

# Family seeks settlement in nursing home death

By Kimberley Thomsen  
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## Man, 94, choked on food during statewide strike in May

PROSPECT — The family of a 94-year-old man who died after choking on food given to him by a replacement worker in a nursing home here is asking for an out-of-court settlement, the family's lawyer said.

If that request is denied, lawyer Michael D'Amico said he is prepared to argue Monday in Waterbury Superior Court that a judge should grant him access to documents and witnesses in the case.

"You would hope they would have a sense of compassion and acknowledge responsibility to the family," D'Amico said.

Amel Trezza's family is convinced he would have lived to celebrate his 94th birthday July 16 if a nursing-strike replacement worker had fed him the correct food on May 13, fami-

ly members said last week. His mother lived to be 103, and he has three sisters who are in their 90s — the oldest, at 98, is still spry and getting about on her own, they said.

The family is suing the Country Manor Health Care Center and U.S. Nursing Corp., a Denver-based company that employed Mah Fernandez and hundreds of other replacement nurses and aides to work in 39 Connecticut nursing homes during the strike.

"We were planning another birthday party for him," said Theresa Dalesio, the second of Trezza's three children and his only daughter.

But Trezza died May 23, 10 days after Fernandez gave Trezza the wrong food tray and he choked on the

food.

Trezza, who had lived at the nursing home for about a year, was under doctor's orders to eat only thickened liquids and pureed foods, officials have said.

"What is apparent from the records is he was supposed to be on a soft diet," said D'Amico.

Officials at Country Manor and with U.S. Nursing Corp. could not be reached for comment Saturday.

Last month, Country Manor's parent company, Lexington Health Care Group Inc., paid a \$6,000 fine after the state Department of Public Health cited it for two Class B health-code violations that state health officials suspect led to Trezza's death.

According to the June 6 citation,

state investigators found Fernandez allegedly gave Trezza his roommate's food tray by mistake.

Trezza choked on pieces of meat and potatoes when he should have received ground meat instead of the regular meat for his meal, the report states. Trezza was transported to Waterbury Hospital and died 10 days

later.

In addition to finding Fernandez had given Trezza the wrong food tray and fining Lexington Health Care the maximum \$3,000 penalty for that health-code violation, state health investigators found "a closely related, but separate" violation and imposed another \$3,000 fine for that, state

health officials said.

Country Manor officials dismissed Fernandez, of New York, immediately after the incident, and state officials have notified officials in New York, which licensed Fernandez, of the incident.

Nursing home officials also have cooperated with D'Amico in his investigation so far by giving him a 4-inch stack of care records for Trezza, D'Amico said.