common occurrence. Our **Chicago medical malpractice attorneys** at Levin & Perconti have witnessed similar forceful conduct with troubled patients at hospitals, leading to serious injuries and death. Obviously, it is imperative that aides at these facilities understand that patients not be held down in a way that constricts their breathing. Besides that, it is a basic staple of care that a patient be checked after being given a sedative. There is simply no excuse for the complete lack of concern with Alexis's care that led to her death.

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The abuse of Alexis was just the latest in a string of problems that SMM DePaul. Investigators were already looking into an incident where a urologist at the facility removed the wrong kidney of one patient. Besides that, there are 28 other reports of inadequate medical care and complete disorganization at the facility from other wrong-site surgeries to baby abductions.

The continuing errors at the hospital are enough to shock any patient. Yet, authorities remain unclear on whether they will seek to close the facility or impose other sanctions. The inaction of state officials makes it all the more important for patients themselves to hold abusive and **dangerous hospitals** accountable. Please [Click Here](#) to read more about the extent of the dangerous medical errors at this single hospital.

AUGUST 8, 2010

New Medical Malpractice Case Involving Improper Device

The *West Virginia Record* published a story at the end of this week regarding another **medical malpractice** case. Diana Boerke sought medical care at the St. Mary's Medical Center to treat a pelvic prolapse. The painful problem occurs with the weakening of the pelvic muscles that allows the pelvic organs to slip out of place. The problem occurs only in woman and requires close care to ensure that no more serious complications arise. Mrs. Boerke's physician, Dr. Mitchel E. Nutt told her that she needed to implant a medical device as part of her treatment, specifically a Ugytex polypropylene mesh, a component of the Avaulta Anterior and Posterior BioSynthetic Support Systems. The device is made by well-known manufacturer C.R. Bard.

Unfortunately for Mrs. Boerke, however, the newly implanted medical device caused her much more harm than good. As the complaint she filed in the malpractice lawsuit indicates, she has suffered severe physical pain from the accident. Since the implant, Mrs. Boerke has suffered the loss of her pelvic organ system as well as severe deformity of that part of her body. All of this does not even include the mental and emotional toll that she and her family has endured throughout this medical nightmare.

Our **Chicago medical malpractice lawyers** at Levin & Perconti are experienced legal experts in fighting for the rights of those harmed by the medical devices that were supposed to help them. Medical devices come in all shapes and sizes and are used to treat a wide range of medical problems and ailments. However, their use is a delicate process that involves precision and skill to implant. Any time a foreign object is used on the human body, it may lead to severe complications when not properly inserted or maintained. That is why all patients should remain vigilant to their symptoms to ensure that they catch problematic medical devices as soon as possible.

No patient should have their health worsen because of devices that are supposed to improve their health. If you or someone you know has been a victim of this type of medical malpractice, please contact a **medical malpractice attorney** to better understand your legal rights.

AUGUST 7, 2010

Lab Mistakes Lead to False Cancer Diagnosis

Many people are aware of the deadly consequences of doctors who fail to diagnose a medical problem or wait too long before giving an official diagnosis. A similar medical mistake that is less discussed but with just as harmful consequences is when doctors tell a patient that they have a deadly condition only to later discover that the patient was healthy all along.

The Boston Globe recently discussed an example of that type of **medical malpractice**. Manuel Barros's life was turned upside down when, after receiving a biopsy, he was told by his doctor that he had prostate cancer. Willing to do whatever it took to get his health back, Mr. Barros endured a painful surgery to help eliminate the supposed cancer. As a result of the surgery, Mr. Barros suffers from incontinence (forcing him to wear adult diapers) and erectile dysfunction.

However, shortly after his surgery, Mr. Barros doctor informed him of a serious mistake: Mr. Barros never even had prostate cancer. As part of the laboratory process following his biopsy test, the lab had switched Mr. Barros slides with that of another patient. The other patient, Thomas Cloutman, actually had the cancer instead. Mr. Barros was cancer-free all along.

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That meant that the months of mental exhaustion, emotional trauma, and the physical toll of the surgery was all for naught. If the lab had only correctly handled the testing materials, Mr. Barros would never have needed to endure any of it.

On the other hand, Mr. Cloutman is facing a similar roller coaster of problems. The mistake meant that he has to endure the flip side of emotions, learning that his negative diagnosis was wrong, that he was indeed suffering from cancer. It is unclear how much the eight-month delay in diagnosis will affect the chances of his full recovery.

Basic healthcare errors like this one involving **misdiagnosis** are reminders of why advocates need to carefully monitor medical officials to ensure they meet the standard of care patients deserve. Our **Chicago medical malpractice lawyers** at Levin & Perconti act as watchful advocates holding hospitals, labs, and other medical providers accountable for the grievous errors they sometimes make. Patients like Manuel Barros have no option but to trust that their medical information and testing materials are handled properly. There is nothing he can personally do to monitor the process. Please contact our medical malpractice offices if you or someone you know has been similarly affected by medical errors.

CAR ACCIDENTS

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.

AUGUST 11, 2010

Dangerous Railroad Crossing in Chicago

Chicago city officials have finally admitted that a dangerous train/road intersection is too risky to remain in place and will be improved this month.

The Chicago Tribune reported on the planned changes to the crossings in the Union Pacific Railroad Corridor on Nagle Avenue between Avondale and Northwest Highway.

This particular crossing near the Kennedy Expressway is a high-volume location, presenting many opportunities for **car accidents**. An earlier report by the Tribune uncovered how this intersection was one of the most dangerous on all of Chicago's roads. The set-up around the road/train track crossing makes it common for cars to build up while waiting for the light in front of them to change. Many vehicles end up getting caught on the

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tracks, unable to move until the light changes. That means that many drivers find themselves in the predicament of hoping for a light change before a train comes down the line.

A bridge appears to be the ideal way to remove the danger from the railroad crossing. However, the current plan is simply to improve signage, add concrete panels, and a few other smaller changes in the upcoming month. The more expansive measures (like bridge building and improved electronic circuitry) are too expensive for the city.

Our **Chicago car accident attorneys** at Levin & Perconti encourage all drivers not to take unnecessary risks in order to save time on the road. The potential harm is simply too high to take ones chances while waiting on a live train track. As this report suggest, all across the city there are driving locations that offer particularly high chances of getting in a **vehicle accident**. It is not possible to eliminate risks of the road completely, but no one should increase that risk unnecessarily.

AUGUST 9, 2010

Car Collides With Metra Train

According to the *Daily Herald*, a local man was killed last week when his car was struck by a fast moving Metra train. Authorities explain that the man was driving his vehicle at a high speed last Wednesday while it was raining. As he was coming upon the **railroad crossing**, the lights were flashing indicating that a train was approaching and that driver's should stop. However, witnesses report that the man ignored the flashing lights and barreled through the intersection anyway.

Unfortunately, he miscalculated and his car struck the front of the Metra train that was traveling through the intersection. The man's vehicle was crushed and began spinning for several seconds. It eventually burst into flames. When authorities arrived at the scene, the vehicle was on its roof and the driver could not be saved.

The tragic accident is an example of how driving risks often compound on one another. Obviously, all train traffic signals should be carefully obeyed. Human perception is often inaccurate, and even when someone believes that they can make it without getting hit, they are often wrong. In this case, witnesses also noticed that the man was driving way too fast for the conditions, indicating that he may likely have been unable to stop in time to obey the warning signal. Two driving risks, speeding and disobeying signals, combined to cause the deadly accident.

Our **Chicago car accident attorneys** at Levin & Perconti offer condolences to all those suffering after this accident. Crash crashes leave devastated family and friends in their wake. Occasionally they are caused by completely accidental circumstances, at other times by driving mistakes. In all cases, however, countless victims suffer enduring emotional and physical pain. If you have been connected to any **car accident**, feel free to contact our offices to learn more about your potential legal rights.

AUGUST 7, 2010

Car Crashes Into CTA Bus

Another **traffic accident** that occurred in Chicago last night is a reminder that transportation always poses a risk no matter what form it takes. Whether you are in a car, plane, boat, public bus, or any other form of travel, there is always a chance that an accident might occur. *My Fox Chicago* reported on the two vehicle crash involving a CTA bus and a car.

Shortly before 8am yesterday morning, the CTA bus was at a stop in Lawndale on the west side of city. The other vehicle was coming up behind the bus and was unable to stop before smashing into the back of it. Authorities are still investigating and have not yet determined the exact cause for the car's failure to properly stop to prevent the accident.

Nine passengers on the bus were injured in the rear collision. They were all sent to nearby hospitals with various injuries. As this car crash yesterday demonstrates, the risk of injury when traveling is present even in the moments when we feel most secure. The nine injured passengers likely felt they were in no danger while sitting on a large public bus stopped at a light on the west side of the city. Yet, it was precisely at that calm

moment that the likely negligence of another vehicle caused it to careen into them in the harmful accident. The lesson is clear: danger exists any time we are on the move.

Our [car accident attorneys](#) at Levin & Perconti have decades of experience examining the legal side of accidents and injuries on the roads. Our years of legal work have exposed our attorneys to [vehicle accidents](#) of all shapes, sizes, and forms. We understand that traveling is inherently risky. All that can be done is for each person to follow ordinary standards of care when traveling. If you or someone you know is injured in an accident caused by another driver who failed to follow those basic standards of care, please contact our offices to learn about your rights as a driver.

TRUCKING ACCIDENTS

AUGUST 12, 2010

Ongoing Legal Battle in Illinois Truck Accident

A recent story in the *Springfield News-Sun* serves as a good example of the legal complexities involved in many [traffic accidents](#). When crashes occur on our highways, often there are two types of legal proceedings involved: criminal and civil.

If one driver is disobeying any traffic laws as part of the accident—from illegal lane changes to speeding—than they may be charged in a criminal court. The criminal proceeding involves the possibility of state penalties like fines and time in jail.

On the other hand, there also may be a civil legal case involved. A civil case does not pose the risk of jail, but instead seeks to compensate one private individual for losses they suffered because of the actions of someone else.

Each proceeding involves unique rules, regulations, time limits, and legal nuances. For example, earlier this year a semi-trailer was involved in a deadly accident on Illinois Interstate 70. The truck driver, a Chicago resident, was driving too fast for the raining conditions, ultimately slipping on the road and hitting other vehicles. Six other passengers were hurt in the accident, with four of them killed. The driver was criminally charged for vehicular manslaughter because of his inappropriate speed. He is facing the possible of up to a year in jail.

However, he also could be charged in a civil suit for his negligent actions. In that case, he may have to pay for the financial, physical, and emotional losses suffered by the crash victims. Besides that, the legal principle respondeat superior makes it possible for the injured individuals to sue the trucking company for their involvement in the wreck. After all, the negligent driver was hired by this company, was using their truck, and was working under their watch when the accident occurred.

Each of these types of legal proceedings involves many different unique principles and processes. That is why for even straight-forward accidents, it is important to seek expert legal help to sort through the legal jargon. Our [Chicago truck accident lawyers](#) at Levin & Perconti are experts of helping to resolve your situation as quickly and efficiently as possible. Anyone injured in these types of truck crashes deserve to be compensated for their losses. Please contact our [truck accident attorneys](#) and learn more about your options.

AUGUST 10, 2010

Motorcycle Collides With Semi in Illinois

An Illinois man is in critical condition following a tragic accident in Southern Illinois. *The Evansville Courier Press* reported on the [truck accident](#) yesterday morning. Dennis Smith was on his motorcycle westbound on the two lane highway, Route 13. At some point during his ride, Mr. Smith crossed out of his lane and entered the eastbound side of the highway. It was then that the motorcycle crashed into the front of a tanker headed in the opposite direction being pulled by a semi-truck.

This type of crash is one of the most devastating on our roads: a head on collision between a tanker truck and a motorcycle. However, our highways constantly present risks and driving hazards that make these types of accidents all too common.

The news and information reported on this wrap-up represent the legal actions of attorneys throughout the United States. Our firm does not claim to represent plaintiffs in all of the lawsuits, settlements, and jury verdicts reported, only those noted as Levin & Perconti cases.

Most of us have driven on old two lane roadways that do not provide much extra security room to avoid traffic going in the opposite direction. On these roads even the smallest swerve from one side of the lane to the other can have consequences like the one here. It is therefore imperative that all drivers maintain constant focus on the roadway during their travels. That challenge is made even more important if weather conditions or other factors complicate the driving effort.

Trucking accidents are some of the most devastating crashes on roadways today. Our **truck accident attorneys** at Levin & Perconti understand the harm caused by these wrecks. We represent all those affected by them, seeking to ensure that the rights of those involved are protected. Please contact our office if you would like to learn more about your rights following a similar accident.

AUGUST 8, 2010

Semitrailer Crashes and Bursts Into Flames

WDEF News reported yesterday on deadly **trucking accident** that took the life of the driver and snarled highway traffic for hours. Shortly after 9:30 in the morning on Thursday a tire blew on a semitrailer traveling along the freeway. The tire went out just as the truck was rounding a curve in the road, and the driver of the vehicle was unable to control it following the blowout. Eventually the out-of-control truck hit a guardrail, flipped over the rail, and careened down a ravine on the side of the road. Almost as soon as the trailer hit the bottom of the ravine, it burst into flames.

Witnesses saw the accident and rushed to the scene. However, with the flames rising instantly, no one was able to get to the driver in time. The flames were so intense for so long that the driver's body, the trailer, and all the material inside were virtually unidentifiable.

Our **trucking accident attorneys** at Levin & Perconti have decades of experience understanding the legal implications of these vehicle crashes. The size of these large moving machines and the speed at which they travel on our highways mean that they possess the potential to do immense harm. Fortunately in this case, the semi did not snare other vehicles in its wake. However, more often than not, when drivers lose control of these trailers, other cars, pedestrians, and property are devastated in their trail.

The potential for damage makes it all the more important for semi owners and drivers to take all possible precautions to ensure that safe driving is always practiced. From driving at the appropriate speed for conditions and making lane changes in a safe manner, it is imperative for semitrailer drivers not to make potential deadly driving mistakes. Please contact a **trucking crash attorney** if you know of anyone involved in a harmful semi accident.

BRAIN INJURY

AUGUST 10, 2010

Mother of Motorcycle Accident Victim Pleads for Others to Use Helmets

Nearly three decades ago Terry Pomatto "lost" her son to a motorcycle accident. Steven Paul Fowler, Terry's son, suffered a **traumatic brain injury** while riding his motorcycle when an animal ran into the road in front of him. Unable to stop Steven crashed, killing one passenger, while personally suffering a traumatic brain injury. Steven did not pass away, but his life was never the same. After weeks in a coma, Steven woke up unable to do even the most mundane tasks. "It took months just for him to learn to open his mouth, to chew food, to swallow," Pomatto said. Steven eventually regained the ability to speak, and eat, but only in a limited capacity, and he was never able to truly function as he was before the accident. Steven never made it out of the nursing home.

Steven's mother had bought him a helmet a few weeks prior to the accident, but unfortunately Steven was not wearing it when he collided with the wild animal on May 31, 1981. A few days after the accident, Steven's mother went to his house to pick up a few things and found the helmet sitting on the kitchen table. As a mixture of emotions swelled inside her, Terry picked up the helmet and threw it against the wall.

Steven suffered from a traumatic brain injury. The [Mayo Clinic](#) describes a traumatic brain injury as “the result of a sudden, violent blow to the head — which launches the brain on a collision course with the inside of the skull. This collision can bruise the brain, tear nerve fibers and cause bleeding.” Additionally, According to the National Institutes of Health, “half of all traumatic brain injuries are caused by collisions involving cars, motorcycles and bicycles.”

To limit these injuries, it is important for an individual riding his/her motorcycle to wear a helmet at all times. Although a helmet will not completely eliminate the chance of a traumatic brain injury, it can reduce it significantly.

Currently, there is no law in Illinois which requires an individual to wear a helmet while riding a motorcycle. Although there have been attempts to create one in the past, the legislature has never successfully passed a law to such effect.

How many more cases like Stevens' will it take before Illinois understands the severity of brain injuries? Illinois, after many years of traumatic injury, passed a law in which individuals in [motor vehicles](#) had to wear seat belts. I suspect (and hope) that a law requiring the use of helmets for motorcyclists is not too far away. It will save many future families from the heartache and pain suffered by Steven's family.

Our Chicago accident attorneys at [Levin & Perconti](#) recommend that all motorcyclists wear helmets to help avoid potential brain injuries and death. We offer our deepest sympathy to Steven's family and all other families who have suffered a loss caused by a motorcycle accident.

BIRTH INJURY

AUGUST 12, 2010

Jury Awards Birth Injury Victim \$510,000

Xzavier Hyman, a four year old child from Staten Island, was recently awarded \$510,000 in a [Medical Malpractice](#) action against the obstetrician-gynecologist responsible for delivering him. Xzavier's mother, Ms. Spicer, was going through a difficult birth so Xzavier's doctor, Dr. Paul Heltzer, ordered the use of Pitocin, a drug which helps speed up delivery by inducing contractions, to help her along in the birthing process. Pitocin is commonly used for women who are having difficulty delivering their child. However, Dr. Heltzer made the mistake of administering the drug for too long which put stress on Xzavier's brain, causing three or four strokes and three seizures within 10 hours of his birth.

Xzavier's attorney's successfully argued that Ms. Spicer was kept too long on Pitocin, and her relentless contractions stressed Xzavier. Additionally, they argued that a [Caesarean operation](#) should have been performed several hours before Ms. Spicer gave vaginal birth to Xzavier. If these steps were taken, Xzavier's injuries could have been avoided.

The delivery, and subsequent strokes and seizures, left Xzavier with permanent injuries. Xzavier still suffers from some speech and fine motor skill deficiencies, the gap in IQ between him and his peers has continued to widen, and his life expectancy was cut approximately six years.

Both Xzavier's mother and attorney expressed joy that the verdict came down in their favor, but disappointment that the award was not higher. Many [birth injury](#) malpractice cases award damages far greater than the \$510,000 that Xzavier received. Much of this is based on the ongoing medical bills that a child will face as he ages because of the injury.

It is worrisome that Xzavier's medical bills may soon consume his \$510,000 verdict and leave him with nothing but the injuries he suffered at birth. Only time will tell how serious Xzavier's developmental delays really are, and the attorneys at [Levin & Perconti](#) hope that Xzavier is able to make a full recovery in the near future and live a healthy and normal life.

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