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[NEWS ALERT >>Reputed gang leader Jehan arrested](#)

Federal fugitive Donnell Jehan, a reputed top Black Disciple, has surrendered, authorities said today.

Lawsuit over suspicious nursing home death

WOODSTOCK | Two staffers at nursing home already face charges for alleged neglect

April 8, 2008 **BY DAN ROZEK Staff**
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Virginia Cole felt so energetic on Sept. 5, 2006, she had her hair done, then rolled her wheelchair through the hallways of her Woodstock nursing home, basking in the compliments she received about her new look from staffers and other residents.

A day later, the 78-year-old Cole abruptly fell unconscious at the Woodstock Residence and had to be hospitalized, relatives said. She died four days later -- back at the nursing home where she had been living for only about two months.

On Monday, Cole's relatives said her sudden, unexplained death is prompting them to file a negligence suit against the nursing home and two staffers already facing criminal charges for allegedly neglecting Cole and at least two other patients at the 115-bed institution.

Family members want to know how Cole's health could have deteriorated so rapidly.

"She would be wheeling around in a wheelchair, talking to everyone," said her son-in-law, Frank Lund. "We felt she was doing excellent."

The lawsuit -- expected to be filed in Cook County later this week -- will seek answers to Cole's death, which is one of six suspicious deaths at the nursing home that was the subject of a 15-month probe by State Police and the McHenry County state's attorney's office.

Cole was listed as a victim in the indictments last week by a McHenry County grand jury against nurse Marty Himebaugh and nursing director Penny Whitlock, who allegedly referred to Himebaugh as the "Angel of Death." Himebaugh, 57, a licensed practical nurse, is accused of giving excessive doses of morphine to some patients, while Whitlock, 59, her supervisor, is accused of not taking any action to stop Himebaugh.

Though Cole had heart problems and Alzheimer's disease, she had no life-threatening medical conditions and wasn't prescribed morphine, said Steven Levin, the family's lawyer.

But the criminal indictments allege that Cole received a dose of the powerful painkiller from Himebaugh on the day she died. The symptoms that caused Cole to be hospitalized on Sept. 6 were consistent with those caused by an overdose of morphine, Levin said.

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

Neither Whitlock nor Himebaugh could be reached for comment. Nursing home administrator Alissa Nataupsky has repeatedly denied there was any misconduct at the nursing home, which apparently is in the process of being sold.

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