

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

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SIDNEY L. PETERSON,	)	
	)	
Plaintiff,	)	
	)	Case no. 19-cv-00415
	)	
v.	)	
	)	Honorable Charles P. Kocoras
SARAH MAYS,	)	
	)	
Defendant.	)	

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**DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT**

Defendant Sara Mays, by her attorney Kwame Raoul, Attorney General of the State of Illinois, and for her Answer to Plaintiff's Complaint states the following:

1. Plaintiff brought this case pursuant to 42 U.S.C. § 1983, invoking the jurisdiction of this Court pursuant to 28 U.S.C. § 1343 and 28 U.S.C. § 1367. On remand, following the decision of the Court of Appeals, 986 F.3d 746 (7th Cir. 2021), the Court elected to retain jurisdiction of Plaintiff's state law claim.

**RESPONSE: Admit.**

2. Plaintiff Sidney L. Peterson is a resident of the Northern District of Illinois.

**RESPONSE: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in the above paragraph.**

3. The events giving rise to plaintiff's claims occurred at the Stateville Correctional Center in Joliet, Illinois and were at issue in 16-cv-1135, voluntarily dismissed on January 25, 2018.

**RESPONSE: Admit.**

4. Defendant Sarah Mays was at all times relevant a licensed practical nurse employed at the Stateville Correctional Center.

**RESPONSE: Admit.**

5. On or about January 19, 2015, a physician at the Stateville Correctional Center prescribed for plaintiff a medication known as “Podocon-25.”

**RESPONSE: Admit.**

6. On January 19, 2015 and again on February 27, 2015, the physician directed that the medication be administered by a nurse.

**RESPONSE: Admit.**

7. Podocon-25 is composed of Podophyllin in a Benzoin Tincture.

**RESPONSE: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in the above paragraph.**

8. Podophyllin is a powerful caustic and severe irritant prescribed for the removal of soft genital warts. It is to be applied topically.

**RESPONSE: Defendant admits that Podophyllin is a prescription that is used for the removal of genital warts. Defendant admits that it is applied topically. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in the above paragraph.**

9. The packaging for “Podocon-25,” in accordance with the regulations of the United States Food and Drug Administration, includes repeated warnings, in bold, capital letters that “PODOCON-25© IS TO BE APPLIED ONLY BY A PHYSICIAN. IT IS NOT TO BE DISPENSED TO THE PATIENT.”

**RESPONSE: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in the above paragraph.**

10. On March 9, 2015 and again on March 11, 2014 defendant Mays gave plaintiff a package of Podocon-25 and told him to apply it to his penis.

**RESPONSE: Denied.**

11. At all times relevant, the standard of care of administering Podophyllin is that it must be administered by a physician.

**RESPONSE: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in the above paragraph.**

12. Defendant Mays breached that standard of care when she gave plaintiff a package of Podocon-25 and told him to apply it to his penis.

**RESPONSE: Denied.**

13. As a result of the foregoing acts of defendant Mays, plaintiff suffered personal injuries to his penis caused by applying the Podocon-25 to his genital warts.

**RESPONSE: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in the above paragraph.**

14. Plaintiff demands trial by jury.

**RESPONSE: Defendant hereby requests trial by jury on all claims so triable.**

WHEREFORE plaintiff requests that judgment be entered against defendant for appropriate compensatory and punitive damages, and that the costs of this action be taxed against defendants.

**RESPONSE: Defendants deny that Plaintiff is entitled to any relief.**

### **AFFIRMATIVE DEFENSES**

#### **1. First Affirmative Defense**

To the extent to which Plaintiff failed to mitigate his damages, he is barred from recovery.

Date: October 23, 2023

Respectfully Submitted,

KWAME RAOUL  
Attorney General of Illinois

/s/ Kevin Fitzgerald  
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Assistant Attorney General  
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**CERTIFICATE OF SERVICE**

I hereby certify that on October 23, 2023, I electronically filed the foregoing **Defendant's Answer to Plaintiff's Complaint** with the Clerk of Court using the CM/ECF system.

*/s/ Kevin Fitzgerald*