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Family of 101-year-old settles wrongful death suit for record \$1.3M

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The family of a 101-year-old man who died after complications from hip injuries accepted a \$1.3 million settlement out of Cook County.

The award is the highest reported verdict or settlement for someone over the age of 99, according to the Jury Verdict Reporter.

Rubert Wendell, 99 at the time, went to Northwestern Medicine Palos Hospital in Palos Heights on Feb. 23, 2023, to get blood work done.

As he left the hospital, he was allegedly knocked down and “whacked” multiple times by a large automatically revolving door, which caused him to fall.

He broke his hip and required a partial hip replacement surgery.

Prior to the incident, he lived at an independent senior living facility. After the incident, he was moved to Oak Trace Health Center for in-patient, post-operative therapy.

While at that facility, he began experiencing “sundowning symptoms,” according to the plaintiffs’ attorneys. His care plan called for using a condom catheter overnight. It was hoped that the non-invasive, external device for men with urinary incontinence would allow him to get through the night without calling for help to use the bathroom.

Wendell allegedly told one of the night nurses he did not want the catheter. That particular nurse did not require him to use it.

On the night of March 10, 2023, Wendell went to use a bedside urinal and fell, dislodging his hip replacement.

He sustained a femur fracture on the same side as his hip replacement, requiring a full hip replacement. He also sustained a subdural hematoma, or brain bleed.

After the second fall, Wendell could not walk on his own. He fell several times after that and eventually developed vascular dementia, a cognitive decline caused by reduced blood flow to the brain.

Wendell lived nearly two more years. He died at the age of 101 on Jan. 13, 2025, allegedly due to complications from his two falls.

His family claimed it was an early death for Wendell, who had earned the nickname “Ironman” due to his physical and mental resilience, the plaintiffs’ attorneys said.

They argued Wendell would have lived years longer, if it were not for the falls.

Wendell was a WWII Army veteran. He had five children, 14 grandchildren and 24 great-grandchildren.

Jeanne Ondyak, his daughter and the independent executor of the estate, sued Northwestern Medicine Palos Hospital, dormakaba USA Inc. and Lifespace Communities, doing business as Oak Trace.

The family brought premises liability and negligence claims against the hospital, alleging it failed to hire or train any competent staff to perform its preventative maintenance inspection procedure, and claimed all documentation of such inspections was false or fraudulent.

They brought negligence claims against dormakaba, which supplied the door to the hospital, claiming the company did not comply with industry safety standards in adjusting the door’s speed settings several months prior to Wendell’s injury when it sold and installed a new control unit for the door at Northwestern Palos Hospital.

The family claimed the automatic revolving door was therefore in an unreasonably dangerous condition, causing it to hit Wendell with great force multiple times.

The family also brought medical negligence claims against Lifespace, alleging the nursing staff failed to implement and execute proper fall-risk precautions in Wendell’s care plan, which caused or contributed to his fall and related injuries.

The case was assigned to Judge [Frank J. Andreou](#) for trial and overseen by Judge [Michael F. Otto](#).

The case settled before jury selection on Jan. 16 with the assistance of Andreou. The settlement was approved by Andreou Feb. 9.

The award is divided between Wendell's five adult children.

The estate is represented by [Allyson Cox](#) and [Brian LaCien](#) of [Smith LaCien LLP](#).

"We are really happy that we were able to get a great result for this plaintiff, given his age," Cox said. "That was the largest hurdle ... most people would think that you can't have a wrongful death or early death at 101 years old. We are happy that we were able to demonstrate that for Mr. Wendell age really was just a number."

Northwestern Medicine Palos Hospital is represented by [Matthew J. Ennis](#) of [Hall Prangle LLC](#).

The door manufacturer, dormakaba, is represented by [Andrew J. Albright](#) of [Wilson Elser Moskowitz Edelman & Dicker LLP](#).

Oak Trace is represented by [Terrence S. Carden III](#) of [Carden & Tracy](#).

None of those attorneys could be reached for comment.

The case is *Ondyak v. Palos Community Hospital, et al.*, No. 2023 L 12186.

Practice Areas: [Personal Injury Law](#), [Wrongful Death](#)