

ILLINOIS INJURY LAWYER NEWS BRIEF

September 7, 2010

NURSING HOME ABUSE AND NEGLECT

SEPTEMBER 7, 2010

Hospital Status Affect Medicare Nursing Home Coverage

Managing the financial details of entering and staying in a [nursing home](#) can be complicated and confusing for many potential residents. The consideration of whether Medicare will cover a nursing home stay depends on the official status that a patient receives at a hospital before being moved to the nursing facility, according to the *Washington Post*.

Specifically, Medicare will typically only cover a follow-up stay at a nursing home if an individual has three consecutive days of hospitalization as an inpatient. It will then pay for up to 100 days of rehabilitation or skilled nursing care. An inpatient is distinct from being labeled as an observation patient—where doctors are simply providing watch over a patient to ensure no complications or problems develop. When considering post-hospital care options, it is important to know that official label. A single patient can be switched from inpatient to observation patient, but the doctor is required to notify you if that change occurs.

It is not possible to appeal the official hospital determination of your status, regardless of whether or not you feel that you will need nursing home care following the hospitalization. Some suggest calling your personal physicians and asking him or her to talk to the hospital on your behalf regarding your patient label if you strongly believe that you should be considered an inpatient instead of at the hospital for observation only.

If that option does not work, it is still possible to enroll at a nursing home and ask Medicare to be billed. The request will likely be denied, but that can be appealed. However, if those appeals are not accepted, the individual patient will be responsible for the charges.

Our [Chicago nursing home attorneys](#) at Levin & Perconti understand that finances are one of many concerns that potential residents and their families have when deciding how to provide necessary care following hospitalizations. While figuring out the cost of nursing home stays, it is incredibly important to also consider the quality of the facility that may be used. Our lawyers have seen first-hand the devastation caused by [bad nursing homes](#) that do not take resident health, safety, and dignity seriously. There is extreme disparity in the quality of care provided at some nursing homes as opposed to others. It is vital to understand the quality of these facilities before making a final decision.

SEPTEMBER 6, 2010

Vulnerability of Seniors Make Them Targets For Financial Predators

The *Sandusky Register* recently posted a story that helps better explain the problem of [elder financial exploitation](#). We have often discussed the problems of senior financial abuse here—each day seems to present another story of a vulnerable senior citizen losing money in one of these scams.

Our [Chicago nursing home attorneys](#) at Levin & Perconti are specifically attuned to the problem when it occurs at nursing care facilities. Often the staff members at nursing homes have access to financial records, banking documents, and personal information that make it very easy to steal funds from the residents who trust them to help handle their affairs.

The reasons for the exploitation of seniors vary, but the recent news post helps explain what makes our elders particularly attractive targets for criminals. Seniors have years of working under their belts with a lifetime of savings. These large nest eggs attract the attention of those willing to

defraud others for money. Many seniors have also lost a spouse or partner—that means they are single, without a second individual looking out for their dealings with others. In fact, many elderly individuals are isolated socially. The loneliness of many seniors often make them eager to give their confidence and trust to those posing as salesmen or other scammers, willing to accept any deal offered. Besides that, seniors are culturally polite and report feeling guilty if they tell a potential fraud artist that they are not interested in some offer or if they hang up a phone without having a conversation.

In addition, seniors are more likely to not be well-versed in computer use, making it harder for them to gather information and look into the validity of financial dealings. On a more basic note they are also more likely to have memory problems. Those impairments can be exploited by financial predators.

It is important to take special care to notice the susceptibility of our elder friends and family to **financial abuse**. Anyone who is in a position of authority or power should be especially carefully to ensure that these senior finances are protected.

SEPTEMBER 5, 2010

Workers Ignore Nursing Home Alarm Leading To Death

A **nursing home lawsuit** was recently filed following the heartbreaking death of 87-year old Sylvia Ploszay in February, reports the *Milwaukee Journal-Sentinel*.

Clement Manor is a nursing home that also has some assisted-living apartments within it. Sylvia was living in one of the apartments when the accident occurred. She suffered a cut in a varicose vein and began to bleed. She needed quick emergency care. To get it, Sylvia pulled an emergency cord that was located in her unit to specifically help in situations like the one she faced. It was shortly at midnight when Sylvia summoned help. Unfortunately, it would not arrive quickly.

A nurse's aide was supposed to be on duty to handle these emergencies. However, she ignored the alarm. When another resident heard the alarm and called the aide to ask if she was going to help, the aide replied that she was watching TV but would handle it. It seems that the nursing home staff member simply hung up after that call and returned to the TV. It wasn't until 4:30 am, 4 hours later, that nursing staff members made it to Sylvia's room. They found her in her bathroom—she had bled to death.

Besides the reckless disregarding of Sylvia need for emergency help, the lawsuit also alleges that the facility was short-staffed that night. With inadequate assistants available to help in situations where care was desperately needed, negligence by one aide was enough to lead to Sylvia's death.

Our **Chicago nursing home attorneys** at Levin & Perconti are saddened but not surprised by the lack of care exhibited by Clement Manor that led to Sylvia's death. Our decades of legal experience have repeatedly exposed us to nursing homes that fail to provide the very basic emergency care that made residents chose to live in their facilities in the first place. If nursing home staff members are not responding to the most important types of care—emergency pleas—than they are likely failing in other areas as well. This extreme negligence can never be tolerated, especially when vulnerable lives are on the line. Please contact a **nursing home lawyer** if you suspect any similar failings at a nursing home near you.

SEPTEMBER 4, 2010

Illinois Nursing Home—Galesburg Terrace—Cited for Mold

WQAD News reported yesterday on a citation given out by the Illinois Department of Health over concerns about resident safety at an **Illinois nursing home**.

Earlier this month the Department conducted an investigation of Galesburg Terrace, a nursing home in Western Illinois. During the inspection, the staff officials found a suspicious black mold growing seven residents' rooms as well as in a shower room. On top of the mold citation, the facility was also penalized for ventilation problems and errors in residents' medication administration.

These citations from the Illinois Department of Health are certainly not the first for this particularly negligent facility. According to the *Galesburg Register-Mail*, two years ago the Service Employees International Union (SEIU) called for the state to take control of the facility following continued and repeated problems with resident care at the Terrace. In making their concerns public, SEIU uncovered 77 specific instances of violations of

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patient care and fire safety care by the facility in only a two year period. Those dozens of errors included the most basic acts of nursing home negligence like failing to keep residents' cleaned and groomed, failure to call 911 following an emergency, and failure to monitor suspicious changes in a resident's condition leading to death.

As strong advocates for the rights of residents at all Illinois nursing homes, our [Chicago nursing home attorneys](#) at Levin & Perconti urge close supervision of all problem facilities in the state. Our experience has shown that many instances of elder abuse and neglect continue to occur repeatedly at a select group of bad nursing homes. Year after year these facilities fail to abide by the law and provide for humane, dignified care for the vulnerable residents who depend on them. If you have witnessed any problematic care at a facility near you, please contact a [nursing home lawyer](#) today.

SEPTEMBER 3, 2010

Chicago Nursing Home, Grasmere Place, May Have Been Tipped Off About Inspection

Surprise inspections are one method state officials use to monitor the quality of care provided at nursing homes in Illinois. By showing up unannounced, these visits allow regulators to see exactly how these facilities are kept and how residents are treated on normal days. This year the Illinois Attorney General's office has conducted many of these investigations in a project known as "Operation Guardian." Thus far there have been 17 raids, resulting in 20 arrests of residents with outstanding warrants.

However, yesterday the *Chicago Tribune* reported on a possibility that the latest facility to be raided was tipped-off about the [nursing home investigation](#).

On July 22 investigators conducted what was supposed to be a surprise sweep on Grasmere Place—a nursing home in the Uptown neighborhood of Chicago. Upon arriving at the facility, however, the administrator was waiting for the state officials. She asked them, "What took you so long?" Conveniently, on that day the facility was bustling with painters and carpenters improving the facility. But about three weeks later, in a second surprise visit, the nursing home was nowhere near as clean and organized as in the first raid. One official taking part in both investigations explained, "What we experienced was literally night and day."

Grasmere had a history of troubling incidents—several residents have been convicted of felony drug charges, theft, and other crimes while at the facility.

Our [Chicago nursing home attorneys](#) at Levin & Perconti remain extremely concerned about the possible breach of the surprise visit inspections. The concern about the possible tip-off cannot be overstated. These unannounced visits remain the hallmark of safety enforcement at these facilities.

But if the surprise element is compromised, then the effectiveness of the checks is entirely sacrificed. Individuals could be treated poorly each day of the year, and so long as the facility appears in good order on the one inspection day, nothing would be done about it. [Nursing home abuse](#) must be stamped out wherever it is found. To help identify where it occurs, state officials must ensure that these inspections remain unannounced so that they are able to get an accurate gauge of the day-to-day conditions under which these vulnerable residents live.

SEPTEMBER 2, 2010

Family Files Nursing Home Neglect Lawsuit Against ManorCare Health Services

Two of our attorneys, Steven Levin and Scott Richard, filed a lawsuit against ManorCare Health Services-Hinsdale today following the [wrongful death](#) of Dolores "Dee" Howorth. Dee died less than a month after moving into the Hinsdale nursing home and being admitted to the facility's dementia unit. She suffered from Alzheimer's but was alert and active—she remained a lively, integral part of her family. In fact, her son Hank Howorth and his wife Chrissie specifically chose the facility at ManorCare because they wanted their mother to be given what they assumed would be specialized care for her dementia.

Unfortunately, specialized care was the last thing Dee would receive at the facility. Within the first four days, ManorCare doctors prescribed Dee two medications: Ativan and Seroquel. On top of that, the facility immediately assigned Dee to a wheel-chair with a lap restraint.

It wasn't long before the family noticed clear changes in their once lively family member. When Hank and Chrissie first visited, Dee seemed overmedicated, drowsy, and was constantly slumped in her wheelchair. Hank questioned nursing home staff about his mother's state at the facility, but he was assured that her condition was only temporary.

Sadly, there was nothing temporary about it. Staff members at the facility failed to properly hydrate Dee, and failed to notice her clear change in condition. Dee lost 16 pounds in just over two weeks, and she showed clear signs of dehydration—dry skin, chalky mouth, and trouble swallowing. By mid-April, less than a month after arriving at the facility, Dee died at a local hospital from acute renal failure caused by dehydration.

Dee is survived by two grown sons, Hank and Thomas, and six grandchildren. "After my mother's death, it was business as usual for the nursing home, but for our family it was devastating," said Hank. "We need to hold ManorCare accountable because the nursing home robbed her of precious time with her children and grandchildren."

Attorney Steve Levin explains the nexus of the lawsuit: "ManorCare had a duty to protect her well-being and dignity but neglected to monitor her condition or provide her with even the basic necessities, causing both Dee and her family to suffer needlessly."

See further coverage of this nursing home lawsuit by following the links below:

Suburban Life

Chicago Tribune

Trib Local Hinsdale

Chicago Breaking News

SEPTEMBER 2, 2010

Six People Indicted Following Elder Financial Abuse

A troubling scheme was recently uncovered involving the swindling of elderly **nursing home residents** and their families out of tens of thousands of dollars reports the *Clarion Ledger*.

The plan involved an ex-nursing home social worker who told residents and their families at the Belhaven Senior Care Center that they needed to pay money to ensure that their Medicare benefits were maintained. Ponchie McCollough, one of the perpetrators, would demand checks ranging from \$400 to \$2,500 from the unsuspecting victims. Of course many families and residents trusted the word of the supposedly honest workers at these facilities to guide them through the process of receiving Medicare benefits. When McCollough demanded money to ensure that the aid was provided and care was continued, many of these families believed her and paid.

The families would make the checks out to McCollough's co-conspirator, an administrator at the facility who would then cash the checks and the two would pocket the funds. Two other co-conspirators were also involved in parts of the scheme, helping McCollough funnel the money from the unsuspected elderly victims.

To make matters worse, nursing home staff members failed to report the abuse even after it was uncovered. In particular, two employees were indicted by authorities for assisting in the elder abuse by failing to report any of the criminal acts. An operations director and a billing director at the facility have been charged as "accessories" following the theft. They both attempted to help McCollough avoid getting caught and having to return the money. Both of those employees worked for the consulting firm which owned Belhaven.

Our **Chicago nursing home attorneys** at Levin & Perconti continue to be disgusted and disappointed in the lengths that many of these employees go to take advantage of their position when they are supposed to be aiding these vulnerable residents. When six different employees are involved in a scheme that seeks to break the law and harm residents, there is clearly a fundamental **nursing home problem**. Unfortunately, every day new reports flood in about employees abusing residents in different ways. None of the abuses should be tolerated. Please report any incident of neglect or abuse at nursing facilities near you and help put an end to the problem.

SEPTEMBER 1, 2010

Three Nursing Home Employees Commit Elder Abuse

A troubling story was recently reported in the *Berkshire Eagle* discussing **elder abuse** at the Springside Nursing Home. Two nursing home employees were fired in the latest incident which occurred last week. A third employee was fired earlier this month following a different incident of

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resident abuse. As our [Chicago nursing home lawyers](#) at Levin & Perconti are well aware, many nursing homes seem to repeatedly hire problematic employees. A culture at a nursing home which tolerates even the smallest misconduct often leads directly to repeated examples of nursing home residents being abused, humiliated, and neglected.

At Springside, the latest incident involved the abuse of a 72-year old blind resident who suffers from dementia and uses a wheelchair. The resident had soiled herself and was crying to a nursing home aide, Jodi LeBrake, for help getting clean. Instead of doing what she is paid to do, however, LeBrake repeatedly told the elderly resident to “shut up.” Following that she took a sock and shoved it into the resident’s mouth. Another nursing assistant was in the room when it all happened; the other woman did not stop it, admonish LeBrake, or report it as required.

Three weeks before that incident, another resident at the facility was abused at the hands of a nursing assistant. Former Springside employee Sandra Yankey was seen pulling the hair of an 81-year old resident when she was supposed to be providing care. Yankey actually had a previous criminal background before she was even hired by the nursing home.

As is typical when a nursing home is found to have allowed multiple abuses of their residents, officials claim that the incidents were “isolated and unrelated.” Of course experience and common sense suggest that a nursing facility has an inherent problem that is not isolated when they hire multiple employees that continue to provide abusive care. The more that these facilities tolerate even minor elder abuse, the more likely that the staff members will allow the conduct to continue and the more residents will suffer. We strongly encourage anyone who suspects any negligence or abuse at a nearby facility to contact a [nursing home lawyer](#) immediately to help hold these abusers responsible and improve the lives of vulnerable seniors.

AUGUST 31, 2010

Bank Teller Charged With Stealing Money From Elderly Aunt

A troubling news story from the *San Mateo Daily Journal* discusses another example of [financial elder abuse](#).

A bank teller in Redwood City is charged with felony fiscal [elder abuse](#) after she stole more \$40,000 from her own aunt. While working as a teller, Arcelia Barajas Aguilar had close access to the funds of the bank customers. She was able to transfer money from one customer’s account to another. Early last month, Aguilar apparently transferred \$40,000 from her aunt’s account into her own personal account.

Aguilar apparently used the money to pay down her credit card debt. Fortunately, the fraud was discovered during a bank audit. Aguilar was arrested and is now on bail. It is unclear how much money remains of the total that she stole. The judge warned the Aguilar’s sentence could ultimately be affected by the amount of restitution she is able to make—how much money she can pay back.

This story raises unique questions about the ultimate effectiveness of attempts to curb elder financial abuse. Our [Chicago elder abuse attorneys](#) at Levin & Perconti have long been advocates of taking steps to limit the chance for vulnerable seniors to have their finances exploited. This year the Illinois Legislature passed a bill which will attempt to help stop the problem by educating those in a position to notice fraudulent actions with senior finances—bank tellers. Of course, abuses like the one committed by Aguilar would probably not have been stopped by Illinois’ attempted remedy. There is little training that can be done to raise awareness of the problem if the people being trained are the very ones willing to commit fraud to steal cash from seniors.

This recent abuse is only more reason for everyone, no matter how often you interact with senior family and friends, to remain constantly vigilant to the potential of exploitation. What makes this a particularly complex problem is that the abuse very often occurs at the hands of family members themselves, as in the Aguilar case. It is hard enough for many elderly citizens to recognize when they are being taken advantage of by strangers, let alone family members who they are likely to trust even more.

MEDICAL MALPRACTICE

SEPTEMBER 7, 2010

Man Dies Following Medication Error At Hospital

CBS TV 11 News wrote about a new example of [medical malpractice](#) yesterday involving the death of a beloved husband and father. Wendell Knox was a long time university professor when he died at a local hospital where he was being treated for a broken hip and pneumonia.

Besides the condition which brought him to the hospital, Wendell had long suffered from heart problems. As part of his plan to treat his heart problems he was prescribed the medicine Milrinone. The medicine was clearly an important part of his health. His wife Tracy explained, "On the medicine, my husband was doing so much better. It was amazing."

While in the hospital following the hip injury, Wendell's wife noticed that he was not receiving a Milrinone drip along with his other medications. When she asked about it the doctor told her that her husband no longer needed it. Shortly after that, Wendell died of cardiac arrest before ever leaving the hospital.

Afterwards, hospital officials initially told his family that the failure to give him the medicine was caused by a clerical error. Yet, further evidence revealed that in fact a doctor specifically discontinued the heart medication. It is likely that the removal of Milrinone helped lead to Wendell's death. It had originally been prescribed for the rest of his life. As experts agree, many patients develop a dependence on medication, and they can have severe health problems if they suddenly stop taking it.

Our [Chicago medical practice attorneys](#) at Levin & Perconti understand that medical errors come in a variety of forms. Typically, when a medication error is made it means that a doctor prescribed the wrong medication or an incorrect dosage that led to patient harm. However, deadly medication mistakes can also be made under circumstances like this one, where a long-use, necessary drug are wrongly taken away by a new physician, causing the death of the patient. In either case, the medication error should never have been allowed to happen.

The various forms that these mistakes take make it difficult for many patients and their families to know when the problems they suffer have been caused by one of them. That is why it is important to contact a [medical malpractice lawyer](#) and explain your story to help ensure that your legal rights are understood and protected.

SEPTEMBER 6, 2010

Jury Awards \$3 Million in Pair of Medical Malpractice Lawsuits

The *Evansville Courier-Press* reported on two separate [medical malpractice](#) suits in Vanderburgh County where juries found three doctors liable for errors.

The first suit involved the death of Rebecca Moore following complications from a surgery to correct a bowel obstruction. The jury found both her anesthesiologist and her surgeon liable for the deadly error. The two doctors failed to communicate with one another the fact that Moore would need respiratory assistance after the surgery. That assistance was never given, and Moore suffered cardiac arrest. The surgeon, Nghia M. Vo, has subsequently lost his license to practice medicine in the state.

The second suit stemmed from the mismanagement of childbirth that led to the death of triplets. The doctor in that case failed to properly take into account evidence of problems with the pregnancy following an ultrasound. The mother, Christina Tillerson underwent a cerclage procedure—to help prevent a premature birth—but the procedure wasn't performed correctly. However, instead of taking into account the irregularities with the cerclage procedure, the negligent doctor did nothing. As a result, he failed to take other necessary steps to delay the pregnancy long enough for the three babies to develop more fully. Ultimately, Tillerson gave birth to the children when they were less than 21 weeks old, and they did not survive. If you or someone you know may have been the victim of a [medical mistake](#) like the ones suffered here, please contact our [Chicago medical malpractice lawyers](#) at Levin & Perconti. Our team of attorneys have decades of experience helping families who suffered at the hands of negligent medical professionals.

SEPTEMBER 5, 2010

Negligent Doctors Give Patient Medication From Wrong Syringe

Justice News Flash reported yesterday on a new [medical malpractice lawsuit](#) involving a syringe mix-up.

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Kimberlee Blocker underwent a surgical procedure at Forbes Regional Hospital. The surgery itself proceeded according to plan, but afterwards the doctors informed her that they had made a mistake. An error had occurred when the medical professionals had given Kimberlee medication following the procedure. For unknown reasons, a different patient's syringe had been used on Kimberlee, instead of the one that had been actually set aside for her. As a result, Kimberlee was given the wrong medication and may have been exposed to blood-borne diseases.

As a result of the preventable medical mistake, Kimberlee was forced to undergo six months of testing to ensure that she did not contract HIV, hepatitis, or other problems. Of course, the long-delayed process of testing is an arduous experience for patients and their families. The emotional stress of repeatedly waiting to see if a potentially deadly disease has been contracted is something that everyone would wish to avoid.

Unfortunately, these preventable medical mistakes occur all the time. Our [Chicago medical malpractice lawyers](#) at Levin & Perconti have fought legal battles on behalf of patients who have suffered severe physical injury and death because of basic errors caused by medical professionals. From operating on the wrong body part to using the wrong IV line to inject medication, negligent medical professionals across the country continue to claim lives with their mistakes. It is imperative for all victims to step forward to help put a spotlight on the problem of costly [hospital errors](#).

SEPTEMBER 4, 2010

Indiana Hospitals Report Medical Errors

The Indiana Medical Error Reporting System recently issued its annual report after collecting data from over 300 hospitals in the state. According to the *Journal-Gazette* the findings analyzed over two dozen different types of reportable medical mistakes. Studying the findings offers an important window into the world of medical errors—helping to understand in what form they most often take and how they occur.

Overall, the report documented 94 errors in the state. The errors included a multitude of different problems, all of which should have been prevented. For example, one hospital performed a surgery on the wrong body part and made a medication mistake that led to a patient death or serious disability. Another hospital had reports of bedsores. Bedsores are ulcers that develop after admission to the hospital and are caused by negligent care by medical staff members. They frequently develop when too much weight is placed on one part of the body for too long—overweight and paralyzed patients are at higher risk for the developing bedsores.

Our [Chicago medical malpractice attorneys](#) at Levin & Perconti believe that reporting systems are important to help understand the types of mistakes that frequently harm patients at local hospitals. While the reported numbers are undoubtedly much lower than the reality (because many mistakes are never reported), these reporting techniques are important first steps in helping improve patient safety.

Unfortunately, in Illinois transparency in [medical mistakes](#) has recently taken a step backwards. While the state previously was required to provide information to patients about a doctor's history of medical errors, that information was closed to the public this year. Because of that, patients in Illinois now have fewer tools available to them to help make decisions about which medical professionals to seek when they need care.

To learn more about the Indiana Medical Reporting System, please [Here](#)

SEPTEMBER 3, 2010

Hospital Under Scrutiny for Repeated Medical Errors

A common critique lobbed against [medical malpractice lawyers](#) like ours at Levin & Perconti is that lawsuits are directed against doctors and hospitals that do not act negligently but simply have patients that happen to suffer severe medical problems. In reality, [medical malpractice lawsuits](#) are more often focused on rooting out those individuals and institutions that continually make clear mistakes leading to patient death and suffering. Far from scaring away competent doctors, the preservation of justice for patients is a way of ensuring that the medical profession (like all professions) is held to a reasonable standard of competence.

All too often a single institution shows a shocking and repeated lack of proficiency.

The *Los Angeles Times* recently discussed a local hospital that has come under fire for several incidents that led to multiple patient deaths. The repeated examples of [medical problems](#) at a single hospital highlight the reality that many medical errors seem to be committed by a small segment of the medical community that repeatedly performs below standards.

Three years ago at this hospital, Olive View, a 51 year old man was rushed in after ingesting very toxic oleander leaves. Unfortunately, contrary to law, the hospital did not have enough vials of the antidote available. The man died as a result of the basic failure to have proper medication ready for emergencies. That same year state investigators fined the hospital after the death of a young woman following a gallbladder removal. Investigators discovered that the massive infection that developed after the surgery was caused by improper follow-up care by doctors and nurses. Only a week after that death, a man died in the emergency room of the facility after waiting three hours complaining of chest pains. The medical staff could have prevented the death if they had only performed a simple test to ensure that he was not having a heart attack. But that is not all. A few months later an infant suffered brain damage from lack of oxygen after doctors delaying performing a C-section. The year after that, 2009, the hospital received two additional state fines for inadequate care related to mental health patients.

Olive View is clearly an institution that has made repeated errors that have literally killed patients who sought medical care at the hospital. The medical mistakes came in a variety of forms, but all show a clear failure to act competently and in accord with the law. This hospital, and others like it, needs to be held responsible for these problems.

SEPTEMBER 2, 2010

Jury Awards \$1.5 Million in Medical Malpractice Case

The *Providence Journal* recently reported on the end of a [medical malpractice trial](#) involving a problem hernia patch made by the firm Davol, Inc, which is owned by large medical device manufacturer C.R. Bard. This trial is only one case out of over 3,000 that have been filed involving the defective patch.

The plaintiff in this case, Christopher Thorpe, had the patch implanted in 2005 to fix a hernia in his abdomen. The patch is a sophisticated medical device that is folded in half and inserted through an incision behind a hernia. The patch's "memory recoil ring" springs again once inside the body. The problem began for Thorpe when the ring component surrounding the patch broke; the mesh portion of the product had been attached to the ring. The section of the ring that broke then traveled inside Thorpe's body.

The breakage caused an abscess to form, leading to swelling and pain. The abscess had to be continually drained, and Christopher had to undergo multiple surgeries to fix the damage. The surgeries are still not completed, as he will face more of them to continue to correct the problem. As a result of the damage, he will only be able to lift 5 to 10 pounds for the rest of his life.

Ultimately, the jury determined that the poor design of the product caused the damage suffered by Thorpe and his family. They awarded Christopher \$1.3 million for his injuries and \$200,000 to his wife for her time spent treating his medical issues. Our [Chicago medical malpractice lawyers](#) at Levin & Perconti hope the best for Thorpe and his family. We also encourage anyone who has similarly suffered extreme consequences following [medical device problems](#) to contact a local lawyer to help explain the possible legal ramifications of the situation.

SEPTEMBER 1, 2010

Caesarean Section Births Are Often Unnecessary

Researchers have long-known that woman are having [C-section births](#) at much higher rates than ever before. Amazingly, today nearly one out of every three children is born following the surgery. According to the *Washington Post*, that high rate makes C-sections the most common surgery at virtually all hospitals across the country.

While the rate increase was easy for experts to track, it was more difficult to understand the cause of the rise in these procedures as an alternative to natural birth. After all, in an ideal world, the surgery would not be necessary at all. The procedure poses many more risks to both the child and the mother when compared to healthy, natural childbirth. In addition, C-sections are more expensive than natural births—the increase in the procedure's use has added significantly the country's overall health care bill.

The downsides to the procedure have led researchers to help stem the tide by understanding the reasons for the rising use of C-sections. A recent study published in the American Journal of Obstetrics & Gynecology suggests some causes to the problem.

The researches ultimately found that many of procedures may be unnecessary. Historically, C-sections were used for those pregnancies that were known to be "problematic"—older mothers, previous C-section mothers, and similar cases. However, today even first time parents without clear

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problems seem to be getting the procedure at the same rate as other mothers, one out of three. Also, half of the C-sections that are performed occur in women who had their labor induced (initiated by the doctor) and before they were even dilated 6 cm. That suggests that more patients are picking when to begin labor and stopping the natural birth process very early after beginning labor. In other words, patients and their doctors may be using the process to conveniently schedule births, even though a healthier, natural childbirth would be possible.

Research into this area is still developing. New and more detailed information on the exact number of unnecessary C-section births is still forthcoming. But, it is no doubt clear that many of these procedures could be avoided with different medical care, planning, and advice. Our **Chicago medical malpractice lawyers** at Levin & Perconti have worked with many patients who suffered at the hands of problems during the delivery of children. Childbirth is inherently a risky medical situation, and everything should be done to ensure that risks of complications are lowered as much as possible. Patient's trust their doctors to provide appropriate, timely, and clear medical advice on the risks and necessity of surgical procedures. For that reasons, all doctors need to ensure that **unnecessary C-sections** are limited.

CAR ACCIDENTS

SEPTEMBER 6, 2010

Chicago Car Accident Critically Injures Child

The *Chicago Sun-Times* reported this weekend on a terrifying **vehicle crash** involving a stolen car and several pedestrians. The vehicle was apparently stolen at least a week ago—it was taken from the 5800 block of South Cottage Grove Ave. Around 5p.m. on Saturday, the driver of the stolen 1999 Chrysler was on the south side of the city, in the 6200 block of South St. and Lawrence Avenue. Several passengers were in the car when the driver ran the car into several pedestrians who were walking in the area. The stolen vehicle then struck a parked car before hitting a brick wall. Following that, several people fled from the Chrysler

Four of the pedestrians were hospitalized followed the vicious accident. One of the victims, an 11-year old girl, remains in critical condition at a nearby hospital. Two other victims were also children, a 12 –year old girl and 15-year old boy; they are in stable condition.

Our **Chicago car accident attorneys** at Levin & Perconti are committed to helping victims in our area who have suffered in vehicle crashes. Our team of experienced lawyers has spent decades mastering the legal system that provides protection and support to victims of negligent and reckless drivers. It is important to remember that there are statutes of limitations which limit the amount of time you have to file a claim following one of these accidents. For that reason, it is very important to contact a **car accident attorney** soon after the crash so that you can properly learn about your options.

SEPTEMBER 4, 2010

Bizarre Chicago-Area Car Accident Caused By Wasp Stings

Our **Chicago car accident attorneys** at Levin & Perconti have seen many unique vehicle crashes in our time defending victims against **negligent drivers**. But the *Chicago Sun Times* recently profiled a **vehicle accident** that police officers in Montgomery, Illinois—a far western suburb—have described as one of the most bizarre crashes they have ever seen.

In mid-July of this year, Pete Moore was removing siding from a home when he was attacked by a swarm of wasps. He was not immediately alarmed following the attack, because as someone who worked in the home improvement business, he has experienced yellow jacket issues in the past. In fact, he had been stung by bees in the past without incident.

However, within 15 minutes of the attack, it became clear that these stings were much different than others. Welts began appearing on his body. At that point he called his wife to let her know that he was going to drive his truck to the local hospital to ensure that welts did not develop into something more serious. Unfortunately, his truck never made it to the hospital.

Not long after beginning the trip, Moore began feeling the consequences of the attack. He was experiencing anaphylactic shock caused by the closure of air passages. Just as he was trying to pull off to the side of the road and put the car into park, he lost consciousness. Police believe that it was at that point that his body moved the vehicle into reverse with his foot still on the gas pedal. That caused the truck to careen backwards.

The vehicle ultimately hit a sign, sped across four lanes of highway traffic, flew over the incline in front of a K-Mart parking lot, and crashed into the store. Moore was rushed to the hospital with a broken spine among other injuries. Fortunately, he survived the crash, but was paralyzed from the waist down.

The takeaway from this tragic car accident is remembering that driving impairments may strike at any time. Some circumstances when driving should be avoided are obvious—when you've too much drink, are tired, or have taken certain medications. But other circumstances are perhaps just as risky, like the unique circumstances in this case. It is impossible to fully know when certain things may occur that will get in the way of careful driving. But with the potential harm so high, it is reasonable not to risk getting behind the wheel of these large machines any time that you may feel physically, emotionally, or psychologically weakened.

SEPTEMBER 2, 2010

Electric Cars May Pose Unique Risks Following Accident

The basic elements of road safety have remained remarkably similar for a century: follow all signs and signals, drive at a reasonable speed for conditions, ensure proper restraint of children, do not drive impaired, etc.

But with technical development also comes changes in how we think about vehicle safety. For example, seatbelts were much less used (and installed) in the past than they are today. Air bags were certainly not included in the first cars that were manufactured.

One of the latest developments in the automotive industry that will affect how we travel on the nations' roads is the electric car. Concerns over the use of gasoline have made electric cars a booming market—the wave is about to build even more as automobile manufacturers are making a large push to encourage consumers to buy the new cars. In fact, the National Fire Protection Association projects that more than a million of these vehicles will be on the road in five years, by 2015. With the expected surge in use, it is important to understand the possible hazards posed by these vehicles when they become involved in [auto accidents](#).

Specifically, while traditional cars often pose fire risks following crashes because of gasoline spillage, these new non-gas vehicles will present electric shock problems. *WMAQ TV* reports that Chicago firefighters are already being trained on the ways to handle these vehicles when responding to car emergencies. Firefighters must be trained in the proper way to disengage electrical power systems to alleviate the risk of shock after a crash.

Also, the high-strength steel used in many of these new vehicles cannot be cut open with traditional saws. Even then, with a several hundred volt charges surging through the car, an ill-placed cut in the metal could shock the responder. Therefore, if attempting to rescue a passenger trapped in a car, firefighters must be trained on the exact location to cut to get through the metal.

The Chicago Fire commissioner noted, "Every year they are coming out with something new. Firefighters have to stay on top of new technologies to save civilian's lives, but it can also save ours."

Our [Chicago car accident attorneys](#) at Levin & Perconti applaud our city's emergency personnel who save lives every day following tragic [vehicle accidents](#) on our roadways. We also urge all Chicagoans to understand the unique risks that new vehicles may pose and take appropriate steps to guard against the dangers.

AUGUST 31, 2010

Bike Accident Kills Man in Chicago

Accidents on our roadways occur in a myriad of forms, at different times of the day, caused by various errors, and occurring between many different types of vehicles. The most damaging accident in terms of both physical injury and property destruction typically involves crashes where there is a clear size difference between the two moving objects. That damage is compounded as the speed of the crash increases. It is for that reason that truck accidents are particularly harmful. Also, for the same reason, damage skyrockets when smaller vehicles like motorcycles or bicycles are involved.

A recent **bicycle accident** struck on the north side of the city late on Sunday night that took the life of the bike rider. The *Indiana Gazette* reported on the tragic accident. Around 9:15p.m. that night, Christopher Hippchens was on his bicycle heading home from Soldier Field where he worked as a cook. He traveled about three miles north, around the 5200 block of North Sheridan and began trying to cross the Dan Ryan Expressway. Unfortunately, while trying to make the crossing, Hippchens was struck by a fast-moving vehicle. Emergency personnel pronounced Hippchens dead at the scene.

Our **Chicago car accident attorneys** at Levin & Perconti encourage all users of the roadways—whether in cars, trucks, bikes, or pedestrians—to take extreme care when traveling near other fast moving vehicles. Our city is filled with bike riders who use many of our roadways as their primary means of travel. Because of the size difference and exposure of the individual rider, the risk of injury is drastically increased when a bike rider is involved in a road accident. It takes only a split-second mistake to cause lifelong damage. If you have suffered at the hands of another driver who has made the mistake, please contact a **Chicago accident attorney** to learn about your rights.

TRUCKING ACCIDENTS

SEPTEMBER 7, 2010

Pedestrian Accident Kills Illinois Man Near Mattoon

Interstate 57 has been the site of several deadly accidents recently. The highway that runs north-south from Chicago throughout the entire state took another life this weekend as a pedestrian was killed yesterday in a **truck crash**.

The Associated Press reported on the accident in central Illinois, near Mattoon. 31-year old Nicholas Cox was driving along the interstate when he pulled to the side of the road. For still unknown reasons he then attempted to walk across the highway. While attempting to traverse through the fast-moving cars on the highway, he was struck by a large semi tractor-trailer. The driver of the truck saw Cox as he was walking, but he was unable to stop the large vehicle in time.

Emergency personnel airlifted Cox to a nearby hospital following the crash, but the injuries were too severe. He was pronounced dead on Monday morning.

The collision of a pedestrian with a semi almost always has deadly consequences. That is particularly true when the large truck is traveling at high speeds on the highway. Our **Chicago truck accident attorneys** at Levin & Perconti have helped families for decades who have suffered following these devastating road accidents.

These truck crashes have many causes, often stemming from negligent driving. While behind the wheels of these mammoth machines, the drivers of the semis owe a duty to the drivers around them to exercise care and caution. Even simple deviations from that care often have deadly consequences for all unfortunate drivers and pedestrians caught up in the situation. When that is the case, it is important for those involved to contact a **truck accident attorney** who understands the legal aspects of these situations and can help steer victims through the process.

SEPTEMBER 5, 2010

Two Babies Killed in Truck Accident

When handling legal affairs following tragic accidents, our **Chicago truck accident attorneys** at Levin & Perconti have witnessed many heartbreaking examples of families suffering unspeakable losses. In particular, the most gut-wrenching **vehicle crashes** involve young children. Severe injury or death to children seems the most terrible consequences of some vehicle crashes.

The *Associated Press* reported last night on a **truck crash** that took the lives of two young babies. The crash was a chain-reaction collision on an Arizona highway.

Traffic had slowed somewhat after a minor fender-bender crash. An unidentified car cut-off a minivan in order to get a look at the minor crash. That caused the minivan to break quickly to avoid hitting the minivan. A small sedan which was traveling behind the minivan was unable to slow in time; it hit the minivan. The sedan was driven by a female driver, had a female passenger, and two babies were in the backseat—a 13 month old girl and 3 week old boy. A large tanker was behind the sedan, and it slammed into the sedan following the first impact.

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.

The tanker overturned in the collision, but the driver was unhurt. However, the driver of the sedan and the two children in the backseat were rushed to the hospital in critical condition after the incident. The driver, believed to be the mother, remains in critical condition. The two babies did not survive.

Highway accidents often involve the most severe injuries because of the speed and size of vehicles using the roadway. The most dangerous portions of the highway are those where traffic has slowed—such as following minor accidents.

Our heart-felt thoughts and prayers go out to all the victims of this tragedy.

SEPTEMBER 3, 2010

Bicyclist Killed in Night Collision with Semi

The *Salt Lake Tribune* reported last week on the death of a local man killed following a **semi crash** shortly before sunrise.

The 47-year old man was riding his bike to work along a highway. Just as the bicyclist was going through an intersection a big rig semi turned directly into him. The truck driver claims that he did not see the bicyclist, but he did hear something contact his truck. After the impact the bike rider became wedged underneath the truck. The semi drove with the man underneath for nearly 130 feet before coming to a stop.

The victim suffered severe pelvic wounds, and he was rushed to a local hospital by emergency crews. Unfortunately, he died at the hospital later that day. He leaves behind eight children, ranging in age from 25 to 9, as well as two grandchildren.

Our **Chicago truck accident attorneys** at Levin & Perconti understand the complex driving issues involved in **accidents with semi-trailers**. The driver of the vehicle sits at a higher position and his view in a variety of angles is often blocked. For that reason, we encourage all drivers to remain particularly careful when driving or biking near these trucks. That risk is compounded when visibility is poor, like in the predawn hours.

As was the case in this accident, the individual hurt or killed in truck accident represents only one of many people whose lives are damaged by the crash. There are now 8 children, a wife, and two grandchildren grieving the loss—as well as countless extended family and friends. The cost of these accidents is truly too high to calculate.

SEPTEMBER 1, 2010

Semi Runs A Red Light And Hits School Bus

Justice News Flash recently reported on a terrifying **truck accident** involving two of the largest vehicles on the road: a school bus and a flat bed semitrailer.

The collision struck on Wednesday afternoon at the intersection of two state highways. A school bus was carrying elementary students home from a special needs school that they attend. While traveling, the bus attempted to turn right at the intersection, which was covered by a traffic signal. At the same time, a semi flatbed trailer was traveling through the intersection on the road to which the bus was turning.

The semi driver failed to stop at the intersection, running a red light, slamming into the bus as it was turning. The damage from the collision between these two large vehicles was substantial. In total ten people were rushed to hospitals suffering various injuries—including the bus driver, truck driver, a school aide, and seven elementary students.

The negligent truck driver was owned by K & L Trucking. Police are still investigating the matter to determine any criminal citations.

Our **Chicago truck accident attorneys** at Levin & Perconti encourage all those injured in accidents where a semi is involved to ensure that their legal rights are protected. The nuances of the possible legal matters involved require a trained lawyer to explain how your case fits into the legal framework. Many different possible areas of law may be involved following these accidents: personal injury, product defects, and the legal liability of an employer for the actions of his employee, among many others. Handling the aftermath of these accidents is not something that you should do alone. Please contact a **truck accident lawyer** to ensure that you are protected.

BIRTH INJURY

AUGUST 31, 2010

\$56 Million Shoulder Dystocia Verdict Appealed

Aboutlawsuits.com is reporting that a hospital will appeal a \$56 million New York Supreme Court jury verdict awarded to a young boy, now seven, who suffered severe injuries during birth. According to the report, during delivery, the infant's shoulder became impacted against his mother's pelvic bone, causing a **shoulder dystocia**.

When shoulder dystocia occurs, it is crucial for labor and delivery staff to take immediate action to reduce harm to the baby. There are a number of maneuvers that practitioners should know to help decrease the risk of serious injury when dystocia occurs. However, if these maneuvers are performed incorrectly, infants can suffer serious birth injuries. In this case, the jury determined that the obstetrician and hospital staff failed to alleviate the shoulder dystocia in a timely manner, causing the newborn to suffer **brain injury** and nerve damage. The boy now lives with developmental delays and his speech is impaired.

Birth injuries often require a lifetime of medical treatment and care. Our **Chicago birth injury lawyers** believe it is important to seek justice when a newborn is harmed due to medical malpractice during birth. We hope that the New York Supreme Court will uphold the jury's decision to compensate this family for their child's debilitating injuries. We have helped a number of families throughout the Chicago area receive fair compensation to help pay for lifelong medical care, rehabilitation and other costs associated with birth injuries. Please feel free to contact us if you believe your child has been a victim of medical negligence.

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