

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

JOSEPH KEELING,

Plaintiff,

v.

SHERIFF OF LAKE COUNTY and LAKE
COUNTY, ILLINOIS,

Defendants.

Case No. 23 CV 3442

Judge Steven C. Seeger

Magistrate Judge Young B. Kim

Answer to the Second Amended Complaint

The Defendants captioned above, by Lake County State's Attorney Eric F. Rinehart and his Assistants Melanie K. Nelson and Stephen J. Rice answer the Second Amended Complaint as follows:

1. This is a civil action arising under Section 202 of the Americans with Disabilities Act. The jurisdiction of this Court is conferred by 28 U.S.C. § 12133.

Answer: Admit.

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

Answer: Admit.

3. Defendant Sheriff of Lake County is the appropriate defendant, in his official capacity, on plaintiff's ADA claim.

Answer: Admit that the Sheriff would be an appropriate defendant if the Plaintiff could state a meritorious case.

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).

Answer: Admit that plaintiff purports to join Lake County pursuant to the cited caselaw.

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

Answer: Admit.

6. A health care provider at the Lake County Jail screened plaintiff on June 8, 2022 at about 10:29 p.m. and correctly determined that plaintiff had a history of recurrent hypertensive crisis associated with tachycardia, frequent fainting and falls during hypertensive crisis.

Answer: Admit only that a nurse screened the plaintiff and documented into the Plaintiff's medical records what the Plaintiff reported to her (which included "history of recurrent hypertensive crisis" and "frequent fainting/falls during hypertensive crisis."). Otherwise deny.

7. 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 a blood-pressure condition, like plaintiff's "recurrent hypertensive crisis," is a disability under 42 U.S.C. § 12102(1) because it substantially impairs the major life activity of circulatory function.

Answer: Admit.

8. In accordance with the policies at the Lake County Jail, the health care provider identified plaintiff as a person with a disability that required accommodation by assignment to a lower bunk in a lower tier.

Answer: Admit.

9. Plaintiff was moved from the intake area to a cell at about 3:49 p.m. on June 9, 2022.

Answer: Admit.

10. A correctional officer instructed plaintiff that he had been assigned to an upper bunk; plaintiff protested this assignment to no avail and climbed into the upper bunk.

Answer: Admit that plaintiff was instructed that he had been assigned to an upper bunk and that he “climbed into the upper bunk.” Lack knowledge¹ as to plaintiff’s “protest to no avail.”

11. Shortly thereafter, at about 4:43 p.m. on June 9, 2022, as the result of having been required to climb to the upper bunk, plaintiff experienced a seizure that required his evacuation for treatment at an outside hospital.

Answer: Admit that around the time stated, the plaintiff experienced a seizure and that he was taken to an outside hospital; deny that the seizure was “the result of having been required to climb to the upper bunk.”

¹ For simplicity, where the Defendants “lack knowledge” about an allegation, they will simply state “lack knowledge” in the sense of Fed. R. Civ. P. 8(b)(5): that they lack “knowledge or information sufficient to form a belief about the truth of an allegation.”

12. Plaintiff received personal injuries as a result of the seizure.

Answer: Deny.

13. As a result of the foregoing, plaintiff was deprived of rights secured by the Americans with Disability Act and incurred damages.

Answer: Deny.

14. Plaintiff hereby demands trial by jury.

Answer: Admit, and the defendants also request a jury if the matter goes to trial.

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Respectfully submitted,
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By: /s/Stephen J. Rice
Assistant State's Attorney