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Family sues Claremont over relative's death

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June 14, 2007

By **ERIC HEISIG** | Staff Intern

The Claremont Rehab and Living Center in Buffalo Grove is being sued by the family of a man who, according to state officials and the lawsuit, died after falling in the center's care.

According to the lawsuit filed in Cook County Circuit Court, Eli Goldman was 78 when he was left unattended on a therapy table, and he was at high risk for falls due to having prosthetic legs.

Goldman fell off the table on Jan. 10, 2005, and died at a hospital due to brain injuries, according to the lawsuit.

Susan Zelik, the daughter of Goldman and the special administrator of his estate, is asking for \$50,000 plus attorneys fees and costs.

"What happened to my father is completely inexcusable," Zelik said. "In a facility where they knew they needed to watch him, they didn't."

According to the lawsuit, the center violated one count of the state Nursing Home Care Act, one count of negligence of survival and wrongful death.

The Illinois Department of Public Health recently fined Claremont \$20,000 for the alleged incident.

"The state treated it seriously," said Steven M. Levin of the law firm Levin & Perconti. Levin, whose firm specializes in neglect and abuse cases in nursing homes, is representing Zelik in the case, along with Michael F. Bonamarte IV.

Claremont and its law firm declined to comment on the lawsuit.

When asked about the state fine, Claremont spokeswoman Amy Ferrari said the center was under different management when the incident occurred.

Marikay Martin, publicist for Levin & Perconti, cited the Nursing Home Care Act's minimum set of care and rights for residents that every nursing home must follow.

"There are laws that are supposed to protect elderly people," said Martin, who added a specific plan of care had not yet been drafted for Goldman. She said that created an obstacle for getting the proper care.

"When the plan of care is followed, life is good," she said.

Levin said this is not the first time his firm has represented a case against Claremont.

"This is a classic example of a nursing home not meeting the known needs of its residents, where we have a known situation of a resident with a known falling risk that is inexcusably left unattended," he said.

According to the Illinois Department of Public Health Web site, Claremont has had other complaints from occupants, families and state inspectors filed over the years. Complaints ranged from residents allegedly not being fed at the proper times to the staff allegedly speaking languages other than English in front of the residents.

Still, it is not uncommon for nursing homes to receive these types of complaints.

"A lot of homes have a lot of these sort of things. Some are more serious than others," Levin said.

Falls are a significant problem in nursing homes, Levin said, and falls often happen as a result of understaffing.

No trial date has been set, according to Levin. He said both sides are in the discovery phase of the lawsuit, meaning questions are being sent from both sides.

Zelik said she brought the case up so similar occurrences do not happen to other families in the future.

"It is a very upsetting manner," Zelik said. "Nobody should have to go through this."

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