

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Quintin Scott, James DeSavieu,)
Ernest Brown, Mohammad Abid,) No. 17-cv-7135
and Darius L. Scott, Sr.,)
individually and for a class,) (*Judge Pacold*)

Plaintiffs,)

-vs-)

Sheriff of Cook County and Cook)
County, Illinois,)

Defendants.)

SECOND AMENDED COMPLAINT

Plaintiffs, by counsel, allege as follows:

1. This is a civil action arising under 42 U.S.C. § 1983. The jurisdiction of this Court is conferred by 28 U.S.C. § 1343.
2. Plaintiff Quintin Scott was a detainee at the Cook County Jail from June 25, 2013 through May 23, 2014.
3. Plaintiff James DeSavieu was a detainee at the Cook County Jail from March 1, 2017 to December 12, 2017.
4. Plaintiff Ernest Brown was a detainee at the Cook County Jail from December 27, 2016 to October 23, 2018.
5. Plaintiff Mohammad Abid was a detainee at the Cook County Jail from April 20, 2017 to October 10, 2017.

6. Plaintiff Darius L. Scott, Sr., was a detainee at the Cook County Jail from September 25, 2015 to January 27, 2017.

7. Defendant Sheriff of Cook County is sued in his official capacity only.

8. Under Illinois law, the Cook County Sheriff operates the Cook County Jail.

9. Defendants Sheriff of Cook County and Cook County are responsible for the medical needs of detainees at the Cook County Jail.

10. Defendant Cook County controls the budget for the Cook County Jail, provides dental services for persons in custody at the Jail, and is a necessary party to this action.

11. Before 2007, defendant Cook County employed a full time oral surgeon at the Cook County Jail, who provided treatment to detainees five days a week.

12. In 2007, defendants discontinued the services of the oral surgeon at the Jail.

13. An oral surgeon is a dentist who has received an additional three or four years of graduate training, gaining experience, *inter alia*, in performing extractions.

14. When confronted with a patient presenting an extraction, a general dentist will often conclude that he (or she) lacks the training, skill, and experience to remove that tooth. The general dentist will then refer the patient to an oral surgeon.

15. Delay in treatment by an oral surgeon will cause the patient to suffer gratuitous pain and subject the patient to a serious risk of harm, such as a more serious infection.

16. Many of the detainees at the Cook County are held at the jail for more than six months before being released; this group includes many persons who require the extraction of wisdom teeth.

17. After defendants discontinued the services of the oral surgeon at the Jail in 2007, defendant Cook County sought to provide essential oral surgery services to detainees by adopting a policy of sending detainees requiring those services to Stroger Hospital.

18. This attempt to provide essential oral surgery services was ineffective because defendant Sheriff failed to provide sufficient resources to transport detainees requiring oral surgery services to Stroger Hospital.

19. The policymakers for defendant County turned a blind eye to the Sheriff's refusal to provide sufficient resources to transport detainees requiring oral surgery services to Stroger Hospital.

20. As a result of the foregoing, detainees would wait for many months before receiving treatment from an oral surgeon and thereby experienced gratuitous pain and suffered a serious risk of harm.

21. In 2011, defendants were informed by the chief of dental services at the Jail that it was “absolutely essential” to employ an oral surgeon to work full time at the Jail.

22. The chief of dental services at the Jail specifically advised defendants in 2011 that detainees had “definitely suffered” from the absence of an oral surgeon working full time at the Jail.

23. Defendants turned a blind eye to the fact that it was “absolutely essential” to employ an oral surgeon to work at the Cook County Jail and have yet to fill the oral surgeon position that has been vacant since 2007.

24. As the direct and proximate result of defendants’ above-described conduct, plaintiffs and numerous other similarly situated detainees at the Jail experienced gratuitous pain and personal injuries.

25. Plaintiff Quintin Scott, while detained at the Cook County Jail, began to experience extreme pain from his upper right wisdom tooth in July of 2013.

26. A dentist at the Jail examined Quintin Scott on August 8, 2013, concluded that Quintin Scott required treatment by an oral surgeon, and referred him for treatment by an oral surgeon at Stroger Hospital.

27. As a result of defendants' above-described conduct, Quintin Scott was not treated by an oral surgeon until March 28, 2014.

28. Quintin Scott experienced excruciating pain while he waited for treatment by an oral surgeon.

29. Plaintiff DeSavieu, while detained at the Cook County Jail, began to experience dental pain in about July of 2017.

30. A dentist at the Jail examined DeSavieu in about August of 2017, concluded that DeSavieu required treatment by an oral surgeon, and referred him for treatment by an oral surgeon at Stroger Hospital.

31. On November 2, 2017, DeSavieu complained to Jail officials that he had not yet been treated and was experiencing pain at level "10" on a 1-10 scale.

32. As a result of defendants' above-described conduct, DeSavieu was not treated by an oral surgeon until November or December of 2017.

33. DeSavieu experienced excruciating pain while he waited for treatment by an oral surgeon.

34. Plaintiff Brown, while detained at the Cook County Jail, began to experience dental pain in about April or May of 2017.

35. A dentist at the Jail examined Brown on May 26, 2017, concluded that Brown required treatment by an oral surgeon, and referred him for treatment by an oral surgeon at Stroger Hospital.

36. As a result of defendants' above-described conduct, Brown was not treated by an oral surgeon until October 6, 2017.

37. Brown experienced excruciating pain while he waited for treatment by an oral surgeon.

38. Plaintiff Abid, while detained at the Cook County Jail, began to experience dental pain in about April or May of 2017.

39. A dentist at the Jail examined Abid in May of 2017, concluded that Abid required treatment by an oral surgeon, and referred him for treatment by an oral surgeon at Stroger Hospital.

40. As a result of defendants' above-described conduct, Abid was not treated by an oral surgeon until September of 2017.

41. Abid experienced excruciating pain while he waited for treatment by an oral surgeon.

42. Plaintiff Darius Scott, while detained at the Cook County Jail, began to experience dental pain in about December of 2015.

43. A dentist at the Jail examined Darius Scott in December of 2015, concluded that Darius Scott required treatment by an oral surgeon, and referred him for treatment by an oral surgeon at Stroger Hospital.

44. On August 16, 2016, and again on November 18, 2016, Darius Scott complained to Jail officials that he had not yet been treated and was experiencing severe pain.

45. As a result of defendants' above-described conduct, Darius Scott was not treated by an oral surgeon until January 21, 2016.

46. Darius Scott experienced excruciating pain while he waited for treatment by an oral surgeon.

47. As the direct and proximate result of defendants' refusal to hire an oral surgeon and failure to provide sufficient resources to transport detainees requiring oral surgery services to Stroger Hospital, plaintiffs and others similarly situated experienced gratuitous pain, incurred personal injuries, and were therefore deprived of rights secured by the Fourth and Fourteenth Amendments to the Constitution of the United States.

48. Plaintiffs bring this case individually and for the following proposed class:

All persons confined at the Cook County Jail from November 1, 2013 to the date of entry of judgment in this case who were referred by a dentist at the Jail for treatment by an oral surgeon

and who were not treated by an oral surgeon within 30 days thereafter.

49. The proposed class satisfies each of the requirements of Rule 23(a) and certification is appropriate under Rule 23(b)(3).

50. Plaintiffs demand trial by jury.

WHEREFORE plaintiffs requests that Court order that this case may proceed as a class action under Rule 23(b)(3) and that the Court grant appropriate monetary damages, including fees and costs, to plaintiffs and to each member of the class.

Respectfully submitted,

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