

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

JOSEPH KEELING,

Plaintiff,

v.

SHERIFF OF LAKE COUNTY, IL, and

LAKE COUNTY, IL,

Defendants.

Case No. 23 CV 3442

Judge Steven C. Seeger

Magistrate Judge Young B. Kim

STATEMENT OF MATERIAL FACTS UNDER LR 56.1(a)(2)

Defendants Sheriff of Lake County and the County of Lake, by Lake County State's Attorney Eric F. Rinehart and his assistants Melanie K. Nelson and Stephen J. Rice, submit under Local Rule 56.1(a)(2) this statement of material facts.

A. Keeling arrives at the Jail.

1. Joseph Keeling entered the Lake County Jail as an inmate on June 8, 2022, having been picked up on a warrant for missing court on a DUI charge. (**Exh. 1**, Answer, at ¶ 5;¹ **Exh. 2**, Keeling Dep. at 10:17–11:4.)

2. Keeling left the Jail just two days later, on June 10, 2022. (**Exh. 3** at Bates 191; *see also* **Exh. 4**, Kalfas Dep. at 22:16–24.)

3. Upon entering the Jail, Nurse Gianelle Gregorio met with Keeling for an initial medical intake, a.k.a. "Receiving Screening." (**Exh. 1**, Answer, at ¶ 6; **Exh. 3** at Bates 185–186 and 154–159.)²

4. Such a screening is part of the jail's ordinary intake process. (**Exh. 4**, Kalfas Dep. at 23:18–24:12.)

¹ Throughout this document and for simplicity, the citation "Answer" refers to the *Answer to the Second Amended Complaint*, Dkt # 40.

² Jail medical records, which include the "Identification of Special Needs" forms, are records of regularly conducted activity ("business records") of the Lake County Jail. Attached as **Exhibit 7** is an affidavit setting forth the foundation for business records under Fed. R. Evid. 803(6) as it relates to the Jail's medical records.

5. An “Identification of Special Needs” form dated June 8, and with Nurse Gregorio’s name atop it, identified that Keeling has a “history of recurrent hypertensive crisis” and noted with checkmarks that he should be given a “lower tier” and “lower bunk” housing assignment. (Exh. 1, Answer, at ¶ 6; see also Exh. 3 at Bates 185.)

6. Keeling’s jail records contain a second “Identification of Special Needs” form dated June 9, atop which Nurse Gina Almas’s name appears. (Exh. 3 at Bates 187.)

7. Unlike the June 8 form, this June 9 form contains no notations regarding Condition/Disability, nor a housing assignment for a “lower tier” and “lower bunk.” *Id.*

8. Nurse Almas has since passed away. (Exh. 4, Kalfas Dep. at 35:5–7.)

B. Keeling Moves from the Booking Unit to 1 East.

9. Housing units at the Jail are commonly referred to as “pods.” (See **Exh. 5**, Tyler Dep. at 5:17–7:6; Exh. 4, Kalfas Dep. at 22:16–24; Exh. 2, Keeling Dep. at 80:9–19.)

10. On June 9, Keeling was moved from the Jail’s booking area to housing unit “1 East,” which is a classification pod where “officers do their interviews, assemble all of the information, and then based upon all of that information, they will find them a more permanent housing location somewhere in the facility.” (Exh. 4, Kalfas Dep. at 20:23–24:21; Exh. 3 at Bates 191; Exh. 2, Keeling Dep. at 81:1–18.)

11. Cell and bed assignments at the Jail are made by officers in the “Classification Office,” taking a variety of information into consideration, including any “Identification of Special Needs” forms, as Deputy Chief Kalfas described in his deposition:

Q. So the classification officer would have some information from the booking unit, including some of the Special Needs Forms, if there were any?

A. Yes.

Q. How does the classification office use an Identification of Special Needs Form?

A. Well, they use that in deciding where the person will be housed at.

Q. When you say, “where the person will be housed at,” do you mean the particular pod, as well as the bed location?

A. It could be the pod. It could be the bed location. It could be the cell location at the upper level or lower level. Any number of different things will be taken into consideration when housing someone.

Q. And if the classification office gets a Special Needs Form that says lower bunk with the lower bunk box checked, what will the classification office do?

A. They will house them in a lower bunk.

Q. If it’s not checked, what will the classification office do?

A. They will house them in a lower bunk.

Q. If it’s not checked, what will the classification office do?

A. They will house them where they feel it most appropriate to house them.

Q. Are there circumstances in which the classification office would overrule the medical staffs’ determination that a person needs a lower bunk?

A. No.

Q. So if the medical staff says Identification of Special Needs lower bunk is one of the things checked on the form, then they are getting a lower bunk?

A. Yes.

(Exh. 4, Kalfas Dep. at 26:1–27:12, which is the quoted material above; see also 17:12–15; 25:1–27:12.)

12. For Keeling’s housing placement in 1 East, an officer in the Classification Office assigned Keeling to a top bunk, which is designated in the Movement History at Bates 191 as “Cell 08 A.” (*Id.*; Exh. 3 at Bates #s 191.)

13. Classification officers create a “Classification Move Order” when inmates are transferred from one housing unit in the Jail to another, and the “Move Order” that affected Keeling is shown at Bates # 6.

14. Bates # 6 shows that Keeling was moved (with two other inmates) from the Booking Unit to Housing Unit 1E (1 East), Cell 8, Bunk A:

WILSON, MARVELO	172948	BKG	1E 5A
GUTIERREZ, FERNANDO	149495	BKG	1E 7A
KEELING, JOSEPH	170876	BKG	1E 8A

(Excerpt from Exh. 3 at Bates # 6.)

15. The Jail maintains a log system (“eLogger”) into which pod officers make entries of regularly occurring activity, such as when people enter or leave a pod. (Exh. 4, Kalfas Dep. at 22:21–23:17.)³

16. The eLogger in fact shows the approximate time that the three inmates arrived on the move order shown above:

5451399	INMATE IN	6/9/2022 15:38	Lake County Sheriff's Office -> JAIL -> 1st Floor -> 1 East	Superior Tyler	170876	GUTIERREZ, FERNANDO	In on move order New H/C is 15
5451399	INMATE IN	6/9/2022 15:38	Lake County Sheriff's Office -> JAIL -> 1st Floor -> 1 East	Superior Tyler	172948	KEELING, JOSEPH L	
5451399	INMATE IN	6/9/2022 15:38	Lake County Sheriff's Office -> JAIL -> 1st Floor -> 1 East	Superior Tyler	149495	WILSON, MARVELO	

(See **Exh. 5**, Tyler Dep. at 8:11–9:5; 25:22–26:23.)⁴

17. Keeling’s movement from Booking to the 1E was typical for Jail inmates. (Exh. 5, Tyler Dep. at 34:13–16; Exh. 4, Kalfas Dep. at 23:18–24:21.)

³ Attached as **Exh. 8** is an affidavit setting forth the foundation for business records under Fed. R. Evid. 803(6) as it relates to the Jail’s eLogger system.

⁴ In an Excel file format, the Defendants produced in discovery the entire eLogger data download for Pod 1 East on June 9, 2022. The image here shows a relevant distillation of the entry Officer Tyler made at 15:38 (3:38 PM).

18. Cell and bunk assignments are **not** made by the officers working in a pod, but rather by officers working in the classification office. (Exh. 4, Kalfas Dep. at 25:6–28:8.)

19. A pod officer can respond to an inmate's concerns about his housing assignment as follows:

Q. [by Mr. Flaxman] Do you have a recollection of any detainee ever telling you I can't go into an upper bunk, I've been assigned a lower bunk?

A. [by Officer Tyler] Yes.

Q. And was Mr. Keeling one of those?

A. No. I don't recall him at all.

Q. What do you do when you receive that kind of complaint?

A. I basically look into it. I tell him have a seat. If I've -- if I can see that there is a problem, that they look like they're detoxing or alcohol withdrawing or, you know, signs of anything that -- I will tell them to have a seat while I contact the nurse.

(Exh. 5, Tyler Dep. at 20:15–21:4.)

C. The Seizure.

20. As it pertains to his allegation that he was denied a lower bunk when he arrived in the 1 East Pod, Keeling does not know the name of the person he spoke to. (Exh. 2, Keeling Dep. at 81:19–82:17.

21. Keeling does not recall her age. *Id.*

22. Keeling does not recall her skin color. *Id.*

23. But Keeling asserts the following about that alleged conversation:

Q. What, if anything, did you say to her when you were going in the cell?

A. Well, prior to me going into the cell she said that they called like your name and tell you bottom or top bunk and there was a guy on the bottom

bunk already **and I said I can't get on the top bunk**. I hadn't attempted to get on the top bunk at this time and I said I have a medical—because I had the special identification needs thing that was filled out by the nurse and the corrections officer said this is not a hotel.

(Exh. 2, Keeling Dep. at 81:19–82:6, emphasis added.)

24. Nevertheless, between 3:48 PM, when he arrived in 1 East, and 4:35 PM, when the seizure occurred, Keeling got into the top bunk in his cell, as can be seen in the bodycam video of him having a seizure.⁵ (**Exh. 6** contains the bodycam footage.)

25. There was a chair in Keeling's cell. (*Id.*; Exh. 4, Kalfas Dep. at 28:9–29:5.)

26. Keeling never experienced a seizure prior to the seizure shown in the bodycam video. (Exh. 6, Bodycam Footage; Exh. 2, Keeling Dep. at 90:21–91:5 and 92:8–10; Exh. 3 at Bates 171.)

27. Prior to his seizure on June 9, 2022, no Lake County Jail medical record indicated that Keeling suffered from a seizure condition.

28. Keeling testified that he learned about his seizure after an extended period of hallucinations that occurred in the McHenry County Jail. (Exh. 2, Keeling Dep. at 45:15–47:8; 49:2–6.)

29. Keeling related that his symptoms include short-term memory loss and twitching on the left side of his face. (Exh. 2, Keeling Dep. at 44:19–45:1.)

30. As to the cause of his seizure, Keeling offered only his opinion: “My thought would be the hypertension getting on the top bunk” (Exh. 2, Keeling Dep. at 91:20–23.)

31. Keeling has no medical training that would lead to his understanding that high blood pressure could cause a seizure. (Exh. 2, Keeling Dep. at 92:1–4.)

⁵ Attached as **Exhibit 8** is an affidavit setting forth the foundation for business records under Fed. R. Evid. 803(6) as it relates to the Jail's bodycam videos. Keeling also authenticated the video in his deposition at 85:17–87:15.

32. No doctor has told Keeling what caused his seizure in the Lake County Jail. (Exh. 2, Keeling Dep. at 91:17–19.)

33. Keeling cannot identify any individual at the Lake County Jail who took an action that discriminated against him because of his disability.

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Respectfully submitted,
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State's Attorney of Lake County

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

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

JOSEPH KEELING,

PLAINTIFF,

V.

SHERIFF OF LAKE COUNTY, IL, AND

LAKE COUNTY, IL,

DEFENDANTS.

CASE No. 23 CV 3442

JUDGE STEVEN C. SEEGER

MAGISTRATE JUDGE YOUNG B. KIM

**Exhibits to the Defendants’
Statement of Material Facts under LR 56.1(a)(2)**

Exh. 1: Answer to Second Amended Complaint

Exh. 2: Keeling Deposition

Exh. 3: Bates-Numbered Documents (in numerical order)

- 6
- 154–159
- 171
- 185–187
- 191

Exh. 4: Kalfas Deposition

Exh. 5: Tyler Deposition

Exh. 6: Bodycam Footage

Exh. 7: Affidavit of Clouse re: eLogger and Medical Records

Exh. 8: Affidavit of Abdeljaber re: Bodycam Records

Eric F. Rinehart

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Exhibit 1

Answer to
Second Amended Complaint

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).

**EXHIBIT
1 for MSJ**

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,
ERIC F. RINEHART
State's Attorney of Lake County

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

Exhibit 2

Keeling

Deposition

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

JOSEPH KEELING,)
)
Plaintiff,)
)
vs.) No. 23 CV 3442
)
)
SHERIFF OF LAKE COUNTY, ILL.,)
ET AL.,)
)
Defendant.)

The discovery deposition of JOSEPH KEELING, called by the Defendant for examination, pursuant to notice and pursuant to the provisions of the Illinois Code of Civil Procedure and the Rules of the Supreme Court pertaining to the taking of depositions for the purpose of discovery, taken stenographically before Susan L. Bruesch, CSR, a Certified Shorthand Reporter and Notary Public within and for the County of Lake and State of Illinois, at 18 N. County Street, Waukegan, Illinois, on August 25, 2024, A.D., at the hour of 10:00 a.m.

1 A P P E A R A N C E S:
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5 BY: MR. KENNETH N. FLAXMAN
6 Appeared on behalf of Joseph Keeling,
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7
8
9 ERIC RINEHART
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12 BY: MR. STEPHEN J. RICE and MS. MELANIE NELSON
13 Appeared on behalf of the Sheriff of Lake County,
Ill., the Defendant.
14
15
16
17 * * * *
18
19
20
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23
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I N D E X

1
2
3 THE WITNESS: PAGES
4 JOSEPH KEELING

5
6 Examination by Ms. Nelson 4
7
8
9

E X H I B I T S

10
11
12 PAGE
13 Deposition Exhibit Nos. 1 and 2 4
14
15

16 (Exhibit No. 2 retained by attorney.)
17
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1 (Exhibit Nos. 1 and 2 marked for
2 identification.)
3 (Witness Sworn.)
4
5
6 JOSEPH KEELING,
7 the deponent herein, having been first duly
8 sworn, was examined and testified as follows,
9 to-wit:

EXAMINATION

By Ms. Nelson:

10
11
12 **Q. Mr. Keeling, could you please state**
13 **and spell your name?**

14 A. Keeling, K-E-E-L-I-N-G, J-O-E.

15 **Q. Do you have a middle name?**

16 A. Lloyd, L-L-O-Y-D.

17 **Q. What's your date of birth?**

18 A. March 3, 1990.

19 MS. NELSON: Have you ever given a
20 deposition before?

21 THE WITNESS: No.

22 MS. NELSON. So you'll see to your
23 left that there's a lady taking down all of your
24 words. For that reason, a couple ground rules

EXHIBIT

2 for MSJ 1 (Pages 1 to 4)

1 apply. One, we don't want to make her life
 2 terrible so we should try to speak slowly and
 3 clearly. You're a fast speaker. I'm a fast
 4 speaker. She's probably going to have to stop
 5 us at some point so let's try to keep it slow
 6 and steady.
 7 THE WITNESS: Okay.
 8 MS. NELSON: I sometimes will ask a
 9 question and you may know where I'm going with
 10 it and you probably don't want to be here,
 11 that's fine, so you might jump and try to answer
 12 the question before I finish it.
 13 THE WITNESS: Okay.
 14 MS. NELSON: Again, if we're talking
 15 over each other, if I'm still talking and you're
 16 talking, it makes her life really hard. If you
 17 could wait until I'm done with my question to
 18 answer, that would make everybody's life easier.
 19 THE WITNESS: Okay.
 20 MS. NELSON: Often in conversation I
 21 would ask a question and you may say mm-hmm.
 22 I'm going to know what you mean by your tone,
 23 but mm-hmm doesn't translate very well into the
 24 written word so if you could say more

1 affirmatively yes or no, that would be helpful.
 2 THE WITNESS: Okay.
 3 MS. NELSON: I'm going to try to keep
 4 my answers short, sweet and understandable.
 5 MR. FLAXMAN: You mean your
 6 questions.
 7 MS. NELSON: We'll see.
 8 It's inevitable I may ask a
 9 question that you may not understand. If I do
 10 ask a question and you don't understand it,
 11 please tell me. I'll repeat it or rephrase it,
 12 okay?
 13 THE WITNESS: Okay.
 14 MS. NELSON: If you do answer my
 15 question, we'll assume that you understood it;
 16 is that fair?
 17 THE WITNESS: Yes.
 18 MS. NELSON: If you need a break to
 19 use the restroom, talk to your attorney,
 20 anything like that, just say you need a break.
 21 The only caveat is that we would ask that you
 22 finish answering any questions that are pending
 23 before you do.
 24 THE WITNESS: Okay.

1 MS. NELSON: And I think we're
 2 planning on, you know, we'll see how long we go,
 3 but if at any point you need a break, just let
 4 me know.
 5 THE WITNESS: Okay.
 6 MS. NELSON: I think that's it. All
 7 right.
 8 BY MS. NELSON:
 9 **Q. Let's start a bit with your**
 10 **background, Mr. Keeling. Where were you born?**
 11 A. England.
 12 **Q. This is 1990?**
 13 A. Yes.
 14 **Q. And when did you move to the United**
 15 **States?**
 16 A. September 1, 2001.
 17 **Q. Okay. Where do you currently reside?**
 18 A. Libertyville, 1980 Kelley,
 19 K-E-L-L-E-Y, Court, Libertyville, Illinois. I
 20 don't know the zip.
 21 **Q. That's okay. We can look it up. How**
 22 **long have you lived there?**
 23 A. I believe since September of last
 24 year.

1 **Q. Do you rent or own?**
 2 A. It's a hotel.
 3 **Q. Do you live by yourself?**
 4 A. Yes.
 5 **Q. Is it an SRO or a single residency,**
 6 **if you know?**
 7 A. I don't know.
 8 **Q. I probably should have said that,**
 9 **too. If I ask a question and you don't know the**
 10 **answer, feel free to tell me you don't know.**
 11 A. Okay.
 12 **Q. Just tell me what you do know.**
 13 A. Okay.
 14 **Q. Do you live there by yourself then?**
 15 A. Yes.
 16 **Q. What's the name of the hotel?**
 17 A. I think it's Windom Suites, I think,
 18 or Wood Springs Suites. Wood Springs Suites.
 19 **Q. What's your highest level of**
 20 **education?**
 21 A. Bachelor's degree.
 22 **Q. Where did you obtain that?**
 23 A. Whitewater, Wisconsin.
 24 **Q. Is that a University of Wisconsin**

1 **branch?**
 2 A. Yes, ma'am.
 3 **Q. And what year did you obtain that?**
 4 A. I graduated 2012.
 5 **Q. And what degree did you obtain?**
 6 A. Bachelor's of Business Administration
 7 with an emphasis in sales.
 8 **Q. Where did you go to high school?**
 9 A. Antioch Community High School.
 10 **Q. And what year did you graduate there?**
 11 A. 2008.
 12 **Q. Have you ever been married?**
 13 A. No.
 14 **Q. Do you have any children?**
 15 A. Yes.
 16 **Q. How many?**
 17 A. Two.
 18 **Q. What are their ages?**
 19 A. Ten and five.
 20 **Q. And where do they reside?**
 21 A. With their mother in Wisconsin.
 22 **Q. And what's the mother's name?**
 23 A. Kaitlin, last name is Smith,
 24 S-M-I-T-H. First name is K-A-I-T-L-I-N.

1 **Q. And you said she lived in Wisconsin?**
 2 A. Yes.
 3 **Q. Where?**
 4 A. I don't know.
 5 **Q. So we're here to talk about a case in**
 6 **which you were in the Lake County Jail, I**
 7 **believe, starting in June 10, 2022; is that**
 8 **correct?**
 9 A. I don't think that's the right date,
 10 no.
 11 **Q. You think it was June 9?**
 12 A. I think it was before that, I
 13 believe.
 14 **Q. What date do you think it is? We can**
 15 **look it up in the records.**
 16 A. June 7 or June 8.
 17 **Q. And why were you in Lake County Jail**
 18 **on that date?**
 19 A. I had missed court.
 20 **Q. So it's your understanding you were**
 21 **brought in on a warrant for missing court?**
 22 A. My understanding, yes.
 23 **Q. And what was the Court event that you**
 24 **missed?**

1 A. I had gotten a DUI for medication.
 2 **Q. You were arrested for a DUI?**
 3 A. Months prior. I don't know the exact
 4 date.
 5 **Q. DUI, and your understanding is you**
 6 **were on medication at the time?**
 7 A. That case is completed and that was
 8 what happened, yes.
 9 **Q. Okay. What medication were you on?**
 10 A. Propranolol which is heart medication
 11 then I had like emergency release pills so where
 12 it wasn't a daily medication, it was one of
 13 those to where if I went into hypertension I
 14 could take it and I do not remember the name.
 15 **Q. And at the time you were driving in**
 16 **this incident you were on this medication?**
 17 A. Correct.
 18 **Q. Did it affect your driving?**
 19 A. In my opinion, no.
 20 **Q. What was the result of that DUI case?**
 21 **Was it dismissed? Did you plead guilty?**
 22 A. Negotiated.
 23 **Q. Then what was the result of that**
 24 **negotiation?**

1 A. Just probation.
 2 **Q. And do you know when that final**
 3 **negotiated plea was entered?**
 4 A. I do not.
 5 **Q. Do you have an approximate month?**
 6 A. It was late last year, I believe.
 7 **Q. Okay. Prior to this June 2022 DUI**
 8 **arrest -- sorry, June 2022 arrest for missing**
 9 **court on the DUI case had you ever been in the**
 10 **Lake County Jail prior to that?**
 11 A. Yes.
 12 **Q. Approximately when?**
 13 A. 2020, early 2020.
 14 **Q. And what was the cause of being in**
 15 **the Lake County Jail in early 2020?**
 16 A. I had sent an email that violated a
 17 protective order because I thought I was having
 18 a heart attack.
 19 **Q. So you were arrested for violating a**
 20 **protective order?**
 21 A. Yes.
 22 **Q. And is that a protective order you**
 23 **have with Kaitlin Smith?**
 24 A. Yes.

1 **Q. Did you live in Lake County at this**
2 **point?**

3 A. I think it's McHenry. I'm not sure.

4 **Q. Okay. Did Kaitlin Smith live in**
5 **McHenry County?**

6 A. Yes.

7 **Q. But you were brought to Lake County?**

8 A. Yes.

9 **Q. And do you know what the result of**
10 **that 2022 violation of an order of protection**
11 **case was?**

12 A. That was 2020.

13 **Q. I'm sorry, thank you. The 2020**
14 **violation of the order of protection, what was**
15 **the result of that?**

16 A. That got put into I believe it's
17 called global offer and everything -- it was
18 probation and all that's been completed at the
19 same time as the probation completion for the
20 DUI.

21 **Q. Okay. So it was part of the**
22 **negotiated plea with the DUI?**

23 A. Correct, yes.

24 **Q. Back in early 2020 when you were**

1 after the 2022 incident of, the medical
2 incident.

3 **Q. Okay.**

4 A. Because I got sent -- I'm not sure
5 if --

6 **Q. So we're talking after --**

7 A. Yes, immediately transferred from
8 Lake County to McHenry.

9 **Q. In June of 2022?**

10 A. I believe so, yes.

11 **Q. Other than what you've already told**
12 **me, I'm talking before those, any arrests**
13 **before?**

14 A. No, no.

15 **Q. And then since the -- and I'm going**
16 **to go back to get some more details about the**
17 **June 2022 incident in Lake County Jail, but any**
18 **arrests since that date?**

19 A. 2023, again, for child support.

20 **Q. And at that point were you brought to**
21 **Lake County Jail or McHenry?**

22 A. The same thing, came here first and
23 then I don't have dates, but I know I was in
24 Lake County for awhile.

1 **brought in on the violation of the order of**
2 **protection, how long were you in Lake County**
3 **Jail?**

4 A. I don't recall.

5 **Q. Was it more than a week?**

6 A. When I was -- can you ask it again?

7 **Q. Sure. You mentioned in early 2020**
8 **you were brought into Lake County Jail on a**
9 **violation of an order of protection. I was**
10 **wondering how long you were in Lake County Jail**
11 **during that incident?**

12 A. At least a week.

13 **Q. Could it have been a month?**

14 A. No.

15 **Q. All right. Prior to this early 2020**
16 **incident had you been in Lake County Jail?**

17 A. No.

18 **Q. Prior to the arrest for missing court**
19 **on the DUI in June of 2022 did you have any**
20 **other arrests other than this one for an order**
21 **of protection in early 2020?**

22 A. Child support.

23 **Q. And when was that arrest?**

24 A. I don't -- so it would have been

1 **Q. And it's your understanding you were**
2 **in Lake County then McHenry just on this child**
3 **support?**

4 A. Lake County was -- again, I missed
5 court for medical things. McHenry was child
6 support.

7 **Q. Do you know what the result of the**
8 **child support case was? Were you convicted of**
9 **anything?**

10 A. No, it's still pending.

11 **Q. When you said you were in Lake County**
12 **in 2023 for missing court, what court date had**
13 **you missed?**

14 A. I believe it was the same ones as
15 these. There weren't new arrests.

16 **Q. Okay. Do you have any -- other than**
17 **the child support case which is pending, do you**
18 **have any pending criminal cases?**

19 A. No.

20 **Q. And then your probation you received**
21 **for the global negotiation for the DUI and the**
22 **order of protection violation, are you still on**
23 **that probation?**

24 A. No.

1 **Q. How long was that probation?**

2 A. Two years.

3 **Q. And what were the conditions of that**
4 **probation?**

5 A. Random drug tests, drug and alcohol
6 testings, no firearms, basically not entering
7 any like liquor stores is the right terminology,
8 and then random at-home visits.

9 **Q. And when did you -- approximately**
10 **when did the probation end?**

11 A. I believe it was late last year.

12 **Q. Late 2023?**

13 A. Yes.

14 **Q. Did you -- at the end of that was it**
15 **concluded that you completed probations --**

16 A. Yes.

17 **Q. -- satisfactorily?**

18 A. Yes.

19 MR. FLAXMAN: Let her finish.

20 BY MS. NELSON:

21 **Q. Have you ever filed a civil lawsuit?**
22 **And sometimes people don't know what a civil**
23 **lawsuit is as opposed to criminal. Things for**
24 **like personal injury, car accident.**

1 A. I had gotten in a car accident in
2 2015, I believe.

3 **Q. Okay. And was there a lawsuit filed**
4 **over that incident?**

5 A. Yes.

6 **Q. Who was your attorney for that**
7 **lawsuit?**

8 A. I do not recall.

9 **Q. Where did it occur?**

10 A. Wisconsin.

11 **Q. Is that case closed?**

12 A. Yes.

13 **Q. What was the result? Was there a**
14 **settlement?**

15 A. There was a settlement, yes.

16 **Q. What injuries were you claiming in**
17 **that lawsuit?**

18 A. It was more so my ex at the time.

19 **Q. Was that Kaitlin Smith?**

20 A. Yes, and then I ended up with just
21 physical therapy for my neck and shoulders.

22 **Q. Did that result in a trial or was it**
23 **settled?**

24 A. It was settled.

1 **Q. Do you know where in Wisconsin it was**
2 **filed?**

3 A. I think Waukesha or Milwaukee.

4 **Q. Other than that lawsuit for,**
5 **regarding a car accident in Wisconsin in**
6 **approximately 2015, any other civil lawsuits?**

7 A. No.

8 **Q. Have you ever filed bankruptcy?**

9 A. No.

10 **Q. Have you ever been sued civilly by**
11 **anyone?**

12 A. Not yet.

13 **Q. You do have a pending child support**
14 **case. Is that brought by your ex Kaitlin Smith?**

15 A. Yes.

16 **Q. All right. Let's talk about your**
17 **work history and this actually might be a good**
18 **time to talk off our interrogatory answers. I'm**
19 **going to show you what we've marked as Exhibit**
20 **No. 2.**

21 **Ken, do you need a copy? I've**
22 **got extra.**

23 MR. FLAXMAN: I'll take it.
24

1 BY MS. NELSON:

2 **Q. Exhibit No. 2 which reads in big bold**
3 **print, Plaintiff's Interrogatory Answers. Have**
4 **you seen this document?**

5 A. Yes.

6 **Q. I noticed that -- if you flip to page**
7 **5 it has your signature?**

8 A. Yes.

9 **Q. Did you review these Answers to**
10 **Interrogatories with your attorney?**

11 A. Yes.

12 **Q. Are the answers to these**
13 **interrogatories true and correct to the best of**
14 **your ability?**

15 A. Yes.

16 **Q. Okay. Let's talk about No. 7.**

17 A. Okay.

18 **Q. No. 7 asks you for your employers**
19 **during the time frame of June 2014 to the**
20 **present. It lists here that you are currently**
21 **employed by BCI Acrylic Procurement; is that**
22 **correct?**

23 A. Yes, ma'am.

24 **Q. And it looks like your start date**

1 **there was February 7, 2024?**
 2 A. That was a promotion so, yes.
 3 **Q. Oh, I see. So you were promoted to**
 4 **the --**
 5 A. Procurement.
 6 **Q. -- procurement in February 2024 but**
 7 **worked at BCI Acrylic call center starting in**
 8 **July of 2023?**
 9 A. Yes.
 10 **Q. Okay. Are you still currently**
 11 **employed by them?**
 12 A. Yes.
 13 **Q. And then you were unemployed from May**
 14 **of 2020 to July of 2023?**
 15 A. Yes.
 16 MS. NELSON: Ken, are you guys making
 17 a wage loss claim in this case?
 18 MR. FLAXMAN: No.
 19 BY MS. NELSON:
 20 **Q. Prior to that period of unemployment**
 21 **from 2020 you were with GE Healthcare, 2020**
 22 **[sic] to 2020?**
 23 A. Yes.
 24 **Q. What did you do for them?**

1 A. Ran all the warehousing for the
 2 United States and Canada.
 3 **Q. Where did you work out of?**
 4 A. Carol Stream.
 5 **Q. And then from April of 2014 to March**
 6 **of 2019 you were a station manager for DHL**
 7 **Express?**
 8 A. Yes.
 9 **Q. In any of those jobs have you ever**
 10 **filed a worker's compensation claim?**
 11 A. No.
 12 **Q. Do you know what a worker's**
 13 **compensation claim is?**
 14 A. Yes.
 15 **Q. Were you terminated from any of those**
 16 **jobs?**
 17 A. No.
 18 **Q. Have you had to take any ADA leaves**
 19 **from any of those jobs for medical conditions?**
 20 A. Attempted in 2020 with GE Healthcare.
 21 **Q. And what was the reason for taking**
 22 **that ADA leave?**
 23 A. I had Covid.
 24 **Q. And when you say "attempted," they**

1 **refused it, the leave?**
 2 A. I couldn't figure it out, honestly.
 3 **Q. Did you resign from that job?**
 4 A. Yes.
 5 **Q. I'm going to show you, go back and**
 6 **talk about the incident in June of 2022 at the**
 7 **Lake County Jail but before I do, did you have**
 8 **to pay any medical bills related to the injuries**
 9 **you believe were caused by the June 2022**
 10 **incident?**
 11 A. Not yet.
 12 **Q. Do you have any bills that you're**
 13 **aware of that are pending?**
 14 A. That I know what they are, no, I do
 15 not.
 16 **Q. Have you received any bills in the**
 17 **mail?**
 18 A. Not yet, no.
 19 **Q. At some point you were taken out to**
 20 **Vista Medical in June of 2022?**
 21 A. Yes.
 22 **Q. Did you receive any bills from them?**
 23 A. I have not received any.
 24 **Q. And you haven't received any calls**

1 **from collections people saying you owe bills?**
 2 A. There is money that comes out of my
 3 check, but I don't know what it is for.
 4 **Q. Do you know whether it's child**
 5 **support or medical bills?**
 6 A. I know of the child support but there
 7 is an additional one.
 8 **Q. And you don't know what the basis of**
 9 **that is?**
 10 A. No, ma'am.
 11 **Q. So it could be medical bills, it**
 12 **could be something else?**
 13 A. Correct.
 14 **Q. All right. Let's talk about your**
 15 **medical history. And we'll use your Answer to**
 16 **Interrogatory answers to sort of frame this.**
 17 **If you'd look back at Exhibit**
 18 **No. 2, Question No. 2 asks you for the**
 19 **five years prior to the June 8, 2022, entry in**
 20 **Lake County Jail, there's the date, what medical**
 21 **providers you saw and you list a number there so**
 22 **I'm going to go through those.**
 23 **The first person listed is**
 24 **Dr. Guy Abderholden, A-B-D-E-R-H-O-L-D-E-N, out**

1 of Antioch, Illinois. When did you first begin
 2 seeing Dr. Abderholden?
 3 A. I believe 2001.
 4 Q. And what kind of doctor is he, a
 5 general, is he a --
 6 A. Primary care doctor.
 7 Q. And you told me you moved to the
 8 states in 2001 so is that your family physician?
 9 A. Yes.
 10 Q. When did you stop seeing
 11 Dr. Abderholden?
 12 A. I believe 2021.
 13 Q. Were you being treated for any
 14 specific medical conditions by Dr. Abderholden?
 15 A. Asthma.
 16 Q. And when were you first diagnosed
 17 with asthma?
 18 A. When I was a young child before my
 19 recollection.
 20 Q. Did you have any medications for --
 21 A. Inhalers.
 22 Q. -- asthma?
 23 Do you still have prescriptions
 24 for inhalers?

1 A. Yes.
 2 Q. Do you take like a regular
 3 maintenance inhaler or do you have rescue
 4 inhalers?
 5 A. Rescue inhalers.
 6 Q. How often do you need to use a rescue
 7 inhaler?
 8 A. Once a day maybe.
 9 Q. Around June of 2022 when you were in
 10 the Lake County Jail were you using rescue
 11 inhalers then?
 12 A. Prior to jail?
 13 Q. Yeah. Let's say the week --
 14 A. Yes.
 15 Q. -- prior to going to jail.
 16 A. Yes.
 17 Q. Were you using them once a day at
 18 that point?
 19 A. Yes.
 20 Q. And that would have been prescribed
 21 by Dr. Abderholden?
 22 A. Yes.
 23 Q. Is there any period of time between
 24 when you were diagnosed in, as a young child to

1 the present day when you have not been using the
 2 asthma inhalers?
 3 A. That I'm aware of. That I can
 4 recall, no.
 5 Q. The next doctor -- Strike that.
 6 Other than the rescue inhalers
 7 did Dr. Abderholden prescribe any other
 8 medications to you?
 9 A. Throughout the course of me seeing
 10 him?
 11 Q. Yes.
 12 A. I'm sure he did, yes.
 13 Q. Anything that you were taking around
 14 2022, any medications?
 15 MR. FLAXMAN: From Dr. Abderholden?
 16 BY MS. NELSON:
 17 Q. Yes, from Dr. Abderholden.
 18 A. I don't believe so.
 19 Q. The next doctor we have listed is
 20 Dr. Robert Koch, K-O-C-H. Do you know how to
 21 pronounce it?
 22 A. Koch.
 23 Q. Okay. Dr. Robert Koch, Lake Heart
 24 Specialists in Libertyville, Illinois. When did

1 you first see Dr. Koch?
 2 A. I believe 2020.
 3 Q. What led you to go see Dr. Koch?
 4 A. Hypertension and rapid heart rate.
 5 Q. Is Dr. Koch the first doctor you saw
 6 related to hypertension?
 7 A. My primary care was the first one and
 8 I was referred to Dr. Koch.
 9 Q. When were you first diagnosed with
 10 hypertension? What age?
 11 A. Middle of 2020 so I would have been
 12 30 years old.
 13 Q. Is that before or after you had
 14 Covid?
 15 A. During.
 16 Q. During. So Dr. Abderholden didn't
 17 treat you for the hypertension or rapid heart
 18 rate, he just referred you to Dr. Koch?
 19 A. He had prescribed Propranolol.
 20 Q. Dr. Abderholden had?
 21 A. Correct.
 22 Q. Propranolol?
 23 A. Yes.
 24 Q. And what does that treat?

1 A. Heart medication so high blood
2 pressure, high heart rate.
3 **Q. Did you fill that prescription that**
4 **Dr. Abderholden entered?**
5 A. Yes.
6 **Q. And around when did you fill that**
7 **first prescription?**
8 A. Around the time of 2020, I believe.
9 **Q. And were you taking that regularly in**
10 **2020?**
11 A. Yes.
12 **Q. Did you take the -- did you have a**
13 **prescription for the -- I messed up the name.**
14 **Could you give me the medication again?**
15 A. Propranolol.
16 **Q. Propranolol. Did you take that in**
17 **2020?**
18 A. I don't recall.
19 **Q. Were you taking that at the time you**
20 **entered the Lake County Jail in June of 2022?**
21 A. I don't recall.
22 **Q. When you had that prescription for**
23 **Propranolol, where did you fill the**
24 **prescription?**

1 A. I believe it was either the Walgreens
2 or CVS in Fox Lake.
3 **Q. At the time you were filling that**
4 **prescription did you have prescription**
5 **insurance?**
6 A. Like medical insurance?
7 **Q. Yes.**
8 A. Yes.
9 **Q. With who?**
10 A. I don't recall. The employer was
11 GE Healthcare at the time.
12 **Q. So Dr. Abderholden referred you to**
13 **Dr. Koch in Libertyville, a cardiologist. What**
14 **if any --**
15 MR. FLAXMAN: Go ahead. I gotta get
16 a tissue.
17 BY MS. NELSON:
18 **Q. Let me start over. Dr. Abderholden**
19 **referred you to Dr. Koch a cardiologist in**
20 **Libertyville you said in around 2021?**
21 A. 2020.
22 **Q. 2020. Do you know around what month?**
23 A. I do not, no.
24 **Q. And what, if anything, did Dr. Koch**

1 **treat you for?**
2 A. So hypertension, sinus tachycardia
3 and I was given an at-home EKG to wear that was
4 monitored.
5 **Q. Was that for a certain period of time**
6 **they monitored?**
7 A. Yes.
8 **Q. Following that monitoring of the EKG**
9 **were you diagnosed with any particular**
10 **conditions?**
11 A. Sinus tachycardia and hypertension.
12 **Q. Do you know what the plan of**
13 **treatment was for your sinus tachycardia and**
14 **hypertension?**
15 A. Try to get it under control.
16 **Q. And were you given medication to get**
17 **it under control?**
18 A. Yes.
19 **Q. What medication?**
20 A. Propranolol.
21 **Q. Did Dr. Koch continue that**
22 **prescription for Propranolol?**
23 A. We did at one point have to change
24 to, I believe the medication is called

1 metoprolol. I don't know what, around what
2 time.
3 **Q. And was that a medication you took**
4 **daily?**
5 A. Yes.
6 **Q. Were you taking it daily throughout**
7 **2020?**
8 A. Yes, twice a day.
9 **Q. Did it eventually get your**
10 **hypertension under control?**
11 A. Yes.
12 **Q. Were you taking that medication in**
13 **2021?**
14 A. I don't recall.
15 **Q. Do you recall any reports from your**
16 **doctors of your hypertension being out of**
17 **control in 2021?**
18 A. I was at the hospital frequently.
19 **Q. Which hospital?**
20 A. It's the one -- sorry.
21 **Q. If you know.**
22 A. I don't recall.
23 **Q. So when you say -- this is in 2021**
24 **you were at the hospital frequently?**

1 A. Yes, and 2022 and 2023, I believe.
 2 **Q. Let's unpack that a little bit. What**
 3 **do you mean by frequently? Every month?**
 4 A. Every couple of months.
 5 **Q. And would you have -- would there be**
 6 **some sort of symptoms that would lead you to go**
 7 **to the hospital?**
 8 A. Yeah, hypertension, fainting,
 9 increased elevated blood pressure, heart rate.
 10 **Q. When was the first time you went to**
 11 **the hospital because of fainting?**
 12 A. I believe it would be 2020 or 2021.
 13 **Q. And at the time did you go to the**
 14 **hospital near where you lived?**
 15 A. Yes.
 16 **Q. Do you have a sense of where that**
 17 **might be?**
 18 A. I believe McHenry County Hospital.
 19 **Q. McHenry Hospital?**
 20 A. I think so, yes.
 21 **Q. What was your address?**
 22 A. At the time?
 23 **Q. Yeah.**
 24 A. 7119 Hidden Green Circle, Fox Lake,

1 Illinois.
 2 **Q. Were you living with anyone else**
 3 **there at the time?**
 4 A. When I would go to the hospital?
 5 **Q. When you lived at 7119 Hidden Green**
 6 **Circle?**
 7 A. My ex-fiancee and the children, yes.
 8 **Q. So you first had a fainting episode**
 9 **in 2020. You went to you believe McHenry County**
 10 **Hospital. What happened at that**
 11 **hospitalization? Were you admitted?**
 12 A. They told me that I needed to be at
 13 the hospital but because of what was going on
 14 with Covid it was safer for me to be at home.
 15 **Q. Were you given any medications or**
 16 **treatment options?**
 17 A. Current medications I was on.
 18 **Q. Were you monitoring your blood**
 19 **pressure during that time?**
 20 A. Daily.
 21 **Q. So you said you were going to the**
 22 **hospital. You said the first time was in 2020**
 23 **you had a fainting episode and you went to**
 24 **McHenry County Hospital and you told me earlier**

1 **you were frequently going to the hospital. How**
 2 **many --**
 3 A. Up until the first -- I've probably
 4 been a dozen times in total, probably more.
 5 **Q. And every time it's more fainting or**
 6 **elevated --**
 7 A. Blood pressure, heart rate, yes.
 8 MR. FLAXMAN: Let her finish the
 9 question.
 10 BY MS. NELSON:
 11 **Q. Any of these trips to the hospital**
 12 **you have to go by ambulance?**
 13 A. Yes.
 14 **Q. All of them?**
 15 A. No.
 16 **Q. Any of the fainting episodes were you**
 17 **injured in the fall?**
 18 A. Yes.
 19 **Q. So it looks like you recall one or**
 20 **more of those. Can you tell me what happened?**
 21 A. One, yes. I turned my hand. I fell
 22 on the stairs.
 23 **Q. When was that?**
 24 A. I believe, either 2022 or 2023.

1 **Q. And when you say you "fell on the**
 2 **stairs," was it at home?**
 3 A. Yes.
 4 **Q. And when you fell on the stairs, was**
 5 **that a result of a fainting episode?**
 6 A. Yes.
 7 **Q. And do you know what hospital you**
 8 **went to when you hurt your hand?**
 9 A. I believe it was McHenry again.
 10 **Q. Did anyone treat you for your hand?**
 11 A. Yes, at the hospital.
 12 **Q. And you think it was McHenry County**
 13 **Hospital?**
 14 A. Yes.
 15 **Q. Okay. Let's go back to Exhibit No. 2**
 16 **because this sort of helps us. If you turn the**
 17 **page, that answer to No. 2 continues on and it**
 18 **says at the top McHenry County Hospital ER**
 19 **visits. When you're describing those fainting**
 20 **episodes, would you go to the ER at McHenry**
 21 **County?**
 22 A. Yes.
 23 **Q. Do you recall ever going for these**
 24 **fainting episodes or the high blood pressure to**

1 **any hospital other than McHenry?**

2 A. Do I recall or do I know?

3 **Q. Usually I know if I recall.**

4 A. I don't have any recollection other
5 than what I've been told with what happened
6 here. I don't recall any of that.

7 **Q. That's fair. So the records tell us**
8 **that you were taken to Vista after the incident**
9 **in Lake County Jail in June of 2023, correct?**

10 A. Correct.

11 **Q. There are records that show that.**

12 A. Correct.

13 **Q. You don't have a recollection of**
14 **that?**

15 A. Correct.

16 **Q. Other than what you've been told**
17 **about going to Vista in June of 2022 and what**
18 **you recall about being at McHenry County**
19 **Hospital are there any other hospitals you**
20 **visited due to fainting or blood pressure?**

21 A. No, other than for treatment which is
22 Loyola Medical Center.

23 **Q. So I see that -- is that your next**
24 **line here you're talking about the neurologist**

1 **at Loyola Hospital Jim C. Song?**

2 A. I believe so, yes.

3 **Q. And when you say "for treatment," is**
4 **that who you were referring to?**

5 A. Yes.

6 **Q. When did you first see Dr. Jim**
7 **C. Song?**

8 A. I believe 2023.

9 **Q. Were you referred to Dr. Jim C. Song**
10 **by someone?**

11 A. Yes.

12 **Q. Who?**

13 A. The doctor at Greater Family Health
14 in McHenry.

15 **Q. Could you spell that name?**

16 A. Greater Family Health.

17 **Q. So Greater Family Health in**
18 **Libertyville?**

19 A. McHenry.

20 **Q. McHenry. When did you first go to**
21 **that facility?**

22 A. 2023.

23 **Q. Did someone refer you there?**

24 A. Yes.

1 **Q. Whom?**

2 A. PADS.

3 **Q. And what is PADS?**

4 A. The homeless shelter.

5 **Q. And what were you seeking treatment**
6 **from at the Greater Family Health in McHenry?**
7 **What conditions?**

8 A. The cerebral atrophy. The aftermath
9 of the seizure.

10 **Q. Did any doctor tell you you had**
11 **cerebral atrophy?**

12 A. Yes.

13 **Q. Who?**

14 A. It was in the record from the Vista
15 Hospital.

16 **Q. From 2022?**

17 A. Yes.

18 **Q. Do you have a recollection of a**
19 **doctor diagnosing you with cerebral atrophy?**

20 A. I don't recall.

21 **Q. So I don't know that we had**
22 **indication that you've been going to Greater**
23 **Family Health in McHenry so I don't know that we**
24 **have the records.**

1 MR. FLAXMAN: Hold on. Let me
2 correct that. Interrogatory 3 it identifies
3 Greater Family Health.

4 MS. NELSON: Oh, you're ahead of me.
5 Good job.

6 BY MS. NELSON:

7 **Q. Let's skip ahead to**
8 **Interrogatory No. 3. It says your primary care**
9 **provider since May of 2023 is Dr. Alejandro,**
10 **A-L-E-J-A-N-D-O, Mambo, like the dance, at**
11 **Greater Family Health in McHenry, Illinois,**
12 **correct?**

13 A. Correct.

14 **Q. And you started seeing Dr. Mambo at**
15 **Greater Family Health because you were referred**
16 **there by PADS, correct?**

17 A. Correct.

18 **Q. And what conditions, if any, were you**
19 **seeking treatment from for, with Dr. Mambo?**

20 A. To try to find a neurologist.

21 **Q. Were you experiencing any symptoms**
22 **when you went to see Dr. Mambo?**

23 A. Yes.

24 **Q. What symptoms were you experiencing?**

1 A. Extreme, like very like numbing like
 2 ear drums like my head was going to explode and
 3 then very, very like short-term memory was
 4 really poor. Then I would have all that
 5 twitching on the left side of my face and it
 6 felt impossible to think. Like it would hurt.
 7 **Q. And were those the symptoms that you**
 8 **reported to Dr. Mambo at Greater Family Health?**
 9 A. I believe so.
 10 **Q. Anything else you complained of with**
 11 **Dr. Mambo?**
 12 A. I believe it may have been they'd
 13 taken even a look at my heart rate, I believe.
 14 **Q. So it says that you first saw**
 15 **Dr. Mambo in May of 2023. Have you been seeing**
 16 **him regularly since then or is that the only**
 17 **visit?**
 18 A. No, I had continued to go. I don't
 19 recall the exact dates, but I am unable to get
 20 in right now just due to not having health
 21 insurance.
 22 **Q. Does your current job provide health**
 23 **insurance?**
 24 A. Yes, but I simply can't afford it due

1 to child support.
 2 **Q. When was the last time you had**
 3 **Dr. Mambo?**
 4 A. I believe September or October of
 5 '23.
 6 **Q. And then you said you went to**
 7 **Dr. Mambo to get a referral to a neurologist?**
 8 A. Yes.
 9 **Q. And was the neurologist that you**
 10 **referred to this Dr. Song at Loyola?**
 11 A. Yes.
 12 **Q. When did you go see Dr. Song at**
 13 **Loyola?**
 14 A. I don't know the exact dates.
 15 **Q. Have you seen Dr. Song more than**
 16 **once?**
 17 A. I don't know which doctors I've
 18 worked with there.
 19 **Q. Okay. That's fine. Do you know when**
 20 **you first went to Loyola Hospital for treatment**
 21 **approximately?**
 22 A. Probably around May of 2023.
 23 **Q. Did they run any tests on you at**
 24 **Loyola Hospital?**

1 A. Yes.
 2 **Q. What kind of tests, if you recall?**
 3 A. I think it was called an EEG. No, it
 4 was not EEG. The one where they put all the
 5 stuff on your head. I don't know the name for
 6 it.
 7 **Q. Any of the doctors at Loyola Hospital**
 8 **give you any diagnosis that you're aware of?**
 9 A. That I can recall, no.
 10 **Q. Did they provide any ongoing**
 11 **treatment for you in terms of therapy or**
 12 **medication?**
 13 A. Yes. Medication, no. Treatment, I
 14 was supposed to have a -- I believe it is called
 15 a Model 3 scan, I believe, and I did go to the
 16 appointment but they didn't have the strong
 17 enough machine there to be able to do it.
 18 **Q. Have you since had that test?**
 19 A. I'm trying to get it.
 20 **Q. What is your understanding of what**
 21 **the Model 3 scan is for?**
 22 A. It's like a brain scan.
 23 **Q. Did any doctor either primary care**
 24 **physician or a neurologist at Loyola give you**

1 **any reason for why you were having the symptoms**
 2 **that you complain of?**
 3 A. I don't recall.
 4 **Q. Did any doctor suggest that you were**
 5 **having any long Covid symptoms?**
 6 A. From Loyola?
 7 **Q. Yes.**
 8 A. No.
 9 **Q. Did any doctor from Greater Family**
 10 **Health suggest that you were having any long**
 11 **Covid symptoms?**
 12 A. No.
 13 **Q. Did any other doctor suggest that you**
 14 **had long Covid symptoms?**
 15 A. In 2020.
 16 **Q. Which doctor?**
 17 A. I believe it was Dr. Guy Abderholden,
 18 I believe.
 19 **Q. The symptoms you mentioned to me, the**
 20 **short-term poor memory, the twitching on the**
 21 **left side of the face, when did those symptoms**
 22 **begin?**
 23 A. To the best of my knowledge because I
 24 was in psychosis I'd say 45 days, 50 days after

1 I had the seizure approximately.

2 **Q. So 45 days or so?**

3 A. To my -- I was in psychosis.

4 **Q. 45 days after the June 2022 incident?**

5 A. Give or take, yes.

6 **Q. And you say you were in psychosis.**
7 **What do you mean by that?**

8 A. That is what -- that's why I don't
9 have recollection of a lot of this.

10 **Q. The fact that you were in psychosis,**
11 **did a doctor tell you that?**

12 A. Vista Medical Center. I believe
13 that's who the record's from, otherwise it's on
14 the McHenry County I'm sure.

15 **Q. So the fact that -- when you state**
16 **you were in psychosis, this is something you**
17 **learned after the fact, you don't have**
18 **recollection of it?**

19 A. Yes.

20 **Q. Is that something that occurred when**
21 **you were in McHenry County Jail?**

22 A. I believe it started here when I had
23 come back from the hospital.

24 **Q. And understanding that you are**

1 **learning this from others and medical treaters,**
2 **what were the symptoms of psychosis you first**
3 **experienced?**

4 A. So can I talk with Ken first?

5 **Q. If you could just answer that**
6 **question, we can take a break.**

7 A. The recollection, the only thing that
8 I recall from any of this is maybe for half of a
9 second just like when I'm laying on the floor at
10 the jail here and, you know, when you kind of
11 open your eyes a little bit and it's blurry for
12 about half a second, all I remember is just
13 seeing people around me and that's it. Then I
14 remember, I think I was in the back of the
15 ambulance and I don't know if this was said to
16 me or if it was the psychosis but it was someone
17 had said stay with us and then all I remember is
18 when I was coming out of the ambulance was the
19 bump, that that's it.

20 I don't remember seeing
21 anything, I just remember feeling the bump as I
22 was taken out of the back. I don't know what
23 tests were done other than what was on the
24 documents and then I recall either a nurse or

1 doctor at the hospital had asked me to open my
2 mouth and to my recollection, again, I like had
3 bitten my tongue on one side then it's all blank
4 until I got back and I think, I don't know, I
5 think I had said to one of the corrections
6 officers can I have some food and I have no
7 recollection until I woke up in McHenry County
8 Jail maybe a week, week later.

9 **Q. Okay. I'm going to unpack some of**
10 **that. Do you still feel the need to meet with**
11 **your counsel?**

12 A. Yeah, I do need a take a break.

13 (Whereupon after a brief recess the
14 proceedings were resumed.)

15 BY MS. NELSON:

16 **Q. Before we took a break we were going**
17 **through your medical history and --**

18 MS. NELSON: Could you read the last
19 question I asked?

20 (Whereupon the record was read back
21 by the reporter as requested.)

22 BY MS. NELSON:

23 **Q. So you gave me sort of a narration of**
24 **what you remember about the incident in, from**

1 **the time you had the seizure in June of 2022**
2 **until sometime later in McHenry County Jail.**
3 **We're going to go unpack that in a little bit,**
4 **but I do want to go back to what you said**
5 **earlier in terms of getting treatment for**
6 **psychosis.**

7 **Do you have recollection of**
8 **having symptoms of psychosis or is psychosis**
9 **something that you just learned about from**
10 **medical records?**

11 A. He -- the only recollection I have is
12 when I had gotten to McHenry and I was in the
13 holding cell. And those symptoms were -- I
14 think they're called the bases of the floor
15 boards, that's down there, to where it looks
16 like there was just music videos going through
17 and then like the holes that you see in cinder
18 block walls, little tiny ones, it was like those
19 were star signs.

20 **Q. And I take it that McHenry County**
21 **Jail doesn't have that sort of technology, those**
22 **were hallucinations?**

23 A. Correct.

24 **Q. And you recall those hallucinations?**

1 A. Yes.

2 **Q. Were there other things that you were**
3 **told about after it happened by folks at the**
4 **McHenry County Jail?**

5 A. It was not until I got my records
6 that I was made aware.

7 **Q. Okay. And since you were in McHenry**
8 **County Jail have you had any symptoms that you**
9 **believe are related to psychosis?**

10 A. I'm not sure. I'm not a doctor.

11 **Q. Has any doctor told you you've had**
12 **symptoms of psychosis since the time you were in**
13 **McHenry County Jail?**

14 A. No.

15 **Q. Have you sought treatment for**
16 **psychosis at any time since you were in McHenry**
17 **County Jail regarding the psychosis?**

18 A. I've had the discussion with Loyola
19 Medical Center. I don't believe there is a
20 treatment for that.

21 **Q. Did you report any symptoms with**
22 **Loyola Medical Center related to psychosis?**

23 A. I provided all of the explanations
24 that I received from the hospital at Vista and

1 my experience unfortunately, or unfortunate
2 experience with the documentation that I have
3 from McHenry medical staff.

4 **Q. Did the doctors at Loyola Medical**
5 **give you any treatment options for psychosis?**

6 A. I believe that is one of the reasons
7 we're doing the tests there are scheduled
8 appointments.

9 **Q. Do you currently have those any of**
10 **those tests scheduled?**

11 A. There is appointments scheduled
12 through the end of 2026 I believe to the best of
13 my knowledge.

14 **Q. And are those for scans or other**
15 **types of appointments?**

16 A. All different sorts of tests.

17 **Q. And how frequently are you doing**
18 **those tests through 2026?**

19 A. I don't recall.

20 **Q. And are they tests that you take at**
21 **Loyola Medical Center?**

22 A. Different locations for Loyola
23 depending on what equipment they have at which
24 location.

1 **Q. Do you know when each of those**
2 **appointments is?**

3 A. I have them. I have the schedule,
4 but I do not off the top of my head, no.

5 **Q. You could give the schedule to your**
6 **attorney to give them to us?**

7 A. Yes.

8 **Q. Are any of the appointments that you**
9 **mention scheduled for, appointments with**
10 **psychiatrists or psychologists?**

11 A. I don't believe so, no.

12 **Q. And are you currently taking any**
13 **medication related to the psychosis issues?**

14 A. No.

15 **Q. Have you been prescribed any**
16 **medication related to psychosis?**

17 A. No.

18 **Q. Other than this ongoing treatment**
19 **through 2026 related to symptoms of psychosis,**
20 **are the doctors at Loyola Hospital treating you**
21 **for any other conditions?**

22 A. No.

23 **Q. And you mentioned earlier I believe**
24 **it was the case that you saw in a document a**

1 **reference to cerebral atrophy at the Vista**
2 **documents?**

3 A. Yes.

4 **Q. Had any other doctor discussed --**
5 **Strike that.**

6 **Has any other doctor other than**
7 **what you've seen in the Vista records made any**
8 **diagnosis or mention of cerebral atrophy?**

9 A. Mentioned to me, yes. I'm unsure of
10 what the mention. I don't recall.

11 **Q. Which doctor, if any, do you recall**
12 **mentioning --**

13 A. Jim C. Song.

14 MR. FLAXMAN: Let her finish.

15 BY MS. NELSON:

16 **Q. Do you recall Dr. Song saying you had**
17 **cerebral atrophy or just assessing you for it?**

18 A. Assessing.

19 **Q. Do you know if he reached any**
20 **conclusions on whether or not you had any**
21 **cerebral atrophy?**

22 A. I do not, no.

23 **Q. Do you know of any doctor who's**
24 **currently diagnosed you as having any cerebral**

1 atrophy?

2 A. I'm unsure if the doctor or nurse at
3 Vista is a doctor. I'm not sure.

4 **Q. So other than Dr. Jim C. Song**
5 **assessing you for cerebral atrophy and a note in**
6 **a documentation at Vista, those are the only two**
7 **medical providers you know who made mention of**
8 **cerebral atrophy?**

9 A. I've had discussions with medical
10 providers, but, again, with the memory issues I
11 don't recall. I've had mental health evaluation
12 where it has been determined that it more than
13 likely is due to cerebral atrophy.

14 **Q. When was that mental health**
15 **evaluation?**

16 A. 2023.

17 **Q. Who did the mental health evaluation?**

18 A. Part of the PADS program through
19 Pioneer I believe is the name of the company and
20 that was in McHenry.

21 **Q. And would it have been somebody at**
22 **the PADS facility that assessed you?**

23 A. No, it was for -- I don't know if
24 it's a doctor's office or a company, but it is

1 medical. It's through Pioneer, something
2 through the State.

3 **Q. Okay. Would you go out and see a**
4 **medical treater from --**

5 A. Yes, it wasn't at PADS. They
6 physically take me.

7 **Q. Do you know the name of the doctor?**

8 A. I don't know.

9 **Q. Did -- you said you had discussions**
10 **about cerebral atrophy with them. Did any of**
11 **those doctors tell you what caused your cerebral**
12 **atrophy?**

13 A. The seizure.

14 **Q. Has any doctor at PADS discussed**
15 **substance abuse with you?**

16 A. As far as like a general overview
17 topic when you get there, yes.

18 **Q. Has any doctor tied your cerebral**
19 **atrophy to substance abuse?**

20 A. No.

21 **Q. In the doctors we've covered so far,**
22 **any doctor suggesting to you substance abuse**
23 **treatment?**

24 A. No.

1 **Q. Have you ever undergone any substance**
2 **abuse treatment?**

3 A. No.

4 MR. FLAXMAN: You can ask the next
5 question have you ever had a problem with
6 substance abuse.

7 MS. NELSON: Sure.

8 BY MS. NELSON:

9 **Q. Have you ever had a problem with**
10 **substance abuse?**

11 A. Like I wouldn't say problem. I do
12 chewing tobacco but I don't know this that's
13 classified as substance.

14 **Q. How long have you been doing chewing**
15 **tobacco?**

16 A. On and off for maybe the last ten
17 years maybe.

18 **Q. Does that affect your hypertension in**
19 **any way that you know of?**

20 A. That I know of, no.

21 **Q. Has any doctor suggested that you do**
22 **alcohol abuse treatment?**

23 A. No.

24 **Q. Have you ever reported to any doctor**

1 **excessive alcohol use?**

2 A. To my knowledge, no.

3 **Q. Are there ever any allegations in**
4 **court documents or filings about substance**
5 **abuse?**

6 A. Accusations, yes.

7 **Q. And which court filings?**

8 A. Family court.

9 **Q. And that would have been your**
10 **ex-fiancee?**

11 A. Yes.

12 **Q. Conditions of your protection in any**
13 **of your cases been undergoing substance abuse**
14 **treatment?**

15 A. No.

16 **Q. Conditions of probation in any of**
17 **your court cases being testing for substance**
18 **abuse?**

19 A. Yes.

20 **Q. I'm going to try to get through all**
21 **of the rest of these medical providers.**

22 A. Okay.

23 **Q. Just checking boxes but just**
24 **generally I want to step back and ask the**

1 question in these times when you're meeting with
2 medical providers, is it fair to say that you
3 were truthful with the information you gave
4 them?

5 A. Yes.

6 Q. And you were complete with the
7 information you gave them?

8 A. To the best of my ability, yes.

9 Q. And that's because you wanted to get
10 good medical treatment, right?

11 A. I don't understand.

12 Q. Generally when people go to a doctor
13 they're truthful and accurate --

14 A. Yes.

15 Q. -- to get the best medical treatment,
16 fair?

17 A. Yes.

18 Q. Have you ever seen any medical
19 records where you disagreed with what a doctor
20 said?

21 A. No. Record, no, but when I've had
22 nurses -- initially when I would go to the
23 hospital with the hypertension, it was -- it
24 looked like it was what was going on with Covid,

1 A. More than likely, yes. That's the
2 best answer I can provide.

3 Q. Do you believe you're still having
4 long Covid symptoms today?

5 A. I'm unsure because of the seizure.

6 Q. Is the doctors your seeing in 2023 if
7 we look at those records is long Covid symptoms
8 some of the things you're discussing with them?

9 A. Yes.

10 Q. The neurologist you're seeing at
11 Loyola Hospital, are you discussing long Covid
12 symptoms with them?

13 A. Anything that I have, I take with me.
14 I have a big plastic folder just because I do,
15 obviously with the short-term memory issues not
16 miss anything.

17 Q. Has any doctor suggested that your
18 short-term memory issues are related to Covid?

19 A. I don't believe so, no.

20 Q. I'm going to go back to Exhibit 2 and
21 just make sure we talk about all of these folks
22 here. I'm going to skip over McHenry County
23 Jail. It says that you were examined by a
24 psychiatrist at Lake County Jail whose name is

1 rather than check my heart rate, they would try
2 to blame it on Covid right away. I have
3 disagreed with that, not jumping to the
4 conclusion it's because of Covid at the time.

5 Q. So the Covid pandemic started in
6 March of 2020. Were you diagnosed with
7 hypertension before then or after?

8 A. After.

9 Q. And you mentioned that you had Covid
10 at some point in 2020. Do you know when that
11 was?

12 A. As soon as it came out in the United
13 States, February or March of 2020.

14 Q. And if you recall, how long did it
15 take you to recover from Covid when you first
16 got it?

17 A. Like the actual symptoms of Covid or
18 like the long effect, long Covid symptoms?

19 Q. Did you have long Covid symptoms?

20 A. Yeah.

21 Q. How long did you have long Covid
22 symptoms?

23 A. Probably through 2023.

24 Q. 2023?

1 Melissa Brykowsky. Do you see that there in
2 answer to No. 2? It's on page 2.

3 A. So to the best of my knowledge what I
4 was advised of after the fact is that
5 psychiatrist bounces back and forth between Lake
6 County Jail and McHenry County Jail certain days
7 of the week is what I was advised. I'm unsure
8 of when it was. Again, I'd have to go with the
9 documentation. I don't know if it was at Lake
10 County or McHenry. I believe in the
11 documentation it is at McHenry, but I don't know
12 where I had that test done.

13 Q. So my question on Dr. Brykowski,
14 B-R-Y-K-O-W-S-K-I, is that someone you saw in
15 the incident of 2022 or was it somebody you saw
16 in your later visits to McHenry County in Lake
17 County in 2023?

18 A. The documentation that I was provided
19 was the 2022.

20 Q. Do you have any recollection of
21 talking to that doctor?

22 A. No.

23 Q. So you're just basing that --

24 A. Yes.

1 **Q. -- off the records?**

2 A. Yes.

3 **Q. It says you were also examined by a**
4 **physician whose name you recall as Dr. Winiecki,**
5 **W-I-N-I-E-C-K-I, in June of 2022.**

6 A. Again, I have no recollection.
7 That's based off of the documentation.

8 **Q. That may be the doctor at Vista, but**
9 **you're not sure?**

10 A. Correct.

11 **Q. And it's not somebody you regularly**
12 **see?**

13 A. No, I don't. It's just off the
14 paperwork. I don't know if it's from Vista, if
15 I had it done there or at either one of the
16 jails. I don't recall.

17 **Q. Then continuing on page 2 we ask the**
18 **question "Over the past ten years identify any**
19 **primary care physicians." We've talked about**
20 **Dr. Mambo, we talked about Dr. Abderholden, but**
21 **you also list here you currently receive medical**
22 **care at Loyola University, Dr. Jorge J.**
23 **Asconape, A-S-C-O-N-A-P-E, and he's a**
24 **neurologist?**

1 A. Yes. So based off of the locations
2 I've been to are, I think it's Maywood and Oak
3 Lawn and then I've done some remote but often at
4 times it's with different ones so when I was
5 providing this, I went through just the records
6 of the appointments I've completed and who they
7 were with.

8 **Q. So when you go to Loyola you may get**
9 **a different doctor?**

10 A. Yes.

11 **Q. And it sounds like the two you most**
12 **frequently see are Dr. Jim C. Song and Dr. Jorge**
13 **Asconape?**

14 A. That's what's on here.

15 **Q. And when you're talking about**
16 **Dr. Jorge Asconape, what sort of things is he**
17 **treating you for?**

18 A. It's all related to the seizure and
19 just how I feel like thought process-wise.

20 **Q. So the symptoms you mentioned to me**
21 **before were twitching on your left side,**
22 **short-term memory, are those the symptoms you're**
23 **seeing him for?**

24 A. Difficulty processing things.

1 **Q. Has Dr. Jorge Asconape told you the**
2 **symptoms you're having are a result of the**
3 **seizure?**

4 A. I don't know which one of them it
5 was. I have the transcript or the records that
6 they've put on the AP. I don't know which one
7 it was.

8 **Q. Has one of them told you that the**
9 **symptoms you're having is a result of a**
10 **seizure --**

11 A. Yes.

12 **Q. -- as opposed to some other?**

13 A. Yes.

14 **Q. Has any doctor that you've seen**
15 **diagnosed why you have seizures?**

16 A. No. I have been tested for epilepsy
17 and I'm not epileptic.

18 **Q. Who tested you for epilepsy?**

19 A. It was at Loyola. I know one of
20 these doctors ordered it, but they're not the
21 ones that did the tests. I believe it was
22 just -- well, it was a nurse, I believe.

23 **Q. Since the June 2022 seizure you had,**
24 **have you had any other seizures?**

1 A. No, ma'am.

2 **Q. I think we've covered the doctors.**
3 **I'm going to go down to No. 4. It says**
4 **"identify all medications that are prescribed or**
5 **otherwise that you regularly took in the time**
6 **frame surrounding your entry and exit from the**
7 **Lake County Jail in 2022." You list propranol,**
8 **P-R-O-P-A-N-A-L. That's a medication.**

9 A. That's Propranolol, yes.

10 **Q. Okay. Albuterol, that's the inhaler**
11 **and then you also list Clonazepam,**
12 **C-L-O-N-A-Z-E-P-A-M?**

13 A. Yes. That was the one that I
14 couldn't remember the name of earlier.

15 **Q. When were you first given a**
16 **prescription for Clonazepam?**

17 A. I believe mid 2020.

18 **Q. Were you taking that regularly around**
19 **the time you entered the Lake County Jail?**

20 A. No. It's one of those where you're
21 not supposed to take it every day. It's for
22 emergencies only.

23 **Q. When you're talking about**
24 **emergencies, is it a blood pressure emergency?**

1 A. So there's three stages to
2 hypertension. I can feel when I'm going from
3 one to the other so Stage 3 you need to go to
4 the emergency room so if you feel yourself going
5 from one to two, take it -- this is the advice
6 that I've been given, take one and it will --
7 it's a rapid release one milligram.

8 **Q. That should hopefully take you back**
9 **down?**

10 A. Yes.

11 **Q. Describe for me those stages. What**
12 **is Stage 1?**

13 A. Stage 1 is like normal functioning in
14 my opinion. Even Stage 2 now I don't feel it as
15 much because I'm used to it. Stage 3 is where
16 you start fainting.

17 **Q. What is Stage 2?**

18 A. Just lightheaded.

19 **Q. Then when you'd start to feel**
20 **lightheaded in Stage 2 would you test your blood**
21 **pressure?**

22 A. Yes. I have this, obviously, the
23 Fitbit and I have a blood pressure monitor. It
24 does blood pressure and heart rate as well and

1 I'll track irregular heartbeats.

2 **Q. Is there a level at which if your**
3 **heart, blood pressure is at a certain level that**
4 **you're supposed to take the Clonazepam?**

5 A. 180 over 120.

6 **Q. Is the general rule of thumb -- let's**
7 **say in the two months before you went in the**
8 **Lake County Jail in June of 2022 did you have an**
9 **instance where you needed to take the**
10 **Clonazepam?**

11 A. During this time period, no.

12 **Q. In 2022, from January of 2022 up**
13 **until you were in the Lake County Jail had you**
14 **had any instance where you needed to take your**
15 **Clonazepam?**

16 A. Can you repeat that? I'm sorry.

17 **Q. From the beginning of 2022,**
18 **January 1, 2022, until June of 2022, did you**
19 **have any of these type of incidents you**
20 **described?**

21 A. No, as far as --

22 **Q. Where you needed to take Clonazepam?**

23 A. No, ma'am.

24 **Q. Okay. During that period from**

1 **January 1st of 2022 to June of 2022 were you**
2 **regularly taking your propranolol?**

3 A. Propranolol. So you can work your
4 way down. You can't just stop. Initially when
5 I started the Propranolol I was on the maximum
6 dose for, in the morning and in the evening and
7 then obviously as we started seeing progress you
8 reduce the amount that you're taking. I'm
9 unsure of what the dates are. I don't know. I
10 don't recall.

11 **Q. Was there a time during that period**
12 **January 1, 2022, to June of 2022 where you had**
13 **stopped taking Propranolol all together?**

14 A. When I was in there they refused to
15 provide it.

16 **Q. For how long were you refused**
17 **Propranolol at the Lake County Jail?**

18 A. Between both times?

19 **Q. We're talking about June of 2022.**

20 A. Basically, I don't know, between
21 being denied my inhaler or even like the request
22 or ask. I don't know what they're called, the
23 grievance slips. They won't even provide those
24 or a pencil to go see a nurse so I'm unsure how

1 long it was when I was in there but when it was
2 up to me when I have control outside of the jail
3 I would take it daily.

4 **Q. Let's say you were in the jail in**
5 **June 8th of 2022, correct? That's what it says.**

6 A. To the best of my knowledge, yes.

7 **Q. Okay.**

8 A. And, again, that's based off of the
9 documentation, not my recollection.

10 **Q. On June 7th of 2022 how often were**
11 **you taking Propranolol? Were you taking it**
12 **twice a day, once a day?**

13 A. I believe at the time twice a day but
14 not the dosages that I was the year prior or in
15 2020.

16 **Q. And that prescription's for**
17 **Propranolol?**

18 A. Yes.

19 **Q. That prescription for Propranolol,**
20 **who was that filled by in 2022?**

21 A. That one in particular I'm unsure
22 because I know the Dr. Koch as well, he had --
23 when we were going through changes, the
24 metoprolol and the Propranolol, I'm unsure of

1 which one it was.

2 **Q. When you were taken into the Lake**
3 **County Jail, did you have the medication on you?**

4 A. I don't believe I had anything other
5 than my inhaler I don't think.

6 **Q. Okay.**

7 (Whereupon after a brief recess the
8 proceedings were resumed.)

9 BY MS. NELSON:

10 **Q. We were talking about your**
11 **prescription for Propranolol. You mentioned**
12 **that you thought it was either Dr. Koch or maybe**
13 **Dr. Abderholden?**

14 A. I know both of them had given me the
15 medications, yes.

16 **Q. In the time frame right before you**
17 **were in Lake County Jail, were would you have**
18 **been filling that prescription?**

19 A. I don't know.

20 **Q. Would it have been in Fox Lake?**

21 A. Well, sometimes they would have it at
22 the doctor's office, that's why I'm unsure, but,
23 otherwise, yes, it would have been. There was
24 the time here and there where because of supply

1 chain obviously I would have to go to a
2 different one and I don't know which one that
3 was, probably the next nearest one to Fox Lake.

4 **Q. Do you know who -- did you have**
5 **health insurance in this period in early 2022?**

6 A. I believe at the time I was on state
7 insurance, but as far as the policy provider, I
8 don't know.

9 **Q. Let's turn to your time in the Lake**
10 **County Jail. You mentioned that you were picked**
11 **up for missing court, correct?**

12 A. Yes.

13 **Q. And were you arrested by Lake County**
14 **Sheriffs or other police officers, if you know?**

15 A. I don't know.

16 **Q. Do you remember what time you were**
17 **brought into Lake County Jail?**

18 A. It was at night, but the specific
19 time I don't know.

20 **Q. Where were you arrested? Where were**
21 **you picked up?**

22 A. At my house.

23 **Q. You were told there was a warrant for**
24 **you?**

1 A. Yes.

2 **Q. And then you were transported to the**
3 **Lake County Jail?**

4 A. Yes.

5 **Q. The house you mentioned, is that the**
6 **house in Libertyville?**

7 A. Which.

8 **Q. The house you were arrested at in**
9 **June of --**

10 A. Fox Lake.

11 **Q. Do you remember what time of night it**
12 **was? Was it before midnight?**

13 A. I don't recall.

14 **Q. When you were brought to the Lake**
15 **County Jail, did you go through booking where**
16 **someone asked you questions?**

17 A. Yes, ma'am.

18 **Q. Do you remember how many people asked**
19 **you questions?**

20 A. I was -- to my recollection there was
21 one female.

22 **Q. And did that person, were they**
23 **wearing a sheriff's uniform or were they wearing**
24 **something different?**

1 A. A nurse's uniform.

2 **Q. It was your understanding it was a**
3 **medical provider who was asking you medical**
4 **questions?**

5 A. Yes.

6 **Q. When you spoke to that person, did**
7 **you give her full and complete information as**
8 **you were asked?**

9 A. Yes. That would be another time I
10 guess where I did disagree with the medical
11 provider because she said something along the
12 lines of that maybe my heart rate and blood
13 pressure were elevated because of where I was.

14 **Q. And what did you say in response?**

15 A. That, no, it's not, that I have a
16 condition.

17 **Q. And you reported your high blood**
18 **pressure condition to that person?**

19 A. Yes, along with them doing the actual
20 blood pressure test.

21 **Q. Do you recall what your blood**
22 **pressure was?**

23 A. I do not, no.

24 **Q. And as you were talking to this**

1 person, were they entering the information
2 someplace, if you recall?

3 A. I don't recall. I have the special
4 needs requirement sheet that was provided.

5 **Q. So I'm going to ask you some**
6 **questions now about what your recollection is.**
7 **We can look at the documents later. How long**
8 **were you talking to this person at booking about**
9 **your medical condition?**

10 A. Maybe 10, 15 minutes to the best of
11 my -- again, a lot of that experience I don't
12 recall.

13 **Q. Do you recall what the -- you believe**
14 **she was a nurse. Do you recall what she looked**
15 **like?**

16 A. At this time, no. I have a difficult
17 time like since all of this questioning like
18 what I do remember about it and that's why I
19 remember back to the documents since they are
20 the ones that provided them.

21 **Q. Okay. So when you came to the jail**
22 **you were talking for 10, 15 minutes to a woman**
23 **you believe was a nurse?**

24 A. I believe so, yes.

1 A. Literally crossing the street when
2 you step off a sidewalk.

3 **Q. Were there any lawsuits filed related**
4 **to that?**

5 A. No.

6 **Q. Were you treated for your broken**
7 **ankle?**

8 A. That I don't recall.

9 **Q. Did you go to the hospital?**

10 A. I believe so, yes.

11 **Q. Would it have been in McHenry, if you**
12 **know?**

13 A. I don't think it was.

14 **Q. Where was the sidewalk you stepped**
15 **off?**

16 A. It was outside of Illinois, I know
17 that. I don't know exactly where I was. I do
18 have the scan. I'm sure the scan says it on
19 there.

20 **Q. You have a copy of the scan related**
21 **to your ankle?**

22 A. I believe it's in the file. I
23 believe.

24 **Q. And you can give it to your attorney**

1 **Q. And she asked you questions about**
2 **your condition. She took your blood pressure?**

3 A. Yes.

4 **Q. Did you tell her that you were**
5 **currently taking Propranolol?**

6 A. I believe so, yes. And an inhaler
7 and I did discuss about the fainting and fall
8 risk and then indicated as well that my ankle at
9 the time was not broken but had been broken in
10 the past and I was unable to get the surgery due
11 to the high blood pressure. No anesthesiologist
12 wanted to take the risk of putting me under.

13 **Q. I don't know that we talked about**
14 **your ankle being broken previously, had we?**

15 A. I don't think so.

16 **Q. When was your ankle broken?**

17 A. I don't recall the year. 2023 -- it
18 was either before or after. I'm unsure.

19 **Q. Was it when you were an adult or**
20 **child?**

21 A. When I was an adult.

22 **Q. How did you break your ankle?**

23 A. Stepping wrong.

24 **Q. Where were you when you stepped?**

1 and he can give it to us?

2 A. Yes.

3 **Q. Okay. So we're talking about the**
4 **nurse you see at Lake County. She's asking a**
5 **question about your medical history. You**
6 **mentioned the high blood pressure, the inhaler**
7 **and that you had an ankle broke in the past.**

8 A. I believe so and, again, I could be
9 getting it mixed up with the time that I've been
10 in 2023 as well. Again, it's hard to answer
11 just because of the issue that I had after with
12 the seizure.

13 **Q. So the report on the ankle breaking,**
14 **that might have been when you were in the jail**
15 **in 2023 instead of 2022?**

16 A. Yes. I'm not able to confirm that.

17 **Q. Okay. So you talked to the nurse for**
18 **10, 15 minutes, she took some tests, you gave**
19 **her some information. What happened after that?**

20 A. So after that I got put back in the
21 like holding cells and then they came -- I went
22 to court in the morning and the Judge had
23 already had, it was Theodore Potkonjak, Judge
24 Potkonjak, I think. He had had my medical stuff

1 before so my attorney already had it to provide
 2 so he said, okay, it's understandable. You
 3 know, I was having a lot of difficulties with
 4 the heart rate at the time so he had said, no
 5 problem at all, I didn't get any additional
 6 charges, they just rescheduled with the court.
 7 He said but you are needed in McHenry County for
 8 the child support, family child support case so
 9 he had said we will call down there and see if
 10 they want to transfer you or if we can release
 11 you, and they said that they wanted to transfer
 12 me so they told me here that they were going to
 13 put me in general population overnight and then
 14 after that we -- should I slow down?

15 **Q. Yeah, let me pause there. So the**
 16 **charge you were brought in on missing court,**
 17 **they said there would be no additional charges.**
 18 **You explained why you were missing court.**

19 A. Yes.

20 **Q. But there was a warrant for you in**
 21 **McHenry related to child support?**

22 A. Yes.

23 **Q. So the question was whether they were**
 24 **going to transport you to McHenry?**

1 A. Correct. Or release me from here if
 2 that was not the case.

3 **Q. The answer was they were going to**
 4 **transfer you to McHenry so you went back to the**
 5 **Lake County Jail, correct?**

6 A. I was at the McHenry County Jail
 7 already.

8 MR. FLAXMAN: She asked you about
 9 Lake County. Listen to the question.

10 THE WITNESS: Okay.

11 BY MS. NELSON:

12 **Q. So you went in front of Judge**
 13 **Potkonjak who's here in Lake County, right?**

14 A. I was in custody.

15 **Q. Yes.**

16 A. Yes.

17 **Q. And that Judge was looking at whether**
 18 **there would be any charges for you missing your**
 19 **court date in Lake County on the DUI, right?**

20 A. Correct.

21 **Q. And you said that your attorney --**
 22 **was it a public defender that you had?**

23 A. Yes.

24 **Q. They explained why you missed court**

1 **and the Judge said, fine, no further charges on**
 2 **that?**

3 A. Yes.

4 **Q. And if there were no further charges**
 5 **on that, you probably would have been released,**
 6 **but you had an outstanding issue in McHenry**
 7 **related to child support?**

8 A. That is correct, yes.

9 **Q. And because of that outstanding issue**
 10 **in McHenry you weren't released right then?**

11 A. Correct.

12 **Q. And because you weren't released**
 13 **right there they take you back to the Lake**
 14 **County Jail?**

15 A. I did the Court remote from within
 16 the jail, yes.

17 **Q. I see. I got you. So then after you**
 18 **were in holding you did court remote and then**
 19 **did you go someplace else in the Lake County**
 20 **Jail?**

21 A. After the Court or after I did the
 22 remote I went back in the holding thing again.

23 **Q. Okay.**

24 A. I don't know how long for and then

1 they finally come and got me and said, yep,
 2 you're staying because they didn't find out
 3 while I was in the Court that they wanted to
 4 transfer me so then they take me, they said they
 5 were going to hold me overnight and I'd be
 6 leaving the following afternoon and so we went
 7 up, I believe it was me and one other person and
 8 the corrections officer --

9 **Q. Let me pause there. So determined**
 10 **you were going to stay, somebody comes to get**
 11 **you from the holding cell to take you to another**
 12 **cell, correct.**

13 A. We were in the pandemic at the time
 14 but what would be considered general population,
 15 yes, where there's like however many cells
 16 around.

17 **Q. The pods with the open room and**
 18 **individual cells where two people stay?**

19 A. Correct.

20 **Q. So a person gets you from holding.**
 21 **Was it a man or woman?**

22 A. I believe it was a man.

23 **Q. And did that person have a uniform?**

24 A. I believe so.

1 **Q. And that person took you out of**
2 **holding. Did he take you to a cell?**

3 A. They took me to the cell block but it
4 was during the pandemic so I think that's why at
5 least everyone was in their cells. And they
6 just said Keeling and at that point the male to
7 my knowledge was the person that walked us from
8 the holding to what would be considered the cell
9 block to where a female was there and that was
10 the corrections officer that was I guess on duty
11 for that shift.

12 **Q. Okay. And did that female**
13 **corrections officer call your name?**

14 A. Yes.

15 **Q. And what did that female officer then**
16 **do, lead you in a cell?**

17 A. She assigned me to a cell. She
18 instructed me to go into the cell.

19 **Q. What, if anything, did you say to her**
20 **when you were going in the cell?**

21 A. Well, prior to me going into the cell
22 she said that they called like your name and
23 tell you bottom or top bunk and there was a guy
24 on the bottom bunk already and I said I can't

1 get on the top bunk. I hadn't attempted to get
2 on the top bunk at this time and I said I have a
3 medical -- because I had the special
4 identification needs thing that was filled out
5 by the nurse and the corrections officer said
6 this is not a hotel.

7 **Q. The female correction officer, can**
8 **you describe what she looked like?**

9 A. At the time, again, the only
10 recollection I have is just dark hair.

11 **Q. Was she over 50? If you don't**
12 **know --**

13 A. I don't know.

14 **Q. Was she light skinned, dark skinned?**

15 A. I don't know. It's hard because I
16 just watched the video for the first time of
17 this. I don't know.

18 **Q. That's fair. So then you had this**
19 **conversation with the female correction officer.**
20 **When you say you had the special needs form, did**
21 **you have the form in your hand or were you just**
22 **saying I told somebody this?**

23 A. I was told, that's what the nurse had
24 told me that I would have the special needs.

1 **Q. Okay. But you didn't hand the paper**
2 **over to the corrections officer?**

3 A. I didn't physically have it.

4 **Q. Did you see any of the paperwork that**
5 **the female correction officer had? Did she show**
6 **you anything on paperwork?**

7 A. No.

8 **Q. And you objected to being on the top**
9 **bunk?**

10 A. Yes, ma'am.

11 **Q. What exactly did she say to you?**

12 A. It's not a hotel. Or this is not --
13 this isn't a hotel.

14 **Q. What happened after that?**

15 A. I listened and went into the cell.

16 **Q. Did you get up on the top bunk?**

17 A. Eventually, yes.

18 **Q. You say eventually. How much after**
19 **that?**

20 A. I don't have any recollection.

21 That's where everything basically stops. All I
22 can recall is knowing that I'm struggling to get
23 up. I eventually got up and, of course, as soon
24 as I had gotten up, they put the trays of food

1 through the door and the person that was on the
2 bottom says, hey, so you don't have to struggle
3 getting up and down again, let me just hand you
4 the tray and from there I don't have any other
5 recollection other than what I've stated
6 already.

7 **Q. You said you struggled getting up.**
8 **In the past have you had struggles climbing**
9 **ladders?**

10 A. Stairs, right. That's where I fell
11 and hit my hand.

12 **Q. Do you climb any stairs at your**
13 **current employment?**

14 A. No, it's just one story.

15 **Q. Do you have any job restrictions at**
16 **any of your employment that says you can't climb**
17 **stairs?**

18 A. No. I work at a desk.

19 **Q. Do you know about how long after you**
20 **went into the cell that your food was delivered?**
21 **Was it more than an hour?**

22 A. It felt -- I can just say how it
23 felt.

24 **Q. Sure.**

1 A. As far as concept of time, I don't --
2 it felt -- I don't know how long it took me to
3 get on the bunk. It's not as though I went into
4 the cell and just hung out in the cell. It was
5 go in the cell and just go straight on the bunk
6 so I'm unsure.

7 **Q. So you weren't hanging out at the**
8 **desk for an hour?**

9 A. No.

10 **Q. So once the food tray is handed up,**
11 **do you recall eating or do you recall anything**
12 **after that point?**

13 A. No.

14 **Q. You said that you had just seen the**
15 **video of this. Today?**

16 A. No.

17 **Q. Have you seen the video on the body**
18 **worn camera of the officer who observed you**
19 **having a seizure?**

20 A. Yes.

21 **Q. When did you first see that?**

22 A. Maybe two or three weeks ago.

23 **Q. Okay.**

24 A. It's difficult to want to watch it,

1 if that makes sense.

2 **Q. Sure. Had you -- the things you see**
3 **in the video, do you have any recollection of**
4 **things you see?**

5 A. No.

6 **Q. Did you see in the video, did you at**
7 **any time fall out of the top bunk?**

8 A. In the video I did not see that.

9 **Q. Did anyone ever tell you that you**
10 **fell out of the top bunk?**

11 A. Yes.

12 **Q. Who told you that the fell out of the**
13 **top bunk?**

14 A. It was a corrections officer, but I
15 don't know when.

16 **Q. Which corrections officer told you**
17 **you fell?**

18 A. I don't know. I don't know if -- I
19 don't even know if it was a corrections officer
20 or a nurse or if -- maybe heard because in the
21 video one of the ladies does say did he fall. I
22 don't know.

23 **Q. On the video did you see you falling**
24 **from the top bunk?**

1 A. On the video I did not.

2 **Q. On the video did you see you being**
3 **brought to the ground --**

4 A. Yes.

5 **Q. -- with assistance?**

6 A. Yes, ma'am.

7 **Q. And did you see the medical personnel**
8 **assisting you out of the cell?**

9 A. The one that's -- are you talking
10 about that was in there initially at the
11 beginning? Because it was two corrections
12 officers that carried me out, I believe.

13 **Q. You saw the corrections officers**
14 **carrying you out?**

15 A. Yes.

16 **Q. When the seizure happened, did you**
17 **sustain any physical injury by your body making**
18 **contact with any physical objects?**

19 A. I just felt a lot of pain in my face
20 like I didn't have any visible like cuts on my
21 face to my knowledge with the exception of like
22 biting part of my tongue, but I just know like
23 every bone all over the left side of my face was
24 like in pain and then -- this is all under

1 psychosis that I was able to feel this, but it
2 just felt like my head was going to explode.

3 **Q. Those things that you describe, the**
4 **pain on the side of your face and feeling like**
5 **it was going to explode, when do you first**
6 **recall hearing that? Was it when you were in**
7 **Vista? Was it after? You told me earlier --**

8 A. When I came out of psychosis at
9 McHenry.

10 **Q. Okay. So that could have been a week**
11 **later?**

12 A. Yeah.

13 **Q. And earlier I think you described**
14 **that you had some brief flashes of memory of**
15 **being in the ambulance.**

16 A. Not visually, auditory.

17 **Q. People saying things?**

18 A. The only thing I recall, and, again,
19 I don't know if it was the psychosis, I can't
20 say if it was a male or female, it sounded like
21 it was my daughter that was saying it and it was
22 just stay with us is what I recall.

23 **Q. So you don't know if that was**
24 **actually something that was said in the**

1 ambulance --
 2 A. Correct.
 3 Q. -- or something --
 4 A. Correct.
 5 Q. Understood. So I think you went
 6 through sort of recollections you had of the,
 7 from the time of the seizure up until you sort
 8 of come back to in McHenry. Have you given us
 9 pretty much everything you recall from that
 10 period?
 11 A. Yes.
 12 Q. I know you said you looked at the
 13 medical records from Vista. Do you have any
 14 active memory of being in Vista or talking to
 15 the doctors there?
 16 A. The only memory I have -- I don't
 17 remember any of the scans being done. The only
 18 recollection I have is, I don't even know if it
 19 was a nurse or a doctor, but, again, I would
 20 assume that that person worked there because of
 21 just wearing the, I don't know what they're
 22 called.
 23 Q. Stethoscope?
 24 A. Yes. Asked me to open my mouth just

1 to look at my tongue.
 2 Q. And you recall that as Vista?
 3 A. That's the only thing.
 4 Q. And you said you bit your mouth?
 5 A. My tongue on the right side.
 6 Q. Was there any sort of treatment you
 7 had to undergo for that?
 8 A. At the McHenry County Jail they gave
 9 me salt packets to rinse my mouth out.
 10 Q. And it sort of healed on its own?
 11 A. Yes, ma'am.
 12 Q. Do you have any ongoing problems with
 13 that bite from on the inside of your mouth?
 14 A. No, ma'am.
 15 Q. Other than what you've described so
 16 far in terms of some ongoing symptoms you're
 17 seeing neurologists with have you ever treated
 18 for any physical injuries as a result of the
 19 seizure, like anything broken or bruised from
 20 falling out of the top bunk?
 21 A. Outside of the jail -- again, I don't
 22 recall because of the psychosis. Outside of
 23 that, no, on my own time I have not.
 24 Now, earlier in the video when

1 you asked if I only had the one seizure, this is
 2 just based off of what I saw in the video, I
 3 don't know if that was the only one that I had
 4 in that cell. I don't know, but outside of that
 5 experience I've never had a seizure.
 6 Q. Okay. You don't know in that
 7 incident in Lake County Jail whether that was
 8 multiple seizures or once?
 9 A. Correct. That was based off what the
 10 corrections officer had said, I think it was is
 11 he still seizing.
 12 Q. Understood. But since that time you
 13 have no other recollection or you have no
 14 medical records indicating that you had a
 15 seizure?
 16 A. Correct.
 17 Q. Has any doctor ever told you what
 18 caused the seizure in the Lake County Jail?
 19 A. I don't believe so, no.
 20 Q. Do you have any understanding of what
 21 caused the seizure in the Lake County Jail?
 22 A. My thought would be the hypertension
 23 getting on the top bunk and that is why I
 24 objected.

1 Q. Do you have any medical training that
 2 would lead you to understand that high blood
 3 pressure could cause seizures?
 4 A. No, ma'am.
 5 Q. And there's no doctor that's ever
 6 told you that that is what caused them?
 7 A. Told me, correct.
 8 Q. Prior to this you never had a seizure
 9 because of your blood pressure?
 10 A. No, ma'am.
 11 Q. Prior to this you had fainting
 12 episodes because of your blood pressure?
 13 A. Correct.
 14 Q. And to the best of your knowledge
 15 that's not what happened in the Lake County
 16 Jail, you didn't have a fainting episode?
 17 A. To the best of my knowledge, correct.
 18 Other than after when they say I keep going in
 19 and out of consciousness.
 20 Q. And that is on the medical records?
 21 A. It's on the video. But, again, I was
 22 unaware of that until I watched it.
 23 Q. So we know from the medical records
 24 that you spent some time at Vista and your

1 seizure, we know from the video that the seizure
2 stopped when you were at Lake County Jail,
3 correct?

4 A. Mm-hmm.

5 **Q. At some point you were then**
6 **transferred to McHenry County?**

7 A. Correct.

8 **Q. There are several records that**
9 **indicated that you were having hallucinations**
10 **when your were at McHenry County?**

11 A. Correct.

12 **Q. Do you recall -- you mentioned the**
13 **thing with the video and the baseboards. Do you**
14 **recall any other hallucinations when you were at**
15 **McHenry?**

16 A. Just the star signs.

17 **Q. In the cinder blocks?**

18 A. Yeah.

19 **Q. Do you recall speaking to any of the**
20 **medical providers at McHenry County Jail when**
21 **you were taken there?**

22 A. No.

23 **Q. Have you seen documents indicating**
24 **that you spoke to them?**

1 A. The one thing, again, I was in
2 psychosis so I don't want to tell the wrong
3 thing, but when I did get to McHenry, you know
4 how you get booked in just like here, I believe
5 to my knowledge I did say that I'd had a seizure
6 at Lake County but other than -- like the only
7 other recollection I have of anything was when
8 I'd come out of psychosis and it was just a
9 nurse giving me an electrolyte-filled drink and
10 I had no recollection of anything, didn't know
11 where I was or I didn't even know I was at
12 McHenry.

13 **Q. At some point did the doctors in**
14 **McHenry County give you medications for detox?**

15 A. I believe they gave me Ativan is what
16 it says on the record.

17 **Q. Do you recall refusing that**
18 **medication?**

19 A. Based off of the record, yes, but I
20 physically do not know.

21 **Q. Let me ask it this way. Do you have**
22 **a recollection of saying, no, I don't want that**
23 **medication?**

24 A. I do not, no.

1 **Q. Okay. The records may say that but**
2 **you don't recall?**

3 A. Correct.

4 **Q. Do you recall refusing any other**
5 **medications they gave you at McHenry?**

6 A. I do not, no.

7 **Q. When you said you came to in McHenry,**
8 **were you in your cell like when you were -- your**
9 **first recollection at McHenry?**

10 A. Yeah, I was in the cell and I don't
11 know if I had naturally woken up or gotten woken
12 up by the nurse.

13 **Q. After you woke up in McHenry and you**
14 **have some recollection of it, were you given any**
15 **medications there at McHenry?**

16 A. To the best of my knowledge I was
17 only given my inhaler, I believe, if even my
18 inhaler, but I was not given anything for
19 seizures.

20 **Q. Were you given anything for high**
21 **blood pressure?**

22 A. I don't know.

23 **Q. How long were you in McHenry County**
24 **in June of 2022?**

1 A. I don't recall.

2 **Q. Were you there through July?**

3 A. I don't know. I was like struggling
4 that much with the...

5 **Q. At some point in 2022 you were no**
6 **longer in --**

7 A. Correct.

8 **Q. -- a jail?**

9 A. Yes, ma'am.

10 MR. FLAXMAN: Let her finish.

11 BY MS. NELSON:

12 **Q. Do you know what month you got out of**
13 **jail?**

14 A. I know it was in the summer.

15 **Q. But it might have been July or**
16 **August?**

17 A. Correct, yes.

18 **Q. Once you regained -- well, I'll call**
19 **it regained consciousness after the psychosis --**

20 A. Yeah.

21 **Q. -- were you at the Lake County Jail**
22 **for at least a week after that?**

23 I'm trying to figure out how
24 long -- you don't know when exactly you came out

1 of psychosis, right?

2 A. Correct, yes.

3 **Q. You don't know if you'd been in**
4 **psychosis for a week or two weeks, right?**

5 A. Correct.

6 **Q. Once you then regained sort of your**
7 **consciousness, were you released that day or did**
8 **you serve some additional weeks in McHenry?**

9 A. I stayed at McHenry.

10 **Q. More than a week?**

11 A. Yes, ma'am.

12 **Q. More than two weeks?**

13 A. Yes, ma'am.

14 **Q. During that time did you take any**
15 **medications?**

16 A. I don't know.

17 **Q. During that time did you have any**
18 **fainting spells?**

19 A. The whole thing is kind of like a
20 blur. I don't recall. I know that one of the
21 days I had hit my head and, again, I was put in
22 a cell by myself and I walked into the stairs
23 that go up to the second tier. I wasn't going
24 up there but I hit my head on those.

1 **Q. Did you seek any treatment when you**
2 **hit your head on them?**

3 A. I don't know. I know I had seen the
4 nurses in there, but I don't know what was
5 discussed or what it was for. I don't remember.

6 **Q. Did you file any grievances at**
7 **McHenry County during your time there --**

8 A. Yes.

9 **Q. -- in 2022?**

10 A. I believe that one of the other
11 inmates helped me to do it because it's on a
12 kiosk so I believe so, yes.

13 **Q. What was the grievance over?**

14 A. I don't recall. I know I couldn't
15 find out what had happened to me. I didn't know
16 what happened so, and I don't know if it was the
17 time in 2022 or 2023 so where I was trying to
18 get my medical records here, from here, sorry,
19 to McHenry for myself, and I know I did a couple
20 of requests on that but I don't know if it was
21 '22 or '23.

22 **Q. So the grievance would have been**
23 **about trying to get your medical records?**

24 A. I'm sure they still have them.

1 They're all electronic. So medical records and
2 Lake County same thing, trying to get my
3 inhaler, et cetera.

4 **Q. Do you believe you had grievances**
5 **with McHenry County about not getting your**
6 **inhaler?**

7 A. I don't recall.

8 **Q. Do you believe you had grievances**
9 **with Lake County about trying to get your**
10 **inhaler?**

11 A. Yeah, and it's -- for that time, that
12 specific time I don't know. Again, I've been
13 there three times so it's hard to keep track of
14 what --

15 **Q. Understood. It could have been in**
16 **your, during your time in 2023?**

17 A. Correct.

18 **Q. We talked about some of the symptoms**
19 **you're being treated with the neurologist for**
20 **and those began after 2022, correct?**

21 A. Correct.

22 **Q. Are there any things you did prior to**
23 **2022 that you cannot do today that you believe**
24 **are a result of those symptoms you're**

1 **experiencing?**

2 A. In today's present?

3 **Q. Sure.**

4 A. It's -- I mean, it's a difficult
5 question to answer. I don't think -- like I,
6 what I used to be able to do, I know I can't do
7 that anymore. That's not physically, that's the
8 mentally, psychologically.

9 **Q. When you say what I used to be able**
10 **to do?**

11 A. Like running GE Healthcare.

12 **Q. The job you had before?**

13 A. Yeah, like being able to perform like
14 that capacity.

15 **Q. Sometimes people will have, you know,**
16 **regular hobbies like running and they can't**
17 **after they have an injury run but it doesn't**
18 **sound like you have any physical injuries that**
19 **prevent you from maintaining a level of activity**
20 **you had prior to --**

21 A. No. I mean, all the time I'm having
22 to sit down.

23 **Q. Prior to June of 2022 you had those**
24 **high blood pressure issues and fainting,**

1 correct?

2 A. Correct.

3 **Q. Did that limit some of your physical**
4 **ability?**

5 A. Yes, ma'am.

6 **Q. And that was prior to June of 2022?**

7 A. Yes.

8 **Q. Are there any -- actually, Strike**
9 **that.**

10 **The job you had at GE**
11 **Healthcare, what was your hourly wage?**

12 A. I was salary.

13 **Q. What was your salary?**

14 A. \$98,000 year annual plus up to
15 10 percent bonus.

16 **Q. Which is your current salary?**

17 A. Right now it's a couple hundred
18 dollars below 83, I don't know the exact number.
19 It's like 82,600 something.

20 **Q. And that's with your recent**
21 **promotion?**

22 A. Yes, ma'am.

23 MS. NELSON: I know, Ken, you said
24 you weren't making a wage loss claim.

1 BY MS. NELSON:

2 **Q. We talked about you haven't received**
3 **any medical bills. Are there any other**
4 **financial bills or losses that you believe you**
5 **had as a result of the incident in this lawsuit?**

6 A. I mean, I've had it all used against
7 me in child support court because they didn't
8 believe I had the seizure because they couldn't
9 get the documents right away. So my child
10 support was continuing to be based off of what I
11 used to do and, I mean, I've lost -- I can't
12 solely blame it on the seizure. I've lost my
13 house.

14 **Q. When did you lose your house?**

15 A. Early 2023 is when I'd gone to PADS.

16 **Q. And you had been unemployed for three**
17 **years prior to that?**

18 A. So I initially become unemployed I
19 believe it was around July of 2020. And then
20 I'd done a couple of odd things like here and
21 there with friends that own like small
22 businesses, et cetera, just like physically with
23 the long Covid was having issues so not
24 overexerting myself, and then in 2023 I got a

1 job. After the seizures I was having trouble
2 processing, thinking so I started a minimum wage
3 call center job.

4 **Q. When you say that the things were**
5 **used against you in child support, these were**
6 **court orders that required you to pay a certain**
7 **amount, correct?**

8 A. Yes, ma'am.

9 **Q. And you participated in those child**
10 **support hearings and presented information?**

11 A. Yes, once I received it, yes.

12 **Q. Do you have an attorney who's**
13 **representing you in those?**

14 A. No, ma'am.

15 **Q. Are you representing yourself?**

16 A. Unfortunately, yes.

17 **Q. Other than what you believe you lost**
18 **in the child support hearings, any other**
19 **financial impact you've had because of what you**
20 **believe is the injuries you've sustained in this**
21 **lawsuit based off the June 2022 incident?**

22 A. Say a lot of emotional pain, a lot of
23 confusion especially like the worry of not
24 knowing what's happened.

1 **Q. And you attributed that emotional**
2 **pain to the seizure?**

3 A. Yeah. I didn't know what it was at
4 the time. Even when I was released out of
5 McHenry I thought I'd had a stroke. The gap
6 between the occurrence was over a month or two
7 months and I would call here and I would file
8 FOIAs. I'd never get a response.

9 **Q. So I'll pop back to the emotional**
10 **pain in a second. I was asking about any**
11 **financial burden that you believe is caused by**
12 **this lawsuit. We talked about child support.**
13 **We talked about there is no wage loss claim. We**
14 **talked about the fact that you believe you may**
15 **have lost your house as a result, but any other**
16 **financial impact? Medical bills?**

17 A. Medical bills, of course, but I don't
18 know the dollar amounts.

19 **Q. And you don't currently have**
20 **collection notices?**

21 A. Other than the one thing that comes
22 out of my check in addition to child support,
23 but I don't know if that's arrearages or I don't
24 know if it's what you call them, the collectors.

1 I don't know.

2 **Q. You don't know what's coming out of**
3 **your check?**

4 A. I don't get a physical check, it's
5 just through Paylocity. It says on there child
6 support, says child support. But I don't know
7 what the other one is, but it is I believe a
8 debt collector. I just don't know what that
9 collector.

10 **Q. Do you know whether the debt**
11 **collector is based on any outstanding credit**
12 **cards?**

13 A. I'm sure. The house foreclosed.

14 **Q. Did you ever receive any legal notice**
15 **about that debt collection?**

16 A. No, ma'am.

17 **Q. So you can't say for certain whether**
18 **that's related to any medical --**

19 A. Correct.

20 **Q. Okay. So then the emotional pain you**
21 **attribute to the seizure. Have you seen any**
22 **psychiatrist or psychologist to deal with that**
23 **emotional pain?**

24 A. Obviously I had the mental health

1 evaluation done.

2 **Q. Where?**

3 A. It was at the Pioneer Place through
4 PADS. As far as professional therapists, no,
5 because it's more of a frustration. It was a
6 form of depression.

7 **Q. You haven't had to seek out any**
8 **medication for mental health treatment?**

9 A. No, ma'am.

10 **Q. And do you currently have any**
11 **appointments reaching out to any mental health**
12 **providers --**

13 A. No, ma'am.

14 **Q. -- regarding any emotional pain?**

15 A. No, ma'am.

16 MS. NELSON: If you guys give me one
17 second, I'll talk to my partner here. I may be
18 winding up.

19 (Whereupon after a brief recess the
20 proceedings were resumed.)

21 BY MS. NELSON:

22 **Q. All right. Steve didn't have a lot**
23 **of questions so let me ask one kind of**
24 **follow-up. We went through what you recall**

1 **about the incident in June of 2022. Have we now**
2 **talked about everything that you can recall**
3 **about the incident in June of 2022 in Lake**
4 **County?**

5 A. So I know, I think I may have said
6 this. When we did come back -- I don't know who
7 brought me back to the jail, but I know it was a
8 lady that I had asked if I could have food or
9 have something to eat. If I remember correctly,
10 she did bring me sandwiches. I don't know if I
11 ate them, but I got put in a cell right away and
12 I think I was by myself on the bottom bunk, I
13 think. I don't know which time it was. Do you
14 want me to go over everything?

15 **Q. No. So earlier you told me from the**
16 **time of your seizure up until you kind of came**
17 **through McHenry you only had flashes?**

18 A. Yes.

19 **Q. Other than those flashes and now what**
20 **you've added about getting some sandwiches, do**
21 **you recall anything else during that time?**

22 A. Sorry, it's been a long time ago.

23 **Q. That's okay.**

24 A. I know when I woke up in the morning

1 at Lake County I think it was the morning at
2 least, again, I don't know if this is psychosis
3 or not, but I remember the people looking
4 through the cell door. I don't know if it was
5 inmates or nurses or corrections officers, but
6 thinking that they had said something about
7 killing me or trying to kill me.

8 **Q. You don't know if that really**
9 **happened?**

10 A. Correct.

11 **Q. And do you have any recollection of**
12 **being transferred to McHenry?**

13 A. No.

14 **Q. Other than those two bits you added**
15 **about recalling getting some sandwiches and**
16 **people looking in the cell, anything else that**
17 **we haven't already talked about that you recall**
18 **about your time in Lake County in 2022?**

19 A. To the best of my -- I don't believe
20 so, no.

21 MS. NELSON: Okay. Those are all the
22 questions I have. Thank you.

23 MR. FLAXMAN: I have no questions.
24 We'll reserve signature.

1 MS. NELSON: I'll take the original.
 2 MR. FLAXMAN: I'll take a copy.
 3 (Time is 12:10 p.m.)
 4 (Witness excused.)
 5 AND FURTHER DEPONENT SAITH NOT.
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1 ERRATA SHEET
 2
 3 DATE OF DEPOSITION: August 26, 2024
 4 CAPTION: KEELING V. SHERIFF OF LAKE COUNTY, ET AL.
 5 DEPOSITION OF: JOSEPH KEELING
 6 REPORTER: Susan L. Bruesch, CSR
 7 PAGE LINE
 8
 9 CHANGE:
 10
 11 REASON:
 12
 13 CHANGE:
 14
 15 REASON:
 16
 17 CHANGE:
 18
 19 REASON:
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 22
 23 SIGNATURE
 24 PAGE OF

1
 2 IN THE UNITED STATES DISTRICT COURT
 3 FOR THE NORTHERN DISTRICT OF ILLINOIS
 4 EASTERN DIVISION
 5 JOSEPH KEELING,)
 6 Plaintiff,)
 7 vs.)
 8) No. 23 CV 3442
 9)
 10 SHERIFF OF LAKE COUNTY, ILL.,)
 11 ET AL.,)
 12)
 13 Defendant.)
 14
 15

16 I, JOSEPH KEELING, do hereby certify that I
 17 have read the foregoing transcript of my deposition
 18 taken on August 26, 2024 and that said transcript
 19 constitutes a true and correct record of the testimony
 20 given by me at said deposition except as I have so
 21 indicated on the errata sheets provided herein.
 22

23 _____
 24 JOSEPH KEELING
 Deponent

No Corrections (Please initial) _____

Number of errata sheets submitted _____ pgs.

SUBSCRIBED AND SWORN TO
 before me this ____ day of
 _____, 2024.

 Notary Public

1 STATE OF ILLINOIS)
 2) SS:
 3 COUNTY OF L A K E)
 4
 5 I, SUSAN L. BRUESCH, a notary public
 6 within and for the County of Lake and State of
 7 Illinois, do hereby certify that I am a Certified
 8 Stenographic Reporter doing business in the County of
 9 Lake and State of Illinois; that I reported the
 10 foregoing proceedings by means of stenographic machine
 11 shorthand and that the foregoing is a true and correct
 12 transcript of my stenographic shorthand notes to the
 13 best of my ability taken as aforesaid.
 14 I further certify that the reading and
 15 signing of said deposition was reserved by the witness
 16 and witness' counsel.
 17 I further certify that the taking of
 18 said deposition was pursuant to notice and that there
 19 were present at the taking of this deposition counsel on
 20 behalf of the plaintiff and counsel on behalf of the
 21 defendant.
 22
 23
 24

1 I further certify that I am not counsel
2 for, nor in any way related to any of the parties to
3 this suit, nor am I in any way interested in the outcome
4 thereof.

5 In testimony whereof I have hereunto set
6 my hand and affixed my notarial seal this 16th day of
7 September, 2024.

8
9
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12
13 SUSAN L. BRUESCH, CSR
Notary Public, Lake County, IL
14 CSR License No. 084003663
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Exhibit 3

Bates Pages

**LAKE COUNTY JAIL
CLASSIFICATION MOVE ORDER
6/08/22**

NAME	L#	FROM	TO	REMARKS
LYNCH, LARRY	52766	3NE 13	4S 48	TIME SERVED
STOKES, ADRIAN	172865	3NE 39	4N 11	TIME SERVED
MIMS, JOSEPH	125267	5SE 27A	5SE 31A	IN POD
TALLEY, GREGORY	170917	5SW 15A	4S 9B	
EPLING, DONNIE	53430	1E 11B	3SE 26	
LEWIS, LARON	172941	1E 4B	3SE 27	
ALLEN, JERRY	85492	1E 7B	3SE 34	
WILSON, MARVELO	172948	BKG	1E 5A	
GUTIERREZ, FERNANDO	149495	BKG	1E 7A	
KEELING, JOSEPH	170876	BKG	1E 8A	

**EXHIBIT
3 for MSJ**

6/5/23, 1:42 PM

CorEMR - JOSEPH L KEELING #L170876-003 :: Receiving Screening, Interviewer: RN Gregorio, Gianelle (2022-06-09 02:40:41.0...

Receiving Screening

Patient ID:
DOB:

L170876
FRCP:5.2 1990

Interviewer:

RN Gregorio, Gianelle (06/09/2022 0240)

JOSEPH L KEELING
#L170876-003

Allergies:	NKMA		
Gender:	<input checked="" type="radio"/> Male		
Arrest Date:		06/08/2022	
Prior Incarceration?	<input checked="" type="radio"/> No		
Translation need and provided? *If Yes is marked, an Alert will automatically generate for Interpreter Needed.	<input checked="" type="radio"/> No		
Language line used?	<input checked="" type="radio"/> No		
Do you currently have health insurance?	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> Medicaid		
Select the most appropriate for patient: *If responds to pain only, or is unresponsive notify health care provider and/or activate EMS	<input checked="" type="radio"/> Alert		
B / P: *SBP \geq 180 or \leq 90, *DBP \geq 110 or \leq 60 Pulse: *remains \geq 110 or \leq 60 Resp: *persistently \leq 10 or \geq 20 Temp: * $>$ 101°F O2 Sat: * $<$ 90% List if height or weight is actual or reported below	Blood Pressure 152 sys 101 dia Pulse 113 beats per min Respirations 18 breaths per min Temperature 99.0 °F Weight 168 lbs Height 5ft 11in v 23.4 SPO2 97.0 %	intake	
Height:	<input checked="" type="radio"/> Reported		
Weight:	<input checked="" type="radio"/> Actual		
Appearance:	<input checked="" type="checkbox"/> Unremarkable		
Movement:	<input checked="" type="checkbox"/> Unremarkable		
Respirations:	<input checked="" type="checkbox"/> Unremarkable		
Skin:	<input checked="" type="checkbox"/> Unremarkable		
Behavior:	<input checked="" type="checkbox"/> Appropriate		
Speech:	<input checked="" type="checkbox"/> Clear/coherent		
Mood:	<input checked="" type="checkbox"/> Unremarkable <input checked="" type="checkbox"/> Anxious		
Can you explain why you are in this building?	<input checked="" type="radio"/> Yes		
Were you treated at ED, hospital, or refused medical care in last 3 days?	<input checked="" type="radio"/> No	pt denies	
Have you attempted suicide in the past? If yes- refer to MH urgently in Disposition section below. *If Yes is marked, an Alert will automatically generate for Suicide History.	<input checked="" type="radio"/> No		
How:		n/a	
Diabetes *If Yes is marked, an Alert will automatically generate for Chronic Care.	<input checked="" type="radio"/> No		

6/5/23, 1:42 PM

CorEMR - JOSEPH L KEELING #L170876-003 :: Receiving Screening, Interviewer: RN Gregorio, Gianelle (2022-06-09 02:40:41.0...

High Blood Pressure *If Yes is marked, an Alert will automatically generate for Chronic Care.	<input checked="" type="radio"/> Yes	
Current Medications: *Include Medication name, dosage, last dose taken, who prescribed medication, the pharmacy, and verification status	history of htn Propranolol 80mg bid	
Heart Condition *If Yes is marked, an Alert will automatically generate for Chronic Care.	<input checked="" type="radio"/> Yes	
Where and how treated?	"I have sinus tachycardia all the time"	
Asthma *If Yes is marked, an Alert will automatically generate for Chronic Care.	<input checked="" type="radio"/> Yes	
Last rescue inhaler use:		06/08/2022
Current Medications: *Include Medication name, dosage, last dose taken, who prescribed medication, the pharmacy, and verification status	ventalin "grandparents send them over from england"	
COPD *If Yes is marked, an Alert will automatically generate for Chronic Care.	<input checked="" type="radio"/> No	
Kidney Disease *If Yes is marked, an Alert will automatically generate for Chronic Care.	<input checked="" type="radio"/> No	
Traumatic Brain Injury/Head Injury *If Yes is marked, an Alert will automatically generate for Chronic Care.	<input checked="" type="radio"/> No	
Seizure Disorder *If Yes is marked, an Alert will automatically generate for Chronic Care.	<input checked="" type="radio"/> No	
Developmental Disability (have an individual education plan, or attend special education classes?)	<input checked="" type="radio"/> No	
Any Assistive Devices?	<input checked="" type="radio"/> No	
Any medical, mental health, other conditions that require special accommodations?	<input checked="" type="radio"/> No	
Any Medication Allergies?	<input checked="" type="radio"/> Yes (List Medication(s), Reaction):	Metoprolol-adverse reaction "it does the opposite of what it is supposed to do"
Other serious, life-threatening allergies?	<input checked="" type="radio"/> No	
On a current prescribed diet?	<input checked="" type="radio"/> Yes	
Diet type:	<input checked="" type="checkbox"/> Heart Healthy/Cardiac	
Any other past or present conditions like high cholesterol/triglycerides, bleeding disorders, blood clots, thyroid disease, cancer, organ transplant or any other condition we should be aware of?	<input checked="" type="radio"/> No	Hiatal hernia in chest umbilical hernial soft tissue mast- tested, non- cancerous ganglion cyst in left wrist Gastrointestinal disease (unspecified diagnosis) per pt report
HIV/AIDS *If Yes is marked, an Alert will automatically generate for Chronic Care.	<input checked="" type="radio"/> No	

6/5/23, 1:42 PM

CorEMR - JOSEPH L KEELING #L170876-003 :: Receiving Screening, Interviewer: RN Gregorio, Gianelle (2022-06-09 02:40:41.0...

Hepatitis	<input type="radio"/> No	
*If Yes is marked, an Alert will automatically generate for Chronic Care.		
Positive test for Tuberculosis (TB)?	<input type="radio"/> No	
Sexually Transmitted Infection	<input type="radio"/> No	
Recent known exposure to infectious disease?	<input type="radio"/> No	
Currently experiencing any of the following symptoms?	<input checked="" type="checkbox"/> Denies all	
*If positive symptom of airborne communicable disease/TB place in respiratory isolation and/or refer to ED for evaluation/rule out TB, if positive symptom/risk for STI, HAV or other symptoms call or refer to provider		
Are you taking, or supposed to be taking, any other medications or treatments prescribed by a health care provider including chemotherapy, radiation, clinical trials, psychotropic or other medications?	<input type="radio"/> Yes	
List:		
Medication Name	WALGREENS/ CVS	
Dosage	foxlake	
Frequency		
Route		
Last Dose		
Reason for taking		
Prescriber		
Pharmacy		
Medications Verified?	<input type="radio"/> No	to be verified
Painful dental condition/complaint(s)?	<input type="radio"/> No	
Dentures?	<input type="radio"/> No	
Special diet due to dental condition?	<input type="radio"/> No	
Have you ingested or placed any medications/drugs into a body cavity?	<input type="radio"/> No	
Alcohol	<input type="radio"/> Yes	
Type:	beer	
Amount:	1-2	
Last Use:		06/08/2022
Frequency:	<input checked="" type="checkbox"/> 1-5 days a week	
Currently withdrawing?	<input type="radio"/> No	
*If Yes is marked, an Alert will automatically generate for Active Withdrawal.		
Drugs	<input type="radio"/> No	pt denies
Currently withdrawing?	<input type="radio"/> No	
*If Yes is marked, an Alert will automatically generate for Active Withdrawal.		
Do you take Medication Assisted Treatment (MAT) for Opiate Dependence?	<input type="radio"/> No	
*If Yes is marked, a Task will automatically generate for NP/PA Sick Call and Medication Verification/ROI for today.		
Tobacco Products	<input type="radio"/> Yes	
Route:	<input checked="" type="checkbox"/> Oral/Chew	
Pack(s) Per Day:	chewing tobacco 2x per day	
1.. Current or past mental health diagnosis?	<input type="radio"/> No	pt denies
2.. Currently taking, supposed to take or ever been prescribed any medication by a physician for any emotional or mental health problems?	<input type="radio"/> No	
3.. Current or past outpatient treatment for mental health or psychiatric issues?	<input type="radio"/> No	
4.. Ever been in a hospital for emotional, mental health and/or psychiatric problems?	<input type="radio"/> No	
5.. Are you a veteran?	<input type="radio"/> No	

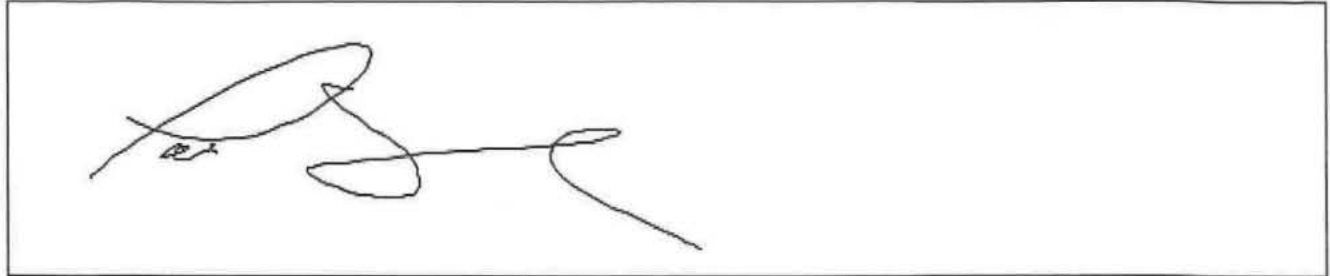
6/5/23, 1:42 PM CorEMR - JOSEPH L KEELING #L170876-003 :: Receiving Screening, Interviewer: RN Gregorio, Gianelle (2022-06-09 02:40:41.0...

	*If Yes is marked, an Alert will automatically generate for Veteran.		
6..	Hear or see things others don't or believe someone can control your mind?	<input type="radio"/> No	
7..	Have concerns about losing a job, spouse, significant other, custody of children, or housing due to arrest?	<input type="radio"/> No	
8..	Have family or friends who have attempted suicide or died from suicide?	<input type="radio"/> No	
9..	Have concerns about ability to cope emotionally/manage stress?	<input type="radio"/> No	
*10..	Have feelings that there is nothing to look forward to or feel hopelessness/helpless?	<input type="radio"/> No	
<input type="checkbox"/> 11..	Have you wished you were dead or wished you could go to sleep and not wake up?	<input type="radio"/> No	
<input type="checkbox"/> 12..	Have you had any actual thoughts of killing yourself?	<input type="radio"/> No	
<input type="checkbox"/> 16..	Have you ever done anything, started to do anything, or prepared to do anything to end your life?	<input type="radio"/> No	
*17..	Have any visible signs of recent self-harm?	<input type="radio"/> No	
*18..	Has the transporting/arresting officer or family/friends communicated that the patient may be a suicide risk?	<input type="radio"/> No	
<input type="checkbox"/> 19..	Hold a position of respect in community AND/OR crime is shocking in nature?	<input type="radio"/> No	
<input type="checkbox"/> 20..	Acting or talking in a strange manner and/or appears to be responding to voices?	<input type="radio"/> No	
21..	Current charges include murder, kidnapping, robbery, or domestic violence?	<input type="radio"/> No	
1..	Have you been a victim of sexual abuse?	<input type="radio"/> No	
2..	Have you sexually abused or assaulted someone?	<input type="radio"/> No	
3..	Have you ever been arrested for a sex offense?	<input type="radio"/> No	
4..	Is this the patient's first arrest?	<input type="radio"/> No	
5..	Does the patient appear to have a mental or developmental disability?	<input type="radio"/> No	
	ADA needs?	<input type="radio"/> No	
6..	Does patient identify or present as transgender, intersex, or gender non-conforming?	<input type="radio"/> No	
7..	Does patient identify or present as Lesbian, Gay or Bisexual?	<input type="radio"/> No	
8..	Do you feel vulnerable in terms of personal safety?	<input type="radio"/> No	
9..	Is the patient of small stature/physical build?	<input type="radio"/> No	
10..	Is the patient detained solely for civil immigration purposes?	<input type="radio"/> No	
	Is patient able to read/write?	<input checked="" type="radio"/> Yes	
	Specify language patient is able to read/write:	<input checked="" type="checkbox"/> English	
	Informed how to access medical, mental, and dental care, and where to find written instructions on how to access care	<input checked="" type="radio"/> Yes	
	Instructed on Grievance process	<input checked="" type="radio"/> Yes	
	Informed of sexual assault awareness and where to find written information	<input checked="" type="radio"/> Yes	
	Informed where to find information about Opioid Overdose	<input checked="" type="radio"/> Yes	
	Informed where to find information about how to cope in facility	<input checked="" type="radio"/> Yes	
	Authorization for Use or Disclosure of Protected Information / Release of Information Signed and Faxed?	<input checked="" type="radio"/> Yes	
	Correctional Institution Request for Records for Provision of Health Care Faxed?	<input checked="" type="radio"/> No (Explain):	
	Placement / Housing Recommendation: *If any box is marked, a Task will automatically generate for Health Appraisal* in +10 days.	<input checked="" type="checkbox"/> General Population (GP)	
	Does patient need a referral?	<input checked="" type="radio"/> Yes	
	Chronic Care:	<input checked="" type="checkbox"/> Routine (+5 days)	

6/5/23, 1:42 PM CorEMR - JOSEPH L KEELING #L170876-003 :: Receiving Screening, Interviewer: RN Gregorio, Gianelle (2022-06-09 02:40:41.0...

	*If any box is marked, a Task will automatically generate for the indicated timing.		
	Healthcare Signature/Title	Gianelle Gregorio	
	Date and Time:		06/08/2022 2209
	Patient Signature	JOSEPH L KEELING	06/08/2022 2210

Signatures



- User RN Gregorio, Gianelle
- Category Patient
- Date 06/08/2022 2212
- INVALID SIGNATURE
View Saved Signature Data

6/5/23, 1:43 PM

CorEMR - JOSEPH L KEELING #L170876-003 :: TB Assessment Form - CMG, Location: [OUT], Interviewer: RN Gregorio, Gianell...

TB Assessment Form - CMG

Patient ID:
DOB:
Age:

L170876
FRCP-52 990
33

Location:
Interviewer:

[OUT]
RN Gregorio, Gianelle (06/08/2022 2215)

JOSEPH L KEELING
#L170876-003

Previous Skin Test? If Yes, When? Where? Results?	<input checked="" type="radio"/> Yes	last january
Previous Chest X-rays? If Yes, Normal/Abnormal?	<input checked="" type="radio"/> No	
Past INH treatment?	<input checked="" type="radio"/> No	
Completed INH treatment?	<input checked="" type="radio"/> No	
Night Sweats?	<input checked="" type="radio"/> No	
Cough?	<input checked="" type="radio"/> No	
Sputum?	<input checked="" type="radio"/> No	
Weight Loss?	<input checked="" type="radio"/> No	
Kidney Disease?	<input checked="" type="radio"/> No	
Pneumonia?	<input checked="" type="radio"/> No	
Bronchitis?	<input checked="" type="radio"/> No	
Liver Disease?	<input checked="" type="radio"/> No	
Contact with Active TB?	<input checked="" type="radio"/> No	
HIV test?	NO	
Steroids?	<input checked="" type="radio"/> No	
Diabetes?	<input checked="" type="radio"/> No	
Alcohol?	<input checked="" type="radio"/> No	
Smoking?	<input checked="" type="radio"/> No	
Street Drugs?	<input checked="" type="radio"/> No	
Recent Immigrant (If Yes, where?)?	<input checked="" type="radio"/> No	
BCG Vaccine (If yes, when?)	<input checked="" type="radio"/> No	
Homeless?	<input checked="" type="radio"/> No	
Nutritional Compromise?	<input checked="" type="radio"/> No	
Patient has signed the Permission to Administer PPD form?	<input checked="" type="radio"/> No	
0.1 CC 5TU-PPD Given Intradermal: *When right arm or left arm boxes are checked, a Task will automatically generate for a PPD Read in +2 days. *When any box is checked, a Task will automatically generate for a TB Assessment in +345 days.	<input checked="" type="radio"/> Left Arm	
PPD planted on (Date and Time):		06/08/2022 2215
TB serum Lot#: (Respond Not Given if pt did not receive PPD)	c5807aa	
TB serum Expiration Date: (Respond Not Given if pt did not receive PPD)	April 19, 2023	
PPD given by: Nurse Signature Date:	Gianelle Gregorio RN	06/08/2022

6/5/23, 1:45 PM

CorEMR - JOSEPH L KEELING #L170876-003 :: Return from Offsite/Hospital Nursing Progress Note, Interviewer: RN Kleutgen, Ri...

Return from Offsite/Hospital Nursing Progress Note

Patient ID:
DOB:

L170876
FRCP-5.2 990

Interviewer:

RN Kleutgen, Riley (06/10/2022 0235)

JOSEPH L KEELING
#L170876-003

Allergies:	NKMA		
Gender:	<input checked="" type="radio"/> Male		
Date of Hospital and/or Offsite consult:			06/09/2022 2025
Returning from:	Vista ER		
Hospital and/or offsite consult paperwork reviewed?	<input checked="" type="radio"/> Yes		
Was hospital admission or offsite visit for a mental health diagnosis? If yes, refer for URGENT mental health visit If no, however patient has mental health diagnosis, refer for ROUTINE mental health visit.	<input checked="" type="radio"/> No		
Follow-up appointment received and acknowledged?	<input checked="" type="radio"/> Yes		
Patient Complaints:	Pt complains that his riht ankle continues to be broke n from last year. pt states he broke it Aug 2021. Pt has full ROM-steady gait. No complaints of acute medical condition or health status at this time.		
Vital Signs- Contact healthcare provider if vital signs are outside the parameters. B / P: *SBP \geq 180 or \leq 90, *DBP \geq 110 or \leq 60 Pulse: *remains \geq 110 or \leq 60 Resp: *persistently \leq 10 or \geq 20 Temp: * $>$ 101°F O2 Sat: * $<$ 90%	Blood Pressure 156 sys 93 dia Pulse 107 beats per min Respirations 18 breaths per min Temperature 98.2 °F Weight lbs Height ---" SPO2 96.0 %	return from Vista ER	
Current Condition:	stable		
Transcribe from offsite documentation	Pt diagnosed with new onset seizure. Pt does not present with any s/s of distress/discomfort. Pt alert and oriented, calm and cooperative. Pt demonstrates full ROM and steady gait. Respiratory, skin, neuro, GI/GU, cardiac WNL. Plan: HCP to see pt for new onset seizure. Pt moved to bottom bunk/bottom tier. Education: refrain from top bunk/top tier. Notify medical/correctional staff if condition changes or worsens or an aura appears prior to seizure. Report any seizure-like activity. Proper hydration, proper nutrition.		
Housing:	<input checked="" type="checkbox"/> Other:	bottom bunk/bottom tier due to new onset seizure. Allowed second matt for floor	
Medications:	no new medications		
Diet:	<input checked="" type="checkbox"/> Regular	no changes	
Activity:	<input checked="" type="checkbox"/> No Restrictions <input checked="" type="checkbox"/> Other:	no activity restrictions but pt should not be allowed on top tier at this time. Bottom bunk/bottom tier due to	

Identification of Special Needs

JOSEPH L KEELING
#L170876-003

Patient ID:
DOB:

L170876
FRCP-5290

Interviewer:

RN Gregorio, Gianelle (06/08/2022 2229)

Start Date		06/08/2022
End Date		
*This form is used to notify custody of patients special needs and accommodations.		
Condition/Disability:	<input type="checkbox"/> Vision Impaired <input type="checkbox"/> Hearing Impaired <input type="checkbox"/> Speech Impaired <input type="checkbox"/> Learning Disability <input type="checkbox"/> Mobility Impaired <input type="checkbox"/> Seizure Condition <input type="checkbox"/> Pregnancy <input type="checkbox"/> Drug/Alcohol Withdrawal <input type="checkbox"/> Physical Limitation: (describe limits) <input checked="" type="checkbox"/> Other (specify):	History of recurrent hypertensive crisis
Treatment/Accommodation/Housing Order:	<input checked="" type="checkbox"/> Lower Tier <input checked="" type="checkbox"/> Lower Bunk <input type="checkbox"/> Single Cell <input type="checkbox"/> Extra Mattress <input type="checkbox"/> Extra Blanket <input type="checkbox"/> CPAP Device <input type="checkbox"/> Cane <input type="checkbox"/> Crutches <input type="checkbox"/> Walker <input type="checkbox"/> Wheel Chair Full Time <input type="checkbox"/> Wheel Chair Part Time/Out Of Unit <input type="checkbox"/> Orthotic or Personal Shoes <input type="checkbox"/> Prosthesis <input type="checkbox"/> House is ADA Cell <input type="checkbox"/> Shower Chair/ADA Shower <input type="checkbox"/> Grab Bars <input type="checkbox"/> Infirmary/OPHU Level Care Housing <input type="checkbox"/> Daily Changes of Clothing/Linens <input type="checkbox"/> Negative Pressure Room <input type="checkbox"/> Other (specify):	
Alert:	<input type="checkbox"/> Patient identified has exhibited characteristics of being a potential target for victimization <input type="checkbox"/> Patient identified has exhibited characteristics of predatory behavior	
Reason for above:	Hx of recurrent hypertensive crisis, hx frequent fainting/falls during hypertensive crisis	
Name of Medical Provider:	NP	
Name of Nurse:	Gianelle Gregorio RN	
Who was notified on the Correctional Staff?	Booking/Class	
How were they notified?	written/ verbal	
Form Folder and Number: Clinic Form CF11.0 Form Owner: Karina Purcell		

Accreditation: ADA
Active / Last Revision Date: February 4, 2020

Identification of Special Needs

Patient ID:
DOB:

L170876
FRCP-5.2990

Interviewer:

DON Almas, Gina (06/09/2022 1011)

JOSEPH L KEELING
#L170876-003

Start Date		06/09/2022
End Date		
*This form is used to notify custody of patients special needs and accommodations.		
Condition/Disability:	<input type="checkbox"/> Vision Impaired <input type="checkbox"/> Hearing Impaired <input type="checkbox"/> Speech Impaired <input type="checkbox"/> Learning Disability <input type="checkbox"/> Mobility Impaired <input type="checkbox"/> Seizure Condition <input type="checkbox"/> Pregnancy <input type="checkbox"/> Drug/Alcohol Withdrawal <input type="checkbox"/> Physical Limitation: (describe limits) <input type="checkbox"/> Other (specify):	NO RESTRICTIONS
Treatment/Accommodation/Housing Order:	<input type="checkbox"/> Lower Tier <input type="checkbox"/> Lower Bunk <input type="checkbox"/> Single Cell <input type="checkbox"/> Extra Mattress <input type="checkbox"/> Extra Blanket <input type="checkbox"/> CPAP Device <input type="checkbox"/> Cane <input type="checkbox"/> Crutches <input type="checkbox"/> Walker <input type="checkbox"/> Wheel Chair Full Time <input type="checkbox"/> Wheel Chair Part Time/Out Of Unit <input type="checkbox"/> Orthotic or Personal Shoes <input type="checkbox"/> Prosthesis <input type="checkbox"/> House is ADA Cell <input type="checkbox"/> Shower Chair/ADA Shower <input type="checkbox"/> Grab Bars <input type="checkbox"/> Infirmary/OPHU Level Care Housing <input type="checkbox"/> Daily Changes of Clothing/Linens <input type="checkbox"/> Negative Pressure Room <input type="checkbox"/> Other (specify):	NO RESTRICTIONS
Alert:	<input type="checkbox"/> Patient identified has exhibited characteristics of being a potential target for victimization <input type="checkbox"/> Patient identified has exhibited characteristics of predatory behavior	
Reason for above:	NO RESTRICTIONS	
Name of Medical Provider:	NP	
Name of Nurse:	GA	
Who was notified on the Correctional Staff?		
How were they notified?		
Form Folder and Number: Clinic Form CF11.0 Form Owner: Karina Purcell		

Date Printed: 6/2/2023

Movement History for 06/08/2022 to 06/10/2022

L170876 : KEELING, JOSEPH L

Change Date	Type of Change	Officer ID	From Location	To Location
6/10/2022 8:04:43AM	Movement	SDRWP	Lake County Jail: Main Jail: Releases: Floor 1.00: Block Release: Cell Release 02	
6/10/2022 7:54:02AM	Movement	SDDLDP	Lake County Jail: Main Jail: 1 E: Floor 1.00: Block 1 E: Cell 11 B	Lake County Jail: Main Jail: Releases: Floor 1.00: Block Release: Cell Release 02
6/9/2022 8:58:40PM	Movement	SD25484	Lake County Jail: Main Jail: 1 E: Floor 1.00: Block 1 E: Cell 08 A	Lake County Jail: Main Jail: 1 E: Floor 1.00: Block 1 E: Cell 11 B
6/9/2022 3:49:28PM	Movement	SD25484	Lake County Jail: Main Jail: 1 Booking: Floor 1.00: Block Holding: Cell B08	Lake County Jail: Main Jail: 1 E: Floor 1.00: Block 1 E: Cell 08 A

Date Printed: 6/2/2023

Movement History for 06/08/2022 to 06/10/2022

Cell # A = Top
 # B = Bottom
 Bunk

L170876 : KEELING, JOSEPH L

Change Date	Type of Change	Officer ID	From Location	To Location
6/10/2022 8:04:43AM	Movement	SDRWP	Lake County Jail: Main Jail: Releases: Floor 1.00: Block Release: Cell Release 02	
6/10/2022 7:54:02AM	Movement	SDDLDP	Lake County Jail: Main Jail: 1 E: Floor 1.00: Block 1 E: Cell 11 B	Lake County Jail: Main Jail: Releases: Floor 1.00: Block Release: Cell Release 02
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6/9/2022 3:49:28PM	Movement	SD25484	Lake County Jail: Main Jail: 1 Booking: Floor 1.00: Block Holding: <u>Cell B08</u>	Lake County Jail: Main Jail: 1 E: Floor 1.00: Block 1 E: <u>Cell 08 A</u>

Ⓟ Seizure was at 16⁴³ on 6/9/22

Exhibit 4 Kalfas Deposition

1	IN THE UNITED STATES DISTRICT COURT	1	I N D E X	
2	NORTHERN DISTRICT OF ILLINOIS	2	WITNESS	EXAMINATION
3	EASTERN DIVISION	3	NICHOLAS KALFAS	
4	JOSEPH KEELING,)	4	By Mr. Kalfas	5
5	Plaintiff,)	5	By Mr. Rice	18
6	-vs-)No. 23-cv-3442	6	By Mr. Flaxman	29
7	SHERIFF OF LAKE COUNTY, LAKE)	7	By Mr. Rice	33
8	COUNTY, ILLINOIS, and LAKE)	8	By Mr. Flaxman	35
9	COUNTY CORRECTIONAL)	9		
10	OFFICER S. TYLER,)	10		
11	Defendants.)	11		
12	The deposition of NICHOLAS KALFAS, called	12		
13	for examination pursuant to Notice and the Rules	13		
14	of Civil Procedure for the United States	14		
15	District Courts pertaining to the taking of	15		
16	depositions, taken before Eileen M. Heraty, a	16		
17	notary public within and for the County of Cook	17		
18	and State of Illinois, at 200 N. LaSalle Street,	18		
19	Suite 770, Chicago, Illinois, a	19		
20	ZOOM/TELECONFERENCING on the September 30, 2024,	20		
21	at the hour of 1:00 p.m.	21		
22		22		
23	Reported By: Eileen M. Heraty, CSR	23		
24	License No: 084-003212	24		
	1			3
1	APPEARANCES:	1	E X H I B I T S	
2	LAW OFFICES OF KENNETH N. FLAXMAN, by	2	NUMBER	MARKED FOR ID RECEIVED
3	MR. KENNETH N. FLAXMAN,	3	Deposition Exhibit	
4	200 South Michigan Avenue	4	No. 1	7
5	Suite 201	5	No. 2	9
6	Chicago, Illinois 60604	6	No. 3	10
7	(312) 427-3200	7	No. 4	11
8	knp@kenlaw.com	8	No. 5	12
9	Representing the Plaintiff,	9	No. 6	12
10		10	No. 7	13
11	LAKE COUNTY ATTORNEYS' OFFICE, by	11	No. 8	14
12	MR. STEPHEN RICE,	12	No. 9	15
13	18 North County Street	13	No. 10	16
14	5th Floor	14	No. 12	18
15	Waukegan, Illinois 60085	15		
16	(847) 377-3099	16	Kalfas Deposition Exhibit	
17	srice@lakecountyil.gov	17	No. 13	20
18	Representing the Defendants.	18	No. 14	21
19		19		
20		20		
21		21		
22		22		
23		23		
24		24		
	2			4

EXHIBIT
4 for MSJ



<p>1 THE COURT REPORTER: This deposition is</p> <p>2 being taken by means of Zoom video</p> <p>3 teleconference.</p> <p>4 The attorneys participating in this</p> <p>5 deposition acknowledge that I am not physically</p> <p>6 present in the deposition, and the oath will be</p> <p>7 administered remotely.</p> <p>8 The parties and their counsel consent to</p> <p>9 this arrangement and waive any objections to</p> <p>10 this manner of reporting.</p> <p>11 Will all counsel present please state your</p> <p>12 name and indicate your agreement on the record.</p> <p>13 MR. FLAXMAN: Plaintiff's counsel so agrees.</p> <p>14 MR. RICE: Defendants' counsel agrees as well</p> <p>15 (Whereupon, the witness</p> <p>16 was duly sworn.)</p> <p>17 NICHOLAS KALFAS,</p> <p>18 having been first duly sworn, was examined and</p> <p>19 testified as follows:</p> <p>20 EXAMINATION</p> <p>21 BY MR. FLAXMAN:</p> <p>22 Q. Good afternoon, sir. Could you state</p> <p>23 your name and spell your last name for us.</p> <p>24 A. First name is Nicholas, last name</p> <p>5</p>	<p>1 access to the facility.</p> <p>2 Q. This lawsuit was brought by a man named</p> <p>3 Joseph Keeling.</p> <p>4 Did you ever meet Mr. Keeling?</p> <p>5 A. Not that I remember, no.</p> <p>6 Q. I have marked several exhibits, which I</p> <p>7 hope are in front of you, and I would like to</p> <p>8 ask you questions about them, and then we can</p> <p>9 all move on with our busy day.</p> <p>10 (Whereupon, Deposition</p> <p>11 Exhibit No. 1 was marked for</p> <p>12 identification.)</p> <p>13 BY MR. FLAXMAN:</p> <p>14 Q. Do you have Exhibit 1 in front of you?</p> <p>15 A. I do.</p> <p>16 Q. Can you tell us what that is.</p> <p>17 A. It appears to be a Classification Move</p> <p>18 Order from Lake County Jail from June 8, 2022.</p> <p>19 Q. Was a Classification Move Order?</p> <p>20 A. I'm sorry. You cut out. Could you</p> <p>21 repeat the question.</p> <p>22 Q. Sure. What is a Classification Move</p> <p>23 Order?</p> <p>24 A. A Move Order is done by the</p> <p>7</p>
<p>1 K-a-l-f-a-s.</p> <p>2 Q. And what's your business or occupation?</p> <p>3 A. I am the deputy chief of corrections</p> <p>4 for the Lake County Sheriff's Department.</p> <p>5 Q. For how long have you worked for the</p> <p>6 Lake County Sheriff?</p> <p>7 A. This October 15th will be 23 years</p> <p>8 completed.</p> <p>9 Q. And for how long have you been deputy</p> <p>10 chief of corrections?</p> <p>11 A. Two years.</p> <p>12 Q. Is there more than one deputy chief of</p> <p>13 corrections?</p> <p>14 A. There is.</p> <p>15 Q. How many are there?</p> <p>16 A. There are two.</p> <p>17 Q. Do you have different job</p> <p>18 responsibilities than the other deputy chiefs?</p> <p>19 A. We do.</p> <p>20 Q. Can you tell us briefly what your job</p> <p>21 responsibilities are.</p> <p>22 A. The job responsibilities center around</p> <p>23 staffing, medical contracts, the court liaison</p> <p>24 position, specialty court programs, authorized</p> <p>6</p>	<p>1 classification orders to move inmates throughout</p> <p>2 the Lake County Jail to the different housing</p> <p>3 units.</p> <p>4 Q. And was this Move Order, being</p> <p>5 Exhibit 1, printed out from a computer?</p> <p>6 A. Yes.</p> <p>7 Q. When the date for movement is entered</p> <p>8 in the computer, does the computer also record</p> <p>9 the date and time?</p> <p>10 A. The date and time that the move</p> <p>11 happens?</p> <p>12 Q. Right.</p> <p>13 A. No.</p> <p>14 Q. Now for Mr. Keeling, who is the last</p> <p>15 row on that form, it says an L number.</p> <p>16 What is the L number column?</p> <p>17 A. That's a unique identifier for every</p> <p>18 inmate that comes into the Lake County. For Mr.</p> <p>19 Keeling, the L number is 170876. He would be</p> <p>20 the only person that has that L number.</p> <p>21 Q. What is the BKG number in the next</p> <p>22 column?</p> <p>23 A. That references the booking desk.</p> <p>24 Q. And can you tell us what the booking</p> <p>8</p>



<p>1 desk is.</p> <p>2 A. The booking desk is an area of the</p> <p>3 facility where all of the inmates coming into</p> <p>4 custody, as well as leaving custody, are moved</p> <p>5 to a housing unit or being released from</p> <p>6 custody.</p> <p>7 Q. And the next column is titled: To.</p> <p>8 Is Mr. Keeling and two other persons</p> <p>9 moving from that cell assignment?</p> <p>10 A. The to is correct, where they are being</p> <p>11 moved to in the facility.</p> <p>12 Q. And the last three rows in that to</p> <p>13 column, I see 5A, 7A and 8A.</p> <p>14 Do those all refer to upper bunks?</p> <p>15 A. Yes, A refers to a top bunk.</p> <p>16 MR. FLAXMAN: Let's look at the next</p> <p>17 exhibit, which is Exhibit 2.</p> <p>18 (Whereupon, Deposition</p> <p>19 Exhibit No. 2 was marked for</p> <p>20 identification.)</p> <p>21 BY MR. FLAXMAN:</p> <p>22 Q. Can you tell us what this is.</p> <p>23 A. Identification of Special Needs Form</p> <p>24 that's completed by other contracted medical</p> <p style="text-align: right;">9</p>	<p>1 Q. Chad Sheredy, was that Officer Chad</p> <p>2 Sheredy, S-h-e-r-e-d-y, was he an employee of</p> <p>3 The Sheriff?</p> <p>4 A. He was an employee, yes.</p> <p>5 Q. Was there a rule of The Sheriff that</p> <p>6 required that a supplemental report be prepared</p> <p>7 under certain circumstances?</p> <p>8 A. Yes.</p> <p>9 Q. And did The Sheriff's policies require</p> <p>10 the officer who prepared the report to be</p> <p>11 truthful, accurate and complete?</p> <p>12 A. Yes.</p> <p>13 Q. Thank you. This is Exhibit 4.</p> <p>14 (Whereupon, Deposition</p> <p>15 Exhibit No. 4 was marked for</p> <p>16 identification.)</p> <p>17 BY MR. FLAXMAN:</p> <p>18 Q. Exhibit 4, can you tell us what this</p> <p>19 is.</p> <p>20 A. A Special Needs Form completed by the</p> <p>21 contracted medical staff.</p> <p>22 Q. And it's prepared by Registered Nurse</p> <p>23 Riley Kleutgen, K-l-e-u-t-g-e-n; is that</p> <p>24 correct?</p> <p style="text-align: right;">11</p>
<p>1 staff. At the time of this incident, that would</p> <p>2 be Well Path.</p> <p>3 Q. And at the top line on the right is a</p> <p>4 DON.</p> <p>5 Is that an abbreviation for director of</p> <p>6 nursing?</p> <p>7 A. Yes.</p> <p>8 Q. And then does it have the date and the</p> <p>9 time?</p> <p>10 A. Yes.</p> <p>11 Q. And that's -- am I reading that</p> <p>12 correctly as June 9, 2022, 10:11 a.m.?</p> <p>13 A. Yes.</p> <p>14 Q. Did the director of nursing work for</p> <p>15 The Sheriff or Well Path back in 2022?</p> <p>16 A. They work for Well Path.</p> <p>17 MR. FLAXMAN: The next exhibit is Exhibit 3.</p> <p>18 (Whereupon, Deposition</p> <p>19 Exhibit No. 3 was marked for</p> <p>20 identification.)</p> <p>21 BY MR. FLAXMAN:</p> <p>22 Q. Can you tell us what this is.</p> <p>23 A. It's a Lake County Sheriff's Department</p> <p>24 Supplementary Report.</p> <p style="text-align: right;">10</p>	<p>1 A. Yes.</p> <p>2 Q. And she prepared it on June 9, 2022, at</p> <p>3 8:28 p.m.; is that correct?</p> <p>4 A. Yes.</p> <p>5 MR. FLAXMAN: Moving on to Exhibit 5.</p> <p>6 (Whereupon, Deposition</p> <p>7 Exhibit No. 5 was marked for</p> <p>8 identification.)</p> <p>9 BY MR. FLAXMAN:</p> <p>10 Q. Could you tell us what Exhibit 5 is.</p> <p>11 A. The Sheriff's Office Miscellaneous</p> <p>12 Report.</p> <p>13 Q. And can you tell us what that refers</p> <p>14 to.</p> <p>15 A. It's a report for a sick person, Joseph</p> <p>16 Keeling, that was again completed by Officer</p> <p>17 Chad Sheredy.</p> <p>18 Q. And the date and time of the occurrence</p> <p>19 that's described in this report is what?</p> <p>20 A. June 9, 2022, 4:35 p.m.</p> <p>21 (Whereupon, Deposition</p> <p>22 Exhibit No. 6 was marked for</p> <p>23 identification.)</p> <p>24</p> <p style="text-align: right;">12</p>



<p>1 BY MR. FLAXMAN:</p> <p>2 Q. Can you tell us what Exhibit 6 is.</p> <p>3 A. Exhibit 6 is other Identification Of</p> <p>4 Special Needs Form completed by our contracted</p> <p>5 medical staff.</p> <p>6 Q. And could you tell us whose name is on</p> <p>7 the report.</p> <p>8 A. This is again Gianelle Gregorio.</p> <p>9 Q. And did she report it at 10:29 p.m. on</p> <p>10 June 8, 2022?</p> <p>11 A. That's what the form has listed, yes.</p> <p>12 Q. Have you ever seen an Identification</p> <p>13 Special Needs Form that was prepared before</p> <p>14 4:35 p.m. on June 8, 2022, for Mr. Keeling?</p> <p>15 A. I personally have not, no.</p> <p>16 (whereupon, Deposition</p> <p>17 Exhibit No. 7 was marked for</p> <p>18 identification.)</p> <p>19 BY MR. FLAXMAN:</p> <p>20 Q. Could you tell us what Exhibit 7 is.</p> <p>21 A. This too is an Identification of</p> <p>22 Special Needs form completed by the contracted</p> <p>23 medical staff.</p> <p>24 Q. Is this the same as Exhibit 6 with the</p> <p style="text-align: right;">13</p>	<p>1 this. On Exhibit 8, was that form prepared by</p> <p>2 Registered Nurse G-i-a-n-e-l--l-e</p> <p>3 G-r-e-g-o-r-i-o on June 9, 2022, at 2:40 a.m.?</p> <p>4 A. Yes.</p> <p>5 (whereupon, Deposition</p> <p>6 Exhibit No. 9 was marked for</p> <p>7 identification.)</p> <p>8 BY MR. FLAXMAN:</p> <p>9 Q. Could you tell us what Exhibit 9 is.</p> <p>10 A. A Return From an Offsite/Hospital</p> <p>11 Nursing Progress Note completed by our</p> <p>12 contracted medical staff.</p> <p>13 Q. And could you tell us the contacted --</p> <p>14 the name of the contracted medical staff person</p> <p>15 who prepared the form?</p> <p>16 A. That is Riley Kleutgen.</p> <p>17 Q. Could you tell us the date that she</p> <p>18 prepared it.</p> <p>19 A. The date that's on the form -- it's a</p> <p>20 she, and it's June 10, 2022, and it's</p> <p>21 0235 hours.</p> <p>22 Q. Exhibit 9, Page 3 of Exhibit 9, could</p> <p>23 you tell us what that is.</p> <p>24 A. Again, it's an Identification of</p> <p style="text-align: right;">15</p>
<p>1 exception of the word v-o-i-d written on it?</p> <p>2 A. It appears that it is.</p> <p>3 Q. Do you know why void is written on the</p> <p>4 form?</p> <p>5 A. I do not.</p> <p>6 (whereupon, Deposition</p> <p>7 Exhibit No. 8 was marked for</p> <p>8 identification.)</p> <p>9 BY MR. FLAXMAN:</p> <p>10 Q. Exhibit 8. Could you tell us what this</p> <p>11 is?</p> <p>12 A. This is a Receiving Screening Form</p> <p>13 that's completed by our medical staff of inmates</p> <p>14 coming into our custody.</p> <p>15 Q. Let's go back to Exhibit 6.</p> <p>16 Do you see underneath the row of</p> <p>17 condition disability it's written: History of</p> <p>18 recurrent hypertensive crisis?</p> <p>19 A. Yes.</p> <p>20 Q. Do you know where the medical staff</p> <p>21 gets that medical information from?</p> <p>22 A. They would get it from interviewing the</p> <p>23 inmate.</p> <p>24 Q. Thank you. I don't think I asked you</p> <p style="text-align: right;">14</p>	<p>1 Special Needs Form completed by a contracted</p> <p>2 medical staff.</p> <p>3 Q. And could you tell us the name of the</p> <p>4 contracted medical staff?</p> <p>5 A. Riley Kleutgen.</p> <p>6 Q. And the time that's indicated on the</p> <p>7 pardon me?</p> <p>8 A. Date and time are June 9, 2022, at</p> <p>9 2028 hours.</p> <p>10 MR. RICE: Just for the record four pages to</p> <p>11 Exhibit 9. You referred to Page 3 of Exhibit 9,</p> <p>12 Ken.</p> <p>13 MR. FLAXMAN: Yes. Thank you.</p> <p>14 (whereupon, Deposition</p> <p>15 Exhibit No. 10 was marked for</p> <p>16 identification.)</p> <p>17 BY MR. FLAXMAN:</p> <p>18 Q. Let's look at Exhibit 10.</p> <p>19 Could you tell us what that is.</p> <p>20 A. Identification of Special Needs Form</p> <p>21 completed by a contracted medical staff.</p> <p>22 Q. Is this an Identification of Special</p> <p>23 Needs Form for people that need ADA</p> <p>24 accommodations?</p> <p style="text-align: right;">16</p>



<p>1 A. It can be.</p> <p>2 Q. There is a word written at the top.</p> <p>3 There is a letter that I can't make out, and it</p> <p>4 looks like a-s-s.</p> <p>5 Are you able to read that?</p> <p>6 A. It says: Class.</p> <p>7 Q. Oh, and do you know why class is</p> <p>8 written on top of that?</p> <p>9 A. That could be a copy that the</p> <p>10 contracted medical staff would give to the</p> <p>11 classification office.</p> <p>12 Q. What does the classification office do</p> <p>13 with that information?</p> <p>14 A. They will determine housing for people</p> <p>15 in our custody.</p> <p>16 Q. Now the date on this form is June 9,</p> <p>17 2022, at 10:11 a.m.; is that correct?</p> <p>18 A. That's correct.</p> <p>19 Q. Do you know why this form was completed</p> <p>20 after Mr. Keeling had been assigned to the upper</p> <p>21 bunk on June 8, 2022?</p> <p>22 A. I do not.</p> <p>23 Q. Okay.</p> <p>24</p> <p style="text-align: right;">17</p>	<p>1 Exhibit 1 says at the top: 6-8-22; do you see</p> <p>2 that?</p> <p>3 A. Yes.</p> <p>4 Q. Do you recall producing this document</p> <p>5 to me?</p> <p>6 A. I believe I e-mailed it to you, yes.</p> <p>7 Q. What's its native?</p> <p>8 A. Microsoft, Word or Excel Spread Sheet.</p> <p>9 Q. It's a Microsoft document?</p> <p>10 A. Yes.</p> <p>11 Q. Does that Microsoft document save a</p> <p>12 file by the date name; do you recall that?</p> <p>13 A. The file is usually saved by the date</p> <p>14 name, yes.</p> <p>15 Q. So this form, the Classification Move</p> <p>16 Order, when it's saved in the file folder --</p> <p>17 bear with me for one second. I restarted my</p> <p>18 computer. In case you're wondering what I'm</p> <p>19 doing, this is slowly loading something.</p> <p>20 MR. FLAXMAN: Is there any way I can help</p> <p>21 you?</p> <p>22 MR. RICE: No, not really. I will mark this</p> <p>23 as Exhibit 13.</p> <p>24 MR. FLAXMAN: Is there any way you can share</p> <p style="text-align: right;">19</p>
<p>1 (Whereupon, Deposition</p> <p>2 Exhibit No. 12 was marked for</p> <p>3 identification.)</p> <p>4 BY MR. FLAXMAN:</p> <p>5 Q. Exhibit 12, can you tell us what that</p> <p>6 is.</p> <p>7 A. The movement history for an inmate</p> <p>8 while in custody.</p> <p>9 Q. Is that something aside from the</p> <p>10 handwritten materials and the circled items, is</p> <p>11 the movement history something that's produced</p> <p>12 for The Sheriff via over the computer?</p> <p>13 A. Yes.</p> <p>14 Q. Did you make these notations on the</p> <p>15 form?</p> <p>16 A. No.</p> <p>17 Q. Do you know who did?</p> <p>18 A. No.</p> <p>19 MR. FLAXMAN: I have nothing further. Thank</p> <p>20 you.</p> <p>21 MR. RICE: I have a few questions.</p> <p>22 EXAMINATION</p> <p>23 BY MR. RICE:</p> <p>24 Q. I will turn you back to Exhibit 1.</p> <p style="text-align: right;">18</p>	<p>1 screen?</p> <p>2 MR. RICE: Yes, I can share it.</p> <p>3 MR. FLAXMAN: So let me see what it is,</p> <p>4 please.</p> <p>5 MR. RICE: I have not marked it previously,</p> <p>6 but I have now marked it as Exhibit 13.</p> <p>7 After the fact, I will send it to you.</p> <p>8 (Whereupon, Kalfas</p> <p>9 Deposition Exhibit No. 13 was</p> <p>10 marked for identification.)</p> <p>11 MR. RICE: Can you see that, Ken?</p> <p>12 MR. FLAXMAN: I see an e-mail.</p> <p>13 MR. RICE: Yes.</p> <p>14 BY MR. RICE:</p> <p>15 Q. Deputy Chief, do you recognize what I'm</p> <p>16 showing on my screen here?</p> <p>17 A. It would be an e-mail I sent.</p> <p>18 Q. Who did you send it to?</p> <p>19 A. You.</p> <p>20 Q. Do you recognize whether there is an</p> <p>21 attachment to this word document?</p> <p>22 A. There is a word document attached.</p> <p>23 Q. You just testified that the move orders</p> <p>24 are saved in a file folder in a Microsoft</p> <p style="text-align: right;">20</p>



<p>1 format; is that correct?</p> <p>2 A. Yes.</p> <p>3 Q. Would that be an example on the screen</p> <p>4 of the Move Order in a word document format?</p> <p>5 A. Yes.</p> <p>6 Q. Can you see when it was dated?</p> <p>7 A. It's dated 6-9-22.</p> <p>8 Q. Hold on for one second. I will share</p> <p>9 my screen again. We will mark this as</p> <p>10 Exhibit 14.</p> <p>11 (Whereupon, Kalfas Deposition</p> <p>12 Exhibit No. 14 was marked for</p> <p>13 identification.)</p> <p>14 BY MR. RICE:</p> <p>15 Q. Do you recognize what this is?</p> <p>16 A. Classification Move Order.</p> <p>17 Q. Is that the same Classification Move</p> <p>18 Order that is Plaintiff's Exhibit No. 1 in front</p> <p>19 of you?</p> <p>20 A. Yes, it appears to be.</p> <p>21 Q. It has the same date on it; do you see</p> <p>22 that, 6-8-22?</p> <p>23 A. Yes.</p> <p>24 Q. It we look up here at the top of the</p> <p style="text-align: right;">21</p>	<p>1 Q. If we wanted to corroborate that date</p> <p>2 and time, might we find corroboration in the</p> <p>3 E-Logger?</p> <p>4 A. Yes.</p> <p>5 Q. And the E-Logger is a computerized</p> <p>6 system that the corrections officers use in the</p> <p>7 pod to record activities occurring in the pod;</p> <p>8 is that correct?</p> <p>9 A. Yes.</p> <p>10 Q. One of the things that they record as a</p> <p>11 matter of course is when people come into the</p> <p>12 pod or leave the pod; is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. So if three inmates came into the pod</p> <p>15 on 6-9, we would expect to see that in the</p> <p>16 E-Logger?</p> <p>17 A. Yes.</p> <p>18 Q. Can you just describe briefly the</p> <p>19 process of an inmate such as Joseph Keeling</p> <p>20 being brought into the Lake County Jail and how</p> <p>21 they move into different housing units in the</p> <p>22 first day, two or three of their stay.</p> <p>23 A. Well, once somebody comes into custody,</p> <p>24 they will be booked in by one of the booking</p> <p style="text-align: right;">23</p>
<p>1 screen, we can see that the file has a name.</p> <p>2 The Microsoft Word file has a name.</p> <p>3 Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. What's that date?</p> <p>6 A. 6-9-22.</p> <p>7 Q. Why would the form itself say 6-8-22</p> <p>8 but be labeled as 6-9-22 as a word document?</p> <p>9 A. The officer may not have updated the</p> <p>10 date on the Move Order.</p> <p>11 Q. And why would the officer have not</p> <p>12 updated it?</p> <p>13 A. On the third line down from the top.</p> <p>14 Q. So in the word document itself?</p> <p>15 A. Yes.</p> <p>16 Q. If we wanted to confirm when Joseph</p> <p>17 Keeling was actually moved into the</p> <p>18 classification pod, could we do that with</p> <p>19 Exhibit 12?</p> <p>20 A. Yes.</p> <p>21 Q. And what does Exhibit 12 show as to</p> <p>22 when he was moved into the classification pod?</p> <p>23 A. It shows he moved on 6-9-22 at</p> <p>24 3:49 p.m.</p> <p style="text-align: right;">22</p>	<p>1 officers. They will take all of their</p> <p>2 information, enter it into the Jail Management</p> <p>3 System. They will do fingerprints and pictures,</p> <p>4 and within four hours of coming into custody, a</p> <p>5 medical and mental intake will be completed by</p> <p>6 one of our contracted medical staff members. At</p> <p>7 this time, Well Path, where they will do a</p> <p>8 detailed medical and mental health evaluation of</p> <p>9 them, and if there is anything that's special</p> <p>10 that needs to be considered in where they are</p> <p>11 housed, that information will then be passed</p> <p>12 onto the class officers.</p> <p>13 Once they are remanded to our custody</p> <p>14 after court, they will be moved to One East,</p> <p>15 which is a classification pod. They will spend</p> <p>16 a few days down there while the classification</p> <p>17 officers do their interviews, assemble all of</p> <p>18 the information, and then based upon all of that</p> <p>19 information, they will find them a more</p> <p>20 permanent housing location somewhere in the</p> <p>21 facility.</p> <p>22 Q. Thank you. The medical and mental</p> <p>23 health intake you referred to, where does that</p> <p>24 occur?</p> <p style="text-align: right;">24</p>



<p>1 A. That happens at the booking desk in one</p> <p>2 of the cells.</p> <p>3 Q. Does it ever occur outside of the</p> <p>4 booking area?</p> <p>5 A. No.</p> <p>6 Q. So is it safe to say then that before</p> <p>7 getting to the classification pod, they have</p> <p>8 already had their medical and mental health</p> <p>9 intake review by one of the Well Path nurses?</p> <p>10 A. Yes.</p> <p>11 Q. Before they are moved from booking --</p> <p>12 strike that.</p> <p>13 When they are moved from booking to</p> <p>14 anywhere else, when they are moved from booking</p> <p>15 to the classification offices you have just</p> <p>16 described, does the information about the inmate</p> <p>17 first have to go to the classification office,</p> <p>18 the classification officers?</p> <p>19 A. Well, the information will go down with</p> <p>20 them, yes.</p> <p>21 Q. I guess my question is: would the</p> <p>22 inmate move before being classified by the</p> <p>23 classification office?</p> <p>24 A. No.</p> <p style="text-align: right;">25</p>	<p>1 A. They will house them where they feel it</p> <p>2 most appropriate to house them.</p> <p>3 Q. Are there circumstances in which the</p> <p>4 classification office would overrule the medical</p> <p>5 staffs' determination that a person needs a</p> <p>6 lower bunk?</p> <p>7 A. No.</p> <p>8 Q. So if the medical staff says</p> <p>9 Identification of Special Needs lower bunk is</p> <p>10 one of the things checked on the form, then they</p> <p>11 are getting a lower bunk?</p> <p>12 A. Yes.</p> <p>13 Q. And the classification office, how does</p> <p>14 that information actually get to the pod, get to</p> <p>15 the classification pod?</p> <p>16 A. Well, the medical staff will complete a</p> <p>17 Special Needs Form that will go into the</p> <p>18 classification mailbox at booking.</p> <p>19 When the class officers go into</p> <p>20 booking, they will interview inmates. They will</p> <p>21 do other things. They will also collect the</p> <p>22 mail, and then based upon what they have for</p> <p>23 Special Needs Forms, they will make their</p> <p>24 decision of where to house somebody based on</p> <p style="text-align: right;">27</p>
<p>1 Q. So the classification officer would</p> <p>2 have some information from the booking unit,</p> <p>3 including some of the Special Needs Forms, if</p> <p>4 there were any?</p> <p>5 A. Yes.</p> <p>6 Q. How does the classification office use</p> <p>7 an Identification of Special Needs Form?</p> <p>8 A. Well, they use that in deciding where</p> <p>9 the person will be housed at.</p> <p>10 Q. When you say, "where the person will be</p> <p>11 housed at," do you mean the particular pod, as</p> <p>12 well as the bed location?</p> <p>13 A. It could be the pod. It could be the</p> <p>14 bed location. It could be the cell location at</p> <p>15 the upper level or lower level. Any number of</p> <p>16 different things will be taken into</p> <p>17 consideration when housing someone.</p> <p>18 Q. And if the classification office gets a</p> <p>19 Special Needs Form that says lower bunk with the</p> <p>20 lower bunk box checked, what will the</p> <p>21 classification office do?</p> <p>22 A. They will house them in a lower bunk.</p> <p>23 Q. If it's not checked, what will the</p> <p>24 classification office do?</p> <p style="text-align: right;">26</p>	<p>1 that.</p> <p>2 Q. And once they make that determination,</p> <p>3 what's the pod officer's responsibility?</p> <p>4 A. The pod officer's responsibility is to</p> <p>5 direct the inmate to where they are housed at.</p> <p>6 Q. And where they are housed at means the</p> <p>7 cell, correct?</p> <p>8 A. It means the cell and bunk.</p> <p>9 Q. I want to draw your attention to Joseph</p> <p>10 Keeling's assignment in the classification unit.</p> <p>11 If Keeling comes into the</p> <p>12 classification unit in the afternoon between</p> <p>13 noon and 5:00 p.m., and he has a top bunk</p> <p>14 assignment, does that mean that he has to</p> <p>15 actually physically go into the top bunk?</p> <p>16 A. No.</p> <p>17 Q. If it's nighttime, and it's bedtime,</p> <p>18 would he have to be in the top bunk?</p> <p>19 A. That's the bunk he is assigned to sleep</p> <p>20 in, yes.</p> <p>21 Q. But at 4:00 p.m., he doesn't</p> <p>22 necessarily have to be in that bunk; is that</p> <p>23 correct?</p> <p>24 A. Correct.</p> <p style="text-align: right;">28</p>



<p>1 Q. Do the cells have a chair in them?</p> <p>2 A. They do.</p> <p>3 Q. Does anything prohibit an inmate in the</p> <p>4 afternoon from sitting in that chair?</p> <p>5 A. No.</p> <p>6 MR. RICE: Bear with me for one second.</p> <p>7 That's all I have.</p> <p>8 FURTHER EXAMINATION</p> <p>9 BY MR. FLAXMAN:</p> <p>10 Q. Let's go back to Exhibit 1.</p> <p>11 Did I understand you correctly to state</p> <p>12 that the officer in classification prepares this</p> <p>13 form by typing into a word document?</p> <p>14 A. Yes.</p> <p>15 Q. What does the officer do to make sure</p> <p>16 that he or she is entering a valid L number</p> <p>17 rather than making a typographical error?</p> <p>18 A. I don't understand the question.</p> <p>19 Q. Well, it's important, is it not, that</p> <p>20 the L number on Exhibit 1 be correct?</p> <p>21 A. Well, it's important that the L number</p> <p>22 is always correct. If it was not correct, and</p> <p>23 they had the name of the person, a pod officer</p> <p>24 could see if there was a typo with it.</p> <p style="text-align: right;">29</p>	<p>1 Exhibit 9 and Exhibit 7.</p> <p>2 Q. So Exhibit 2, that's the ADA</p> <p>3 Classification Needs Form; is that right?</p> <p>4 A. An Identification of Special Needs.</p> <p>5 Each one of them is an Identification of Special</p> <p>6 Needs.</p> <p>7 Q. And the next one was 9.</p> <p>8 A. Well, Exhibit 2 and Exhibit 10 are the</p> <p>9 same form.</p> <p>10 Q. Let's look at Exhibit 10.</p> <p>11 A. Okay.</p> <p>12 Q. And what's the other one you</p> <p>13 identified?</p> <p>14 A. Exhibit 2 and Exhibit 10 are the same</p> <p>15 form. Then there is Exhibit 9 and Exhibit 7.</p> <p>16 Q. Well, let's go to Exhibit 7. Exhibit 7</p> <p>17 shows -- is dated June 8, 2022, at 10:29; is</p> <p>18 that right?</p> <p>19 A. That's correct.</p> <p>20 Q. And this Identification of Special</p> <p>21 Needs is something that's done in the booking</p> <p>22 area or the classification area or someplace</p> <p>23 else?</p> <p>24 A. It's done at the booking desk.</p> <p style="text-align: right;">31</p>
<p>1 Q. So this is not a system where you type</p> <p>2 the L number into a form, and the computer</p> <p>3 populates the name field with the name that</p> <p>4 corresponds to that L number?</p> <p>5 A. No, it is not.</p> <p>6 Q. And if we look at the Classification</p> <p>7 Move Order for 6-10-22, would it have the date</p> <p>8 6-9-22 on top?</p> <p>9 A. I don't know.</p> <p>10 Q. If we go back to the last page, which</p> <p>11 is Exhibit 12, am I correct that the last</p> <p>12 printed row means that Mr. Keeling left the</p> <p>13 classification to go to his cell on one -- Block</p> <p>14 1, Cell 8, top bunk at 3:49 p.m.?</p> <p>15 A. That's what the history shows, yes.</p> <p>16 Q. And have you ever seen a document which</p> <p>17 shows that Mr. Keeling was assessed for special</p> <p>18 needs before 3:49.28 p.m. on June 9, 2022?</p> <p>19 A. June 9? Block 1 is after. What I have</p> <p>20 in front of me, I have three that were completed</p> <p>21 prior to that time.</p> <p>22 Q. Can you tell me what exhibits you are</p> <p>23 looking at?</p> <p>24 A. I'm looking at Exhibit 2, Exhibit 10,</p> <p style="text-align: right;">30</p>	<p>1 Q. So if he was assessed at the booking</p> <p>2 desk at 10:29 p.m., when would Mr. Keeling have</p> <p>3 been expected to arrive at the classification</p> <p>4 desk?</p> <p>5 A. You're asking -- I don't know if he had</p> <p>6 been to court yet. I don't know what his</p> <p>7 circumstances were.</p> <p>8 I can go by the fact that he was moved</p> <p>9 to classification at 3:49 p.m. on June the 9th,</p> <p>10 and based upon when that Special Needs Form was</p> <p>11 done after 10:00 p.m., there is no Move Order</p> <p>12 that happens after 10:00 p.m.</p> <p>13 The next Move Order would be at</p> <p>14 3:00 p.m. the next day.</p> <p>15 Q. And Exhibit 7 has the boxes checked for</p> <p>16 lower tier, lower bunk; is that right?</p> <p>17 A. That's correct.</p> <p>18 Q. And what was the other exhibit that</p> <p>19 you --</p> <p>20 A. Exhibit 9.</p> <p>21 Q. Exhibit 9 is dated June 10, 2022, at</p> <p>22 2:35 a.m.; is that correct?</p> <p>23 A. That's not correct.</p> <p>24 Q. What date are you seeing, and where is</p> <p style="text-align: right;">32</p>



<p>1 it?</p> <p>2 A. Exhibit 9, I'm seeing June 9, 2022, at</p> <p>3 1011 hours.</p> <p>4 Q. Where are you seeing that?</p> <p>5 A. Top right corner next to DON Gina</p> <p>6 Almas.</p> <p>7 MR. RICE: We have four pages of Exhibit 9.</p> <p>8 BY MR. FLAXMAN:</p> <p>9 Q. Which page are you looking at?</p> <p>10 A. Identification of Special Needs, Page 4</p> <p>11 of 4.</p> <p>12 Q. Which would be probably be a separate</p> <p>13 exhibit, right, and I apologize. Okay.</p> <p>14 MR. FLAXMAN: Thank you. I have nothing</p> <p>15 further.</p> <p>16 MR. RICE: That's it.</p> <p>17 MR. FLAXMAN: Signature?</p> <p>18 MR. RICE: Hold on a moment.</p> <p>19 MR. FLAXMAN: Can you hear us?</p> <p>20 MR. RICE: Yes.</p> <p>21 FURTHER EXAMINATION</p> <p>22 BY MR. RICE:</p> <p>23 Q. If there are multiple Special Needs</p> <p>24 Forms, as we have just seen, you identified</p> <p style="text-align: right;">33</p>	<p>1 A. This being the most recent one, yes.</p> <p>2 MR. RICE: Nothing more.</p> <p>3 FURTHER EXAMINATION</p> <p>4 BY MR. FLAXMAN:</p> <p>5 Q. Am I correct that Ms. Almas has passed</p> <p>6 away?</p> <p>7 A. Yes.</p> <p>8 Q. And do you know if anyone ever asked</p> <p>9 her why she prepared the Identification of</p> <p>10 Special Needs Form that appears as Page 4 of</p> <p>11 Exhibit 9 to say: No restrictions?</p> <p>12 A. I don't know.</p> <p>13 MR. FLAXMAN: Thank you. Nothing further.</p> <p>14 MR. RICE: That's it. Thank you.</p> <p>15 MR. FLAXMAN: Signature.</p> <p>16 MR. RICE: We will waive signature.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p style="text-align: right;">35</p>
<p>1 actually a bunch of exhibits. Many of them are</p> <p>2 copies, but I think we can agree that it looks</p> <p>3 like there were three different Special Needs</p> <p>4 Forms filled out, and two of them were prior to</p> <p>5 Keeling going into the classification pod; do</p> <p>6 you understand that?</p> <p>7 A. Yes.</p> <p>8 Q. What does the correctional staff do if</p> <p>9 there are multiple Special Needs Forms?</p> <p>10 A. When they basing a decision on where to</p> <p>11 house somebody, they will go with the most</p> <p>12 recent or the most current Special Needs Form</p> <p>13 and make their decision based on that.</p> <p>14 Q. And based on that metric, it appears</p> <p>15 that the most current one prior to him being</p> <p>16 moved to the classification pod --</p> <p>17 A. Exhibit 9.</p> <p>18 Q. Is Exhibit 9, Page 4 of 4?</p> <p>19 A. Yes.</p> <p>20 Q. And that was the Special Needs Form</p> <p>21 filled out by Gina Almas, A-l-m-a-s?</p> <p>22 A. Yes.</p> <p>23 Q. So the classification officer blankly</p> <p>24 relied on this Special Needs Form?</p> <p style="text-align: right;">34</p>	<p>1 STATE OF ILLINOIS)</p> <p>2) SS:</p> <p>3 COUNTY OF C O O K)</p> <p>4 I, Eileen M. Heraty, a notary public within</p> <p>5 and for the County of Cook County and State of</p> <p>6 Illinois, do hereby certify that heretofore,</p> <p>7 to-wit, on September 30, 2024, appeared before</p> <p>8 me via ZOOM/TELECONFERENCING, at 200 North</p> <p>9 LaSalle Street, Suite 770, Chicago, Illinois,</p> <p>10 NICHOLAS KALFAS, in a cause now pending and</p> <p>11 undetermined in the United States District</p> <p>12 Court, Northern District of Illinois, Eastern</p> <p>13 Division, wherein JOSEPH KEELING is the</p> <p>14 Plaintiff, and SHERIFF OF LAKE COUNTY, LAKE</p> <p>15 COUNTY, IL., and LAKE COUNTY CORRECTIONAL</p> <p>16 OFFICER S. TYLER are the Defendants.</p> <p>17 I further certify that the said witness was</p> <p>18 first duly sworn to testify the truth, the whole</p> <p>19 truth and nothing but the truth in the cause</p> <p>20 aforesaid; that the testimony then given by said</p> <p>21 witness was reported stenographically by me in</p> <p>22 the presence of the said witness, and afterwards</p> <p>23 reduced to typewriting by Computer-Aided</p> <p>24 Transcription, and the foregoing is a true and</p> <p style="text-align: right;">36</p>



1 correct transcript of the testimony so given by
2 said witness as aforesaid.

3 I further certify that the signature to the
4 foregoing deposition was waived by counsel for
5 the respective parties.

6 I further certify that the taking of this
7 deposition was pursuant to Notice, and that
8 there were present at the deposition the
9 attorneys hereinbefore mentioned.

10 I further certify that I am not counsel for
11 nor in any way related to the parties to this
12 suit, nor am I in any way interested in the
13 outcome thereof.

14 IN TESTIMONY WHEREOF: I have hereunto set my
15 hand and affixed my notarial seal this 3rd day
16 of October, 2024.

17

18

19

20

21

22

23

24

Eileen M. Heraty

NOTARY PUBLIC, COOK COUNTY, ILLINOIS

37



Exhibit 5

Tyler Deposition

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

JOSEPH KEELING,)
)
Plaintiff,)
)
vs.) No. 23 CV 3442
)
)
SHERIFF OF LAKE COUNTY, ILL.,)
ET AL.,)
)
Defendant.)

The discovery deposition of SUPERIOR TYLER, called by the Defendant for examination, pursuant to notice and pursuant to the provisions of the Illinois Code of Civil Procedure and the Rules of the Supreme Court pertaining to the taking of depositions for the purpose of discovery, taken stenographically before Susan L. Bruesch, CSR, a Certified Shorthand Reporter and Notary Public within and for the County of Lake and State of Illinois, at 18 N. County Street, Waukegan, Illinois, on August 25, 2024, A.D., at the hour of 1:50 p.m.

1 A P P E A R A N C E S:
2 KENNETH FLAXMAN LAW OFFICES
200 S. Michigan Avenue
3 Suite 201
Chicago, IL 60604
4 312-427-3200
knf@kenlaw.com
5 BY: MR. KENNETH N. FLAXMAN
6 Appeared on behalf of Joseph Keeling,
the Plaintiff.
7
8
9 ERIC RINEHART
LAKE COUNTY STATE'S ATTORNEY
10 18 N. County Street
Waukegan, IL 60085-4363
11 847-377-3099
srice@lakecountyil.gov
12 BY: MR. STEPHEN J. RICE and MS. MELANIE NELSON
13 Appeared on behalf of the Sheriff of Lake County,
Ill., the Defendant.
14
15

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I N D E X

3 THE WITNESS: PAGES
4 SUPERIOR TYLER

5
6 Examination by Mr. Flaxman 4
7 Examination by Mr. Rice 30
8 Further Examination by Mr. Flaxman 52

9
10

11

12 E X H I B I T S

13 PAGE

14 Deposition Exhibit No. 1 6
15 Deposition Exhibit No. 3 30

16
17

18

19 (All exhibits attached to transcript.)

20

21

22

23

24

(Witness Sworn.)

2
3
4 SUPERIOR TYLER,
5 the deponent herein, having been first duly
6 sworn, was examined and testified as follows,
7 to-wit:

EXAMINATION

By Mr. Flaxman:

9

10 **Q. Good afternoon. Could you state your**
11 **name and spell your last name for us, please.**

12 A. Superior Tyler, T-Y-L-E-R.

13 **Q. What's your business or occupation?**

14 A. I'm a correctional officer, Lake
15 County.

16 **Q. How long have you worked for the Lake**
17 **County Sheriff?**

18 A. Six years.

19 **Q. So do you remember what your**
20 **assignment was back in June of 2022?**

21 A. By looking at the forms, not just off
22 the top of my mind.

23 **Q. I ask you to look -- at the**
24 **projector there's a page that has at the bottom**

EXHIBIT

5 for MSJ (Pages 1 to 4)

1 **right-hand column LC0009. Do you know what that**
2 **is?**

3 A. Yes, the movement history.

4 **Q. Did you make any of the record**
5 **entries on this sheet?**

6 A. No.

7 **Q. Do you know how this sheet is made?**

8 A. No.

9 **Q. Was your Officer ID SD25484?**

10 A. Yes.

11 **Q. And does the entry for June 9th of**
12 **2022, 3:49:28 p.m., what is that movement --**
13 **what does that entry mean?**

14 A. Okay. Which one are you talking
15 about? The one for 3:49?

16 **Q. Right.**

17 A. So he moved from booking to 1 East,
18 that's the intake pod.

19 **Q. Can we agree that's Joseph L.**
20 **Keeling?**

21 A. Correct.

22 **Q. And did you move him?**

23 A. I did not move him.

24 **Q. Do you know who did move him?**

1 A. The classification officer.

2 **Q. Have you -- in preparing for this**
3 **deposition did you look at any documents?**

4 A. Yes.

5 **Q. And did any of those documents, can**
6 **you tell us briefly what you looked at?**

7 A. I saw this document, I saw the
8 e-logger, and I saw the DL.

9 **Q. Let me show you --**

10 A. Identification part.

11 **Q. Let me show you what's previously**
12 **been marked as Tyler Deposition Exhibit No. 1.**
13 **Have you ever seen this before?**

14 (Exhibit No. 1 previously marked for
15 identification.)

16 BY THE WITNESS:

17 A. I saw that form before, yes, but not
18 for him.

19 BY MR. FLAXMAN:

20 **Q. Under what circumstances have you**
21 **seen this type of form?**

22 A. It's when an inmate comes in and if
23 he has any special needs as far as detoxing or
24 any disabilities or anything like that then this

1 form would come with them to the pod.

2 **Q. When you say "come with him to the**
3 **pod," how does that physically work?**

4 A. Well, a transport officer usually
5 will transport them from booking to the intake
6 pod which is 1 East which is, that's the pod.

7 **Q. Have you ever done that?**

8 A. Transporting?

9 **Q. Yes.**

10 A. Yes.

11 **Q. Back in whatever this was, back in**
12 **June of 2022 were you transporting?**

13 A. No.

14 **Q. When did you stop -- well, when's the**
15 **last time you transported a prisoner to the pod**
16 **from booking?**

17 A. Maybe last week.

18 **Q. And when did you start doing that as**
19 **part of your job?**

20 A. When I started training for the job.

21 **Q. Okay. Well, do you know who was**
22 **moving incoming detainees from the intake to the**
23 **pod back in June of 2022?**

24 A. No.

1 **Q. And could you tell us how it is that**
2 **you remember that you weren't doing it on**
3 **June 9th of 2022?**

4 A. Because I looked at the papers. The
5 papers said that I was assigned to 1 East pod.

6 **Q. When you mean "papers," what papers**
7 **are you referring to?**

8 A. So we have a scheduler and the
9 scheduler said that I was scheduled to 1 East
10 pod that particular day.

11 **Q. Is -- I'm showing you the e-logger.**

12 A. Yeah, that's the e-logger.

13 **Q. Is that the schedule, is that what**
14 **you're referring to is the 1 East?**

15 A. No, that's just the e-logger. That's
16 what we record throughout a shift. I'm talking
17 about like the actual scheduler for every
18 officer that day.

19 **Q. All right. Let's go back. Could you**
20 **tell us what does the e-logger show?**

21 A. The e-logger is basically what we're
22 recording throughout our shift.

23 **Q. How do you make the record on the**
24 **e-logger?**

1 A. What do you mean, how do I make the
2 record?
3 **Q. Do you have a key that you put into a**
4 **machine to make the entry?**
5 A. No, we enter it in the computer.
6 **Q. Okay. Would the -- do you enter**
7 **something in the computer when you're**
8 **transporting a detainee from intake to the pod?**
9 A. Do who enter it?
10 **Q. The officer who's transporting the**
11 **prisoner?**
12 A. No, they're not able to.
13 **Q. When you transported prisoners or**
14 **detainees from intake to the pod, do you make**
15 **any record that you're, you've transported the**
16 **detainee from booking to the pod?**
17 A. Do I make a record?
18 **Q. Right.**
19 A. No.
20 **Q. When you say "the scheduler or the**
21 **schedule," what is that document called or what**
22 **does it look like?**
23 A. It's in the computer.
24 **Q. Have you seen that today? Have you**

1 plug it in.
2 (Whereupon the proceedings were off
3 the record.)
4 BY MR. FLAXMAN:
5 **Q. We're now looking at the shift**
6 **schedule which has a No. 4 you said at the**
7 **bottom?**
8 MR. RICE: Yep.
9 BY MR. FLAXMAN:
10 **Q. Could you tell us where on that form**
11 **your name appears?**
12 A. Superior Tyler, 1 East.
13 **Q. 22, 1 East, 4292. Could you tell us**
14 **who would be the officer who transported people**
15 **from the pod to intake to the pod?**
16 A. So it would have been Officer
17 Boboshowski (phonetic), Daniel, internal
18 transport and then you'll go down some and the
19 other transport officer was on overtime and
20 that's Nancy Rivera.
21 **Q. Okay. Does she still work for the**
22 **sheriff?**
23 A. No, she's retired.
24 **Q. When's the last time you saw her**

1 **looked at that document in preparation for this**
2 **deposition?**
3 A. I look at the scheduler every day.
4 **Q. Well, have you looked at the**
5 **scheduler for June 9th of 2022 in preparation**
6 **for this deposition?**
7 MR. RICE: Yes, we did. We looked at
8 it together.
9 MR. FLAXMAN: Could you give me a
10 hint where it is?
11 MR. RICE: Yeah. It's Bates stamped
12 1 through 5 so the document that was pretty much
13 right before the one that you showed. It was
14 the shift schedule so we sent you the shift
15 schedule of who was working where and that was
16 Bates stamped Nos. 4 and 5. It was June 6. We
17 reviewed that because, obviously, I knew you
18 were going to ask her about June 6. She needed
19 to see whether she was working.
20 I can pull it up if you want.
21 MR. FLAXMAN: That would be good. We
22 could plug yours in if you have an HDMI which
23 you probably do. Let me look at it first.
24 MR. RICE: Give me the HDMI so I'll

1 **about?**
2 A. I don't recall.
3 **Q. Did you ever talk with her about this**
4 **case?**
5 A. No.
6 **Q. Were you sued in this case?**
7 A. No.
8 **Q. Did you ever hear of an officer who**
9 **told -- well, have you seen detainees come from**
10 **booking to a pod with a top, a bottom bunk form?**
11 A. Yes.
12 **Q. And have you escorted detainees who**
13 **had a bottom bunk form?**
14 A. Yes.
15 **Q. What did you do in response to that**
16 **form?**
17 A. You just let the pod officer know,
18 okay, this detainee has special needs, they are
19 lower level, lower bunk. That's what you let
20 them know.
21 **Q. Back in June of 2022 do you remember**
22 **seeing a lower bunk form for Mr. Keeling?**
23 A. No.
24 **Q. Who's the officer who decides --**

1 well, let me go back. Does the officer who
 2 escorts the prisoner from booking to the pod
 3 take care of seeing that the detainee gets the
 4 lower bunk when they have a lower bunk pass?
 5 A. No.
 6 Q. Whose responsibility is that?
 7 A. That's the classification officer.
 8 Q. And who was the classification
 9 officer back on June 9th of 2022?
 10 A. If you scroll down some, Officer
 11 Dominique Pfizer.
 12 Q. Is that a male or female?
 13 A. That's a male.
 14 Q. Does the classification officer come
 15 to the cell?
 16 A. Come to...
 17 Q. The cell. When the detainee leaves
 18 booking to go to the pod, does the
 19 classification officer see the detainee before
 20 the detainee is put in the cell?
 21 A. That's after the fact there's another
 22 intake.
 23 Q. All right. I've never been at this
 24 jail so I'm having trouble at -- I'm sure we can

1 all agree we could spend the week at the jail
 2 but not today. Just talking general procedure
 3 without what happened to Mr. Keeling. I keep
 4 saying prisoner, I mean detainee comes into the
 5 jail and does that detainee see a medical
 6 person?
 7 A. Absolutely.
 8 Q. And does the medical person prepare a
 9 form for a special needs if that's appropriate?
 10 A. Yes.
 11 Q. And is one of those forms a lower
 12 bunk order?
 13 A. Yeah. It gives -- it's on there and
 14 they have a check mark if it's a lower bunk, a
 15 lower level detox in alcohol withdrawal.
 16 Q. So what happens with that form, the
 17 special needs form?
 18 A. Once it leaves booking?
 19 Q. Right. Does the form leave booking
 20 with the detainee?
 21 A. Yes.
 22 Q. Is there -- does the detainee carry
 23 it?
 24 A. No.

1 Q. Who carries it?
 2 A. The officer.
 3 Q. And that's the, which officer is
 4 that?
 5 A. Transport officer.
 6 Q. That's the woman who is retired who
 7 is the transport officer back in June of 2022?
 8 A. She was the transport. I don't know
 9 if she -- it was two transport officers.
 10 Q. Okay.
 11 A. So.
 12 Q. But it wasn't you?
 13 A. I wasn't transport, no.
 14 Q. Where does the transport officer take
 15 the detainee from booking?
 16 A. Yeah, they take them from booking to
 17 1 East.
 18 Q. Is that where you were working?
 19 A. That's where I was working.
 20 Q. What happens when the transport
 21 officer reaches 1 East with the detainee?
 22 A. Then they just bring them over to me
 23 and I just let them know you're, they bring the
 24 paperwork, the DLs are already signed where

1 they're going. I just tell them you're in bunk
 2 11A or 11B.
 3 Q. If there's -- what's the procedure
 4 where there's already a detainee or a prisoner
 5 in the lower bunk and you have a, somebody
 6 coming in who has a lower bunk permit order?
 7 A. Then we find them a lower bunk. We
 8 would shift around, move around and if there are
 9 no lower bunks then they get sent back to
 10 booking.
 11 Q. Have you ever heard of an officer who
 12 refused to honor a lower bunk order?
 13 A. No.
 14 Q. And so are you the officer who
 15 decided which bunk Mr. Keeling would be?
 16 A. No.
 17 Q. Which cell Mr. Keeling would be
 18 placed in?
 19 A. No.
 20 Q. Who was that officer?
 21 A. That had to have been the
 22 classification officer.
 23 Q. So at what point does the
 24 classification officer gain access to any

1 **special needs permit?**
 2 A. They get it from medical.
 3 **Q. Does it arrive -- at what point in**
 4 **the process do they -- medical fills out the**
 5 **special needs order, sends it with the detainee**
 6 **to the cell or to the pod?**
 7 A. Mm-hmm.
 8 **Q. Is there another copy of the special**
 9 **needs order that goes to the classification**
 10 **officer?**
 11 A. Yes.
 12 **Q. And does the detainee reach the pod**
 13 **before the special, before the classification**
 14 **officer has acted on the special needs order?**
 15 A. I don't -- no.
 16 **Q. So does the classification officer**
 17 **determine what cell the person goes into before**
 18 **or after the person reaches the pod?**
 19 A. It's before they reach the pod but
 20 it's all -- every detainee has to have a medical
 21 intake four hours while into the jail so they
 22 have to let the nurse know what all they are
 23 going through or whatever and then that's when
 24 the nurse lets the classification officer know.

1 That's how they get placed.
 2 **Q. And we identified the classification**
 3 **officer.**
 4 A. I'm sorry?
 5 **Q. Am I correct, is my memory accurate**
 6 **that we've identified who was the classification**
 7 **officer on June 9th of 2022?**
 8 A. Yes.
 9 **Q. I won't ask you to do that again.**
 10 **After the classification -- is the detainee**
 11 **placed in the cell before the classification**
 12 **officer has made the cell assignment?**
 13 MR. RICE: I'm going to object.
 14 Asked and answered.
 15 MR. FLAXMAN: I won't do it again.
 16 BY MR. FLAXMAN:
 17 **Q. What's the answer to that?**
 18 A. Could you repeat that?
 19 **Q. I am doing it again. Does the person**
 20 **get placed in the cell before the classification**
 21 **officer has made a cell assignment?**
 22 A. No.
 23 **Q. Okay. And is the person who places**
 24 **the detainee in the cell the pod officer?**

1 A. Is it the pod officer?
 2 **Q. Are you the person who places the**
 3 **person in the cell that's been assigned to that**
 4 **cell by the classification officer?**
 5 A. You mean --
 6 MR. RICE: I'll object to form.
 7 BY THE WITNESS:
 8 A. I basically let them know where they
 9 were assigned to, yes.
 10 BY MR. FLAXMAN:
 11 **Q. And who actually places the detainee**
 12 **in the cell?**
 13 MR. RICE: Object to form.
 14 But go ahead and answer.
 15 BY THE WITNESS:
 16 A. The classification officer?
 17 MR. RICE: Here's my form objection.
 18 Do you mean physically places them or has
 19 assigned them to the cell?
 20 MR. FLAXMAN: This is why I hate the
 21 objection reading. You can -- form preserves
 22 everything. If you help me, I would make a
 23 better question.
 24

1 BY MR. FLAXMAN:
 2 **Q. Who actually places the detainee in**
 3 **the cell?**
 4 A. I let them know where they're
 5 assigned.
 6 **Q. And who -- well, does an officer**
 7 **escort the detainee to the cell?**
 8 A. Yes, me.
 9 **Q. So are you the person back on June 9**
 10 **who escorted Mr. Keeling to the cell?**
 11 A. Yes.
 12 **Q. And do you have a recollection of**
 13 **doing that?**
 14 A. No.
 15 **Q. Do you have a recollection of any**
 16 **detainee ever telling you I can't go into an**
 17 **upper bunk, I've been assigned a lower bunk?**
 18 A. Yes.
 19 **Q. And was Mr. Keeling one of those?**
 20 A. No. I don't recall him at all.
 21 **Q. What do you do when you receive that**
 22 **kind of complaint?**
 23 A. I basically look into it. I tell him
 24 have a seat. If I've -- if I can see that there

1 is a problem, that they look like they're
2 detoxing or alcohol withdrawing or, you know,
3 signs of anything that -- I will tell them to
4 have a seat while I contact the nurse.

5 **Q. Did you ever hear of an officer**
6 **telling a detainee that this is not a hotel, you**
7 **can't have the bunk that you want?**

8 A. No.

9 **Q. Do you have any recollection at all**
10 **of whether Mr. Keeling is black or white?**

11 A. I saw the picture but before that I
12 couldn't recall. Never knew him.

13 **Q. Did you ever learn that Mr. Keeling**
14 **had a medical issue in that cell?**

15 A. Did I ever learn it?

16 **Q. Yeah. Before this deposition?**

17 A. No, no.

18 MR. FLAXMAN: Let me have the HDMI
19 cable.

20 BY MR. FLAXMAN:

21 **Q. Let me go back to -- all right.**
22 **Looking at LC000009, the movement history.**
23 **There is an entry for 8:58 p.m. Do you see**
24 **that?**

1 A. Mm-hmm.

2 **Q. You have to say yes or no.**

3 A. I'm sorry, yes.

4 **Q. And SD25484 is your Officer ID**
5 **number?**

6 A. Yes.

7 **Q. What does it mean the next column**
8 **over, Lake County Jail, main jail 1E, 4100-block**
9 **1E, cell 08A, what does that mean?**

10 A. That's cell eight top bunk. That's
11 1 East which is floor, on the first floor, and
12 cell eight top bunk.

13 **Q. And then the next. What does the**
14 **next column mean?**

15 A. Same thing but cell 11B, bottom bunk
16 which is 1 East, first floor.

17 **Q. And the last entry. Does the last**
18 **entry mean that he was moved from booking to**
19 **cell block 1E, cell 08A the upper bunk?**

20 A. Yes.

21 **Q. And is that an entry that you made?**

22 A. Yes.

23 **Q. I'm showing you via identification**
24 **the special needs form again Tyler Dep**

1 **Exhibit 1. Have you ever seen this before other**
2 **than in preparation for this deposition?**

3 A. No.

4 MR. RICE: Can you scroll it back up.

5 BY THE WITNESS:

6 A. No.

7 BY MR. FLAXMAN:

8 **Q. Did you ever learn back in 2022 that**
9 **Mr. Keeling -- I think I asked you this before.**
10 **I don't remember what you said -- had a medical**
11 **emergency?**

12 A. Before this?

13 **Q. Before today.**

14 A. No, I didn't recall.

15 **Q. I'm showing you what's a**
16 **miscellaneous incident report, it's called Tyler**
17 **Deposition Exhibit Unnumbered. It's a**
18 **three-page document. Have you ever seen --**
19 **other than in preparation for this deposition**
20 **have you seen this form?**

21 A. No.

22 **Q. Do you know who Raheem Murphy is?**

23 A. Yes.

24 **Q. Who's Raheem Murphy?**

1 A. He's an officer.

2 **Q. Who is Jason Ransom?**

3 A. He's an officer also.

4 **Q. How far away about is Vista East**
5 **Hospital from the jail?**

6 A. It's like right up the street, like
7 not even a quarter of a mile.

8 **Q. I'm now on page 3 which is a**
9 **different supplementary report. What does the**
10 **jail maintenance officer do?**

11 A. The jail maintenance officer?

12 **Q. Yeah.**

13 A. They go around and stock the pods,
14 clean the jail. But they have -- they respond
15 to emergencies also.

16 **Q. And I'm showing you -- oh, is Nurse**
17 **Bender Jane Bender?**

18 A. Who is it?

19 **Q. Nurse Bender. Is her first name**
20 **Jane, if you know?**

21 A. I know a Janey, but I don't know her
22 last name so it may be Bender.

23 **Q. Is Jane a nurse?**

24 A. Janey is a nurse.

1 **Q. Did you see Mr. Keeling when he was**
 2 **having his seizure?**
 3 A. Did I see him?
 4 **Q. Right.**
 5 A. No.
 6 **Q. Were you at work at 4:35 p.m. --**
 7 A. Yes.
 8 **Q. -- on June 9, 2022?**
 9 A. That's what the records say, yes.
 10 **Q. Back in June of 2022 when you were on**
 11 **duty, would you respond to a medical emergency?**
 12 A. Yes.
 13 **Q. Do you remember -- why didn't you**
 14 **respond to Mr. Keeling's medical emergency?**
 15 A. I have no idea.
 16 **Q. Have you ever seen a prisoner or**
 17 **detainee have a seizure?**
 18 A. Yes.
 19 **Q. Is Waukegan rescue paramedics from**
 20 **the fire department?**
 21 A. Yes.
 22 **Q. We're going back to the e-logger**
 23 **which is page 194. Do you remember what shift**
 24 **you worked on June 9, 2022?**

1 A. That says second shift.
 2 **Q. What are the hours of second shift?**
 3 A. 2:45 to 11:00.
 4 **Q. By looking at page 193 where it says**
 5 **inmate out, do you see that?**
 6 A. Mm-hmm.
 7 MR. RICE: Yes?
 8 BY THE WITNESS:
 9 A. Yes, yes.
 10 BY MR. FLAXMAN:
 11 **Q. Thank you.**
 12 A. Sorry.
 13 **Q. Did you type that data into a**
 14 **terminal somewhere?**
 15 A. Yes, on the computer.
 16 **Q. And the last column there are some**
 17 **words that, "out on move order, new HC is 12."**
 18 **What does that mean?**
 19 A. Head count.
 20 **Q. Does that mean that there were 13 --**
 21 **at one period one detainee was sent out then**
 22 **there were 12?**
 23 A. Yes.
 24 **Q. Is there any way to tell whether or**

1 **not that was Mr. Keeling?**
 2 A. By looking at this right here?
 3 **Q. Right.**
 4 A. No.
 5 **Q. Okay. Then we go to the next page**
 6 **which is numbered 194. There is an entry at**
 7 **16:54, at 4:54 p.m.; is that right?**
 8 A. Where is it?
 9 **Q. 16:54.**
 10 A. Okay. Right there?
 11 **Q. Right.**
 12 A. Okay.
 13 **Q. And who is Chad Sheredy?**
 14 A. Sheredy?
 15 **Q. Sheredy. (Pronunciation.)**
 16 A. Officer. He was an officer.
 17 **Q. Okay. Here he refers to Nurse Jane**
 18 **as Nurse Jane Bender. Did you hear a dinner**
 19 **tray fall from the top bunk coming from cell**
 20 **No. 8?**
 21 A. No.
 22 **Q. Did you ever learn that someone had**
 23 **heard a dinner tray fall from a top bunk?**
 24 A. No.

1 **Q. Now, we look at the entry for 20:51,**
 2 **8:01. That's 8:51 p.m.?**
 3 A. Yes.
 4 **Q. Does that mean you were working**
 5 **overtime that day?**
 6 A. 8:51?
 7 **Q. Right.**
 8 A. No, that's second shift.
 9 **Q. Then there's the last column I,**
 10 **slash, M. Does that mean inmate?**
 11 A. Inmate.
 12 **Q. Keeling has restrictions and will be**
 13 **placed on LL?**
 14 A. Lower level.
 15 **Q. And --**
 16 A. I don't have my glasses. Sorry. I
 17 can't see what that is.
 18 **Q. That's a back space.**
 19 MR. RICE: I have a printout of this.
 20 BY MR. FLAXMAN:
 21 **Q. Did you write that?**
 22 A. Yes.
 23 **Q. Why did you write that?**
 24 A. That he came -- he returned from the

1 hospital so I'm just recording, you know, the
2 status, his status basically.

3 **Q. How did you learn that Mr. Keeling**
4 **had restrictions back in June 9th of 2022 at**
5 **8:51 p.m.?**

6 A. He returned from the hospital.

7 **Q. How did you learn he returned with**
8 **restrictions?**

9 A. Usually they do return with
10 restrictions when they come back in from the
11 hospital.

12 **Q. Was that the first time that you**
13 **learned that Mr. Keeling had restrictions?**

14 A. Yes.

15 **Q. Other than your attorneys, have you**
16 **talked to anybody else about this case?**

17 A. No.

18 **Q. You didn't tell any of your friends**
19 **or family that you were being sued by a**
20 **prisoner, former prisoner?**

21 A. No.

22 **Q. Have you -- did you have to fill out**
23 **any paperwork after you got served with this**
24 **lawsuit?**

1 A. No.

2 **Q. Did you have to give a statement to**
3 **the sheriff about what you did that day?**

4 A. No.

5 MR. FLAXMAN: I have nothing more.

6 Signature or questions?

7 MR. RICE: I'm going to ask a few
8 questions. I think they'll be clarifying, I
9 hope.

10 So I printed out the exhibits.
11 These are going to be some of the exhibits so
12 can we mark them. You did 1 and 2. Should I
13 mark it as 3?

14 MR. FLAXMAN: It could become 2.

15 MS. NELSON: Call it 3.

16 (Exhibit No. 3 marked for
17 identification.)

18
19 EXAMINATION

20 By Mr. Rice:

21
22 **Q. Officer, you were asked about**
23 **different roles within the jail classification**
24 **for example, pod officer, you recall those**

1 **questions?**

2 A. Yes.

3 **Q. Is it safe to say that there is a**
4 **division of labor within the jail with regards**
5 **to how the jail operates?**

6 A. Yes.

7 **Q. And so one role within the jail may**
8 **be a booking officer; is that correct?**

9 A. Yes.

10 **Q. Another role may be a classification**
11 **officer?**

12 A. Yes.

13 **Q. Pod officer, that's a different role?**

14 A. Yes.

15 **Q. The medical staff, that's a different**
16 **role? They handle the medical care?**

17 A. Yeah, that's a different agency.

18 **Q. When you say a "different agency,"**
19 **thorough a private contractor?**

20 A. Yes, yes.

21 **Q. From day-to-day -- well, Strike that.**

22 **Have you ever worked in the**
23 **classification office?**

24 A. No.

1 **Q. Have you ever worked -- you have**
2 **worked as a transport officer, correct?**

3 A. Correct.

4 **Q. You mentioned that.**

5 A. Yes.

6 **Q. When you're assigned to transport,**
7 **are you assigned typically for a week-long**
8 **period, a month-long period, a year-long period?**
9 **Can you say anything about that?**

10 A. Your schedule changes every day.

11 **Q. This week you may be working in a**
12 **pod, next week you might be a transport officer?**

13 A. Day to day, though.

14 **Q. There's an internal transport officer**
15 **and an external transport officer?**

16 A. Yes.

17 **Q. I should say there are multiple**
18 **officers?**

19 A. Yes.

20 **Q. And internal transport officers --**
21 **correct me if I'm wrong -- they move inmates**
22 **throughout the jail wherever they need to go?**

23 A. Yes, that's correct.

24 **Q. So the one example that you talked**

1 about already was from booking to classification
2 and internal transport officer would assist in
3 that movement?

4 A. Yes.

5 Q. And if the person was going from
6 classification up to 3 East -- 3 North, the
7 transport officer would do that move as well?

8 A. Yes.

9 Q. And the external transport officer
10 takes people outside the jail; is that correct?

11 A. Outside the jail, hospital visits,
12 things of that nature.

13 Q. I'm going to show you what we've
14 marked as Exhibit 3 and I'm going to turn to the
15 page. I'm just going to refer to the Bates
16 stamped numbers at the bottom.

17 A. Okay.

18 Q. So we have Lake County No. 6. Do you
19 see that?

20 A. Yes.

21 Q. Do you recognize what that is?

22 A. Yes, it's a move order.

23 Q. And at the top it says Classification
24 Move Order; is that right?

1 A. The first shift classification
2 officer.

3 Q. Is this move order something that you
4 as a pod officer will see?

5 A. Yes.

6 Q. So you would have received this
7 document at some point during the day?

8 A. Yes.

9 Q. I would say during your shift?

10 A. Yes.

11 Q. I'm turning the page to Bates No. 7.

12 Do you recognize what that is?

13 A. Yes.

14 Q. I want to focus on the bottom image.

15 Do you see that?

16 A. Yes.

17 Q. What is that?

18 A. That is his DL.

19 Q. When you say DL, what does that mean?

20 A. His identification card.

21 Q. You guys refer to them as driver's
22 licenses?

23 A. Yes.

24 Q. So that's what DL means?

1 A. Yes.

2 Q. You were asked whether classification
3 reviews the inmate before the inmate comes to
4 1 East, do you recall that question?

5 A. Yes.

6 Q. And with regards to a person like
7 Mr. Keeling who has just entered the jail and is
8 coming from booking --

9 A. Yes.

10 Q. -- would the inmate ever come to
11 1 East without first having been classified?

12 A. No.

13 Q. So the steps are booking,
14 classification, then to the 1 East pod; is that
15 correct?

16 A. Correct, yes.

17 Q. On this Bates No. 6 document that you
18 identified as the move order, looking at the
19 bottom three entries, what does that indicate
20 with regards to Joseph Keeling?

21 A. That three inmates are moving from
22 booking to 1 East.

23 Q. And the placement for Joseph Keeling
24 1 East 8A, who makes that placement?

1 A. Yeah.

2 Q. The, some of the information on this
3 DL is handwriting, do you agree?

4 A. Yes, yes.

5 Q. And some of it is typed, a typed
6 form?

7 A. Yes.

8 Q. Is the information that's handwritten
9 written in pen or pencil?

10 A. It's written in pencil.

11 Q. Okay. Is there a particular reason
12 for that?

13 A. Just this bottom part because it
14 makes our -- they are always changing locations
15 so the part where the pod and the cell we only
16 write in pencil.

17 Q. Okay. What about the box, there's a
18 cell --

19 A. This one?

20 Q. A rectangular box.

21 A. That's the cell number that they go
22 to so we write that one in pencil also.

23 Q. So this particular one that we're
24 seeing on Bates No. 7 says cell 11G, correct?

1 A. Yes.
 2 **Q. That wasn't his initial cell and bunk**
 3 **number, correct?**
 4 A. Correct.
 5 **Q. We see that from Lake County Bates**
 6 **No. 6, correct?**
 7 A. Yes.
 8 **Q. When he was classified, he was put**
 9 **into Cell 8?**
 10 A. Top bunk.
 11 **Q. Top bunk.**
 12 A. Yes.
 13 **Q. So the fact that the DL says 11B,**
 14 **that was changed after the fact?**
 15 A. Yes.
 16 **Q. Let me say that more clearly. That**
 17 **was changed when his cell and bunk level**
 18 **changed, correct?**
 19 A. Correct, yes.
 20 **Q. And you were looking at the e-logger.**
 21 **Mr. Flaxman was showing you the e-logger and he**
 22 **showed you the section after Mr. Keeling came**
 23 **back from the hospital, correct?**
 24 A. Yes.

1 **Q. Is that when that would have changed?**
 2 A. Yes.
 3 **Q. Is it possible that you made that**
 4 **change?**
 5 A. Yes.
 6 **Q. Do you recall making that change?**
 7 A. No.
 8 **Q. Next page in Exhibit 3 it looks like**
 9 **Bates stamp 185. Do you recognize what that is?**
 10 A. Yes, it's the special needs form.
 11 **Q. That looks a little bit different**
 12 **than the one that Mr. Flaxman was showing you,**
 13 **do you agree?**
 14 A. Yes.
 15 **Q. Is it, however, the same information?**
 16 A. Yes.
 17 **Q. You see at the top it indicates time**
 18 **and date?**
 19 A. Yes.
 20 **Q. What do you read there?**
 21 A. June 8, 2022. And that's a, 2229.
 22 **Q. There's a person associated with that**
 23 **date stamp?**
 24 A. Yes, Nurse Gianelle Gregorio.

1 **Q. Is that somebody you know worked at**
 2 **the jail?**
 3 A. They worked there. I didn't know
 4 them. They worked there, yes.
 5 **Q. When the inmate comes to the pod, so**
 6 **the transport officer is bringing three inmates**
 7 **from what it looks like on the e-logger to the**
 8 **pod, you were asked whether the inmate has the**
 9 **special needs form and you said no, I think?**
 10 A. No.
 11 **Q. Who has the special needs form if**
 12 **there is one?**
 13 A. The officer will have it along with
 14 his DL, his identifying card.
 15 **Q. So three inmates come, there would be**
 16 **three identification cards?**
 17 A. Yes.
 18 **Q. And --**
 19 A. Only if it's restrictions. Only if
 20 it's a special needs form that one will come.
 21 Other than that it won't come.
 22 **Q. So if an inmate has special needs**
 23 **then the form comes with?**
 24 A. Yes.

1 **Q. If an inmate doesn't have special**
 2 **needs then the form does not come?**
 3 A. No.
 4 **Q. But the DL is always there?**
 5 A. Yes.
 6 **Q. I'm going to turn the page. Bates**
 7 **stamp 187. What is this document?**
 8 A. A special needs form.
 9 **Q. Okay. And do you see at the top**
 10 **again it's got a date on it?**
 11 A. Yes, June 9, 2022, 10:11.
 12 **Q. This one has a different person it**
 13 **looks like?**
 14 A. Yes.
 15 **Q. Associated with the time stamp?**
 16 A. Yes.
 17 **Q. Date stamp?**
 18 A. Gina Almas.
 19 **Q. This form, does this form convey any**
 20 **special needs for Joseph Keeling?**
 21 A. No.
 22 **Q. At the bottom it says, at the bottom**
 23 **of the form it says who was notified on the**
 24 **correctional staff, do you see that?**

1 A. Yes.
 2 **Q. This one is blank. 187 is blank?**
 3 A. Yes.
 4 **Q. Let me turn back to 185. That one**
 5 **who was notified on the correctional staff, what**
 6 **does that say?**
 7 A. Booking and class.
 8 **Q. Now, I'm going to turn to page 189,**
 9 **Bates Stamp 189. Do you recognize what that is?**
 10 A. Yes.
 11 **Q. What is that?**
 12 A. A special needs form.
 13 **Q. What's the time at the top?**
 14 A. June 9, 2022, 20:28, 8:28.
 15 **Q. Now we have a different nurse again,**
 16 **correct?**
 17 A. Yes, Riley Kleutgen.
 18 **Q. And this one has some check boxes for**
 19 **special needs; is that accurate?**
 20 A. Yes.
 21 **Q. And at the bottom under the line who**
 22 **was notified, what do you read there?**
 23 A. 1 East class transport officer.
 24 **Q. I'm going to direct your attention**

1 **now back to the e-logger which you were already**
 2 **shown. I've got it as a printout here. It's**
 3 **just as difficult to see as the printout. And**
 4 **I'm going to show you page 193. Do you see**
 5 **that?**
 6 A. Yes.
 7 **Q. And Mr. Flaxman pointed out around**
 8 **15:16 so 3:16 in the afternoon it looks like you**
 9 **made an entry new H, slash, C head count is 12,**
 10 **do you see that?**
 11 A. Yes.
 12 **Q. If we look just below that a couple**
 13 **lines at 15:38, what appears to have happened**
 14 **there?**
 15 A. In on a move order, new head count is
 16 15.
 17 **Q. Those two entries, what does that**
 18 **tell you is occurring at that point?**
 19 A. One, it's saying one moved out and
 20 three is moving in.
 21 (Cell phone interruption.)
 22 BY THE WITNESS:
 23 **Q. At 15:16 it looks like you have a**
 24 **head count of 12, correct?**

1 A. Correct.
 2 **Q. And what happens at 15:38?**
 3 A. I received three in on a move order,
 4 new head count is 15.
 5 **Q. Three coming in on a move order is**
 6 **consistent with the classification move order we**
 7 **were looking at at LC-6, agree?**
 8 A. Agree.
 9 **Q. There are three people who came to**
 10 **1 East on that move order?**
 11 A. Yes.
 12 **Q. So is it likely that move order**
 13 **corresponds to this e-logger entry?**
 14 A. Yes.
 15 **Q. I'll go to the next page, Bates**
 16 **stamped 194. Do you see the line 16:53?**
 17 A. Yes.
 18 **Q. And that one the officer next to that**
 19 **entry is Officer Sheredy?**
 20 A. Yes.
 21 **Q. And do you see what it says next to**
 22 **his name?**
 23 A. Yes.
 24 **Q. What does it say?**

1 A. Dinner break.
 2 **Q. Is that Officer Sheredy's dinner**
 3 **break?**
 4 A. No, he's relieving me.
 5 **Q. If we keep going down the line we see**
 6 **Officer Sheredy makes the entry about the tray**
 7 **falling, correct?**
 8 A. Yes.
 9 **Q. And if we keep going and we look at**
 10 **17:24, do you see that?**
 11 A. Yes.
 12 **Q. Whose name is that?**
 13 A. Me, Tyler.
 14 **Q. And what does it say?**
 15 A. Dinner break is complete.
 16 **Q. So from the time the first dinner**
 17 **break occurs to the time the second dinner break**
 18 **occurs, what happens in between?**
 19 A. Mr. Keeling had a seizure.
 20 **Q. You've seen the body cam video of**
 21 **Mr. Keeling having a seizure, correct?**
 22 A. Yes.
 23 **Q. Do you appear at any time in that 10-**
 24 **to 20-minute video?**

1 A. No.
 2 **Q. You come back from a dinner break**
 3 **here and then it looks like you served out the**
 4 **rest of your shift; is that correct?**
 5 A. Yes.
 6 **Q. And Mr. Flaxman showed you**
 7 **Mr. Keeling comes back into the pod, correct?**
 8 A. Correct.
 9 **Q. And it looks like -- what did you**
 10 **note as to Mr. Keeling after he came back into**
 11 **the pod?**
 12 A. That he has restrictions and would be
 13 placed on lower level; lower level, lower bunk.
 14 **Q. Anything else happen?**
 15 A. Transport brought new bedding and
 16 clothes for inmate Keeling.
 17 **Q. I'm going to take this away at this**
 18 **point. We're done with that, I think.**
 19 **You were asked about when an**
 20 **inmate comes in, when inmates are brought in**
 21 **from transport you were asked who escorts them**
 22 **to the cell, do you recall that question?**
 23 A. Yes.
 24 **Q. Do you always physically escort the**

1 **person to a cell?**
 2 A. No, transport also will do it at
 3 times depending on how busy the officer is in
 4 1 East.
 5 **Q. How else might you convey to an**
 6 **inmate what cell he or she is going to?**
 7 A. What do you mean?
 8 **Q. So if you're working as the pod**
 9 **officer and inmates come in, do you have to take**
 10 **them, physically take them to the cell?**
 11 A. No, no, you just announce it. You're
 12 going to announce it that, hey, you're going to
 13 Cell 11, top bunk or bottom bunk.
 14 **Q. Are the cells marked in the pod?**
 15 A. Yes.
 16 **Q. Where are they marked?**
 17 A. On the door.
 18 **Q. So if you said go to Cell No. 8, an**
 19 **inmate could --**
 20 A. It's right there, yes.
 21 MR. RICE: Can we have one second?
 22 (Whereupon after a brief recess the
 23 proceedings were resumed.)
 24 MR. RICE: Just one final follow up.

1 BY MR. RICE:
 2 **Q. You were asked whether you've learned**
 3 **about the incident meaning the seizure, do you**
 4 **recall that?**
 5 A. Yes.
 6 **Q. I think we've established you were on**
 7 **your dinner break during when the seizure**
 8 **occurred, correct?**
 9 A. Yes.
 10 **Q. Is it possible that you learned about**
 11 **the seizure and just don't recall it, don't**
 12 **recall it today?**
 13 MR. FLAXMAN: Object to the form of
 14 the question.
 15 BY THE WITNESS:
 16 A. No.
 17 BY MR. RICE:
 18 **Q. You think -- let me ask it a**
 19 **different way.**
 20 A. Okay.
 21 **Q. When Keeling came back, you made some**
 22 **notations in the e-logger indicating that he'd**
 23 **been at the hospital, correct?**
 24 A. Yes.

1 **Q. Would you have had some idea that**
 2 **something had, that he was in the pod and was**
 3 **coming back?**
 4 A. That he was in the pod?
 5 **Q. That he'd been in the pod and was**
 6 **coming back to the pod? Would you have known**
 7 **that?**
 8 A. I don't understand.
 9 **Q. I'm not asking a very clear question,**
 10 **that's why.**
 11 A. Okay.
 12 **Q. I think -- you were asked when the**
 13 **first time was when you learned about this**
 14 **incident. Do you recall Mr. Flaxman asking you**
 15 **when the first time was?**
 16 A. Yes.
 17 **Q. Can you refresh my recollection,**
 18 **when's the first time you learned about**
 19 **Mr. Keeling having a seizure?**
 20 A. When I was contacted by the State's
 21 Attorney.
 22 **Q. When, back when you first got notice**
 23 **of the lawsuit or after that?**
 24 A. A notice of the lawsuit? I don't

1 even recall that. Never got that.
 2 **Q. In any case when we contacted you --**
 3 A. Yes.
 4 **Q. -- at that point you were made aware**
 5 **of the situation?**
 6 A. Yes.
 7 **Q. When you're acting as the pod**
 8 **officer, how many other officers are assigned to**
 9 **manage the pod with you?**
 10 A. You're the pod officer.
 11 **Q. Just you alone?**
 12 A. Just you alone unless you're being
 13 relieved for break.
 14 **Q. 1 East has how many inmates if it's**
 15 **full?**
 16 A. If it's full up to 40.
 17 **Q. Okay. These are males or females or**
 18 **both?**
 19 A. Male.
 20 **Q. When you're acting as the pod**
 21 **officer, are you armed? Do you have a weapon?**
 22 A. No.
 23 **Q. No gun?**
 24 A. No.

1 **Q. No baton?**
 2 A. No.
 3 **Q. We talked briefly about some of the**
 4 **things you're doing as a pod officer. On a**
 5 **day-to-day basis just a general shift in the pod**
 6 **entails what kinds of activities?**
 7 A. Day-to-day basically -- well, it
 8 depends on what part. Are you specifically
 9 talking about 1 East?
 10 **Q. Let's talk about 1 East, yes.**
 11 A. So 1 East the first two hours is like
 12 super-duper busy in 1 East. You come in on the
 13 pod, if there is a move order depending on how
 14 big the move order, you've got people who you're
 15 telling to pack up, to move out, and you're
 16 making room for people to move in. Once that is
 17 complete then you have the nurses come. The
 18 nurse comes to do Accu-Cheks, check blood
 19 pressure, whatnot. If the pod is full, that can
 20 be an hour. And after that you have your food
 21 cart that comes. Your food cart comes, that's
 22 another 25, 30 minutes. After that that's when
 23 you have groups. Because of the Covid protocol
 24 we only can let out a certain amount of inmates

1 at a time and so you have two groups. It's two
 2 groups to each shift, first shift and second
 3 shift then you let your groups out for two
 4 hours.
 5 **Q. And this was during the Covid time.**
 6 **In 2022 you were still observing the Covid**
 7 **protocols?**
 8 A. Yes.
 9 **Q. When you say half of the inmates out,**
 10 **where are they going?**
 11 A. For day room time they can come out,
 12 they can take showers, use the phone, they can
 13 watch TV, fix a little meal or something, so
 14 you're just monitoring all of that.
 15 **Q. Where are you as the pod officer in**
 16 **this day room?**
 17 A. You can -- at the desk, at times at
 18 the desk or you're basically busy doing a lot
 19 really, checking the inmates, you know. You're
 20 kind of not really just sitting down, you're up
 21 and moving around just making sure.
 22 **Q. Do you have to do rounds in the pod?**
 23 A. Yes, every 25 minutes.
 24 **Q. And then you're physically walking**

1 **around the pod?**
 2 A. Yes.
 3 **Q. So you're right there with the**
 4 **inmates; is that accurate?**
 5 A. Yes.
 6 **Q. When they're out in the day room --**
 7 A. We're right there, yes.
 8 **Q. So when you come back from dinner you**
 9 **take over for Officer Sheredy, correct?**
 10 A. Correct.
 11 **Q. And you keep managing the pod?**
 12 A. Yes.
 13 **Q. Okay.**
 14 MR. RICE: That's it.
 15 MR. FLAXMAN: I have a few questions.
 16
 17 FURTHER EXAMINATION
 18 By Mr. Flaxman:
 19 **Q. I'll ask you to look back at those**
 20 **documents that you had before.**
 21 MS. NELSON: Group 3?
 22 MR. FLAXMAN: Yes.
 23 BY MR. FLAXMAN:
 24 **Q. LC006 the Lake County Jail**

1 **Classification Move Order form, do you know how**
 2 **that form was created?**
 3 A. I don't.
 4 **Q. Have you ever seen a form that looked**
 5 **like that?**
 6 A. Just this one classification.
 7 MR. RICE: Can we clarify? When we
 8 say a form that looked like that.
 9 MR. FLAXMAN: I'll rephrase the
 10 question.
 11 BY MR. FLAXMAN:
 12 **Q. Have you ever seen a form entitled**
 13 **Lake County Jail Classification Move Order with**
 14 **the date that was in the format of what is shown**
 15 **on LC00006?**
 16 A. Yes.
 17 **Q. And do you know how that form was**
 18 **created?**
 19 A. No.
 20 **Q. Do you know who created it?**
 21 A. The classification officer.
 22 **Q. Do you know if it's created from a**
 23 **computer?**
 24 A. Yes.

1 **Q. Have you ever seen a classification**
 2 **officer produce it?**
 3 A. No.
 4 **Q. Do you know whether or not it's**
 5 **possible to get the times of when the detainee**
 6 **or prisoner was moved from and to?**
 7 A. Is it possible what?
 8 **Q. To get the times when the detainee**
 9 **was moved from and then the detainee was moved**
 10 **to? The time of the event.**
 11 A. Yes.
 12 **Q. How is that done?**
 13 A. To mess up the time?
 14 **Q. To show the time. For when here we**
 15 **have a Lynch, Larry moved from 3NE 13 to 4S 48.**
 16 **Is there a way to also get the time when that**
 17 **movement occurred?**
 18 A. Oh, I mean, the only thing is when
 19 they entered the, exit and enter from different
 20 pods and it would be located on the e-logger.
 21 **Q. You looked at some identification of**
 22 **special needs form and I showed you one before**
 23 **that we called Tyler Dep Exhibit No. 1. The**
 24 **form seems to be different. Have you ever seen**

1 **both types, have you seen both types of forms**
 2 **before?**
 3 A. Which one is it? Is it the special
 4 needs forms?
 5 **Q. Yeah, L C185 and the one that I**
 6 **showed you that was slightly different.**
 7 A. 187?
 8 **Q. Okay. Have you seen 187 before?**
 9 **That type of form which has rectangles rather**
 10 **than the one I showed you of Tyler Dep Exhibit**
 11 **No. 1 which just has --**
 12 A. A little --
 13 **Q. -- much more compact.**
 14 **Have you seen both forms before?**
 15 A. Yeah.
 16 **Q. Are they used for different purposes?**
 17 A. No.
 18 **Q. Do you know how that form, the one**
 19 **you're looking at 187 was produced?**
 20 A. No.
 21 **Q. Do you know what it means at the top**
 22 **of 187 where it says Gina Almas in parenthesis**
 23 **6/9/2022, 1011? Is that a date and time?**
 24 A. That's a date and time.

1 **Q. Do you know why it would be that**
 2 **Mr. Keeling would have been seeing a medical**
 3 **person on June 9, 2022, at 10:11 a.m.?**
 4 A. Medical intake.
 5 **Q. Well, if we go back to the page**
 6 **LC185, that's a medical intake on June 8, 2022,**
 7 **at 10:29 p.m.; is that correct?**
 8 A. Yes.
 9 **Q. Why would there be another one the**
 10 **next morning?**
 11 A. I have no idea.
 12 **Q. And you talked about the pencil marks**
 13 **being made on the ID card --**
 14 A. Mm-hmm.
 15 **Q. -- which is on page 007.**
 16 **It looks like the two ID cards**
 17 **are from different intakes; is that correct?**
 18 A. Yes.
 19 **Q. And could you tell from the photocopy**
 20 **of whether anything's been erased by either of**
 21 **the forms?**
 22 A. I don't understand the question.
 23 **Q. Well. You said -- complete in**
 24 **pencil, is that just for the box that says pod**

1 cell or is it for everything?
 2 A. And cell, and the cell box up there.
 3 Q. On the left is another box which also
 4 says complete in pencil; is that right?
 5 A. Complete? Oh, yeah.
 6 Q. Do you know when in time that form is
 7 created? Was that -- when a detainee has two
 8 intake medical exams, is that form created after
 9 the first or after the second or at what point
 10 in time or do you know?
 11 A. I don't know.
 12 Q. Do you know who creates the inmate
 13 identification card form?
 14 A. Booking.
 15 Q. Does booking work on the detainee
 16 before or after the medical exam?
 17 A. I don't know.
 18 Q. You ever work in booking?
 19 A. No.
 20 Q. Do you know why it is that the form
 21 doesn't have a box for lower bunk restriction?
 22 A. What form?
 23 Q. I'm sorry, LC. That's a good
 24 question, I'm sorry. LC0007 where it says the

1 STATE OF ILLINOIS)
) SS:
 2 COUNTY OF L A K E)
 3
 4 I, SUSAN L. BRUESCH, CSR, a Notary Public
 5 within and for the County of Lake and State of Illinois,
 6 do hereby certify that I am a Certified Stenographic
 7 Reporter doing business in the County of Lake and State
 8 of Illinois; that I reported the foregoing proceedings
 9 by means of stenographic machine shorthand and that the
 10 foregoing is a true and correct transcript of my
 11 stenographic shorthand notes taken to the best of my
 12 ability as aforesaid.
 13 I further certify that the reading and
 14 signing of said deposition was waived by the witness and
 15 witness' counsel.
 16 I further certify that the taking of
 17 said deposition was pursuant to notice and that there
 18 were present at the taking of this deposition counsel on
 19 behalf of the plaintiff and counsel on behalf of the
 20 defendant.
 21 I further certify that I am not counsel
 22 for, nor in any way related to any of the parties to
 23 this suit, nor am I in any way interested in the outcome
 24 thereof.

1 medical things.
 2 A. Why?
 3 Q. Is there -- did you know why it is
 4 that there's no box and lower bunk restriction?
 5 A. In this column here, in this little
 6 box here?
 7 Q. Right.
 8 A. Yeah. I don't know.
 9 Q. Have you ever seen an inmate
 10 identification card that had a box to check for
 11 a lower bunk restriction?
 12 A. No.
 13 Q. Do you know who Karina Purcell is?
 14 A. No.
 15 MR. FLAXMAN: I have nothing further.
 16 MR. RICE: We're done.
 17 MR. FLAXMAN: Signature is --
 18 MR. RICE: We'll waive signature.
 19 MR. FLAXMAN: You're ordering a copy
 20 and I'll order the original; is that right?
 21 MR. RICE: Yes.
 22 (Time now is 3:22 p.m.)
 23 (Witness excused.)
 24 AND FURTHER DEPONENT SAITH NOT.

1
 2 In testimony whereof I have hereunto set
 3 my hand and affixed my notarial seal this 17th day of
 4 September, 2024, A.D.
 5
 6
 7
 8
 9

10 SUSAN L. BRUESCH, CSR
 11 Notary Public, Lake County, IL
 12 CSR License No. 084003663
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24

Exhibit 6

Bodycam Footage

(uploaded to the Court's Digital Media
Exhibit Submission Webpage)

Exhibit 7

Affidavit of Clouse re: eLogger and
Medical Records

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

JOSEPH KEELING,

Plaintiff,

v.

SHERIFF OF LAKE COUNTY, IL, and
LAKE COUNTY, IL,

Defendants.

Case No. 23 CV 3442

Judge Steven C. Seeger

Magistrate Judge Young B. Kim

**AFFIDAVIT REGARDING eLOGGER AND MEDICAL RECORDS
AS BUSINESS RECORDS OF THE LAKE COUNTY JAIL**

Richard Clouse on oath states:

1. I am the Chief of the Lake County Jail (“Jail”). I have been employed at the Lake County Sheriff’s Office in the corrections division since 1994.

2. In my career, I have worked throughout the Jail, both as a corrections officer and in supervisory roles.

3. As Chief of the Jail, I maintain the both the Jail’s inmate medical records, as well as the eLogger records that the correctional staff use at the Jail.

A. eLogger records.

4. Staff at the Jail use a computerized system for logging incidents that occur within housing units at the Jail. The software system is called eLogger.

5. The eLogger system was in use throughout 2022.

6. I am familiar with the eLogger system, and accessing such records is a regular and routine part of my job.

7. I am acquainted with the Jail’s operations and the procedures through which the eLogger records are created and maintained.

8. Corrections Officers log daily occurrences in the Jail into the eLogger system, and such logs are made in the ordinary course of the Jail’s business, and it is a regular practice for the Jail to keep such records.

9. Officers access the system through computer terminals located at their desks within the Jail’s various housing units.

10. Log reports made into the system include such information as where the log entry is being made (i.e., which housing unit), the date and time of the entry, and who made it. There is then a field in which officers can make a narrative entries about the occurrence they are logging. Such occurrences range from the routine (“breakfast cart in”; “all trays and brown

spoon collected”) to the nonroutine (“I could see his body convulsing from the Officer desk”). Not all eLogger entries require a that the narrative field be completed.

11. Attached to this affidavit as Exhibit A is a true and correct copy of Sheriff’s Policy 1.5-002, which outlines the duties of a correctional office working in a housing unit. This policy was in place throughout 2022.

12. In relevant part, the policy states that all officers “are required to document in the daily pod log book the daily activities and occurrences throughout the course of each shift.” In addition to other occurrences, officers must document (a) any physical confrontations that occur between inmates and between inmates and staff; (b) any inmate injuries or illnesses; (c) any inmate complaints of injury or illness regardless of whether the officer believes the complaint to be credible; (d) any examinations of inmates by medical personnel including the results of the examination and any follow up care or monitoring that is deemed necessary by medical personnel; (e) any notifications by an officer to medical personnel regarding an inmate injury, illness, or any other medical concern and the result of that notification; (f) any refusal by an inmate to eat or drink; (g) any incident or situation that occurs that is out of the ordinary or that should be known by officers on subsequent shifts.

13. Entries to eLogger are made at or near the time in which the event giving rise to the entry happens.

14. The eLogger records can be retrieved by printing various reports from the eLogger system. All of the eLogger entries made on a particular day can also be downloaded to a Microsoft Excel sheet.

15. I have reviewed the eLogger records produced in this matter, which were from housing unit 1 East on June 9, 2022, and they are a true and accurate copy of the entries contained in the eLogger.

B. Inmate medical records.

16. Inmates at the Lake County Jail are provided medical care by the Jail’s contracted medical provider.

17. Medical records kept by the medical provider are records of the Lake County Jail, not of the medical provider itself. This is because when the medical provider changes, the medical records must remain with the facility for continuity of care.

18. I am familiar with the Jail’s method of documenting medical care.

19. The Jail maintains electronic medical records in a system called CorEMR.

20. Medical records of an inmate are made by the Jail’s medical staff members at or near the time they are providing care to an inmate.

21. Such records are made by people with personal knowledge of what is being recorded or documented.

22. The medical records are kept in the ordinary course of the jail's business.

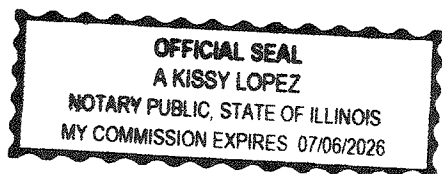
23. Is it a regular practice for the jail's medical staff to make such records.

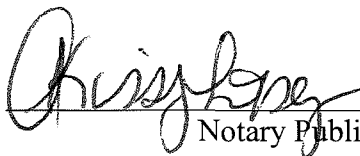
24. The Jail's medical records for the Plaintiff, which have been disclosed as Bates number 126-184 and 185-190 are true and accurate copies contained in the Jail's medical records system.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. If called to testify, I would do so consistent with this affidavit.

Signed: 
Chief Richard Clouse


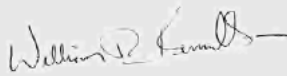
Signed and sworn to before me, a notary public, of Lake County, Illinois, by Richard Clouse this March 27, 2025.




Notary Public



Lake County Sheriff's Office
Adult Correctional Division
Policy and Procedure Manual

Section: Training	Policy Number: 1.5-002
REPORT WRITING	
Effective Date: 5/1/05	Pages: 1 of 3
Any previously written orders, directives, memorandums, or other department policy dealing with this subject are hereby rescinded as of the effective date	
Review: 4/18/06, 9/30/06, 4/25/07, 9/15/07, 8/12/08, 1/30/09, 11/20/09, 8/12/10, 2/08/11, 1/13/12, 12/29/12, 11/01/13	Revision: 9/30/06, 4/25/07, 11/07/13, 09/14/16
Reference:	
By Order of the Sheriff: 	Date: 12/15/18
Division Chief: 	Date: 12/15/18

PURPOSE:

To describe the procedures to be used by jail staff to properly complete required reports and maintain daily pod log books that are used in the jail.

POLICY:

It is the policy of the Lake County Sheriff's Office to have all required reports properly written and daily pod log books properly maintained to ensure that all pertinent information regarding a particular incident or event is properly documented.

PROCEDURES:

1. All officers will be required to maintain the daily pod logbook. Officers are required to document in the daily pod log book the daily activities and occurrences throughout the course of each shift. In addition to the daily activities and occurrences, officers must document the following in the daily pod log book:
 - a. Any physical confrontations that occur between inmates and between inmates and staff.
 - b. Any inmate injuries or illnesses.
 - c. Any inmate complaints of injury or illness regardless of whether the officer believes the complaint to be credible.



Report Writing**Page 2 of 3**

- d. Any examinations of inmates by medical personnel including the results of the examination and any follow up care or monitoring that is deemed necessary by medical personnel.
 - e. Any notifications by an officer to medical personnel regarding an inmate injury, illness, or any other medical concern and the result of that notification.
 - f. Any refusal by an inmate to eat or drink.
 - g. Any incident or situation that occurs that is out of the ordinary or that should be known by officers on subsequent shifts.
2. In addition to the daily pod log book, officers are also required to prepare a written document anytime an incident occurs during the officer's shift that is out of the ordinary or requires additional attention or monitoring by the next shift. The purpose of such documentation is to supplement the verbal transmission of information and to ensure that the next shift is fully aware of the incident and can monitor and attend to the situation as needed. The documentation should be prepared prior to the end of the officer's shift and provided to the next shift during the verbal pass down of information.
3. Anytime a physical confrontation, including, but not limited to, the use of any amount of force, occurs between inmates or between inmates and staff, a departmental correspondence will be written in conjunction with a violation of rules form. These reports will be sent to the CDM and copies forwarded to the Chief of Corrections after review. All Use of Force reports will be forwarded to the Undersheriff via the CDM and the Chief of Corrections, or designee. Incidents involving injuries, criminal offenses or transport to the hospital will require a Miscellaneous Incident Report and an incident report number from the Communications Division be completed.
 - a. All officers who either witness a physical confrontation or are personally involved in a physical confrontation are required to comply with the report writing requirements as set forth above.
 - b. All required reports must be completed and submitted to a supervisor by the end of the officer's shift.
4. In addition to the above report writing requirements, all officers are required to write a report when an inmate is injured, by any means, when an inmate complains of being injured, and when an incident occurs or a situation arises that is out of the ordinary. The report must be completed and submitted to a supervisor prior to the end of the officer's shift.
5. When writing any report, the content will be clear and to the point. Reports will be written or typed in English. All reports will have good punctuation and spelling. All information on the report will be kept in the closest chronological order possible. When possible, notes should be taken during the incident to refer back to when completing the report. All information will be truthful and complete. Any misinformation or untruthful statements submitted, the staff member will be subjected to disciplinary action up to and including termination. All reports will contain the following information, based on the circumstances of the incident:

Report Writing

Page 3 of 3

Who was involved in the incident:

- a. Provide the name, identification number and housing location of all inmates involved in the incident.
- b. Provide only the identification number of any inmate witnesses to the incident.
- c. Provide the name of any officer involved in or witness to the incident.
- d. Provide the name of any medical personnel involved in or witness to the incident.

What occurred during the incident:

- a. Event(s) that occurred during the incident.
- b. Action(s) taken by the officer witnessing the incident.
- c. Specific rule(s) violated.

Where the incident occurred, including:

- a. Location of the incident (be specific, outside of Cell #14, 5 North Pod).

When the incident occurred, including:

- a. Date and time of incident.
- b. Time the incident concluded.

Why the incident occurred, including:

- a. Any details of circumstances leading up to the incident.
- b. Any hazardous situations that lead up to the incident.
- c. Why specific actions were taken.

6. It is mandatory that the CDM review all officer reports. Once all reports have been collected, copies of the reports will be kept by the CDM and the originals forwarded to the Chief of Corrections.

Exhibit 8

Affidavit of Abdeljaber re:
Bodycam Records

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

JOSEPH KEELING,

Plaintiff,

v.

SHERIFF OF LAKE COUNTY, IL, and
LAKE COUNTY, IL,

Defendants.

Case No. 23 CV 3442

Judge Steven C. Seeger

Magistrate Judge Young B. Kim

**AFFIDAVIT REGARDING BODYWORN CAMERAS
AS BUSINESS RECORDS OF THE LAKE COUNTY JAIL**

Rame Abdeljaber on oath states:

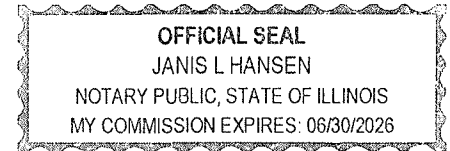
1. I am a Lieutenant at the Lake County Jail (“Jail”). I have been employed at the Lake County Sheriff’s Office in the corrections division since 2004.
2. In my career, I have worked throughout the Jail, both as a corrections officer and in supervisory roles.
3. Part of my current role as a Lieutenant is to maintain the bodycam videos that are created at the Jail.
4. In June 2022, the creation of videos made using bodycams (or “body-worn cameras”) was governed by Sheriff’s policy 2.2.07, effective 2/11/2022, a true and accurate copy of which is attached to this affidavit as **Exhibit 1**.
5. The bodycam videos were created by cameras from Axon Enterprise, Inc., and stored in a system called Evidence.com, also from Axon.
6. Evidence.com allows me to search for videos created on particular dates and either download the videos to a physical media like a USB thumb drive or to a DVD, or to send the videos electronically through Evidence.com.
7. The videos are made and kept in the course of the Jail’s regular activity.
8. Making such videos is regularly conducted activity at the Jail, and Correctional Officers are instructed to activate their bodycams as part of their regular practice of monitoring or responding to situations that arise within the Jail, as further set forth in the policy at Exhibit 1.
9. I was able to access and produce the video from June 9, 2022, and labeled “Axon_Body_3_Video_2022-06-09_1635_X60A0437S.mp4,” to the State’s Attorney’s Office. The Evidence.com system records that the camera was worn by Officer Chad Sheredy.
10. The Axon video file above can be played by using most Windows and Macintosh media players.


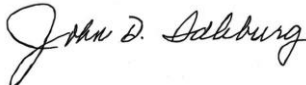
I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. If called to testify, I would do so consistent with this affidavit.

Signed: Lt. Rame Abdeljaber #6137
Lt. Rame Abdeljaber

Signed and sworn to before me, a notary public, of Lake County, Illinois, by Rame Abdeljaber
this March 27th, 2025.

Janis L Hansen
Notary Public



General Order		Issued: 02/11/2022	Policy Number: 2.2.07
	Lake County Sheriff's Office	Policy Title: Body-Worn Cameras	
		Section: 2 - Operations	
		By order of the Sheriff: 	Replaces: 06/30/2021
ILEAP Standards: NA			Page 1 of 13
<i>Any previously written orders, directives, or memoranda of Sheriff's Office policy dealing with this subject are hereby rescinded as of the effective date of the policy.</i>			

PURPOSE

This policy provides guidelines for the use of body-worn cameras (BWC) for all Lake County Sheriff's Office (LCSO) personnel who are assigned a BWC.

POLICY

Trust and mutual respect with the communities we serve is essential to effective policing and the integrity of the criminal justice system. The LCSO protects the safety and welfare of its members, the public, and incarcerated persons.

Recordings from BWCs enhance criminal prosecution, document interactions members have with the public and with inmates and can protect members from false accusations. Members issued a BWC will use it pursuant to this policy and the Illinois Law Enforcement Officer – Worn Body Camera Act (50 ILCS 706/10). BWCs are intended for official use only and must not be used for non-duty related, frivolous, or personal activities.

DEFINITIONS

Body-Worn Camera (BWC)—Relatively small audio/video device that records interactions between community members (e.g., the public, suspects, and victims) and law enforcement officers. BWCs can be used to demonstrate transparency to communities and deter unprofessional, illegal, and inappropriate behaviors by both law enforcement and the public. (As defined by the USDOJ BJA)

Categorizing – Assigning the appropriate category to a BWC recording which defines the recording's retention time.

Community Caretaking Function – A task undertaken by a law enforcement officer in which the officer is performing an articulable act unrelated to the investigation of a crime.

Exigent Circumstances – Those circumstances that would cause a reasonable person to believe that entry was necessary to prevent physical harm to the officers or other persons, the destruction of

Body-Worn Cameras

Policy Number: 2.2.07

relevant evidence, the escape of the suspect, or some other consequence improperly frustrating legitimate law enforcement efforts. (As defined by Cornell Law School)

Freedom of Information Act (FOIA) – Federal law (5 U.S.C. § 552) requiring release of information and documents controlled by the U.S. Government and IL state law (5 ILCS 140) requiring records in possession of public agencies be accessed by the public upon written request. Certain records are not subject to release and these requests are monitored by LCSO FOIA Officers.

Labeling – Adding an incident/report number to a BWC recording. Automatically assigned by the BWC system when calls are dispatched.

Law Enforcement-Related Encounter or Activities – Include, but are not limited to, traffic stops, pedestrian stops, arrests, searches, interrogations, investigations, pursuits, crowd control, traffic control, non-community caretaking interactions with an individual while on patrol, or any other instance in which the deputy is enforcing the laws of the municipality, county, or State. Law enforcement related encounter or activities does not include when the deputy is completing paperwork alone or only in the presence of another law enforcement officer (720 ILCS 706/10-10).

Private Conversation—Any oral communication between two or more persons, whether in person or transmitted between the parties by wire or other means, when one or more of the parties intended the communication to be of a private nature under circumstances reasonably justifying that expectation. A reasonable expectation shall include any expectation recognized by law, including, but not limited to, an expectation derived from a privilege, immunity, or right established by common law, Supreme Court rule, or the Illinois or United States Constitution (720 ILCS 5/14-1).

Surreptitious—Obtained or made by stealth or deception or executed through secrecy or concealment (720 ILCS 5/14-1).

Use of Force – The amount of force which a peace officer reasonably believes to be necessary to effect the arrest and of any force which he reasonably believes based on the totality of the circumstances, to be necessary to defend himself or another from bodily harm while making the arrest (720 ILCS 5/7-5).

Volunteer – Any member of an authorized not-for-profit service group which conducts business within the Corrections Division.

PROCEDURE

I. General Information

- A. Body-worn cameras record both video and audio data.
- B. LCSO members will only use a BWC issued by the LCSO. BWCs are operated according to manufacturer instructions and in-service training.

Body-Worn Cameras

Policy Number: 2.2.07

- C. There is no expectation of privacy for LCSO members related to incidents recorded with a BWC. Any digitally recorded data by the BWC may be used by the LCSO without an LCSO member's permission for any official LCSO purpose.
- D. The surreptitious audio recording of a private conversation is prohibited by law.
- E. BWCs will be secured on the upper chest area with the camera lens facing forward, on the member's outer most layer of clothing. If the member's assignment dictates the camera cannot be worn on the upper chest area, the BWC may be worn in an alternate position with permission from their unit supervisor as long as a view of the public is seen on the camera.
- F. BWCs are assigned to those members who have completed a BWC training class.
- G. Supervisors will periodically review BWC recordings to ensure member compliance with this policy.
- H. The member must manually activate and deactivate the recording at the beginning and end of each incident.
- I. All recordings are public records and must be saved, categorized, tagged, and destroyed as required by 50 ILCS 706 / Law Enforcement Officer-Worn Body Camera Act.
 - 1. BWC recordings must be categorized/tagged by the recording officer to ensure the proper retention period.
 - 2. Unless categorized by the system for an extended retention period, recordings must be destroyed after 90 days.
 - 3. The member and her or his supervisor may not redact, duplicate or otherwise alter the member's BWC recordings.
- J. Per 50 ILCS 706/10-20(a)(9), BWC recordings shall not be used to discipline deputies/officers unless:
 - 1. A formal or informal documented complaint of misconduct has been made,
 - 2. A use of force incident has occurred,
 - 3. The encounter on the recording could result in a formal investigation under the Uniform Peace Officers' Disciplinary Act, or
 - 4. As corroboration of other evidence of misconduct.

Nothing in this paragraph shall be construed to limit or prohibit a member from being subject to an action that does not amount to discipline.

Body-Worn Cameras

Policy Number: 2.2.07

- K. If a member is in a vehicle equipped with a functioning in-car video system, the member will follow both Mobile Video Recording policy 2.2.06 and this policy.

II. Operational Procedures

A. Members assigned a BWC will:

1. At the beginning of their tour of duty:
 - a. Visually and physically inspect their assigned BWC.
 - b. Ensure the BWC is fully charged and operational.
 - c. Ensure the BWC is securely attached to the member's uniform.
 - d. Ensure the BWC is on and in stand-by (buffering) mode
2. Corrections Division Members will at the beginning of their next scheduled shift assignment:
 - a. Log into their BWC account.
 - b. Review their recorded incidents from the previous shift.
 - c. Assign each incident a category.
 - d. Add relevant comments and notes.
3. During their tour of duty:
 - a. Record events consistent with this policy and 50 ILCS 706.
 - b. Annotate all reports which have recordings by stating "Body-Worn Camera Recorded Incident" or a similar statement.
 - c. Note in all reports if the BWC footage was or was not reviewed prior to writing their report.
 - d. Ensure the BWC file is properly labelled with the incident number or report number in the "ID" field if a report was generated. A simple notation can be placed in the "Title" field, e.g., "Traffic Stop"; "10-50 PI."
 - e. If seeking approval of charges through the Lake County State's Attorney's Office, inform the Assistant State's Attorney the incident was recorded using a BWC.
4. At the end of their tour of duty, Corrections Members and Court Security Members must place the BWC in the charging/upload station.

NOTE: Members must immediately notify a supervisor if, the body-worn camera is missing, lost, inoperable, or damaged.

B. Supervisors will ensure:

1. Members are using the BWC consistent with this policy and 50 ILCS 706.
2. An investigation is initiated when notified of a missing, lost, or damaged BWC.

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3. All available BWCs are fully utilized.
4. The distribution, charging, and uploading of the BWC is consistent with this policy.
5. Digitally recorded data is properly uploaded by randomly reviewing uploaded recordings.

III. Recording Guidelines

- A. Any member issued a BWC must keep the camera on and in buffering mode while on duty unless otherwise directed by a supervisor or if policy dictates otherwise.
- B. If exigent circumstances exist which prevent the member from initiating a recording, the camera must be turned on to record as soon as practicable.
- C. The member must provide notice of recording to any person if the person has a reasonable expectation of privacy and proof of notice must be evident in the recording by verbally giving notice. If exigent circumstances exist which prevent the member from providing verbal notice, notice must be provided as soon as practicable (50 ILCS 706/10-20(a)(5)).

EXAMPLE: "The camera is operating, and you are being audibly and visually recorded."

- D. Corrections
 1. Division members BWCs must be recording:
 - a. During any incident involving the potential or actual use of force.
 - b. During any medical aid or mental health response, especially where the inmate is incapacitated or unable to communicate.
 - c. During responses with unstable inmates.
 - d. Where the member thinks the behavior of an inmate is antagonistic, provocative, aberrant, atypical of previous behaviors, abnormal or uncharacteristic.
 - e. During all physical/forcible extractions of an inmate from a cell.
 - f. During all inmate classification/disciplinary hearings.
 - g. During any other event deemed necessary by the member or a supervisor.
 2. Corrections Division members must make a brief introductory statement. If the incident occurs quickly and the statement is not possible, the member must include the statements and the end of the incident and prior to deactivating the BWC. The BWC automatically stamps the current date and time of the recording. The Corrections member statement is to include:
 - a. Name and rank of member activating the BWC.
 - b. Inmate's name (if known).
 - c. Location of the incident.
 - d. Actions of the inmate that require the use of the BWC.

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E. Law Enforcement

1. Law Enforcement BWCs must be recording when the member:
 - a. Is responding to an emergency call for service, where they do not have a squad camera activated; or
 - b. Is engaged in any law enforcement related encounter or activity, which occurs while the member is on duty (50 ILCS 706/10-20(a)(3)).
2. Law Enforcement BWCs do not need to record a community caretaking function, unless participating in a call for service. However, the camera must be recording when the member has reason to believe that the person on whose behalf the member is performing a community caretaking function has committed or is in the process of committing a crime. If exigent circumstances exist which prevent the member from initiating a recording, the camera must be activated to record as soon as practicable.
3. During the recording of an incident, law enforcement deputies will not stop recording an incident with a BWC until the entire incident has been recorded or when further recording of the incident will not serve a proper police purpose (Ex. An evidence technician or crash investigator processing a scene - if contact is made with further witnesses, suspects, etc., the camera must be recording as soon as practicable). When an arrest is made, the incident is concluded when the subject is transported and arrives at the Lake County Jail or Criminal Investigations Unit and turned over to Corrections Officers or Investigations members.
4. A deputy or court officer working within a courtroom of the 19th Judicial Circuit, must ensure the BWC is always in a buffering mode and ready to record.
5. BWCs do not have to be recording when the member is inside of a patrol car which is equipped with a functioning in-car camera; however, the member must begin the BWC recording upon exiting the patrol vehicle for a call for service or a law enforcement-related encounter.
6. For law enforcement deputies operating a vehicle without a functioning in-car camera, the member must begin the BWC recording prior to activating the vehicle's emergency lights. If the vehicle's emergency lights are not activated, then the member must begin the BWC recording prior to exiting the patrol vehicle for a call for service or a law enforcement-related encounter.
7. Deputies transporting a prisoner in a vehicle without a functioning in-car camera must keep their BWC recording during transport and until arriving at the correctional facility and the prisoner is removed from the vehicle.

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F. BWCs must be turned off when:

1. The victim of a crime requests that the camera be turned off, and unless impractical or impossible, that request is made on the recording.
2. A witness of a crime or a community member who wishes to report a crime requests that the camera be turned off, and unless impractical or impossible, that request is made on the recording.
3. The member is interacting with a confidential informant used by the LCSO.

A member may continue to record or resume recording a victim or a witness, if exigent circumstances exist, or if the member has reasonable articulable suspicion that a victim, witness, or confidential informant has committed or is in the process of committing a crime. Under these circumstances, and unless impractical or impossible, the member must indicate on the recording the reason for continuing to record despite the request of the victim or witness (50 ILCS 706/10-20(a)(5)).

- G. Members must NOT mute the audio recording during an incident, even when conferring with other law enforcement officers or supervisory personnel. When members need to temporarily confer with supervisors or other law enforcement officers away from subjects of the incident, members should stop recording. After the temporary stoppage, members must start recording again when interacting with members of the public and returning to law enforcement-related encounters or activities, until the entire incident is complete, as above. Members must always remain professional. If sensitive or tactical information is discussed on the recording, it will be subject to FOIA protections. FOIA regulates and restricts the release of BWC, and redaction of audio/video recordings made by law enforcement.**
- H. If the member stops the BWC recording prior to the entire incident being recorded, the member must verbally state the reason the recording is being stopped before stopping the recording. The member will document the justification for stopping the recording in their written report.**
- I. Prohibited Recordings – (Exceptions are listed in 50 ILCS 706/10-20(a)(3)): The BWC must not be used to record the following:**
1. The victim of a crime who requests not to be recorded, and unless impractical or impossible, that request is made on the recording.
 2. A witness of a crime or a community member who wishes to report a crime requests not to be recorded, and unless impractical or impossible, that request is made on the recording.

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3. The member is interacting with a confidential informant used by the LCSO.
 4. In locations where a reasonable expectation of privacy exists, such as dressing rooms or restrooms, unless required for capturing evidence.
 5. Sensitive exposures of private body parts, unless required for capturing evidence.
 6. Personal activities or other LCSO deputies/officers during routine, non-enforcement related activities unless those activities are designed to test the BWC or are for training purposes.
 7. Counseling sessions, disciplinary meetings, telephone conversations, internal interviews, or any other administrative meetings (roll call, village board meetings, contract negotiations, divisional meetings, etc.).
- J. Critical Incidents (pursuits, use of force)
1. The member will not stop the BWC recording until instructed by a supervisor.
 2. Members must NOT mute their BWC during critical incidents as directed above.
 3. Data from the BWC should be uploaded prior to the end of the member's shift.
 4. Incidents will be reviewed by command staff.
 5. If the recorded incident involves death or great bodily harm, the BWCs of all involved members must be collected by a supervisor. The supervisor will upload the data from the cameras without delay.
 6. If an agency independent of the LCSO is investigating the incident, the supervisor will provide an inventory of the collected BWCs to the investigating agency prior to leaving the scene of the incident. It may be necessary to assist the investigators by allowing them to view the video(s), prior to the supervisor leaving the scene.
 7. Video of the incident will only be released to the media as directed by the Sheriff's Administration after appropriate redaction, if applicable, as required by law.

IV. Viewing Digitally Recorded Data

- A. All digitally recorded data from a BWC is the property of the LCSO. Unauthorized deletion, tampering, or dissemination of any digitally recorded data is prohibited without written authorization of the Sheriff's Administration. When permitted by policy and/or law, LCSO members are authorized to view their own body-worn camera footage on an LCSO workstation but may not record nor allow another member or a volunteer to record the footage with a cell phone, camera, or any other method.
- B. Members are authorized to view their own BWC recordings prior to completing their report unless:
1. The member has been involved in or is a witness to an officer-involved shooting, use of deadly force incident, or use of force incidents resulting in great bodily harm, or

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reports related to misconduct investigations.

2. The member is ordered to write a report in response to or during the investigation of a complaint against them.

If the member is prohibited from viewing their BWC video prior to writing their report, they will have an opportunity to file an amendatory report after receiving supervisor permission to view their BWC video. The member will note they viewed their BWC video in their amendatory report.

- C. Members are not authorized to view the recordings of other members prior to writing their own reports.
- D. Members of Criminal Investigations are permitted to review recordings of other agency members pursuant to a criminal investigation they are conducting. When detectives review another member's recording, they must make notes in the notes section of the recording program explaining the reason for accessing and viewing the recording.
- E. LCSO supervisors are authorized to view all recordings. Supervisors may show BWC footage to members for training purposes only after all reports have been written and submitted. Supervisors must make notes in the notes section of the BWC software explaining the reason for accessing and viewing any recording.
- F. Per 50 ILCS 706/10-20(a)(9), BWC recordings shall not be used to discipline deputies/officers unless:
 1. A formal or informal documented complaint of misconduct has been made,
 2. A use of force incident has occurred,
 3. The encounter on the recording could result in a formal investigation under the Uniform Peace Officers' Disciplinary Act, or
 4. As corroboration of other evidence of misconduct.

Nothing in this paragraph shall be construed to limit or prohibit a member from being subject to an action that does not amount to discipline.

- G. If a member is in a vehicle equipped with a functioning in-car video system, the member will follow both the Mobile Video Recording policy 2.2.06 and this policy.
- H. If the recording is categorized for training purposes, the recordings may be viewed by members in the presence of a supervisor or training instructor for the purposes of instruction, training, or ensuring compliance with LCSO policies and other laws. Dissemination and duplication of recordings is still restricted as listed above.

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- I. The LCSO IT Director will ensure:
 - 1. All authorized LCSO members have access to the digitally recorded data.
 - 2. Any non-departmental agencies with authorization have access to view digitally recorded data.

V. Data Retention (50 ILCS 706/10-20(a)(7))

- A. Recordings made on a BWC must be retained by the LCSO or chosen vendor for a minimum period of 90 days.
- B. Following the 90-day storage period, all recordings made with a body-worn camera must be destroyed unless the recording has been categorized for retention for a minimum of 2 years (see D).
- C. Following the 90-day storage period, recordings may be retained if an LCSO supervisor designates the recording for training purposes. If used for training purposes, section IV. H. above must be followed.
- D. A recording must be categorized for retention for a minimum of 2 years when:
 - 1. A formal or informal documented complaint has been filed.
 - 2. The member discharges a firearm or uses force during an incident (training and euthanizing wild animals are exempt).
 - 3. Death or great bodily harm occurs to any person.
 - 4. The encounter results in a detention or an arrest, excluding traffic stops which resulted in only a minor traffic offense or business offense.
 - 5. The member is the subject of an internal investigation or otherwise being investigated for possible misconduct.
 - 6. The supervisor or the member, prosecutor, defendant, or court determines that the encounter has evidentiary value in a criminal prosecution.
 - 7. The member requests a video be categorized for official purposes related to his or her official duties.
- E. Supervisors will ensure videos are properly categorized/tagged for retention in the BWC software when the recordings fall into any of the categories listed above in D, and any additional retention categories set forth by the LCSO.
- F. BWC recordings categorized for a minimum of 2 years, must not be altered, or destroyed prior to the expiration of the retention period.

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- G. If the recording was used in a criminal, civil, or administrative proceeding, the recording must not be destroyed except by final disposition and order from the court.
- H. Alteration, Erasure, or Destruction of Non-Law Enforcement BWC Recording:
 - 1. A member may request a BWC recording be altered, erased, or destroyed from the system if the video does not serve a law enforcement purpose.
 - 2. The member must submit a memo to the Sheriff's Administration through the chain of command.
 - 3. The Sheriff's Administration will decide if the video should be deleted prior to the 90 – day storage period or retained.
 - 4. If the video is deleted from the system, the Sheriff's Administration will produce and maintain a written record including:
 - a. The name of the individual who altered, erased, or destroyed the BWC recording; and
 - b. The reason for any such alteration, erasure, or destruction.

VI. Freedom of Information (50 ILCS 706/10-20(b))

- A. FOIA requests for videos obtained from BWCs are processed by the Records Section by employees who are trained in FOIA.
- B. Recordings made with the use of a BWC are not subject to disclosure under FOIA, except:
 - 1. If the subject of the encounter has a reasonable expectation of privacy (at the time of the recording), any recording which is categorized due to the filing of a documented complaint, discharge of a firearm, use of force, arrest, or detention, or resulting death or bodily harm, shall be disclosed in accordance with the Freedom of Information Act if:
 - a. The subject of the encounter captured on the recording is a victim or witness; and
 - b. The LCSO obtains written permission of the subject or the subject's legal representative.
 - 2. Except as provided above, any recording which is categorized due to the filing of a documented complaint, discharge of a firearm, use of force, arrest, or detention, or resulting death or bodily harm shall be disclosed in accordance with FOIA; and
 - 3. Upon request, the LCSO shall disclose, in accordance with FOIA, the recording to the subject of the encounter captured on the recording or to the subject's attorney, or the deputy/officer or his or her legal representative.

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- C. The subject of the encounter does not have a reasonable expectation of privacy if the subject was arrested because of the encounter. A “witness” does not include a person who is a victim or who was arrested because of the encounter.
- D. Any recording disclosed under FOIA must be redacted to remove identification of any person that appears on the recording and is not:
 - 1. The deputy/officer,
 - 2. A subject of the encounter,
 - 3. Or directly involved in the encounter.
- E. The LCSO is not required to disclose any recording or portion of any recording which would be exempt from disclosure under FOIA. Requests for media content occurring within the Lake County Court complexes will not be released without the written approval of the Chief Judge of Lake County or his/her authorized designee.
- F. Nothing in this section limits access to a camera recording for the purposes of complying with Supreme Court rules or the rules of evidence.

VII. Policy Exemptions

- A. Those members working in specialized units, such as an undercover capacity, are not always required to deploy a BWC. A supervisor may require the specialized units deploy a BWC depending on the parameters of the current operation. Those affected units are:
 - 1. LCSO Special Investigations Group
 - 2. Criminal Investigation Unit
 - 3. Warrants Unit
 - 4. Court Security Unit – Court Emergency Response Team (CERT)
 - 5. Office of Professional Standards

VIII. Program Evaluation / Annual Reporting

- A. Both Law Enforcement Division and Corrections Division Shift Supervisors on a bi-yearly basis will:
 - 1. Randomly review two video recordings per member assigned to them.
 - 2. Discuss with their personnel any issues/concerns viewed while reviewing the BWC footage and utilize counseling or further means of instruction/discipline by documenting in the performance evaluation software.

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3. Provide videos to training personnel deemed beneficial for training purposes.
- B. The LCSO is required per 50 ILCS 706/20-25(a) to provide a yearly summary report, by May 1, to the Illinois Training and Standard Board (ILTSB) who then provides a summary report to the Illinois General Assembly. The compilation and submission of the required data is the responsibility of the Records Section Supervisor.

IX. Discipline

Members violating this policy will be subject to progressive discipline up to and including termination in accordance with all applicable Sheriff's Office rules, regulations, and policies.