

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Travis Cook,)	
)	
Plaintiff,)	Case No. 24-CV-02401
)	
vs.)	Honorable
)	
Sheriff of Cook County and Cook)	Magistrate
County, Illinois,)	
)	
Defendants.)	

**DEFENDANT COOK COUNTY SHERIFF'S
ANSWERS TO PLAINTIFF'S COMPLAINT**

Defendant, Cook County Sheriff, ("Defendant"), by his attorney KIMBERLY M. FOXX, State's Attorney of Cook County, through her Assistant State's Attorney, Robin Clayton, and answers Plaintiff 's Complaint as follows:

1. This is a civil action arising under Section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132, and Section 504 of the Rehabilitation Act, 29 U.S.C. § 794(a). The jurisdiction of this Court is conferred by 28 U.S.C. § 12132 and 29 U.S.C § 794a(a)(2).

ANSWER: Defendant admits only that Plaintiff has cited to the statute providing jurisdiction/venue and denies any merit of Plaintiff's claim.

2. Plaintiff Travis Cook is a resident of the Northern District of Illinois.

ANSWER: Defendant admits.

3. Defendant Sheriff of Cook County is sued in his official capacity only. The Sheriff, at all times relevant, has received federal funds for the operation of the Cook County Jail.

ANSWER: Defendant admits only that Defendant Sheriff of Cook County is sued in his official capacity.

4. Defendant Cook County is jointly responsible for the ADA and Rehabilitation Act violations alleged and is also joined in this action pursuant to Carver v. Sheriff of LaSalle County, 324 F. 3d 947 (7th Cir. 2003).

ANSWER: This paragraph is not directed towards Defendant, and therefore Defendant contend that no answer is required. Insofar as an answer may be required, Defendant denies.

5. Plaintiff has been confined at the Cook County Jail since May 25, 2022.

ANSWER: Defendant admits.

6. As a result of several strokes, plaintiff is partially paralyzed on his left side.

ANSWER: This paragraph is not directed towards Defendant, and therefore Defendant contend that no answer is required. Insofar as an answer may be required, Defendant lacks sufficient knowledge, information, or belief as to the veracity of the allegation in paragraph 6 and therefore, neither confirm nor deny.

7. Because of his disability, plaintiff is unable to safely use a toilet that lacks handrails.

ANSWER: This paragraph is not directed towards Defendant, and therefore Defendant contend that no answer is required. Insofar as an answer may be required, Defendant lacks sufficient knowledge, information, or belief as to the veracity of the allegation in paragraph 6 and therefore, neither confirm nor deny.

8. Because of his disability, plaintiff is unable to safely use a shower that lacks handrails and a shower chair.

ANSWER: This paragraph is not directed towards Defendant, and therefore Defendant contend that no answer is required. Insofar as an answer may be required, Defendant lacks sufficient knowledge, information, or belief as to the veracity of the allegation in paragraph 6 and therefore, neither confirm nor deny.

9. Even though Jail officials knew that plaintiff required these accommodations, they assigned him to a building at the jail that does not have accommodations for persons, like plaintiff, who because of mobility problems, require handrails by the toilet and in the shower and a shower seat.

ANSWER: Defendant denies.

10. As a result, plaintiff fell on several occasions while using the toilet or showering and suffered personal injuries.

ANSWER: Defendant denies.

11. As a result of the foregoing, plaintiff was denied rights secured by the Americans With Disabilities Act of 1990, 42 U.S.C. § 12132 and the Rehabilitation Act, 29 U.S.C. § 704.

ANSWER: Defendant denies.

AFFIRMATIVE DEFENSES

Pleading in the alternative, and without prejudice to the denials in his Answers, Defendant assert the following separate affirmative defenses to Plaintiff's Complaint:

I. Qualified Immunity

1. The conduct of the Defendant was at all times objectively reasonable and did not violate any of Plaintiff's clearly established Constitutional rights.
2. Accordingly, Defendant is entitled to the defense of qualified immunity.

II. Failure to Mitigate

1. At all relevant times, Plaintiff owed a duty to take reasonable measures to mitigate his alleged injuries and damages.
2. Defendant reserves the right to add additional affirmative defenses as they become known through the course of litigation.

III. Tort Immunity

1. To the extent Plaintiff alleges any supplemental state law claims; the Defendant acted neither willfully nor wantonly toward Plaintiff at any time.
2. Therefore, the Defendant is shielded from suit under the Illinois Tort Immunity Act. *See*, 745 ILCS 10/2-202.

JURY DEMAND

Defendant hereby demands a trial by jury.

WHEREFORE, Defendant respectfully requests that this Honorable Court enter an Order

- (a) dismissing Plaintiff's Complaint with prejudice;
- (b) assessing their costs against Plaintiff; and
- (c) providing them with any other necessary and just relief.

Respectfully submitted,

KIMBERLY M. FOXX
State's Attorney of Cook County

By: Robin Clayton
Robin Clayton
Assistant State's Attorney
500 Richard J. Daley Center
Chicago, Illinois 60602
(312) 603-3401

CERTIFICATE OF SERVICE

I, Robin Clayton, hereby certifies that, in accordance with FED. R. CIV. P. 5. and LR 5.5 and the General Order on Electronic Case Filing (ECF), the foregoing was served pursuant to the District Court's ECF system as to ECF filers on June 10, 2024.

/s/ Robin Clayton
Robin Clayton

