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FOR IMMEDIATE RELEASE

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\$875,000 settlement for the family of a Hispanic man who choked to death at a nursing home

Chicago, IL (March 2, 2017) – Attorneys **John Perconti, Margaret Battersby Black,** and **Daisy Ayllón*** of the Illinois personal injury law firm **Levin & Perconti** obtained a \$875,000 settlement on behalf of the family of a Hispanic man who choked to death at Center Home for Hispanic Elder, a for-profit nursing home in Chicago, IL.

On the afternoon of November 9, 2012, Antonio Mares—an elderly resident who was dependent on the nursing staff for eating and for other activities of daily living—was given a piece of sausage with spaghetti, which directly disregarded physician’s orders instructing the nursing staff to provide Mr. Mares with mechanical-soft food only. This would mean his sausage needed to be finely chopped or ground. The Certified Nursing Assistant who was assigned to assist Mr. Mares with his evening meal failed to recognize that the food did not comply with Mr. Mares’ dietary needs. On the day of the incident, the CNA set up the food tray on the table, positioned Mr. Mares to begin eating, and then stepped away from the area. Mr. Mares ate the food unsupervised and began to choke.

When the CNA returned to the bedside, he realized Mr. Mares was in distress, was not talking, and his lips were turning blue. The CNA attempted to perform the Heimlich maneuver without success. The CNA used the call light to ask for help, but no one responded. Then, to search for help, the CNA had to run out into the hallway seeking help. Someone finally called 911. Life-saving efforts continued but were unsuccessful. Mr. Mares was pronounced dead at the hospital at 8:00 p.m. on November 9, 2012.

“The evidence developed in this case showed that the nursing home was untrained, poorly supervised, and to have failures both in the kitchen and not providing the right food and with the caregivers in not recognizing the problem, speaks to systemic issues at the facility,” said attorney John Perconti. “Our family was robbed of the opportunity to properly say goodbye to my and while no sum of money will ever make up for our loss, we are hopeful that this settlement will incentivize the nursing home to make some needed changes at the facility,” commented client, Isela Mares, daughter of the deceased.

“Accidents like this are inevitable when nursing homes are understaff and the nursing staff is improperly trained”, said Attorney Margaret Battersby Black. "This has happened in the

past and this will happen again until nursing homes like Center Home take their responsibility to care of the elderly seriously."

For more information on this settlement or to schedule an interview, please contact Jordyn Stow at 312.332.2872 or jstow@levinperconti.com

*Attorney Daisy Ayllon is also available to provide interviews/comments in Spanish.