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Maloney V Community Physical Therapy & Associates, Ltd.

February 2, 2017– Michael F. Bonamarte and Cari F. Silverman of Levin and Perconti represented the widow, Donna Maloney. Mr. Maloney died after the lawsuit was filed of causes unrelated to the lawsuit. Donna continued the lawsuit on his behalf. Mr. Maloney died at the age of 68. A jury awarded the estate of Donna Maloney \$552,000.00.

Timothy Maloney was admitted to Alden Estates of Orland Park for rehab on August 10, 2012. He had been recently hospitalized for issues related to his heart at Palos Community Hospital. In addition to the heart condition he also had diabetes and a muscle disorder called Inclusion Body Myositis. The neuromuscular disorder causes progressive muscle weakness over time. As a result of the condition Mr. Maloney walked with his knees hyperextended. From time to time prior to admission to Alden Estates his knees would buckle as a result from his underlying condition. He did not have the strength to stand up-right. Following hospitalization from his congestive heart failure Mr. Maloney needed rehab. He went to Alden Estates to receive physical therapy from Community Physical Therapy & Associates, Ltd.

On October 15, 2012, he was in rehab with Community Physical Therapy & Associates, Ltd and the therapist had one hand on the wheelchair and one hand on the gait belt. Timothy was attempting to ambulate, took steps, fell and fractured his ankle. He was admitted on October 15, 2012, to Palos Hospital. He had surgery at Palos again October 23, 2012. He was discharged from Palos on October 26, 2012. He started walking again towards the end of December.

The plan they had in place as of October 15, 2012 was not sufficient to address Mr. Maloney's risk factors. The therapists and therapy assistants did not take a careful history from Mr. Maloney regarding prior falls. They were not aware prior to October 15, 2012 that even though

Mr. Maloney walked with his legs hyperextended, his knees still would buckle from time to time. All they had to do was ask Mr. Maloney. Had they taken a careful history from Mr. Maloney when he came under the treatment of Community Physical Therapy & Associates, Ltd. they would have known this. With this knowledge they should have had two people ambulating with Mr. Maloney on October 15, 2012. Had two people been ambulating with Mr. Maloney on October 15, 2012 when his left knee buckled, he would not have gone to the floor. His left ankle would not have twisted underneath him as he went to the floor. His left ankle would not have fractured.

The defendants offered no money to settle the case at any point during the litigation or trial of this case, claiming that the events of October 15, 2012 were a “slow lowering to the ground” rather than a fall and that the fracture was a pathologic or spontaneous fracture caused by the patient’s fragile bones rather than any trauma experienced during the fall.

Levin & Perconti is a nationally renowned law firm concentrating in all types of personal injury, medical malpractice, and wrongful death litigation. The lawyers at Levin & Perconti are committed to protecting and vindicating the rights of people who are injured by the negligence of others. Please contact the firm at (312) 332-2872 or visit www.levinperconti.com for more information.

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