

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

## COMPLAINT

Plaintiff, by counsel, alleges as follows:

1. This is a civil action arising under Section 202 of the Americans with Disabilities Act, 42 U.S.C. § 12132; Section 504 of the Rehabilitation Act, 29 U.S.C. § 794(a); 42 U.S.C. § 1983; and Illinois common law. The jurisdiction of this Court is conferred by 28 U.S.C. § 12133, 29 U.S.C. § 794a(a)(2), 28 U.S.C. § 1343, and 28 U.S.C. § 1367.

2. Plaintiff Joseph Keeling is a resident of the Northern District of Illinois.

3. Defendant Sheriff of Lake County is the appropriate defendant on plaintiff's ADA and RA claims. Plaintiff also sues the Sheriff under the doctrine of respondeat superior on plaintiff's supplemental state law claim and as the potential indemnitor of defendant Doe on plaintiff's Section 1983 claim.

4. Defendant Lake County, Illinois is joined in this action pursuant to *Carver v. Sheriff of LaSalle County*, 324 F. 3d 947 (7th Cir. 2003).

5. Defendant Doe, whose name is presently unknown to plaintiff, was employed as a Correctional Officer by defendant Sheriff on June 8, 2022.

6. Plaintiff entered the Lake County Jail as a pre-trial detainee on June 8, 2022.

7. During medical screening on admission to the Lake County Jail, Registered Nurse Gregorio correctly determined that plaintiff had a medical condition known as “recurrent hypertensive crisis” that required, *inter alia*, that he be housed at the Jail in a lower bunk on a lower tier.

8. Nine years before plaintiff entered the Lake County Jail, the United States Court of Appeals for the Seventh Circuit concluded in *Gogos v. AMS Mechanical Systems, Inc.*, 737 F.3d 1170 (7th Cir. 2013) that “recurrent hypertensive crisis” is a disability under 42 U.S.C. § 12102(1) because it substantially impairs the major life activity of circulatory function.

9. Nurse Gregorio memorialized the order for a lower bunk on a form known as “Identification of Special Needs.”

10. Defendant Doe was responsible for assigning a bunk to plaintiff.

11. Before assigning a bunk to plaintiff, defendant Doe knew from the “Identification of Special Needs” form that Nurse Gregorio had determined

that plaintiff required a bottom bunk because he had “recurrent hypertensive crisis.”

12. Defendant Doe refused to follow Nurse Gregorio’s order and assigned plaintiff to an upper bunk.

13. Plaintiff protested this bunk assignment to Doe, but Doe refused to follow the health care provider’s order, telling plaintiff that the Jail was not a hotel.

14. Defendant Doe acted in an objectively unreasonable manner in refusing to follow the health care provider’s order to assign plaintiff to a bottom bunk.

15. Defendant Doe acted in a willful and wanton manner in refusing to follow the health care provider’s order to assign plaintiff to a bottom bunk.

16. As a result of defendant Doe’s conduct, plaintiff became ill while assigned to the top bunk and had a grand mal seizure that required emergency treatment at the Vista East Hospital.

17. Plaintiff returned to the Jail after treatment at the Vista East Hospital.

18. Plaintiff was transferred to the McHenry County Jail on June 9, 2022.

19. In accordance with the standard operating procedure at the Lake County Jail, plaintiff arrived at the McHenry County Jail without records showing that plaintiff had “recurrent hypertensive crisis” and had had a grand mal seizure on June 8, 2022.

20. Plaintiff remained at the McHenry County Jail until August 5, 2022.

21. While at the McHenry County Jail, plaintiff experienced the following: nervousness, anxiety, restlessness, sweating, heat intolerance, tremor, weight loss, palpitations, and tachycardia.

22. The health care providers at the McHenry County Jail misdiagnosed plaintiff as experiencing symptoms of detoxification and did not provide the appropriate treatment for these symptoms of “recurrent hypertensive crisis.”

23. A proximate cause of the above referred misdiagnosis was the failure of the Lake County Jail to have provided the McHenry County Jail with records showing that plaintiff had “recurrent hypertensive crisis” and had had a grand mal seizure on June 8, 2022.

24. The medical care provided by the health care providers at the McHenry County Jail failed to meet the standard of care and caused plaintiff to suffer further harm.

25. Under common law principles of causation that have been recognized by the Illinois Supreme Court, defendant Doe and defendant Sheriff of Lake County are responsible for the aggravation of the injuries plaintiff received at the Lake County Jail that were caused by medical malpractice while plaintiff was a detainee at the McHenry County Jail.

26. Plaintiff hereby demands trial by jury.

WHEREFORE plaintiff requests that the Court enter judgment for appropriate compensatory and punitive damages against defendant Doe on plaintiff's claim under 42 U.S.C. § 1983, against defendant Sheriff for appropriate compensatory damages on plaintiffs claims arising under the Rehabilitation Act, the ADA, and Illinois common law, and that the costs of this action, including fees and costs, be taxed against all defendants.

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