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Updated 9/5: Lawsuit filed for nursing home death

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Marty M. Himebaugh, 57, of Lake in the Hills, had a wrongful death lawsuit filed Friday against her in Cook County Circuit Court by the Cary daughter of 78-year-old Virginia Cole, who allegedly received too-high doses of morphine while under Himebaugh's care.

Cole's daughter, Vickie Lund, is also suing Himebaugh's nursing supervisor, Penny Whitlock, 59, of Woodstock, and Morton Grove-based WRHC & RC Inc., which operates the Woodstock Residence, the nursing home where Cole died in 2006.

"The complaint alleges that Marty Himebaugh and Penny Whitlock, employed by Woodstock Residence, administered lethal doses of morphine to Virginia Cole beyond her physicians' orders, thereby causing her premature death," stated a press release by the Chicago-based law firm of Levin and Perconti, which represents Lund.

"On an administrative level, the home did not have proper safeguards, and did not have appropriate safeguards as regards to morphine storage and administration," said Steven Levin, one of Lund's attorneys.

"There is no evidence, and Marty Himebaugh did nothing wrong," Himebaugh's attorney, Samuel Amirante, said in response to the lawsuit. "She is not guilty of wrongful death; she is not liable for wrongful death; there is no evidence of wrongful death."

Levin said he was unsure of the next court date for the lawsuit, but he expected it within two months.

Himebaugh and Whitlock were indicted April 17 on felony criminal neglect charges in McHenry County Court. Himebaugh's next court date for these charges is Wednesday (Sept. 10) while Whitlock's next court date is Sept. 17. Both women remain free on \$50,000 bond.



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