

Complaint at Law

Michael T. Mertz, One of the Attorneys for the Plaintiff, Hurley McKenna & Mertz, Attorneys for Plaintiff, 33 N. Dearborn Street, Suite 1430, Chicago, Illinois 60602, (312) 553-4900, Atty No.: 41267.

COUNT I - NURSING HOME CARE ACT – SURVIVAL

NOW COMES Plaintiff, MARGIE ZUCCO, the Special Administrator of the Estate of WALTER WILKINSON, Deceased, by and through her attorneys in this regard, Hurley McKenna & Mertz, and as Count One of her Complaint at Law against defendants THE TERRACE NH OPERATOR, LLC, TERRACE **NURSING HOME**, LLC, THE TERRACE **NURSING HOME**, INC. (hereinafter collectively referred to as “TERRACE **NURSING HOME**”), upon information and belief, states as follows:

1. This cause of action is brought by MARGIE ZUCCO, as Special Administrator of the Estate WALTER WILKINSON, Deceased, pursuant to the Survival Act for the conscious pain and suffering experienced by WALTER WILKINSON prior to his death.
2. On and after May 5, 2009, and at all times relevant hereto, defendants TERRACE **NURSING HOME** were Illinois corporations licensed to do business in the State of Illinois.
3. On and after May 5, 2009, and at all times relevant hereto, defendants TERRACE **NURSING HOME** provided shelter, care, equipment, and personnel, who were duly authorized agents and employees of the defendant, for the care and treatment of its residents.
4. On and after May 5, 2009, and at all times relevant hereto, WALTER WILKINSON was a resident at TERRACE **NURSING HOME**.
5. While he was a resident at TERRACE **NURSING HOME**, WALTER WILKINSON developed severe decubitus ulcers.
6. Defendants TERRACE **NURSING HOME** failed to prevent WALTER WILKINSON from developing decubitus ulcers.
7. Defendants TERRACE **NURSING HOME** failed to provide proper treatment to WALTER WILKINSON's decubitus ulcers.
8. On and after May 5, 2009, and at all times relevant hereto, defendants TERRACE **NURSING HOME** by and through its duly authorized agents and employees, continuously and routinely violated the Illinois **Nursing HomeCare Act**, ([210 ILCS 45/3-101 et. seq.](#)), for one or more of the following reasons:
 - a. Failed to properly assess WALTER WILKINSON;
 - b. Failed to enter appropriate care plans for WALTER WILKINSON' risk for skin breakdown;
 - c. Failed to follow their care plans;
 - d. Failed to prevent WALTER WILKINSON's from developing decubitus ulcers;
 - e. Failed to properly treat WALTER WILKINSON's decubitus ulcers;
 - f. Failed to provide follow-up care to WALTER WILKINSON;
 - g. Failed to reassess WALTER WILKINSON' need for skin care;
 - h. Failed to properly supervise WALTER WILKINSON; and

i. Otherwise violated the Illinois **Nursing Home** Care Act.

9. As a proximate result of one or more of the foregoing violations of the Illinois **Nursing Home** Care Act by defendant TERRACE **NURSING HOME**, WALTER WILKINSON died, suffered conscious pain and suffering, and his estate has suffered severe and permanent personal and pecuniary injury.

10. Pursuant to [210 ILCS 45/3-602](#), plaintiff seeks actual damages, costs and attorney's fees for the injuries suffered by WALTER WILKINSON as a result of the violations of the Illinois **Nursing Home** Care Act by defendants TERRACE **NURSING HOME** WHEREFORE, plaintiff, MARGIE ZUCCO, the Special Administrator of the Estate of WALTER WILKINSON, Deceased, demands judgment against defendants THE TERRACE NH OPERATOR, LLC, TERRACE **NURSINGHOME**, LLC, THE TERRACE **NURSING HOME**, INC., in a sum in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS.

COUNT II – NEGLIGENCE – SURVIVAL

NOW COMES Plaintiff, MARGIE ZUCCO, the Special Administrator of the Estate of WALTER WILKINSON, Deceased, by and through her attorneys in this regard, Hurley McKenna & Mertz, and as Count Two of her Complaint at Law against defendants THE TERRACE NH OPERATOR, LLC, TERRACE **NURSING HOME**, LLC, THE TERRACE **NURSING HOME**, INC. (hereinafter collectively referred to as “TERRACE **NURSING HOME**”) upon information and belief, states as follows:

1-7. Plaintiff reasserts and realleges paragraphs 1 through 7 of Count I of this Complaint at Law as and for paragraphs 1 through 7 of Count II of this Complaint at Law.

8. On and after May 5, 2009, and at all times relevant hereto, defendants TERRACE **NURSING HOME** by and through its duly authorized agents and employees was continuously and routinely negligent for one or more of the following reasons:

- a. Failed to properly assess WALTER WILKINSON;
- b. Failed to enter appropriate care plans for WALTER WILKINSON' risk for skin breakdown;
- c. Failed to follow their care plans;
- d. Failed to prevent WALTER WILKINSON's from developing decubitus ulcers;
- e. Failed to properly treat WALTER WILKINSON's decubitus ulcers;
- f. Failed to provide follow-up care to WALTER WILKINSON;
- g. Failed to reassess WALTER WILKINSON' need for skin care;
- h. Failed to properly supervise WALTER WILKINSON; and
- i. Was otherwise careless and/or negligent.

9. As a proximate result of one or more of the foregoing negligent acts and/or omissions of defendant, TERRACE **NURSING HOME**., WALTER WILKINSON died, suffered conscious pain and suffering, and his estate has suffered severe and permanent personal and pecuniary injury.

WHEREFORE, plaintiff, MARGIE ZUCCO, the Special Administrator of the Estate of WALTER WILKINSON, Deceased, demands judgment against defendants THE TERRACE NH OPERATOR, LLC, TERRACE **NURSINGHOME**, LLC, THE

TERRACE **NURSING HOME**, INC. in a sum in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS.

COUNT III - NEGLIGENCE – WRONGFUL DEATH

NOW COMES Plaintiff, MARGIE ZUCCO, the Special Administrator of the Estate of WALTER WILKINSON, Deceased, by and through her attorneys in this regard, Hurley McKenna & Mertz, and as Count Three of her Complaint at Law against defendants THE TERRACE NH OPERATOR, LLC, TERRACE **NURSING HOME**, LLC, THE TERRACE **NURSING HOME**, INC. (hereinafter collectively referred to as “TERRACE **NURSING HOME**”) upon information and belief, states as follows:

1. This cause of action is brought by MARGIE ZUCCO, as Special Administrator of the Estate of WALTER WILKINSON, Deceased, pursuant to the Wrongful Death Act, [740 ILCS 180/1](#).

2-9. Plaintiff reasserts and realleges paragraphs 2 through 9 of Count II of this Complaint at Law as and for paragraphs 2 through 9 of Count III of this Complaint at Law.

WHEREFORE, plaintiff, MARGIE ZUCCO, the Special Administrator of the Estate of WALTER WILKINSON, Deceased, demands judgment against defendants THE TERRACE NH OPERATOR, LLC, TERRACE **NURSINGHOME**, LLC, THE TERRACE **NURSING HOME**, INC. (hereinafter collectively referred to as “TERRACE **NURSINGHOME**”) in a sum in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS.