

# Chicago Daily Law Bulletin

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## Law firm gets 2 jury verdicts in 2 days

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Levin & Perconti represented families in two wrongful death cases involving elderly residents that yielded a total of \$1.2 million from Cook County juries on consecutive days.

A jury awarded \$584,301 to the family of 88-year-old Anna Blokh on Nov. 1. Another jury awarded \$645,000 to the family of Emilio Opio, 81, on Nov. 2.

Blokh was found unconscious at her home on Feb. 25, 2008 and taken to Northwest Community Hospital in Arlington Heights by ambulance.

After getting admitted to the intensive care unit (ICU) in a coma, she regained consciousness the next day. She showed steady improvement and left the ICU.

But she fell off a table in the radiology department three days later and suffered rib fractures and subdural hematoma, which is bleeding between the skull and brain.

The family alleged that these injuries caused Blokh's death on Nov. 2, 2008.

Margaret P. Battersby and Cari F. Silverman of Levin & Perconti represented Blokh's estate.

Battersby said the verdict shows that the jury valued "life and pain and suffering even when the plaintiff is older and

sick or disabled."

"Our client felt at the end of the day that the hospital was held accountable for their negligence and justice was achieved," she said.

John E. Norton and James J. Ryan of John E. Norton & Associates LLC represented the hospital.

The hospital admitted liability but denied the nature and extent of the damages and that the hospital's negligence caused Blokh's death, Norton said.

"The hospital actually wrote a letter to the family after four days of the incident apologizing for it (the fall) and admitting fault," he said.

In the other case, Opio went to The Imperial Grove Pavilion of Lincoln Park nursing home in August 2005. The facility developed a care plan to address his risk for falls, which led to close supervision and the use of devices to prevent him from falling out of his wheelchair.

Opio's family alleged that in May 2006 Opio did not receive proper supervision in the facility's dining room and lacked his wheelchair devices.

Opio fell out of his chair and suffered subdural hematoma that required surgery. He never recovered and died in February 2007.

John J. Perconti and Patricia L. Gifford represented Opio's estate.



Margaret P. Battersby



John J. Perconti

Perconti said the defense claimed that Opio's fall was his first one.

"But it really was his second," Perconti said. "And this fall would have happened regardless if any safety interventions were in place or if he were being closely supervised.

"The jury obviously believed we met our burden of proof and this fall was preventable."

Terrence S. Carden III and Johanna L. Tracy of Myers, Carden & Sax LLC and Peter J. Molinelli of Quintairos, Prieto, Wood & Boyer P.A. in Tampa, Fla., represented the nursing home and its staff.

Molinelli said a nursing home employee was in the room where Opio fell but "wasn't physically

looking at Mr. Opio."

"She heard him hit the ground. She just did not see him actually fall out of the wheelchair," he said.

Perconti said eight lawyers worked on both cases. The others were Steven M. Levin, Gretchen M. Hafeman, Jaime A. Koziol and Joseph D. Kern.

"Levin & Perconti has been handling nursing home cases for many years. ... Just because someone is of an advanced year or age," Perconti said, "doesn't mean that their damages are not substantial."

The cases are *Elvira Rabinovitch, etc. v. Northwest Community Hospital*, No. 09 L 3086 and *Mary Lou St. Aubin, etc. v. Claridge Imperial Ltd., etc., et al.* No. 07 L 10302.