

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION**

BARBARA LOBELLO RUCCIA,	)	
individually and as special	)	
administrator of the estate of	)	
ANTONIO LOBELLO,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No.
	)	
REGENCY MANOR NURSING &	)	
REHABILITATION CENTER, LLC, an	)	
Illinois Corporation, NILDA BURGOS, R.N)	)	
and SARAH BARRISH	)	
	)	
Defendants.	)	

**COMPLAINT AT LAW**

**COUNT I**  
**MEDICAL MALPRACTICE: SURVIVAL ACTION**

NOW COMES the Plaintiff, BARBARA LOBELLO RUCCIA, special administrator of the estate of ANTONIO LOBELLO, deceased, by and through her attorneys, FICHERA & MILLER, and complaining of the Defendant, REGENCY MANOR NURSING & REHABILITATION CENTER, LLC (hereinafter “Regency Rehabilitation Center”) as follows:

1. On March 5, 2010 and prior to it, the Defendant was an Illinois corporation engaged in the operation and maintenance of a long term care facility at 6631 N. Milwaukee, Niles, Illinois.
  
2. On March 2, 2010 ANTONIO LOBELLO entered the defendant long term care facility for the purpose of nursing care and renal treatment. At that time and place, the defendant, for reward, furnished to the plaintiff a bed, board, the services of the interns,

nurses, and physicians in its employ and on the staff of the defendant long term care facility, and other long term care facilities and services.

3. Because of this, Defendant had a duty, by its agents, apparent agents, and servants, to exercise toward the plaintiff, due and proper care in and about the services rendered him so as not to injure or harm the plaintiff while he was a patient in the defendant long term care facility.

4. The Defendant was negligent in its care for the Plaintiff in one or more of the following respects:

- a. failed to ensure that the nursing staff followed physician orders and administered medications and treatments as ordered pursuant to state and federal regulations governing nursing home residents;
- b. failed to hire qualified and experienced nursing staff to provide appropriate care and treatment to ANTONIO LOBELLO during his residency pursuant to the state and federal regulations governing nursing home residents;
- c. failed to ensure that the medical and nursing services provided to ANTONIO LOBELLO met the applicable regulations policies, procedures and standards for overall quality of care;
- d. failed to ensure the safety and welfare of ANTONIO LOBELLO pursuant to the state and federal regulations governing nursing home residents;
- e. failed to evaluate, monitor and supervise the overall quality of healthcare being provided by the attending physician, nursing staff and other medical personnel pursuant to the state and federal regulations governing nursing home residents;
- f. failed to ensure that the nursing staff implemented a care plan that addressed the specific measures necessary to treat a highly complex, total-care resident like ANTONIO LOBELLO;
- g. failed to perform dialysis as ordered by attending physician on Tuesday March 2, 2010;
- h. failed to perform dialysis as ordered by attending physician on Wednesday March 3, 2010;
- i. failed to perform dialysis as ordered by attending physician on Thursday March 4, 2010;
- j. left ANTONIO LOBELLO alone and naked in dialysis room in excess of five hours on Thursday March 4, 2010, while still not performing the necessary procedure.

5. The Defendant, by its agents, apparent agents, and servants so carelessly, negligently, unskillfully, and improperly treated, attended, nursed, and performed the services on the plaintiff, that as a direct and proximate result, the plaintiff suffered severe and permanent injuries.

6. The actual, direct, and proximate cause of ANTONIO LOBELLO's injuries between March 2, 2010 and March 5, 2010, was defendant's breach of the basic duties owed ANTONIO LOBELLO while a patient in the facility.

7. As a direct and proximate result of Defendant's negligence Plaintiff suffered renal failure and endured intense pain and suffering during the final days of his life.

8. Pursuant to 735 ILCS5/2-622, attached as Exhibit A, is an Affidavit of Alexander N. Hattimer.

9. On March 15, 2011, pursuant to Order of the Circuit Court of Cook County, Illinois, BARBARA LOBELLO RUCCIA, Individually, and as Special Administrator of the Estate of ANTONIO LOBELLO deceased, was duly appointed Special Administrator of the Estate of ANTONIO LOBELLO for the purpose of prosecuting this action.

10. On, March 2, 2010 and for some time prior thereto, there was in full force and effect the Survival Act, 755 ILCS 5/27-6.

WHEREFORE, the Plaintiff, BARBARA LOBELLO RUCCIA, as special administrator of the estate of ANTONIO LOBELLO, deceased, demands judgment against REGENCY MANOR NURSING & REHABILITATION CENTER, LLC, an Illinois Corporation, in a dollar amount to satisfy the jurisdictional limitation of this

Court and such additional amounts as the Court shall deem proper, and additionally, costs of said suit.

**COUNT II**  
**MEDICAL MALPRACTICE: WRONFUL DEATH**

NOW COMES the Plaintiff, BARBARA LOBELLO RUCCIA, special administrator of the estate of ANTONIO LOBELLO, deceased, by and through her attorneys, FICHERA & MILLER, and complaining of the Defendant, REGENCY MANOR NURSING & REHABILITATION CENTER, LLC (hereinafter “Regency Rehabilitation Center”) as follows:

1. On March 5, 2010 and prior to it, the defendant was and is an Illinois corporation engaged in the operation and maintenance of a nursing home at 6631 N. Milwaukee, Niles, Illinois.

2. On March 2, 2010 ANTONIO LOBELLO entered the defendant long term care facility for the purpose of nursing care and renal treatment. At that time and place, the defendant, for reward, furnished to the plaintiff a bed, board, the services of the interns, nurses, and physicians in its employ and on the staff of the defendant long term care facility, and other long term care facilities and services.

3. Because of this, Defendant had a duty, by its agents, apparent agents, and servants, to exercise toward the plaintiff, due and proper care in and about the services rendered him so as not to injure or harm the plaintiff while he was a patient in the defendant long term care facility.

4. The Defendant was negligent in its care for the Plaintiff in one or more of the following respects:

a. failed to ensure that the nursing staff followed physician orders and

- administered medications and treatments as ordered pursuant to state and federal regulations governing nursing home residents;
- b. failed to hire qualified and experienced nursing staff to provide appropriate care and treatment to ANTONIO LOBELLO during his residency pursuant to the state and federal regulations governing nursing home residents;
  - c. failed to ensure that the medical and nursing services provided to ANTONIO LOBELLO met the applicable regulations policies, procedures and standards for overall quality of care;
  - d. failed to ensure the safety and welfare of ANTONIO LOBELLO pursuant to the state and federal regulations governing nursing home residents;
  - e. failed to evaluate, monitor and supervise the overall quality of healthcare being provided by the attending physician, nursing staff and other medical personnel pursuant to the state and federal regulations governing nursing home residents;
  - f. failed to ensure that the nursing staff implemented a care plan that addressed the specific measures necessary to treat a highly complex, total-care resident like ANTONIO LOBELLO;
  - g. failed to perform dialysis as ordered by attending physician on Tuesday March 2, 2010;
  - h. failed to perform dialysis as ordered by attending physician on Wednesday March 3, 2010;
  - i. failed to perform dialysis as ordered by attending physician on Thursday March 4, 2010;
  - j. left ANTONIO LOBELLO alone and naked in dialysis room in excess of five hours on Thursday March 4, 2010, while still not performing the necessary procedure.

5. The Defendant, by its agents, apparent agents, and servants so carelessly, negligently, unskillfully, and improperly treated, attended, nursed, and performed the services on the plaintiff, that as a direct and proximate result, the plaintiff suffered fatal injuries.

6. The actual, direct, and proximate cause of ANTONIO LOBELLO's injuries between March 2, 2010 and March 5, 2010, was defendant's breach of the basic duties owed ANTONIO LOBELLO while a patient in the facility.

7. As a direct and proximate result of Defendant's negligence Plaintiff suffered renal failure that resulted in his death.

8. Pursuant to 735 ILCS5/2-622, attached as Exhibit A, is an Affidavit of Alexander N. Hattimer.

9. On March 15, 2011, pursuant to Order of the Circuit Court of Cook County, Illinois, BARBARA LOBELLO RUCCIA Individually, and as Special Administrator of the Estate of ANTONIO LOBELLO deceased, was duly appointed Special Administrator of the Estate of ANTONIO LOBELLO for the purpose of prosecuting this action.

10. That on March 15, 2011, and for some time prior thereto, there was in full force and effect the Wrongful Death Act, 740 ILCS 180-1-2.

11. At the time of the decedent's death, he left surviving the following next of kin who are entitled to recover under the Wrongful Death Act:

- a. Angela Lobello, wife
- b. Barbara Lobello Ruccia, daughter
- c. Domenic Lobello, Son
- d. Victor Lobello, Son

WHEREFORE, the Plaintiff, BARBARA LOBELLO RUCCIA, as special administrator of the estate of ANTONIO LOBELLO, deceased, demands judgment against REGENCY MANOR NURSING & REHABILITATION CENTER, LLC, an Illinois Corporation, in a dollar amount to satisfy the jurisdictional limitation of this Court and such additional amounts as the Court shall deem proper, and additionally, costs of said suit.

**COUNT III**  
**NURSING HOME CARE ACT: SURVIVAL ACTION**

NOW COMES the Plaintiff, BARBARA LOBELLO RUCCIA, special administrator of the estate of ANTONIO LOBELLO, deceased, by and through her attorneys, FICHERA & MILLER, and complaining of the Defendant, REGENCY MANOR NURSING & REHABILITATION CENTER, LLC (hereinafter “Regency Rehabilitation Center”) as follows:

1. On March 5, 2010 and prior to it, the defendant was and is an Illinois corporation engaged in the operation and maintenance of a nursing home at 6631 N. Milwaukee, Niles, Illinois.

2. On, March 2, 2010 and for some time prior thereto Regency Rehabilitation Center is a long term care facility governed by Nursing Home Care Act, 210 ILCS 45/1-101 et. seq.

3. On March 2, 2010 ANTONIO LOBELLO entered the defendant long term care facility for the purpose of nursing care and renal treatment. At that time and place, the defendant, for reward, furnished to the plaintiff a bed, board, the services of the interns, nurses, and physicians in its employ and on the staff of the defendant long term care facility, and other long term care facilities and services.

4. Because of this, Defendant had a duty, by its agents, apparent agents, and servants, to exercise toward the plaintiff, due and proper care, as defined by the Nursing Home Act, in and about the services rendered him so as not to injure or harm the plaintiff while he was a patient in the defendant long term care facility.

5. On, March 2, 2010 and for some time prior thereto, there was in full force and effect the Survival Act, 755 ILCS 5/27-6.

6. The Defendant was negligent in its care for the Plaintiff in one or more of the following respects:

- a. failed to ensure that the nursing staff followed physician orders and administered medications and treatments as ordered pursuant to state and federal regulations governing nursing home residents;
- b. failed to hire qualified and experienced nursing staff to provide appropriate care and treatment to ANTONIO LOBELLO during his residency pursuant to the state and federal regulations governing nursing home residents;
- c. failed to ensure that the medical and nursing services provided to ANTONIO LOBELLO met the applicable regulations policies, procedures and standards for overall quality of care;
- d. failed to ensure the safety and welfare of ANTONIO LOBELLO pursuant to the state and federal regulations governing nursing home residents;
- e. failed to evaluate, monitor and supervise the overall quality of healthcare being provided by the attending physician, nursing staff and other medical personnel pursuant to the state and federal regulations governing nursing home residents;
- f. failed to ensure that the nursing staff implemented a care plan that addressed the specific measures necessary to treat a highly complex, total-care resident like ANTONIO LOBELLO;
- g. failed to perform dialysis as ordered by attending physician on Tuesday March 2, 2010;
- h. failed to perform dialysis as ordered by attending physician on Wednesday March 3, 2010;
- i. failed to perform dialysis as ordered by attending physician on Thursday March 4, 2010;
- j. left ANTONIO LOBELLO alone and naked in dialysis room in excess of five hours on Thursday March 4, 2010, while still not performing the necessary procedure.

7. The Defendant, by its agents, apparent agents, and servants so carelessly, negligently, unskillfully, and improperly treated, attended, nursed, and performed the services on the plaintiff, that as a direct and proximate result, the plaintiff suffered severe and permanent injuries.

8. The actual, direct, and proximate cause of ANTONIO LOBELLO's injuries between March 2, 2010 and March 5, 2010, was defendant's breach of the basic duties owed ANTONIO LOBELLO while a patient in the facility.

9. As a direct and proximate result of Defendant's negligence Plaintiff suffered renal failure and endured intense pain and suffering during the final days of his life.

10. On March 15, 2011, pursuant to Order of the Circuit Court of Cook County, Illinois, BARBARA LOBELLO RUCCIA Individually, and as Special Administrator of the Estate of ANTONIO LOBELLO deceased, was duly appointed Special Administrator of the Estate of ANTONIO LOBELLO for the purpose of prosecuting this action.

WHEREFORE, the Plaintiff, BARBARA LOBELLO RUCCIA, as special administrator of the estate of ANTONIO LOBELLO, deceased, demands judgment against REGENCY MANOR NURSING & REHABILITATION CENTER, LLC, an Illinois Corporation, in a dollar amount to satisfy the jurisdictional limitation of this Court and such additional amounts as the Court shall deem proper, and additionally, costs of said suit.

**COUNT IV**

**NURSING HOME CARE ACT: WRONGFUL DEATH**

NOW COMES the Plaintiff, BARBARA LOBELLO RUCCIA, special administrator of the estate of ANTONIO LOBELLO, deceased, by and through her attorneys, FICHERA & MILLER, and complaining of the Defendant, REGENCY MANOR NURSING & REHABILITATION CENTER, LLC (hereinafter "Regency Rehabilitation Center") as follows:

1. On March 5, 2010 and prior to it, the defendant was and is an Illinois corporation engaged in the operation and maintenance of a nursing home at 6631 N. Milwaukee, Niles, Illinois.

2. On, March 2, 2010 and for some time prior thereto Regency Rehabilitation Center

is a long term care facility governed by Nursing Home Care Act, 210 ILCS 45/1-101 et. seq.

3. On March 15, 2011, and for some time prior thereto, there was in full force and effect the Wrongful Death Act, 740 ILCS 180-1-2.

4. On March 2, 2010 ANTONIO LOBELLO entered the defendant long term care facility for the purpose of nursing care and renal treatment. At that time and place, the defendant, for reward, furnished to the plaintiff a bed, board, the services of the interns, nurses, and physicians in its employ and on the staff of the defendant long term care facility, and other long term care facilities and services.

5. Because of this, Defendant had a duty, by its agents, apparent agents, and servants, to exercise toward the plaintiff, due and proper care, as defined by the Nursing Home Act, in and about the services rendered him so as not to injure or harm the plaintiff while he was a patient in the defendant long term care facility.

6. The Defendant was negligent in its care for the Plaintiff in one or more of the following respects:

- a. failed to ensure that the nursing staff followed physician orders and administered medications and treatments as ordered pursuant to state and federal regulations governing nursing home residents;
- b. failed to hire qualified and experienced nursing staff to provide appropriate care and treatment to ANTONIO LOBELLO during his residency pursuant to the state and federal regulations governing nursing home residents;
- c. failed to ensure that the medical and nursing services provided to ANTONIO LOBELLO met the applicable regulations policies, procedures and standards for overall quality of care;
- d. failed to ensure the safety and welfare of ANTONIO LOBELLO pursuant to the state and federal regulations governing nursing home residents;
- e. failed to evaluate, monitor and supervise the overall quality of healthcare being provided by the attending physician, nursing staff and other medical personnel pursuant to the state and federal regulations governing nursing home residents;
- f. failed to ensure that the nursing staff implemented a care plan that addressed

the specific measures necessary to treat a highly complex, total-care resident like ANTONIO LOBELLO;

- g. failed to perform dialysis as ordered by attending physician on Tuesday March 2, 2010;
- h. failed to perform dialysis as ordered by attending physician on Wednesday March 3, 2010;
- i. failed to perform dialysis as ordered by attending physician on Thursday March 4, 2010;
- j. left ANTONIO LOBELLO alone and naked in dialysis room in excess of five hours on Thursday March 4, 2010, while still not performing the necessary procedure.

7. The Defendant, by its agents, apparent agents, and servants so carelessly, negligently, unskillfully, and improperly treated, attended, nursed, and performed the services on the plaintiff, that as a direct and proximate result, the plaintiff suffered fatal injuries.

8. The actual, direct, and proximate cause of ANTONIO LOBELLO's injuries between March 2, 2010 and March 5, 2010, was defendant's breach of the basic duties owed ANTONIO LOBELLO while a patient in the facility.

7. As a direct and proximate result of Defendant's negligence Plaintiff suffered renal failure that resulted in his death.

9. On March 15, 2011, pursuant to Order of the Circuit Court of Cook County, Illinois, BARBARA LOBELLO RUCCIA, Individually, and as Special Administrator of the Estate of ANTONIO LOBELLO deceased, was duly appointed Special Administrator of the Estate of ANTONIO LOBELLO for the purpose of prosecuting this action.

10. At the time of the decedent's death, he left surviving the following next of kin who are entitled to recover under the Wrongful Death Act:

- a. Angela Lobello, wife

- b. Barbara Lobello Ruccia, daughter
- c. Domenic Lobello, Son
- d. Victor Lobello, Son

WHEREFORE, the Plaintiff, BARBARA LOBELLO RUCCIA, as special administrator of the estate of ANTONIO LOBELLO, deceased, demands judgment against REGENCY MANOR NURSING & REHABILITATION CENTER, LLC, an Illinois Corporation, in a dollar amount to satisfy the jurisdictional limitation of this Court and such additional amounts as the Court shall deem proper, and additionally, costs of said suit.

**COUNT V**  
**MEDICAL MALPRACTICE: SURVIVAL ACTION- NILDA BURGOS**

NOW COMES the Plaintiff, BARBARA LOBELLO RUCCIA, special administrator of the estate of ANTONIO LOBELLO, deceased, by and through her attorneys, FICHERA & MILLER, and complaining of the Defendant, NILDA BURGOS, R.N. (hereinafter "Burgos"): as follows:

1. On March 5, 2010 and prior to it, the defendant Burgos was and is a registered nurse licensed by the state of Illinois.
2. On or about March 5, 2010 Burgos was employed as director of nursing at REGENCY MANOR NURSING & REHABILITATION CENTER, LLC located at 6631 N. Milwaukee, Niles, Illinois.
3. On March 2, 2010 ANTONIO LOBELLO entered the defendant long term care facility for the purpose of nursing care and renal treatment.
4. As Director of Nursing, Burgos oversaw the care and treatment of ANTONIO LOBELLO.

5. Under the nurse-patient relationship existing between defendant, Burgos, and decedent, defendant was under a duty to exercise that degree of learning, skill, ability, care, attention, diligence, prudence, caution, common sense, and vigilance ordinarily possessed and exercised by other registered nurses in this locality.

6. The Defendant was negligent in her care for the Plaintiff in one or more of the following respects:

- a. failed to ensure that the nursing staff followed physician orders and administered medications and treatments as ordered pursuant to state and federal regulations governing nursing home residents;
- b. failed to hire qualified and experienced nursing staff to provide appropriate care and treatment to ANTONIO LOBELLO during his residency pursuant to the state and federal regulations governing nursing home residents;
- c. failed to ensure that the nursing services provided to ANTONIO LOBELLO met the applicable regulations policies, procedures and standards for overall quality of care;
- d. failed to ensure the safety and welfare of ANTONIO LOBELLO pursuant to the state and federal regulations governing nursing home residents;
- e. failed to evaluate, monitor and supervise the overall quality of healthcare being provided by the nursing staff and other medical personnel pursuant to the state and federal regulations governing nursing home residents;
- f. failed to ensure that the nursing staff implemented a care plan that addressed the specific measures necessary to treat a highly complex, total-care resident like ANTONIO LOBELLO;
- g. failed to perform dialysis as ordered by attending physician on Tuesday March 2, 2010;
- h. failed to perform dialysis as ordered by attending physician on Wednesday March 3, 2010;
- i. failed to perform dialysis as ordered by attending physician on Thursday March 4, 2010;
- j. left ANTONIO LOBELLO alone and naked in dialysis room in excess of five hours on Thursday March 4, 2010, while still not performing the necessary procedure.

7. The Defendant, individually and by her agents, apparent agents, and servants so carelessly, negligently, unskillfully, and improperly treated, attended, nursed, and performed the services on the plaintiff, that as a direct and proximate result, the plaintiff suffered severe and permanent injuries.

8. The actual, direct, and proximate cause of ANTONIO LOBELLO's injuries between March 2, 2010 and March 5, 2010, was defendant's breach of the basic duties owed ANTONIO LOBELLO while a patient under her care.

9. As a direct and proximate result of Defendant's negligence Plaintiff suffered renal failure and endured intense pain and suffering during the final days of his life.

10. Pursuant to 735 ILCS5/2-622, attached as Exhibit A, is an Affidavit of Alexander N. Hattimer.

11. On March 15, 2011, pursuant to Order of the Circuit Court of Cook County, Illinois, BARBARA LOBELLO RUCCIA Individually, and as Special Administrator of the Estate of ANTONIO LOBELLO deceased, was duly appointed Special Administrator of the Estate of ANTONIO LOBELLO for the purpose of prosecuting this action.

12. On, March 2, 2010 and for some time prior thereto, there was in full force and effect the Survival Act, 755 ILCS 5/27-6.

WHEREFORE, the Plaintiff, BARBARA LOBELLO RUCCIA, as special administrator of the estate of ANTONIO LOBELLO, deceased, demands judgment against NILDA BURGOS in a dollar amount to satisfy the jurisdictional limitation of this Court and such additional amounts as the Court shall deem proper, and additionally, costs of said suit.

**COUNT VI**  
**MEDICAL MALPRACTICE: WRONGFUL DEATH-NILDA BURGOS**

NOW COMES the Plaintiff, BARBARA LOBELLO RUCCIA, special administrator of the estate of ANTONIO LOBELLO, deceased, by and through her attorneys,

FICHERA & MILLER, and complaining of the Defendant, NILDA BURGOS, R.N.

(hereinafter “Burgos”): as follows:

1. On March 5, 2010 and prior to it, the defendant Burgos was and is a registered nurse licensed by the state of Illinois.

2. On or about March 5, 2010 Burgos was employed as director of nursing at REGENCY MANOR NURSING & REHABILITATION CENTER, LLC located at 6631 N. Milwaukee, Niles, Illinois.

3. On March 2, 2010 ANTONIO LOBELLO entered the defendant long term care facility for the purpose of nursing care and renal treatment.

4. As Director of Nursing, Burgos oversaw the care and treatment of ANTONIO LOBELLO.

5. Under the nurse-patient relationship existing between defendant, Burgos, and decedent, defendant was under a duty to exercise that degree of learning, skill, ability, care, attention, diligence, prudence, caution, common sense, and vigilance ordinarily possessed and exercised by other registered nurses in this locality.

6. The Defendant was negligent in her care for the Plaintiff in one or more of the following respects:

- a. failed to ensure that the nursing staff followed physician orders and administered medications and treatments as ordered pursuant to state and federal regulations governing nursing home residents;
- b. failed to hire qualified and experienced nursing staff to provide appropriate care and treatment to ANTONIO LOBELLO during his residency pursuant to the state and federal regulations governing nursing home residents;
- c. failed to ensure that the nursing services provided to ANTONIO LOBELLO met the applicable regulations policies, procedures and standards for overall quality of care;
- d. failed to ensure the safety and welfare of ANTONIO LOBELLO pursuant to the state and federal regulations governing nursing home residents;
- e. failed to evaluate, monitor and supervise the overall quality of healthcare

being provided by the nursing staff and other medical personnel pursuant to the state and federal regulations governing nursing home residents;

- f. failed to ensure that the nursing staff implemented a care plan that addressed the specific measures necessary to treat a highly complex, total-care resident like ANTONIO LOBELLO;
- g. failed to perform dialysis as ordered by attending physician on Tuesday March 2, 2010;
- h. failed to perform dialysis as ordered by attending physician on Wednesday March 3, 2010;
- i. failed to perform dialysis as ordered by attending physician on Thursday March 4, 2010;
- j. left ANTONIO LOBELLO alone and naked in dialysis room in excess of five hours on Thursday March 4, 2010, while still not performing the necessary procedure.

7. The Defendant, individually and by her agents, apparent agents, and servants so carelessly, negligently, unskillfully, and improperly treated, attended, nursed, and performed the services on the plaintiff, that as a direct and proximate result, the plaintiff died.

8. The actual, direct, and proximate cause of ANTONIO LOBELLO's injuries between March 2, 2010 and March 5, 2010, was defendant's breach of the basic duties owed ANTONIO LOBELLO while a patient in the facility.

9. As a direct and proximate result of Defendant's negligence Plaintiff suffered renal failure that resulted in his death.

10. Pursuant to 735 ILCS5/2-622, attached as Exhibit A, is an Affidavit of Alexander N. Hattimer.

11. On March 15, 2011, pursuant to Order of the Circuit Court of Cook County, Illinois, BARBARA LOBELLO RUCCIA Individually, and as Special Administrator of the Estate of ANTONIO LOBELLO deceased, was duly appointed Special Administrator of the Estate of ANTONIO LOBELLO for the purpose of prosecuting this action.

10. That on March 5, 2010, and for some time prior thereto, there was in full force and effect the Wrongful Death Act, 740 ILCS 180-1-2.

11. At the time of the decedent's death, he left surviving the following next of kin who are entitled to recover under the Wrongful Death Act:

- a. Angela Lobello, wife
- b. Barbara Lobello Ruccia, daughter
- c. Domenic Lobello, Son
- d. Victor Lobello, Son

WHEREFORE, the Plaintiff, BARBARA LOBELLO RUCCIA, as special administrator of the estate of ANTONIO LOBELLO, deceased, demands judgment against NILDA BURGOS in a dollar amount to satisfy the jurisdictional limitation of this Court and such additional amounts as the Court shall deem proper, and additionally, costs of said suit.

**COUNT VII**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS-  
REGENCY REHABILITATION CENTER**

NOW COMES the Plaintiff, BARBARA LOBELLO RUCCIA by and through her attorneys, FICHERA & MILLER, and complaining of the Defendant, REGENCY MANOR NURSING & REHABILITATION CENTER, LLC (hereinafter "Regency Rehabilitation Center") as follows:

1. On or about March 2, 2010 Barbara Lobello Ruccia entrusted her father, Antonio Lobello's nursing and renal care to Regency Rehabilitation Center.
2. Antonio Lobello was transferred from another long term care facility to Regency Rehabilitation Center so he could receive dialysis on site three times weekly.

3. On Tuesday March 2, 2010 Regency Rehabilitation Center by and through its agents failed to perform dialysis as ordered by Mr. Lobello's attending physician;
4. On Wednesday March 3, 2010 Regency Rehabilitation Center by and through its agents failed to perform dialysis as ordered by Mr. Lobello's attending physician;
5. On Thursday March 4, 2010 Regency Rehabilitation Center by and through its agents failed to perform dialysis as ordered by Mr. Lobello's attending physician;
6. Regency Rehabilitation Center by and through its agents left Antonio Lobello alone and naked in dialysis room in excess of five hours on Thursday March 4, 2010, while still not performing the necessary procedure.
7. Antonio Lobello died as a result of Regency Rehabilitation Center's failure to perform dialysis on him.
8. In the month's following her father's death Barbara Lobello requested records from all Antonio Lobello's medical providers in an effort to understand what happened to her father.
9. On or about October 22, 2010 BARBARA LOBELLO RUCCIA faxed a request for her father's records to Regency Rehabilitation Center.
10. Included with her request was a properly executed power of attorney signed by her father as well as a death certificate.
11. On October 22, 2010, and for some time prior thereto, there was in full force and effect 735 ILCS 5/8-2001 "Examination of health care records" which provides in pertinent part:

"Every private and public health care facility shall, upon the request of any patient who has been treated in such health care facility, or any person, entity, or organization presenting a valid authorization for the release of records signed by the patient or the

patient's legally authorized representative, permit the patient, his or her health care practitioner, authorized attorney, or any person, entity, or organization presenting a valid authorization for the release of records signed by the patient or the patient's legally authorized representative to examine the health care facility patient care records, including but not limited to the history, bedside notes, charts, pictures and plates, kept in connection with the treatment of such patient, and permit copies of such records to be made by him or her or his or her health care practitioner or authorized attorney.”

12. Ms. Lobello’s request was denied by an agent of Regency Rehabilitation Center.
13. BARBARA LOBELLO RUCCIA left numerous voicemails with administrators at Regency Rehabilitation Center.
14. Finally, on January 29, 2011, Sarah Barrish, who identified herself as general counsel for Regency Rehabilitation Center, called Ms. Lobello Ruccia.
15. Sarah Barrish is an agent of Regency Rehabilitation Center.
16. Ms. Barrish told Ms. Lobello Ruccia “Why should I release (Antonio Lobello’s medical records) to you when you will just turn around and sue us!”
17. The statement above is extreme and outrageous.
18. Ms. Barrish also stated “Our policy is to only release records by court order.”
19. As a direct and proximate result of these intentional acts and omissions of Regency Rehabilitation Center the Plaintiff, BARBARA LOBELLO RUCCIA, sustained severe emotional distress.
20. As a result of the cover up Ms. Lobello Ruccia doubts any account of the events surrounding her father’s death.
21. The infliction of emotional distress as described above was willful and wanton.

22. Plaintiff reserves the right pursuant to 735 ILCS 5/2-604.1 to seek punitive damages for defendant's alleged willful and wanton conduct.

WHEREFORE, the Plaintiff, BARBARA LOBELLO RUCCIA demands judgment against REGENCY MANOR NURSING & REHABILITATION CENTER, LLC in a dollar amount to satisfy the jurisdictional limitation of this Court and such additional amounts as the Court shall deem proper, and additionally, costs of said suit.

**COUNT VIII**

**NEGLIGENCE: REGENCY REHABILITATION CENTER**

NOW COMES the Plaintiff, BARBARA LOBELLO RUCCIA by and through her attorneys, FICHERA & MILLER, and complaining of the Defendant, REGENCY MANOR NURSING & REHABILITATION CENTER, LLC (hereinafter "Regency Rehabilitation Center") as follows:

1. On or about March 2, 2010 Barbara Lobello Ruccia entrusted her father, Antonio Lobello's nursing and renal care to Regency Rehabilitation Center.
2. Antonio Lobello was transferred from another long term care facility to Regency Rehabilitation Center so he could receive dialysis on site three times weekly.
3. On Tuesday March 2, 2010 Regency Rehabilitation Center by and through its agents failed to perform dialysis as ordered by Mr. Lobello's attending physician;
4. On Wednesday March 3, 2010 Regency Rehabilitation Center by and through its agents failed to perform dialysis as ordered by Mr. Lobello's attending physician;
5. On Thursday March 4, 2010 Regency Rehabilitation Center by and through its agents failed to perform dialysis as ordered by Mr. Lobello's attending physician;

6. Regency Rehabilitation Center by and through its agents left Antonio Lobello alone and naked in dialysis room in excess of five hours on Thursday March 4, 2010, while still not performing the necessary procedure.

7. Antonio Lobello died as a result of Regency Rehabilitation Center's failure to perform dialysis on him.

8. In the month's following her father's death Barbara Lobello requested records from all Antonio Lobello's medical providers in an effort to understand what happened to her father.

9. On or about October 22, 2010 BARBARA LOBELLO RUCCIA faxed a request for her father's records to Regency Rehabilitation Center.

10. Included with her request was a properly executed power of attorney signed by her father as well as a death certificate.

11. On October 22, 2010, and for some time prior thereto, there was in full force and effect 735 ILCS 5/8-2001 "Examination of health care records." Which provides in pertinent part:

"Every private and public health care facility shall, upon the request of any patient who has been treated in such health care facility, or any person, entity, or organization presenting a valid authorization for the release of records signed by the patient or the patient's legally authorized representative, permit the patient, his or her health care practitioner, authorized attorney, or any person, entity, or organization presenting a valid authorization for the release of records signed by the patient or the patient's legally authorized representative to examine the health care facility patient care records, including but not limited to the history, bedside notes, charts, pictures and plates, kept in connection with the treatment of such patient, and permit copies of such records to be made by him or her or his or her health care practitioner or authorized attorney."

12. Ms. Lobello's request was denied by an agent of Regency Rehabilitation Center.

13. Regency Rehabilitation Center had a duty to follow applicable statutes when releasing medical records.

14. BARBARA LOBELLO RUCCIA left numerous voicemails with administrators at Regency Rehabilitation Center.

15. Finally, on January 29, 2011, Sarah Barrish, who identified herself as general counsel for Regency Rehabilitation Center, called Ms. Lobello Ruccia.

16. Sarah Barrish is an agent of Regency Rehabilitation Center.

17. Ms. Barrish told Ms. Lobello Ruccia “Why should I release (Antonio Lobello’s medical records) to you when you will just turn around and sue us!”

18. Ms. Barrish also stated “Our policy is to only release records by court order.”

19. As a direct and proximate result of Regency Rehabilitation Center’s negligent acts and omissions the plaintiff has suffered emotional distress and incurred legal expenses in attempting to obtain records.

WHEREFORE, the Plaintiff, BARBARA LOBELLO RUCCIA demands judgment against REGENCY MANOR NURSING & REHABILITATION CENTER, LLC in a dollar amount to satisfy the jurisdictional limitation of this Court and such additional amounts as the Court shall deem proper, and additionally, costs of said suit.

**COUNT IX**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS-**  
**SARAH BARRISH**

NOW COMES the Plaintiff, BARBARA LOBELLO RUCCIA by and through her attorneys, FICHERA & MILLER, and complaining of the Defendant, SARAH BARRISH as follows:

1. On or about March 2, 2010 Barbara Lobello Ruccia entrusted her father, Antonio Lobello’s nursing and renal care to Regency Rehabilitation Center.

2. Antonio Lobello was transferred from another long term care facility to Regency Rehabilitation Center so he could receive dialysis on site three times weekly.
3. On Tuesday March 2, 2010 Regency Rehabilitation Center by and through its agents failed to perform dialysis as ordered by Mr. Lobello's attending physician;
4. On Wednesday March 3, 2010 Regency Rehabilitation Center by and through its agents failed to perform dialysis as ordered by Mr. Lobello's attending physician;
5. On Thursday March 4, 2010 Regency Rehabilitation Center by and through its agents failed to perform dialysis as ordered by Mr. Lobello's attending physician;
6. Regency Rehabilitation Center by and through its agents left Antonio Lobello alone and naked in dialysis room in excess of five hours on Thursday March 4, 2010, while still not performing the necessary procedure.
7. Antonio Lobello died as a result of Regency Rehabilitation Center's failure to perform dialysis on him.
8. In the month's following her father's death Barbara Lobello requested records from all Antonio Lobello's medical providers in an effort to understand what happened to her father.
9. On or about October 22, 2010 BARBARA LOBELLO RUCCIA faxed a request for her father's records to Regency Rehabilitation Center.
10. Included with her request was a properly executed power of attorney signed by her father as well as a death certificate.
11. On October 22, 2010, and for some time prior thereto, there was in full force and effect 735 ILCS 5/8-2001 "Examination of health care records." Which provides in pertinent part:

“Every private and public health care facility shall, upon the request of any patient who has been treated in such health care facility, or any person, entity, or organization presenting a valid authorization for the release of records signed by the patient or the patient's legally authorized representative, permit the patient, his or her health care practitioner, authorized attorney, or any person, entity, or organization presenting a valid authorization for the release of records signed by the patient or the patient's legally authorized representative to examine the health care facility patient care records, including but not limited to the history, bedside notes, charts, pictures and plates, kept in connection with the treatment of such patient, and permit copies of such records to be made by him or her or his or her health care practitioner or authorized attorney.”

12. Ms. Lobello's request was denied by Sarah Barrish.

13. Sarah Barrish is an attorney licensed in the state of Illinois.

14. Sarah Barrish knew or should have known 735 ILCS 5/8-2001 applied to the release of medical records.

15. BARBARA LOBELLO RUCCIA left numerous voicemails with administrators at Regency Rehabilitation Center.

16. Finally, on January 29, 2011, the defendant Sarah Barrish, who identified herself as general counsel for Regency Rehabilitation Center, called Ms. Lobello Ruccia.

17. Ms. Barrish told Ms. Lobello Ruccia “Why should I release (Antonio Lobello's medical records) to you when you will just turn around and sue us!”

18. The statement above is extreme and outrageous.

19. Ms. Barrish also stated “Our policy is to only release records by court order.”

20. As a direct and proximate result of these intentional acts and omissions of Sarah Barrish the Plaintiff, BARBARA LOBELLO RUCCIA, sustained severe emotional distress.

21. As a result of the cover up Ms. Lobello Ruccia doubts any account of the events surrounding her father's death.

22. The infliction of emotional distress as described above was willful and wanton.

23. Plaintiff reserves the right pursuant to 735 ILCS 5/2-604.1 to seek punitive damages for defendant's alleged willful and wanton conduct.

WHEREFORE, the Plaintiff, BARBARA LOBELLO RUCCIA, demands judgment against SARAH BARRISH in a dollar amount to satisfy the jurisdictional limitation of this Court and such additional amounts as the Court shall deem proper, and additionally, costs of said suit.

**COUNT X**

**NEGLIGENCE: SARAH BARRISH**

NOW COMES the Plaintiff, BARBARA LOBELLO RUCCIA by and through her attorneys, FICHERA & MILLER, and complaining of the Defendant, SARAH BARRISH as follows:

1. On or about March 2, 2010 Barbara Lobello Ruccia entrusted her father, Antonio Lobello's nursing and renal care to Regency Rehabilitation Center.
2. Antonio Lobello was transferred from another long term care facility to Regency Rehabilitation Center so he could receive dialysis on site three times weekly.
3. On Tuesday March 2, 2010 Regency Rehabilitation Center by and through its agents failed to perform dialysis as ordered by Mr. Lobello's attending physician;
4. On Wednesday March 3, 2010 Regency Rehabilitation Center by and through its agents failed to perform dialysis as ordered by Mr. Lobello's attending physician;
5. On Thursday March 4, 2010 Regency Rehabilitation Center by and through its agents failed to perform dialysis as ordered by Mr. Lobello's attending physician;

6. Regency Rehabilitation Center by and through its agents left Antonio Lobello alone and naked in dialysis room in excess of five hours on Thursday March 4, 2010, while still not performing the necessary procedure.

7. Antonio Lobello died as a result of Regency Rehabilitation Center's failure to perform dialysis on him.

8. In the month's following her father's death Barbara Lobello requested records from all Antonio Lobello's medical providers in an effort to understand what happened to her father.

9. On or about October 22, 2010 BARBARA LOBELLO RUCCIA faxed a request for her father's records to Regency Rehabilitation Center.

10. Included with her request was a properly executed power of attorney signed by her father as well as a death certificate.

11. On October 22, 2010, and for some time prior thereto, there was in full force and effect 735 ILCS 5/8-2001 "Examination of health care records." Which provides in pertinent part:

"Every private and public health care facility shall, upon the request of any patient who has been treated in such health care facility, or any person, entity, or organization presenting a valid authorization for the release of records signed by the patient or the patient's legally authorized representative, permit the patient, his or her health care practitioner, authorized attorney, or any person, entity, or organization presenting a valid authorization for the release of records signed by the patient or the patient's legally authorized representative to examine the health care facility patient care records, including but not limited to the history, bedside notes, charts, pictures and plates, kept in connection with the treatment of such patient, and permit copies of such records to be made by him or her or his or her health care practitioner or authorized attorney."

12. Ms. Lobello's request was denied by Sarah Barrish.

13. Sarah Barrish is an attorney licensed in the state of Illinois.

14. Sarah Barrish knew or should have known 735 ILCS 5/8-2001 applied to the release of medical records.

15. Regency Rehabilitation Center had a duty to follow applicable statutes when releasing medical records 735 ILCS 5/8-2001.

16. BARBARA LOBELLO RUCCIA left numerous voicemails with administrators at Regency Rehabilitation Center.

17. Finally, on January 29, 2011, Sarah Barrish, who identified herself as general counsel for Regency Rehabilitation Center, called Ms. Lobello Ruccia.

18. Ms. Barrish told Ms. Lobello Ruccia “Why should I release (Antonio Lobello’s medical records) to you when you will just turn around and sue us!”

19. Ms. Barrish also stated “Our policy is to only release records by court order.”

20. As a direct and proximate result of Ms. Barrish’s negligent acts and omissions the plaintiff has suffered emotional distress and incurred legal expenses in attempting to obtain records.

WHEREFORE, the Plaintiff, BARBARA LOBELLO RUCCIA demands judgment against SARAH BARRISH in a dollar amount to satisfy the jurisdictional limitation of this Court and such additional amounts as the Court shall deem proper, and additionally, costs of said suit.

Respectfully submitted,

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One of the Attorneys for the Plaintiff

I, Alexander N. Hattimer, an attorney for the plaintiffs in the above-captioned case depose and state that the damages sought to this action do exceed \$50,000.00.

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Alexander N. Hattimer

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Attorney No.: 40783