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## Family: We 'need answers'

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WOODSTOCK – Family members of a woman who investigators suspect might have been killed by a nursing-home employee are growing frustrated with a stalled criminal investigation that led to the exhumation of their loved one.

So they are going to court themselves to find answers.

Nearly 10 months have passed since Virginia Cole's body was exhumed and examined, along with the remains of two other individuals, as part of an Illinois State Police investigation into whether a nurse at Woodstock Residence gave fatal doses of morphine to as many as six patients.

Police have yet to charge anyone or close the investigation.

Cole's daughter, Vickie Lund of Cary, filed a petition Thursday in Cook County asking a judge to order nursing home officials to furnish information to the family.

[Click here to read the filed petition. \(pdf\)](#)

"Our family needs answers," Lund said in a statement. "We need to know the truth."

The family's attorney is seeking information specifically from former nursing assistant Marty Himebaugh of Lake in the Hills and home administrator Alissa Nataupsky, who were named in the petition.

"We're asking the court to instruct them to turn over all records, policies and procedures and submit to depositions so we could get to the bottom of what happened," attorney Steven M. Levin said. "Our client had to undergo unbelievable trauma of having her mother's body exhumed, and that was quite some time ago. She's not going to get closure until she makes efforts to find out what happened."

The case is first set to go before a judge Feb. 29.

Himebaugh declined to comment on the case Thursday and referred questions to her attorney, who couldn't immediately be reached.

Sam Amirante, Himebaugh's attorney, said he advised Himebaugh not to discuss the case with anyone.

"We'll have to have a hearing to figure out what is relevant and get a court order," Amirante said. "We're not going to allow a fishing expedition."

Nataupsky didn't return phone calls Thursday.

Illinois State Police started an investigation into the nursing home at 309 McHenry Ave. in November 2006, when they obtained a search warrant for the 115-bed home.

A grand jury convened to review the deaths in August but testimony was suddenly halted.

Tom Carroll, first assistant in the McHenry County State's Attorney's Office, which is helping the state police with the investigation, said authorities were still waiting for lab test results on the exhumed remains.

"I feel for the families and understand their desire to have information. We would like to have the investigation brought to a culmination as early as possible," Carroll said. "They are certainly welcome to pursue their rights in the civil courts."

Prosecutors wouldn't discuss the delay in lab results. In May, State's Attorney Louis Bianchi told the Northwest

Herald that his office expected the lab tests back within a month.

Nearly eight months later, Levin said he's still waiting for answers. But regardless of the lab results, Levin said he felt the family would still wish to push on with a civil suit.

"We are not going to quit even if, let's say, the lab analysis comes out negative or inconclusive," Levin said.

Cole, a former cafeteria worker, died Sept. 10, 2006, at the nursing home at age 78.

Lund said she learned her mother was seriously ill four days before her death, when Lund was called to the hospital.

"When I got there, she barely had a pulse and was ice cold," Lund said. "I was just shocked because just the day before she had been well enough to have her hair styled."

The two other bodies exhumed as part of the investigation were Raymond Jorgensen, 91, a former machinist from McHenry, who died in August 2006 and Alvin Rudsinski, a former factory worker from Union, who also died in August 2006.

## COMMENTS

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