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## Family Will File Lawsuit Against Woodstock Nursing Home

### *Son-In-Law Says Cole Healthy Days Before Death*

Days after two employees of a Woodstock nursing home were charged with criminal neglect, relatives of a 78-year-old woman who died there say they will file a negligence lawsuit against those employees and the home.

#### **Video: Family To File Lawsuit**

Virginia Cole died in 2006 at the Woodstock Residence -- and she was listed as a victim in the indictments returned by a McHenry County grand jury last week against nurse Marty Himebaugh and nursing director Penny Whitlock.

Himebaugh is accused of giving excessive doses of morphine to some patients, while Whitlock, her supervisor, is accused of not taking action to stop her. Cole had heart problems and Alzheimer's disease, but her illnesses weren't life-threatening, a relative said today.

She abruptly needed to be hospitalized on Sept. 6, 2006 -- and then was returned to the nursing home, where she died four days later.

Family members are suspicious about how her health could have deteriorated so rapidly.

"She was doing wonderful there," said her son-in-law, Frank Lund.

NBC5's Dick Johnson reported that Lund said he had spent an entire day checking out every facet of Woodstock Residence, and declared it the best nursing home he could find for his wife's mother. Lund said his wife was still too distraught to talk publicly about what happened. Lund said Cole was physically able and mentally upbeat in the days prior to her sudden death. Johnson reported.

Himebaugh, a licensed practical nurse, allegedly gave excessive doses of morphine to patients or gave morphine to patients who weren't prescribed the drug.

Cole didn't have a prescription for the drug and didn't need it, family members said. But the criminal indictment alleges she was given the drug on the day she died.

The medical symptoms that caused Cole to be hospitalized on Sept. 6 were consistent with those caused by an overdose of morphine, a powerful painkiller, said attorney Steve Levin, who represents Cole's family.

"Something happened improperly before her death," said Levin.

Levin said the family expects to file the lawsuit in Cook County later this week.

Johnson reported that attempts to contact a representative of the nursing home for a comment were unsuccessful, but an attorney for one of the accused staff members labeled the charges "ridiculous."

#### **Previous Stories:**

- April 4, 2008: Two Nursing Home Workers Charged In Alleged Mercy Killings

*Additional information provided by Sun-Times News Group*

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