

Nursing home found negligent in death of woman, 77

Jury awards more than \$700,000 to estate

By BRIAN O'SHEA - GM Today Staff

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WAUKESHA - A jury deliberated for about three hours Tuesday before awarding the estate of a woman and her late husband more than \$700,000 after finding a Brookfield nursing home negligent in its care for the woman.

Helen Nissenbaum, 77, was admitted to the Woodland Health Care Center, 18740 W. Bluemound Road, on Oct. 24, 2001, to recover from an aortic aneurism. But she died Oct. 29, 2004, from what doctors said was probably septic shock from a urinary tract infection.

Her husband, Gabriel, started the suit in Milwaukee County in 2003 but died in 2004, said Jay Urban, attorney for the estate.

After a five-day trial before Circuit Court Judge James R. Kieffer, the jury returned from deliberations Tuesday to announce that it believed Woodland was negligent in its care of Nissenbaum, which caused her pain and suffering and led to her death. It awarded the estate \$200,000 for conscious pain and suffering, \$14,650 in hospital and funeral bills and \$500,000 in compensatory damages.

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Urban said that Nissenbaum had been catheterized during a hospital stay prior to coming to Woodland, and the catheter was removed before she went there, leaving her susceptible to a urinary tract infection. The day after Nissenbaum was admitted at Woodland, she began showing a decreased appetite and forgetfulness. By the third day, she was complaining of pain and stated she wished she would die, and she was found on the floor next to her bed, Urban said.

A day later, Nissenbaum was sliding in her wheelchair and yelling. By the following day, she was responsive only to pain stimuli and had decreased vital signs. Family members asked she be moved to Elmbrook Memorial Hospital, where she died.

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there were several gaps in the documentation of her health, which jury foreman Bitty Bitters said was a key factor in the jury's findings.

"The fact she ultimately died because of a certain ailment that is fairly common among older women in nursing homes was a big factor," he said.

Attorneys for Woodland declined to comment on the verdict, saying they needed to consult with their client.

Urban said Gabriel and Helen Nissenbaum survived the Auschwitz and Bergen-Belsen death camps and the Warsaw Ghetto during World War II, where almost all of their families perished. They met in a displaced persons camp in Germany and in 1949 settled down in Sheboygan, where he was a cattle trader. Having been through so much with his wife, Gabriel Nissenbaum deserved to be compensated for the two-plus years he lived without her, Urban said.

"I think it was a fair verdict and our attorney and his staff did a wonderful job," said Martha Gilerovich, the Nissenbaums' daughter, who wept quietly in

court as the verdict was read. "We waited four years for this. The truth finally came out."

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