

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

Tyrone R. Williams, )  
Plaintiff, )  
vs- ) No. 20-cv-5639  
Sheriff Thomas Dart, et al., )  
Defendant. )  
(Judge Pacold)

## **PLAINTIFF'S LOCAL RULE 56.1(b)(2) STATEMENT**

Plaintiff submits the following in response to defendants' Local Rule 56.1(A)(3) statement:

1. Plaintiff, Tyrone R. Williams (“Plaintiff”), is a resident of Ina, Illinois and is currently an inmate at Big Muddy River Correctional Center. (Dkt. 1.)

**Disputed that Plaintiff is a resident of Ina, Illinois. (Plaintiff is a resident of Chicago who is temporarily confined in the penitentiary in Ina, Illinois. *Sullivan v. Freeman*, 844 F.3d 334, 337 (7th Cir. 1993. Admit that Plaintiff is a prisoner at the Big Muddy.**

2. Between June 8, 2020 and October 29, 2021, Plaintiff was in custody at the Cook County Department of Corrections (hereafter “CCDOC”) on multiple tiers located at 2700 South California Avenue, Chicago, Illinois 60608. (Ex. D)

**Admit.**

3. Between October 14, 2020 and December 3, 2020 Plaintiff was in custody at CCDOC on Division 6 Tier 2D Cell 8 bed 1 located at 2700 South California Avenue, Chicago, Illinois 60608. (Ex. D)

**Admit.**

4. Between June 8, 2020 and October 29, 2021, and at all relevant times herein, Defendant Dart was the Sheriff of Cook County, an elected statutory office of Cook County, Illinois.

**Admit.**

5. Plaintiff's lawsuit is brought pursuant to the Civil Rights Act, 42 U.S.C. § 1983, and the Fourteenth Amendment of the Constitution of the United States. (Dkt. 76.)

**Admit.**

6. Accordingly, the jurisdiction of this Court is based on federal question. 28 U.S.C. § 1331. (Dkt. 76.)

**Admit.**

7. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because all the events giving rise to Plaintiff's claim occurred in this district. (Dkt. 76.)

**Admit.**

8. On June 8, 2020, Plaintiff entered CCDOC. (Ex. B, at bates stamped pages Williams, Tyrone-CCSAO-20CV563001728.)

**Admit.**

9. From June 8, 2020 to October 29, 2021, Plaintiff was housed in different divisions of the CCDOC including Division 6 Tier 2D Cell 8 Bed 1 from October 14, 2020 to December 3, 2020. (Ex. D.)

**Admit.**

10. From December 17, 2020 to December 28, 2020, Plaintiff was housed Division 6 Tier 1L Cell 14 Bed at CCDOC. (Ex. D.)

**Admit.**

11. During his detainment from June 8, 2020 to October 29, 2021, Plaintiff was assigned the booking number #20200608070. (Ex. B., at bates stamped pages Williams, Tyrone-CCSAO-20CV5639-001728.)

**Admit.**

12. Under the booking number #20200608070, Plaintiff submitted six grievances and four non-compliant grievances. (Ex. C. at bates stamped pages Williams, Tyrone-CCSAO-20CV5639-001586-001616; Ex. A. at pg. 4, ¶ 18.)

**Admit.**

13. The grievance process was available to Plaintiff during the entire time he was in custody at CCDOC from June 8, 2020 to October 29, 2021. (Ex. I.)

**Admit.**

14. Plaintiff was aware of how to file a grievance and the grievance process while he was in custody at CCDOC from June 8, 2020 to October 29, 2021. (Ex. I.)

**Admit.**

15. Plaintiff did not have any problems with reading comprehension or the ability to express his thoughts in writing from June 8, 2020 to October 29, 2021 while he was in custody at CCDOC. (Ex. I.)

**Admit.**

16. Individuals in Custody (hereafter IICs) at CCDOC are informed through the Inmate Rules and Regulations (also known as the Inmate Handbook), about the grievance procedure in Chapter 7. This includes information on how to submit a grievance, how to appeal a grievance, the deadlines for submitting a grievance, who to submit the grievance to, and other information (Ex. E, at pgs. 32–35.)

**Admit.**

17. Pursuant to the CCDOC Inmate Grievance Procedure, IICs are advised to complete an Inmate Grievance Form if the IIC believes that he or she has an issue concerning one of the listed topics in Chapter 7 of the inmate handbook. (Ex. A. at pg. 4, ¶ 5; Ex. E, at pg. 32.)

**Admit.**

18. The CCDOC Inmate Grievance Procedure requires IICs to fill out and submit an Inmate Grievance Form within fifteen (15) days of the alleged grievable offense, and to appeal the grievance response within fifteen days (15) days of receipt to exhaust administrative remedies. Filing an appeal of a grievance response is required in order to exhaust an inmate's administrative remedies. (Ex. A. at pg. 4, ¶ 8; Ex. E, 34; Ex. F. at bates stamped pages Williams, Tyrone-CCSAO-20CV5639-001638-001639.)

**Admit.**

19. The Inmate handbook states the circumstances under which a submitted grievance form will be processed as non-compliant pursuant to the CCDOC Inmate grievance Procedure. (Ex. E, at pg. 33; Ex. F., at bates stamped pages Williams, Tyrone-CCSAO-20CV5639-001637-001638.)

**Admit.**

20. Grievance forms contain a description of the grievance guidelines, as well as a statement that appeal must be taken to exhaust administrative remedies. (Ex. C.)

**Admit.**

21. Inmate grievance forms are available on each living unit or by Correctional Rehabilitation Workers (hereafter “CRWs”) assigned to the tiers/units. An IIC may request a grievance form from any sworn member or any IIC Services staff member. If a form is not available, an IIC may use blank paper or any other type of paper to file a grievance. (Ex. E. at pg. 34; Ex. A ¶ 7; Ex. F at bates stamped page Williams, Tyrone-CCSAO-20CV5639-001638; Ex. G at bates stamped pages Williams, Tyrone-CCSAO-20CV5639-001652-001653.)

**Admit.**

22. IICs are instructed to hand the completed grievance form directly to the CRW, an IIC Services Supervisor, or a Correctional Supervisor when he/she makes their daily rounds. (Ex. E. at pg. 34; Ex. A ¶ 10; Ex. F at bates stamped pages Williams, Tyrone-CCSAO-20CV5639-001638-001639; Ex. G at bates stamped pages Williams, Tyrone-CCSAO. 20CV5639-001652-001653.)

**Admit.**

23. [omitted in original]

24. Upon receipt of an inmate grievance form, the CRW, IIC Services Supervisor or Correctional Supervisor signs and dates the form and immediately provides the inmate with a copy of the submitted grievance. It is the responsibility of the IIC to retain a copy of any submitted grievance for his/her record(s). (Ex. E. at pg. 34; Ex. A. at pg. 4, ¶ 11; Ex. F at bates stamped pages Williams, Tyrone-CCSAO-20CV5639-001639-001640; Ex. G at bates stamped pages Williams, Tyrone-CCSAO-20CV5639-001652-001653.)

**Admit.**

25. [omitted in original]

26. CRWs collect and log inmate grievances in the Inmate Grievance Database. IIC services retains a copy of the completed and processed

grievances. Each grievance has an individual and unique tracking number automatically issued by the Inmate Grievance Database. (Ex. A §§ 12, 15; Ex. F at bates stamped pages Williams, Tyrone-CCSAO-20CV5639-001639001640; Ex. G at bates stamped pages Williams, Tyrone-CCSAO-20CV5639-001652001653.)

**Admit.**

27. Between March 22, 2020, and August 2, 2021, because of the COVID-19 pandemic, the CCDOC-IIC Grievance Procedure was altered to reflect safety precautions necessary during that time period. IICs still were required to fill out and submit an IIC Grievance Form within fifteen (15) days of the alleged grieved issued, and then to appeal the grievance response, within 15 days from receipt in order to exhaust administrative remedies. Filing an appeal of a grievance response was still required in order to exhaust an individual in custody's administrative remedies. However, the grievance responses and appeal responses were returned to IICs through inter-office mail delivered to each individual through their tier/living unit correctional officer or CRW. This was done in order to minimize contact and exposure when the virus was spreading quickly. (Ex. A ¶ 9; Ex. H.)

**Admit.**

28. On December 9, 2020, while Plaintiff was currently housed in Division 8 RTU Tier 3F, he submitted a grievance with control number 2020x17496. Plaintiff in his grievance complained that when he was previously housed in Division 6 Tier 2D the Cook County jail did not help to prevent him from contracting Covid-19 knowing he had other medical conditions which made him high risk for Covid-19. Plaintiff further stated that it was an injustice to him and others who had the same issue. (Ex. C, at , at bates stamped pages Williams, Tyrone-CCSAO-20CV5639-001586; 001601-001602).

**Admit.**

29. On December 29, 2020, Plaintiff received a response to the grievance with control number 2020x17496. (Ex. C, at , at bates stamped pages Williams, Tyrone-CCSAO-20CV5639-001586; 001602).

**Admit.**

30. Plaintiff did not appeal the grievance with control number 2020x17496. (Ex. C, at , at bates stamped pages Williams,Tyrone-CCSAO-20CV5639-001586; 001602).

**Admit.**

31. On December 14, 2020, while Plaintiff was currently housed in Division 8 RTU Tier 3F, he submitted a grievance that was deemed non-compliant with the control number NC-202005392. Plaintiff's non-complaint grievance stated since his arrest and placement in CCDOC he was housed in a cell with multiple different persons making it impossible for him to socially distance himself from others. Plaintiff continued to state that he did not have access to enough quality or enough quantity of personal protective equipment and cleaning supplies to protect himself from contracting Covid-19. As a result he tested positive and was diagnosed with Covid-19 as of December 2, 2020. (Ex. C, at , at bates stamped pages Williams, Tyrone-CCSAO-20CV5639-001614-001616).

**Admit.**

32. On December 17, 2020 Plaintiff received a response to the non-complaint grievance with control number NC-202005392. The response stated that grievance was deemed non-compliant due to the grievance issue being a repeat submission collected within the last 15 calendar days, specifically related to submitted grievance #2020x17496. (Ex. C, at , at bates stamped pages Williams,Tyrone-CCSAO-20CV5639-001614-001616).

**Admit.**

33. Plaintiff's non-compliant grievance with the control number NC-202005392, was forwarded to the Division 6 Superintendent concerning his issues although the grievance was still deemed to be non-compliant. (Ex. C, at , at bates stamped page Williams, Tyrone-CCSAO-20CV5639-001615).

**Admit.**

Plaintiff files his statement of additional facts as a separate document

/s/ Kenneth N. Flaxman  
Kenneth N. Flaxman  
ARDC No. 0830399  
200 S Michigan Ave. Ste 201  
Chicago, Illinois 60604  
(312) 427-3200  
[knf@kenlaw.com](mailto:knf@kenlaw.com)

