

**U.S. District Court
Southern District of Illinois (East St. Louis)
CIVIL DOCKET FOR CASE #: 3:21-cv-00152-SPM**

Schmidt v. Nodine et al
Assigned to: Judge Stephen P. McGlynn
Cause: 28:1343 Violation of Civil Rights

Date Filed: 02/11/2021
Date Terminated: 06/05/2023
Jury Demand: Both
Nature of Suit: 360 P.I.: Other
Jurisdiction: Federal Question

Plaintiff

Rana Schmidt

*Independent Administrator of the Estate of
Elissa A. Lindhorst, deceased*

represented by **Louis J. Meyer**

Meyer & Kiss, LLC - Peoria
311 West Stratford Drive
Peoria, IL 60614
309-713-3751
Fax: 312-585-7803
Email: louismeyer@meyerkiss.com
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Daniel P. Kiss

Meyer & Kiss, LLC - Peoria
311 West Stratford Drive
Peoria, IL 60614
312-765-0100
Fax: 312-585-7803
Email: dankiss@meyerkiss.com
ATTORNEY TO BE NOTICED

William R. Tapella , II

Spiros Law, P.C.
2807 North Vermilion Street
Suite 3
Danville, IL 61832
217-207-5879
Email: tapella@tapellalaw.com
TERMINATED: 02/11/2022

V.

Defendant

Kathy L. Nodine

represented by **Heidi L. Eckert**

Ford Harrison LLP
7777 Bonhomme Avenue
Suite 1710
St. Louis, MO 63105

314-257-0303
Fax: 314-257-0321
Email: heckert@bbdlc.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Madison County Illinois

represented by **Heidi L. Eckert**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

John D. Lakin
as the Sheriff of Madison County, Illinois

represented by **Heidi L. Eckert**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Deputy Hurst

represented by **Heidi L. Eckert**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Deputy Paulda

represented by **Heidi L. Eckert**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Sgt. Sarhage

represented by **Heidi L. Eckert**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Alisia Rushing

represented by **Heidi L. Eckert**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Deputy Goodwin

represented by **Heidi L. Eckert**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Deputy Caldwell

represented by **Heidi L. Eckert**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Deputy Decker

represented by **Heidi L. Eckert**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Lt. Foster

represented by **Heidi L. Eckert**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Sgt. Richert

represented by **Heidi L. Eckert**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Deputy Wilson

represented by **Heidi L. Eckert**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Lt. Court

represented by **Heidi L. Eckert**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Sgt. Bardelmeier

represented by **Heidi L. Eckert**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Sgt. McNaughton
TERMINATED: 07/11/2022

represented by **Heidi L. Eckert**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Deputy Wallendorff

represented by **Heidi L. Eckert**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Deputy Burden

represented by **Heidi L. Eckert**
(See above for address)

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Deputy Whitecotton

represented by **Heidi L. Eckert**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Deputy Haring

represented by **Heidi L. Eckert**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Advanced Correctional Healthcare, Inc.
TERMINATED: 07/11/2022

represented by **Peter R. Jennetten**
Quinn Johnston - Peoria
227 N.E. Jefferson Avenue
Peoria, IL 61602-1211
309-674-1133
Fax: 309-674-6503
Email: pjennetten@quinnjohnston.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Betsy Ann Wirth
Quinn Johnston - Peoria
227 N.E. Jefferson Avenue
Peoria, IL 61602-1211
309-674-1133
Fax: 309-674-6503
Email: bwirth@quinnjohnston.com
ATTORNEY TO BE NOTICED

Defendant

Rebecca McNaughton
*Special Representative of the Estate of Sgt.
McNaughton, Deceased*

represented by **Heidi L. Eckert**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Mediator

Mediator Stephen Williams

Date Filed	#	Docket Text
02/11/2021	1	COMPLAINT <i>and Jury Demand</i> against All Defendants (Filing fee \$ 402 receipt number 0754-4400426.), filed by All Plaintiffs. (Attachments: # 1 Exhibit, # 2 Civil Cover Sheet) (Tapella, William) (Entered: 02/11/2021)
02/12/2021	2	NOTICE OF INITIAL ASSIGNMENT TO A U.S. MAGISTRATE JUDGE: This case has been randomly assigned to United States Magistrate Judge Gilbert C. Sison pursuant to

		Administrative Order No. 257. The parties are advised that their consent is required if the assigned Magistrate Judge is to conduct all further proceedings in the case, including trial and final entry of judgment pursuant to 28 U.S.C. 636(c) and Federal Rule of Civil Procedure 73. As set forth in Administrative Order No. 257, each party will be required to file a Notice and Consent to Proceed Before a Magistrate Judge Jurisdiction form indicating consent or nonconsent to the jurisdiction of the assigned Magistrate Judge. If all parties do not consent to the Magistrate Judge's jurisdiction, the case will be randomly assigned to a district judge for all further proceedings and the parties cannot later consent to reassignment of the case to a magistrate judge. The parties are further advised that they are free to withhold consent without adverse substantive consequences. Within 21 days of this Notice, the following party or parties must file the attached form indicating consent to proceed before the assigned Magistrate Judge or an affirmative declination to consent: RANA SCHMIDT. A link regarding the magistrate judges in this district is attached for your convenience: http://www.ilsd.uscourts.gov/documents/BenefitsofConsent.pdf . All future documents must bear case number 21-cv-152-GCS. Refer to Civil/Removal Case Processing Requirements, found on the ILSD website, for further service information. Consent due by 3/5/2021 (tba) (Entered: 02/12/2021)
02/12/2021	3	NOTICE OF ACTION re <u>1</u> Complaint filed by RANA SCHMIDT. See Local Rule 83.1(f). In all cases filed in, removed to, or transferred to this court, all attorneys, including government attorneys, shall file a written entry of appearance before addressing the court. Attorney Tapella does not have a Notice of Appearance on file in this case. (tba)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 02/12/2021)
02/12/2021	<u>4</u>	NOTICE of Appearance by William R. Tapella, II on behalf of All Plaintiffs (Tapella, William) (Entered: 02/12/2021)
02/12/2021	<u>5</u>	CONSENT/NON-CONSENT TO U.S. MAGISTRATE JUDGE - sealed pending receipt from all parties. (Tapella, William) (Entered: 02/12/2021)
02/16/2021	6	NOTICE TERMINATING JUDGE ASSIGNMENT: Pursuant to Administrative Order No. 257, and a request for reassignment having been received, this case, in its entirety, is hereby reassigned to Judge Stephen P. McGlynn for further proceedings. Magistrate Judge Gilbert C. Sison no longer assigned to the case. All future documents must bear case number 21-152-SPM. (lmb)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 02/16/2021)
03/11/2021	<u>7</u>	NOTICE of Appearance by Heidi L. Eckert on behalf of All Defendants (Eckert, Heidi) (Entered: 03/11/2021)
03/11/2021	<u>8</u>	REQUEST FOR WAIVER of Service sent to All Defendants on 2/11/21 by Rana Schmidt. Waiver of Service due by 3/11/2021. (Tapella, William) Modified on 3/12/2021 (ack). (Entered: 03/11/2021)
03/11/2021	<u>9</u>	WAIVER OF SERVICE Returned Executed by All Plaintiffs. John D. Lakin waiver sent on 2/11/2021, answer due 4/12/2021; Madison County Illinois waiver sent on 2/11/2021, answer due 4/12/2021; Kathy L. Nodine waiver sent on 2/11/2021, answer due 4/12/2021. (Tapella, William) (Entered: 03/11/2021)
03/12/2021	10	NOTICE OF MODIFICATION re <u>8</u> Notice (Other) filed by Rana Schmidt. Document modified to reflect correct event of REQUEST FOR WAIVER of Service. No further action is required by the filer in relation to this notification. (ack)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 03/12/2021)

04/09/2021	11	MOTION to Dismiss for Failure to State a Claim by All Defendants. Responses due by 5/13/2021 (Eckert, Heidi) (Entered: 04/09/2021)
05/13/2021	12	RESPONSE to Motion re 11 MOTION to Dismiss for Failure to State a Claim filed by All Plaintiffs. (Tapella, William) (Entered: 05/13/2021)
11/12/2021	13	NOTICE of Change of Address by William R. Tapella, II (Tapella, William) (Entered: 11/12/2021)
12/06/2021	14	ORDER: the Court GRANTS in part and DENIES in part the 11 Motion to Dismiss for Failure to State a Claim. The Motion is DENIED as to Counts I through IV. Those claims shall proceed against Defendant Kathy L. Nodine. The Motion is GRANTED as to Counts V through XV and those counts are DISMISSED without prejudice. Plaintiff Rana Schmidt has 7 days, on or before 12/13/2021, to file an amended complaint based purely on Counts I through IV, or she may motion for leave to amend further based on the parameters of this Order. Signed by Judge Stephen P. McGlynn on 12/6/2021. (anb2) (Entered: 12/06/2021)
12/13/2021	15	MOTION for Leave to File <i>First Amended Complaint</i> by Rana Schmidt. (Attachments: # 1 Exhibit First Amended Complaint, # 2 Exhibit Exb A)(Tapella, William) (Entered: 12/13/2021)
02/09/2022	16	ENTRY STRICKEN: NOTICE by Rana Schmidt of <i>copying records</i> (Tapella, William) Modified on 2/10/2022 (lmb). (Entered: 02/09/2022)
02/10/2022	17	NOTICE STRIKING ELECTRONICALLY FILED DOCUMENTS striking 16 Notice (Other) filed by Rana Schmidt. Filing of Disclosure and Discovery. Interrogatories under Federal Rule of Civil Procedure 33 and the answers thereto, requests for production or inspection under Federal Rule of Civil Procedure 34, and depositions under Federal Rules of Civil Procedure 30 and 31 shall be served upon other counsel or parties but shall not be filed with the court. This includes notice of service of discovery documents. The party responsible for service of the discovery material shall retain the original and become the custodian thereof.(lmb)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 02/10/2022)
02/10/2022	18	MOTION to Withdraw as Attorney by Rana Schmidt. (Tapella, William) (Entered: 02/10/2022)
02/10/2022	19	NOTICE of Appearance by Louis J. Meyer on behalf of Rana Schmidt (Meyer, Louis) (Entered: 02/10/2022)
02/11/2022	20	ORDER GRANTING 18 Motion to Withdraw as Attorney. Attorney William R. Tapella, II terminated. Signed by Judge Stephen P. McGlynn on 2/11/2022. (anb2)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 02/11/2022)
02/12/2022	21	NOTICE of Appearance by Daniel P. Kiss on behalf of Rana Schmidt (Kiss, Daniel) (Entered: 02/12/2022)
02/15/2022	22	MOTION for Leave to File <i>Amended Complaint Unopposed</i> by Rana Schmidt. (Attachments: # 1 Exhibit Amended Complaint)(Kiss, Daniel) (Entered: 02/15/2022)
02/17/2022	23	ORDER: Defendants shall respond to the 15 Motion for Leave to File First Amended Complaint and 22 Motion for Leave to File Amended Complaint Unopposed on or before 3/1/2022. Signed by Judge Stephen P. McGlynn on 2/17/2022. (anb2)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 02/17/2022)
02/22/2022	24	RESPONSE in Opposition re 22 MOTION for Leave to File <i>Amended Complaint Unopposed</i> , 15 MOTION for Leave to File <i>First Amended Complaint</i> filed by All

		Defendants. (Eckert, Heidi) (Entered: 02/22/2022)
02/24/2022	26	AMENDED COMPLAINT against All Defendants filed by Rana Schmidt.(jaj) (Entered: 03/07/2022)
03/07/2022	25	ORDER: Plaintiff Rana Schmidt's Motion for Leave to File Amended Complaint Unopposed (Doc. 22) is granted in part and denied in part. Schmidt has seven days, on or before 3/14/2022, to file the amended complaint which excludes Counts VI and VII under the Wrongful Death Act and Survival Act against Defendant John D. Lakin. Additionally, the Motion for Leave to File First Amended Complaint (Doc. 15) is DENIED as MOOT. Signed by Judge Stephen P. McGlynn on 3/7/2022. (anb2) (Entered: 03/07/2022)
03/09/2022	27	STRICKEN MOTION for status <i>hearing</i> by Rana Schmidt. (Meyer, Louis) (Entered: 03/09/2022)
03/10/2022	28	NOTICE STRIKING ELECTRONICALLY FILED DOCUMENTS striking 27 Motion for Status filed by Rana Schmidt at the request of filer. (amv)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 03/10/2022)
03/14/2022	29	AMENDED COMPLAINT <i>Second</i> against All Defendants, filed by Rana Schmidt.(Kiss, Daniel) (Entered: 03/14/2022)
03/14/2022	30	NOTICE by Rana Schmidt re 29 Amended Complaint (Kiss, Daniel) (Entered: 03/14/2022)
03/14/2022	31	NOTICE REGARDING FILING re 30 Notice (Other) filed by Rana Schmidt. The document attached contains a Notice of Filing. Notices of Filing and Certificates of Service should only be filed as the final page of a pleading, and not a standalone document. This Notice is sent for informational purposes only. (lmb)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 03/14/2022)
04/29/2022	32	NOTICE of Appearance by Peter R. Jennetten on behalf of Advanced Correctional Healthcare, Inc. (Jennetten, Peter) (Entered: 04/29/2022)
04/29/2022	33	DEMAND for Trial by Jury by Advanced Correctional Healthcare, Inc.. (Jennetten, Peter) (Entered: 04/29/2022)
04/29/2022	34	MOTION for Extension of Time to File Answer re 29 Amended Complaint by Advanced Correctional Healthcare, Inc.. (Jennetten, Peter) (Entered: 04/29/2022)
05/02/2022	35	NOTICE REGARDING FILING re 34 Motion for Extension of Time to File Answer filed by Advanced Correctional Healthcare, Inc. The document incorrectly reflects the case number as 3:22-cv-329. The correct case number for future filings is 3:21-cv-152-SPM. This Notice is sent for informational purposes only. THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (adh) (Entered: 05/02/2022)
05/02/2022	36	ORDER GRANTING 34 Motion for Extension of Time to File Answer re 29 Amended Complaint. Defendant Advanced Correctional Healthcare, Inc.'s answer due on or before 6/10/2022. Signed by Judge Stephen P. McGlynn on 5/2/2022. (anb2)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 05/02/2022)
05/02/2022	37	MOTION to Dismiss for Failure to State a Claim <i>Plaintiff's Second Amended Complaint</i> by Sgt. Bardelmeier, Deputy Burden, Deputy Caldwell, Lt. Court, Deputy Decker, Lt. Foster, Deputy Goodwin, Deputy Haring, Deputy Hurst, John D. Lakin, Madison County Illinois, Sgt. McNaughton, Kathy L. Nodine, Deputy Paulda, Sgt. Richert, Alisia Rushing, Sgt.

		Sarhage, Deputy Wallendorff, Deputy Whitecotton, Deputy Wilson. (Eckert, Heidi) (Entered: 05/02/2022)
05/02/2022	38	SUGGESTION OF DEATH Upon the Record as to Sgt. McNaughton by Sgt. Bardelmeier, Deputy Burden, Deputy Caldwell, Lt. Court, Deputy Decker, Lt. Foster, Deputy Goodwin, Deputy Haring, Deputy Hurst, John D. Lakin, Madison County Illinois, Sgt. McNaughton, Kathy L. Nodine, Deputy Paulda, Sgt. Richert, Alisia Rushing, Sgt. Sarhage, Deputy Wallendorff, Deputy Whitecotton, Deputy Wilson (Eckert, Heidi) (Entered: 05/02/2022)
05/03/2022	39	ENTRY STRICKEN - ORDER re 37 Motion to Dismiss for Failure to State a Claim <i>Plaintiff's Second Amended Complaint</i> . Plaintiff's responses due on or before 6/1/2022. Signed by Judge Stephen P. McGlynn on 5/3/2022. (anb2)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. Modified on 5/3/2022 (jsm2). (Entered: 05/03/2022)
05/03/2022	40	ORDER: This matter is before the Court for case management purposes. A 38 Suggestion of Death as to Defendant Sgt. McNaughton was filed. If a motion for substitution is not made within the next 90 days, on or before 8/1/2022, Plaintiff's claims against McNaughton will be dismissed pursuant to Rule 25(a). Signed by Judge Stephen P. McGlynn on 5/3/2022. (anb2)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 05/03/2022)
05/03/2022	41	NOTICE STRIKING ELECTRONICALLY FILED DOCUMENTS striking 39 Order as case will be set for hearing by separate order. (jsm2)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 05/03/2022)
05/05/2022	42	NOTICE of Hearing on Motion 37 MOTION to Dismiss for Failure to State a Claim Plaintiff's Second Amended Complaint: Motion Hearing set for 5/17/2022 at 1:30 PM in East St. Louis Courthouse before Judge Stephen P. McGlynn. (jsm2)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 05/05/2022)
05/13/2022	43	NOTICE of Appearance by Betsy Ann Wirth on behalf of Advanced Correctional Healthcare, Inc. (Wirth, Betsy) (Entered: 05/13/2022)
05/17/2022	44	Minute Entry for proceedings held before Judge Stephen P. McGlynn: Motion Hearing held on 5/17/2022 re Defendants Motion to Dismiss 37 . Louis Meyer appeared on behalf of the Plaintiff. Heidi Eckert appeared on behalf of Madison County Defendants. Betsy Wirth appeared on behalf of Advanced Correctional Healthcare, Inc. Motion is DENIED. Defendants given 30 days to file an Answer to Plaintiff's Second Amended Complaint. (Court Reporter Hannah Jagler.) (jsm2)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 05/17/2022)
05/17/2022	45	CJRA TRACK C assigned: Final Pretrial Conference set for 9/18/2023 at 9:00 AM in East St. Louis Courthouse before Judge Stephen P. McGlynn. Presumptive Jury Trial month of October 2023. Signed by Judge Stephen P. McGlynn on 5/17/2022. (jsm2) (Entered: 05/17/2022)
05/17/2022	46	ORDER SETTING SCHEDULING CONFERENCE. Telephonic Scheduling Conference set for 6/8/2022 at 1:30 PM before Judge Stephen P. McGlynn. Joint Report of the Parties due seven days before the conference. The parties are reminded that the proposed discovery and dispositive motions deadlines must be in compliance with the requirements set forth in this Court's form order. See also SDIL-LR 7.1(f) and Timetable. Instructions to join the phone conference are as follows: Call toll free 1-888-684-8852 , when prompted enter access code 6102338 , when prompted enter the four-digit security code 9374 . Signed by Judge Stephen P. McGlynn on 5/17/2022. (jsm2) (Entered: 05/17/2022)

06/08/2022	47	Minute Entry for proceedings held before Judge Stephen P. McGlynn: Telephonic Scheduling Conference held on 6/8/2022. Attorney Louis Meyer participated on behalf of the plaintiff. Attorney Heidi Eckert participated on behalf of Madison County Defendants. Attorney Peter Jennetten participated on behalf of Defendant Advanced Correctional Healthcare, Inc. The Joint Report of the Parties is accepted. As a reminder the parties may agree to extend deadlines without Court approval so long as it would not interfere with the discovery deadline or trial date. (Court Reporter N/A.) (jsm2)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 06/08/2022)
06/08/2022	48	SCHEDULING ORDER: Final Pretrial Conference set for 9/18/2023 at 9:00 AM in East St. Louis Courthouse before Judge Stephen P. McGlynn. Discovery due by 6/2/2023. Dispositive Motions due by 6/23/2023. Presumptive Jury Trial month October 2023. Signed by Judge Stephen P. McGlynn on 6/8/2022. (Attachments: #(1) Proposed JRP). (jsm2) (Entered: 06/08/2022)
06/10/2022	49	Second MOTION for Extension of Time to File by Advanced Correctional Healthcare, Inc.. (Wirth, Betsy) (Entered: 06/10/2022)
06/10/2022	50	ORDER GRANTING 49 Second Motion for Extension of Time to File Answer filed by Advanced Correctional Healthcare, Inc. Answer due on or before 6/24/2022. Signed by Judge Stephen P. McGlynn on 6/10/2022. (cdc) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 06/10/2022)
06/16/2022	51	ANSWER to 29 Amended Complaint <i>Second</i> by Sgt. Bardelmeier, Deputy Burden, Deputy Caldwell, Lt. Court, Deputy Decker, Lt. Foster, Deputy Goodwin, Deputy Haring, Deputy Hurst, John D. Lakin, Madison County Illinois, Sgt. McNaughton, Kathy L. Nodine, Deputy Paulda, Sgt. Richert, Alisia Rushing, Sgt. Sarhage, Deputy Wallendorff, Deputy Whitecotton, Deputy Wilson.(Eckert, Heidi) (Entered: 06/16/2022)
06/27/2022	52	MOTION for Leave to File <i>Third Amended Complaint and to Dismiss ACH as a Defendant</i> by Rana Schmidt. (Attachments: # 1 Exhibit Third Amended Complaint)(Meyer, Louis) (Entered: 06/27/2022)
07/06/2022	53	MOTION for Leave to File <i>Amended Complaint, voluntarily dismiss Defendant ACH with prejudice and substitute Defendant Sgt. McNaughton</i> by Rana Schmidt. (Attachments: # 1 Exhibit Proposed Third Amended Complaint)(Meyer, Louis) (Entered: 07/06/2022)
07/07/2022	54	NOTICE REGARDING FILING re 53 Motion for Leave to File filed by Rana Schmidt. Attachment contains a proposed document. Proposed documents are not to be filed, rather should be submitted via email to the assigned Judge. Proposed Third Amended Complaint to be sent by email accordingly. (kek)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 07/07/2022)
07/11/2022	55	ORDER: The Court GRANTS Plaintiff Rana Schmidt's 53 Motion for Leave to File <i>Amended Complaint, voluntarily dismiss Defendant ACH with prejudice and substitute Defendant Sgt. McNaughton</i> . Schmidt shall file the amended complaint instanter. Upon filing, Defendant Advanced Correctional Healthcare, Inc. is considered DISMISSED with prejudice. The Court DENIES Plaintiff's 52 Motion for Leave to File <i>Third Amended Complaint and to Dismiss ACH as a Defendant</i> as MOOT. Additionally, pursuant to Federal Rule of Civil Procedure 25(a), Rebecca McNaughton, as special administrator, is SUBSTITUTED as Defendant for Sgt. McNaughton, deceased. Signed by Judge Stephen P. McGlynn on 7/11/2022. (anb2)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 07/11/2022)

07/11/2022	56	AMENDED COMPLAINT <i>Third</i> against All Defendants, filed by Rana Schmidt.(Meyer, Louis) (Entered: 07/11/2022)
07/25/2022	57	<i>Defendants' Answer and Affirmative Defenses to Plaintiff's Third Amended Complaint</i> ANSWER to 56 Amended Complaint by Sgt. Bardelmeier, Deputy Burden, Deputy Caldwell, Lt. Court, Deputy Decker, Lt. Foster, Deputy Goodwin, Deputy Haring, Deputy Hurst, John D. Lakin, Madison County Illinois, Rebecca McNaughton, Sgt. McNaughton, Kathy L. Nodine, Deputy Paulda, Sgt. Richert, Alisia Rushing, Sgt. Sarhage, Deputy Wallendorff, Deputy Whitecotton, Deputy Wilson.(Eckert, Heidi) (Entered: 07/25/2022)
09/14/2022	58	Joint MOTION for Protective Order by Sgt. Bardelmeier, Deputy Burden, Deputy Caldwell, Lt. Court, Deputy Decker, Lt. Foster, Deputy Goodwin, Deputy Haring, Deputy Hurst, John D. Lakin, Madison County Illinois, Rebecca McNaughton, Kathy L. Nodine, Deputy Paulda, Sgt. Richert, Alisia Rushing, Sgt. Sarhage, Deputy Wallendorff, Deputy Whitecotton, Deputy Wilson. (Eckert, Heidi) (Entered: 09/14/2022)
09/15/2022	59	ORDER GRANTING 58 Motion for Protective Order. Signed by Judge Stephen P. McGlynn on 9/15/2022. (anb2) (Entered: 09/15/2022)
09/22/2022	60	MOTION to Compel <i>Defendants to Properly Respond to Plaintiff's Interrogatories by a Date Certain</i> by Rana Schmidt. (Attachments: # 1 Exhibit Defendants Objections and Answers to Plaintiff First Interrogatories)(Meyer, Louis) (Entered: 09/22/2022)
09/23/2022	61	ORDER re 60 Motion to Compel. Defendants' response due on or before 9/29/2022. Signed by Judge Stephen P. McGlynn on 9/23/2022. (anb2)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 09/23/2022)
09/29/2022	62	MOTION for Extension of Time to File Response/Reply as to 60 MOTION to Compel <i>Defendants to Properly Respond to Plaintiff's Interrogatories by a Date Certain</i> , 61 Order, Set Motion and R&R Deadlines/Hearings by Sgt. Bardelmeier, Deputy Burden, Deputy Caldwell, Lt. Court, Deputy Decker, Lt. Foster, Deputy Goodwin, Deputy Haring, Deputy Hurst, John D. Lakin, Madison County Illinois, Rebecca McNaughton, Kathy L. Nodine, Deputy Paulda, Sgt. Richert, Alisia Rushing, Sgt. Sarhage, Deputy Wallendorff, Deputy Whitecotton, Deputy Wilson. (Eckert, Heidi) (Entered: 09/29/2022)
09/30/2022	63	ORDER GRANTING 62 Defendants' Motion for Extension of Time to File Response/Reply as to 60 Plaintiff's Motion to Compel Defendants to Properly Respond to Plaintiff's Interrogatories by a Date Certain. Responses due on or before 10/13/2022. Signed by Judge Stephen P. McGlynn on 9/30/2022. (cdc)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 09/30/2022)
10/12/2022	64	Second MOTION for Extension of Time to File Response/Reply as to 60 MOTION to Compel <i>Defendants to Properly Respond to Plaintiff's Interrogatories by a Date Certain</i> by Sgt. Bardelmeier, Deputy Burden, Deputy Caldwell, Lt. Court, Deputy Decker, Lt. Foster, Deputy Goodwin, Deputy Haring, Deputy Hurst, John D. Lakin, Madison County Illinois, Rebecca McNaughton, Kathy L. Nodine, Deputy Paulda, Sgt. Richert, Alisia Rushing, Sgt. Sarhage, Deputy Wallendorff, Deputy Whitecotton, Deputy Wilson. (Eckert, Heidi) (Entered: 10/12/2022)
10/14/2022	65	NOTICE of Hearing on Motion 60 MOTION to Compel Defendants to Properly Respond to Plaintiff's Interrogatories by a Date Certain. Motion Hearing set for 10/28/2022 at 9:30 AM in East St. Louis Courthouse before Judge Stephen P. McGlynn. (jsm2)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 10/14/2022)

10/14/2022	66	ORDER: 64 Motion for Extension of Time to File Response/Reply as to 60 Motion to Compel DENIED. The issues will be taken up at the scheduled hearing, but Defendants may file a motion to file a response out of time if a response is generated within a reasonable amount of time before the hearing. Signed by Judge Stephen P. McGlynn on 10/14/2022. (anb2)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 10/14/2022)
10/25/2022	67	RESPONSE to Motion re 60 MOTION to Compel <i>Defendants to Properly Respond to Plaintiff's Interrogatories by a Date Certain</i> filed by Sgt. Bardelmeier, Deputy Burden, Deputy Caldwell, Lt. Court, Deputy Decker, Lt. Foster, Deputy Goodwin, Deputy Haring, Deputy Hurst, John D. Lakin, Madison County Illinois, Rebecca McNaughton, Kathy L. Nodine, Deputy Paulda, Sgt. Richert, Alisia Rushing, Sgt. Sarhage, Deputy Wallendorff, Deputy Whitecotton, Deputy Wilson. (Eckert, Heidi) (Entered: 10/25/2022)
10/27/2022	68	ORDER: The In-person motion hearing scheduled for 10/28/2022 at 9:30 AM is being CONVERTED to a Motion hearing via telephone before Judge Stephen P. McGlynn. Instructions to join the phone conference are as follows: Call toll free 1-888-684-8852 , when prompted enter access code 6102338 , when prompted enter the four-digit security code 9374 . Signed by Judge Stephen P. McGlynn on 10/27/2022. (jsm2)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 10/27/2022)
10/28/2022	69	Minute Entry for proceedings held before Judge Stephen P. McGlynn: Motion Hearing held by telephone on 10/28/2022 re Plaintiffs Motion to Compel 60 . Louis Meyer participated on behalf of the Plaintiff. Heidi Eckert participated on behalf of the Defendants. Motion is DENIED. (Court Reporter N/A.) (jsm2)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 10/28/2022)
12/29/2022	70	Joint MOTION to Stay <i>Discovery pending mediation</i> by Rana Schmidt. (Meyer, Louis) (Entered: 12/29/2022)
01/04/2023	71	ORDER: 70 Motion to Stay GRANTED. The Court STAYS all discovery and pretrial deadlines in this case. The stay will expire at the conclusion of the settlement conference. Signed by Judge Stephen P. McGlynn on 1/4/2023. (anb2)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 01/04/2023)
03/31/2023	72	REPORT of Mandatory Mediation - <i>Case Settled</i> by Stephen Craig Williams. (Williams, Stephen) (Entered: 03/31/2023)
04/03/2023	73	60 DAY ORDER: The Court has been informed that the parties have settled this matter in its entirety, but additional time is needed to finalize the settlement documents. Accordingly, the Clerk of Court is DIRECTED, 60 days after entry of notice, on 6/2/2023, to ENTER JUDGMENT OF DISMISSAL with prejudice. Each party shall bear its own costs, unless otherwise provided in the settlement documents. If the parties fail to finalize the settlement within the 60-day period, they may -- before that period expires -- move to postpone entry of judgment to a later date. Due to the settlement, the Court DENIES AS MOOT all pending motions, CANCELS all settings, and VACATES all deadlines and hearings in this case. Signed by Judge Stephen P. McGlynn on 4/3/2023. (anb2)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 04/03/2023)
06/05/2023	74	CLERK'S JUDGMENT. Approved by Judge Stephen P. McGlynn on 6/5/2023. (anb2) (Entered: 06/05/2023)

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS DIVISION, EAST ST. LOUIS, ILLINOIS

RANA SCHMIDT, as the Independent)	
Administrator of THE ESTATE OF ELISSA A.)	
LINDHORST, deceased,)	
)	
Plaintiff,)	
)	
v.)	Case No. 21-cv-0152-SPM
)	
MADISON COUNTY, ILLINOIS,)	
JOHN D. LAKIN, as the Sheriff of Madison County,)	
KATHY L. NODINE, DEPUTY HURST,)	
DEPUTY PAULDA, SGT. SARHAGE,)	
ALISIA RUSHING, DEPUTY GOODWIN,)	
DEPUTY CALDWELL, DEPUTY DECKER,)	
LT. FOSTER, SGT. RICHERT, DEPUTY WILSON)	
DEPUTY WILSON, LT. COURT, SGT. BARDELMEIER,)	
REBECCA McNAUGHTON, Special Representative)	
Of The Estate of SGT. McNAUGHTON)	
DEPUTY WALLENDORFF, DEPUTY BURDEN,)	
DEPUTY WHITECOTTON, AND DEPUTY HARING,)	
)	
Defendants.)	

THIRD AMENDED COMPLAINT

NOW COMES the Plaintiff, RANA SCHMIDT, as the Independent Administrator of THE ESTATE OF ELISSA A. LINDHORST, deceased, by MEYER & KISS, LLC, her attorneys, and complaining of the Defendants states the following:

Introduction

1. On February 24, 2020, Elissa Lindhorst (hereafter Elissa) died in a cell at the Madison County Jail. She did not deserve to die, and her death was preventable. From February 20, 2020, until her death on February 24, 2020, numerous employees of the Madison County Sheriff’s Department observed Elissa’s health decline yet failed to take any

steps to get her the much needed and medical attention she needed. Elissa was only 28 years old.

2. Prior to her death, fellow detainees in the Madison County Jail heard Elissa beg for help and state that she felt like she was dying. These fellow detainees did all they could to help Elissa. They received no assistance from the Defendants, except for a mop and bucket to clean up Elissa's vomit.
3. No one responded to Elissa's pleas for help. The callous inattention displayed by the medical staff and correctional officers left Elissa without crucial medical treatment that resulted in her death.
4. Elissa was in obvious need of emergency medical care resulting from opioid dependency and withdrawal. The Defendants were aware that Elissa was going through withdrawal, yet they failed to take any action.
5. Defendants Madison County Sheriff JOHN D. LAKIN failed to implement any meaningful training or provide continuing education to their employees that focused on the signs, symptoms, and consequences of drug intoxication and/or withdrawal of detainees being held in the Jail and the need to render prompt and adequate medical care.
6. Notably, In the hours leading up to Elissa's death, surveillance video shows fellow detainees pulling Elissa out of her cell and attempting to provide medical care as they yell repeatedly for help.

Jurisdiction and Venue

7. This Court has jurisdiction over this matter under the following:
 - a. 28 U.S.C. § 1331, as this is a civil action arising under the Constitution, laws,

and/or treaties of the United States;

- b. 28 U.S.C. § 1337, as this is a civil action or proceeding arising under an Act of Congress regulating commerce and/or protecting trade and commerce against restraints and monopolies; and
 - c. 28 U.S.C. § 1343, as this is a civil action seeking to redress the deprivation, under color of any State law, statute, ordinance, regulation, custom and/or usage, of a right, privilege or immunity secured by the Constitution of the United States and/or by an Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States.
8. Plaintiff's claims for relief are predicated, in part, upon 42 U.S.C. § 1983, which authorizes actions to redress the deprivation, under color of state law, of rights, privileges, and immunities secured by the Constitution and laws of the United States, and upon 42 U.S.C. § 1988, which authorizes the award of attorneys' fees and costs to prevailing plaintiffs in actions pursuant to 42 U.S.C. § 1983.
 9. Plaintiff further invokes the supplemental jurisdiction of this Court, pursuant to 28 U.S.C. § 1367, to consider the state law claims alleged herein.
 10. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) and § 1391(c), as Defendants do business in this judicial district and the events or omissions giving rise to the claims occurred in this judicial district.

Parties

11. RANA SCHMIDT is a resident of Glen Carbon, Madison County, Illinois. She is the duly appointed Independent Administrator of the Estate of ELISSA A. LINDHORST, deceased.

Ms. SCHMIDT is the mother of the decedent and brings this action on behalf on the Decedent's next of kin.

12. At all times relevant to the issues raised in this Complaint, ELISSA A. LINDHORST, deceased, resided in Glen Carbon, Madison County, Illinois. Elissa, born on April 30, 1991, died while incarcerated as a pretrial detainee at the Madison County Jail on February 24, 2020.
13. From February 20, 2020, to February 24, 2020, Elissa, was a pre-trial detainee confined in Madison County Jail in Edwardsville, Illinois, a correctional facility maintained by Defendant Madison County Sheriff JOHN D. LAKIN ("Defendant LAKIN").
14. At all relevant times, Defendant LAKIN was the duly elected sheriff of Madison County and chief administrator of the Madison County Jail.
15. At all relevant times, he was acting under color of law and in the course and scope of his employment as the agent, servant, and an official policy-maker for Defendant MADISON COUNTY on issues relating to care of prisoners in Madison County Jail and the policies, procedures, practices, and customs, as well as the acts and omissions, challenged by this suit, and as the County's chief law enforcement officer. He is sued in his official capacity.
16. Defendant LAKIN was the commanding officer of all Madison County Sheriff's deputies, correctional officers, and jail employees, and he was responsible for their training, supervision, and conduct.
17. Defendant MADISON COUNTY is joined in this action pursuant to *Carver v. Sheriff of LaSalle County*, 324 F.3d 947 (7th Cir. 2003).

18. At time material to this complaint, Defendant ALISIA RUSHING (“Defendant RUSHING”) was a nurse at the Madison County Jail, employed by Madison County and Defendant LAKIN, who was responsible for the well-being, medical care, and safety of detainees, including Elissa.
19. At times material to this complaint, Defendants KATHY L. NODINE, DEPUTY HURST, DEPUTY PAULDA, SGT. SARHAGE, DEPUTY GOODWIN, DEPUTY CALDWELL, DEPUTY DECKER, LT. FOSTER, SGT. RICHERT, DEPUTY WILSON, DEPUTY WILSON, LT. COURT, SGT. BARDELMEIER, DEPUTY WALLENDORFF, DEPUTY BURDEN, DEPUTY WHITECOTTON, and DEPUTY HARING (“Defendant Correctional Officers”) were correctional officers at the Madison County Jail, employed by Madison County and Defendant LAKIN, who were responsible for the well-being and safety of detainees, including Elissa.
20. REBECCA McNAUGHTON was named the Administrator of the Estate of Sgt. Donald McNAUGHTON in Madison County under case number 21-W-395 and is named in this case as a Defendant as the Special Representative for Sgt. McNaughton.

Bases For Claim

21. The Plaintiff brings her claims on behalf of the decedent’s estate and the decedent’s next of kin pursuant to the Illinois Survival Act, 755 ILCS 5/27-6, and the Illinois Wrongful Death Act, 740 ILCS 180/0.01-180/2.2, respectively.
22. The Plaintiff brings her federal claims against the Defendants pursuant to 42 U.S.C. § 1983 for violations of Elissa’s rights under the Fourteenth Amendment to the United

States Constitution, which prohibits “deliberate indifference to the serious medical needs of pretrial detainees.”

23. The Plaintiff brings her state law claims pursuant to Illinois tort law against the Defendants for willfully and wantonly denying Elissa medical care while detained at the Madison County Jail. LAKIN is further named as a Defendant pursuant to 55 ILCS 5/3-6016, which provides that “the sheriff shall be liable for any neglect or omission of the deputies of his office, when occasioned by a deputy . . . in the same manner for his or her own personal neglect or omission” and as the principal for the Defendant Correctional Officers and Defendant RUSHING and the other unknown Madison County employees.

FACTS COMMON TO ALL CLAIMS

A. ELLISA’S INCARCERATION AND DEATH

24. Prior to February 20, 2020, Elissa had long struggled with addiction issues.
25. On February 20, 2020, Elissa appeared in Granite City, Illinois, for an appearance in court.
26. During her appearance, the presiding judge recognized Elissa as having an outstanding warrant and notified Madison County Sheriff deputies, who were working at the Granite City Courthouse that day.
27. The Deputies, Deputy Schneidewind and Deputy Saffell, responded to the Judge’s notification. Deputy Saffell confirmed the warrant by phone, determining that the warrant sought Elissa’s arrest for possession of a controlled substance.

28. After confirming the warrant, Deputy Saffell took Elissa into custody, “without incident,” placed her into his patrol vehicle, and transported her to the Madison County Jail.
29. Elissa arrived at the jail at about 4:38 PM on Thursday, February 20, 2020. Once at the jail, Deputy Saffell remained present until Elissa completed a body scan as part of the intake process and then turned Elissa over to corrections, again, “without incident.”
30. During the booking process, consistent with Department policy, Deputy Tharp checked Elissa’s Booking History Report. That report revealed that Elissa had previously been booked in 2019, once for possession of a controlled substance and, a second time, for possession of methamphetamine.
31. Consistent with Department Policy, Deputy Tharp, conducted a search of Elissa’s person and belongings, including the body scan witnessed by Deputy Saffell and a strip search. Neither the search by Deputy Saffell at the time of the arrest nor the search during the booking process revealed contraband of any type, including drugs, alcohol, or other illicit substances, in Elissa’s possession.
32. Shortly after booking, Elissa became ill, began vomiting, and requested aid from the Defendant NODINE.
33. Defendant NODINE observed that Elissa had become ill and was vomiting. Elissa told Defendant NODINE that she was withdrawing from an opioid.
34. As a result of Elissa’s illness, Defendant NODINE, claims to have completed a sick slip form seeking medical assistance for Elissa. However, despite Department policy that

requires such slips to be maintained in the detainee's file, no sick slip, dated February 20, 2020, is in Elissa's file.

35. According to Defendant NODINE, she submitted the sick slip on February 20, 2020, when Elissa reported that she was withdrawing from an opioid. NODINE also reported that she submitted the sick slip to the jail infirmary, which is required by Department policy.

36. Pursuant to Department Policy, when a sick slip is submitted, the medical staff must decide if a detainee is to be seen and whether the detainee will be evaluated by a nurse or a doctor. Where an exam is approved, that exam is to occur after the distribution of medicine is completed the following morning.

37. No medical staff member evaluated Elissa in response to the sick slip that NODINE claims to have submitted on February 20, 2020, and there is nothing in Elissa's file to suggest any consideration by the medical staff of Elissa's condition.

38. In the early morning hours of February 21, 2020, Defendant HURST was informed by Defendant NODINE that Elissa was detoxing.

39. While passing out breakfast, Defendant HURST observed that Elissa had vomited on the floor.

40. During lunch on February 21, 2020, Defendant HURST once again witnessed Elissa vomit. By that point, Defendant HURST was aware that Elissa had not eaten any breakfast or lunch.

41. Elissa was also unable to eat the dinner that was passed out by Defendant HURST.

42. Defendant HURST never summoned or requested any medical attention for Elissa during her shift even after observing Elissa vomiting and becoming aware that she was withdrawing.
43. At the end of Defendant HURST's shift, Defendant HURST informed Defendant PAULDA that Elissa had been sick the entire day and did not eat anything.
44. Defendant PAULDA observed that Elissa was extremely sick yet failed to request any medical attention for Elissa.
45. Through February 21, February 22, and February 23, Defendants NODINE, HURST, PAULDA, SGT. SARHAGE, GOODWIN, CALDWELL, DECKER, LT. FOSTER, SGT. RICHERT, WILSON, LT. COURT, SGT. BARDELMEIER, REBECCA McNAUGHTON, as Special Representative of Estate of Sgt. McNaughton, WALLENDORFF, BURDEN, WHITECOTTON, and DEPUTY HARING, never sought out or provided any medical evaluation or care of any type to Elissa. All of these Defendants were aware that Elissa had not been eating, was vomiting and was withdrawing from an opioid.
46. After the Defendants NODINE, HURST and PAULDA noted Elissa was vomiting on February 20, 2020, and into the early hours of February 21, 2020, the Defendant Correctional Officers observed Elissa's condition continue to deteriorate. She continued to vomit, could not eat, and could not drink liquids throughout the remainder of her incarceration at the MADISON COUNTY JAIL, which ended with her death on February 24, 2020.

47. After Elissa requested aid from Defendant NODINE, on February 20, 2020, Elissa and her cell mates, Misty and Michelle, made repeated requests for medical assistance to multiple Defendant Correctional Officers.
48. The Defendant Correctional Officers that came into contact with Elissa from February 20, 2020, through February 24, 2020, acted willfully and wantonly and with a deliberate indifference to Elissa's serious and deteriorating medical condition, ignored the repeated pleas for help from Elissa, Misty, and Michelle, failed to assess Elissa, and failed to provide necessary medical care, which was at all times available to detainees at the Jail.
49. On February 22, 2020, Defendants WALLENDORFF, LT. FOSTER, LT. COURT, WHITECOTTON, HARING, SGT. BARDELMEIER, and SCHREIBER all completed rounds in the female side of the jail and observed Elissa's deteriorating condition and observed that she had been vomiting. Defendants WALLENDORFF, LT. FOSTER, LT. COURT, WHITECOTTON, HARING, SGT. BARDEIMEIER, and SCHREIBER all knew that Elissa was withdrawing from opioids, yet none of these individual defendants sought medical attention for Elissa.
50. On February 23, 2020, Defendants GOODWIN, CALDWELL, SGT. BARDELMEIER, DECKER, PAULDA, SCHREIBER, SGT. RICHERT, HARING, BURDEN, WILSON, LT. COURT, REBECCA McNAUGHTON, as Special Representative of Estate of Sgt. McNaughton, WHITECOTTON, LT. FOSTER all completed rounds in the female side of the jail and observed Elissa's deteriorating condition and observed that she had been vomiting and still had not been seen by any medical providers. Defendants GOODWIN, CALDWELL,

SGT. BARDELMEIER, DECKER, PAULDA, SCHREIBER, SGT. RICHERT, HARING, BURDEN, WILSON, LT. COURT, REBECCA McNAUGHTON, as Special Representative of Estate of Sgt. McNaughton, WHITECOTTON, and LT. FOSTER all knew that Elissa's deteriorating condition was due to her withdrawing from opioids, yet none of these individual defendants sought medical attention for Elissa.

51. Specifically on February 23, 2020, Defendants LT. COURT, SGT. BARDELMEIER, and WILSON spoke with Elissa, who told them she was going through withdrawal. Instead of getting Elissa medical attention, they provided the cell block with cleaning supplies and a Biohazard bag to clean the vomit out of Elissa's cell.
52. Defendant SGT. BARDELMEIER falsely stated in a report that he asked Elissa if she was doing "okay" and that she responded she was.
53. On February 23, 2020, the other detainees in the Jail with Elissa were so concerned with her condition that they completed a sick call slip on her behalf, since Elissa was too sick to complete one herself. Upon information and belief, Defendant PAULDA picked-up the sick call slip completed by the other detainees and threw it in the garbage.
54. On the morning of February 24, 2020, Sergeant Hare of the Madison County Sheriff's Department found a handwritten note by Misty and Michelle pleading for assistance for Elissa. Sergeant Hare found the note "in a trash container at the front of F4 which is utilized by guards." A copy of the note written by Misty and Michelle is attached as Exhibit A to this complaint.

55. On February 24, 2020, at approximately 4:55 a.m., Defendant PAULDA spoke with Defendant SGT. SARHAGE and informed Defendant SGT. SARHAGE that Elissa was still sick from withdrawing. Defendants SGT. SARHAGE and PAULDA decided to go speak with Defendant RUSHING regarding Plaintiff's condition. Upon information and belief, this was the first time that medical staff was contacted regarding Elissa's condition.
56. At approximately 5:00 a.m., Defendants PAULDA and SGT. SARHAGE went to the Jail infirmary and spoke with Defendant RUSHING. Defendants PAULDA and SGT. SARHAGE told Defendant RUSHING about Elissa's withdrawal symptoms. Defendant RUSHING told Defendants PAULDA and SGT. SARHAGE to fill out a sick call slip for Elissa.
57. Even after being told of Elissa's condition and how she had been vomiting over the last three days, Defendant RUSHING refused to see Elissa.
58. On the morning of February 24, 2020, Defendant NODINE began her duty rounds at 6:00 AM. Shortly thereafter, she observed Elissa lying on the floor of her cell near the toilet. Willfully and wantonly and with reckless and deliberate indifference to Elissa's condition, NODINE made no effort to check on Elissa, assess her condition, or call for medical staff assistance.
59. When NODINE made her next duty round thirty minutes later, at or about 6:30 AM, she found Elissa still lying in the same position. Willfully and wantonly and with reckless and deliberate indifference to Elissa's condition, NODINE made no effort to check on ELISSA, assess her condition, or call for medical staff assistance.
60. Thirty minutes later, at or about 7:00 AM, NODINE again found Elissa lying by the toilet, this time slightly rolled to one side. She noted Elissa raising her head and having vomit

on her. Willfully and wantonly and with reckless and deliberate indifference to Elissa's condition, NODINE made no effort to check on Elissa, assess her condition, or call for medical staff assistance.

61. After completing her 7:00 AM duty round and without having checked Elissa's condition or called for medical staff assistance, NODINE began to distribute breakfast to the other inmates. Misty expressed her concern to NODINE about Elissa's condition and asked if she could give Elissa her breakfast. Willfully and wantonly and with reckless and deliberate indifference to Elissa's condition, NODINE watched Misty take Elissa her breakfast but did nothing herself to check on Elissa or call for medical staff assistance.
62. Some thirty minutes later, a little after 7:30 AM, NODINE began her duty rounds, again. This time, Nurse Bassett also began passing out morning medications to inmates in the same area of the jail where Elissa had been lying on the floor by her toilet for over an hour and a half.
63. While NODINE made rounds and Basset handed out meds, Misty and Michelle began yelling that Elissa had stopped breathing. The two cell mates had carried Elissa from her cell into the main detainee walkway, by the time that NODINE and Basset arrived.
64. After ignoring Elissa's condition for more than three days and ignoring her grave condition on the morning of February 24, 2020, for over an hour and a half, the Defendant Correctional Officers employed by the COUNTY and LAKIN finally began to give attention to Elissa's deteriorating medical condition; NODINE by assisting Nurse Basset with cardiopulmonary resuscitation.

65. Unfortunately for Elissa, due to the deliberate indifference of the Defendant Correctional Officers and Defendant RUSHING, during the time between Elissa's admission to the Madison County Jail and the morning of February 24, 2020, Elissa's condition had progressed to the point of severe dehydration, and she had aspirated her vomit, causing her lungs to become congested and inflamed.
66. By the time that the Defendant Correctional Officers and Defendant RUSHING provided care to Elissa, she could not recover from those injuries. At 8:30 AM on February 24, 2020, Dr. Grant Gerdelman, M.D. pronounced her dead.

B. THE SETTING FOR ELISSA'S INCARCERATION

67. In 2019, the National Institute for Drug Abuse reported 70,630 deaths from drug abuse, including "those caused by synthetic opioids other than methadone (primarily fentanyl)," which accounted for over 36,000 of those deaths. According to the Centers for Disease Control, "synthetic opioids other than methadone are the main driver of overdose deaths."
68. In Illinois' fiscal year (SFY) 2018, methamphetamine-related offenses led to 1,017 Illinois Department of Corrections admissions. Methamphetamine-related admissions accounted for 4 percent of all admissions and almost 18 percent of all drug admissions that year.[48] From SFY12 to SFY18, Illinois prisons experienced a 67 percent increase in the number of individuals admitted for a methamphetamine offense, rising from 967 individuals in 2012 to over 1,600 in 2018.[50]
69. The Centers for Disease Control reports that, in Illinois alone, during 2018, over 2,700 people died as a result of drug overdose.

70. The risk attendant to drug overdoses and withdrawal from drugs were and should have been well known to the Defendants, LAKIN and MADISON COUNTY, and these Defendants had a duty under the U.S. Constitution to enact policies and procedures to protect pretrial detainees, including Elissa, from said risk including the development of policies and training to guide their employees, including the Defendants, in the care and supervision of detainees suffering from emergency medical conditions.

C. THE POLICIES AND REGULATIONS GOVERNING ELISSA’S INCARCERATION

71. At all times relevant to the issues raised in this Complaint, the Madison County Sheriff’s Office had in full force and effect its Policy number 1100, Co-Payment for Prisoner Medical Services. Under that Policy, the Sheriff’s office recognized its obligation to “provide services to all detainees pursuant to and consistent with the Illinois Department of Correction-County Jail Standards.”

72. At all times relevant to the issues raised in this Complaint, the Illinois Department of Correction maintained its County Jail Standards, Ill. Admin. Code 20 § 701.5-701.280, governing the responsibilities of County jails throughout Illinois, including Madison County.

73. The Illinois Department of Correction’s County Jail Standards, §701.40(i)(3), requires Illinois jails to refer detainees for medical evaluation “[w]hen a detainee shows signs of or reports unusual physical or mental distress.” The Defendants LAKIN and MADISON COUNTY had no policy in place requiring such medical evaluation for detainees, including Elissa.

74. The Illinois Department of Corrections County Jail standards, §701.90(b)(1), requires that a physician be available “to attend the medical and mental health needs of detainees.” Upon information and belief, the Defendants LAKIN and MADISON COUNTY had no policy providing for a physician to be available for detainees, including Elissa.
75. The Illinois Department of Corrections County Jail standards, §701.90(d)(1), requires the jail to provide a daily sick call and, under §701.90(d)(3), requires detainees with emergency conditions to “receive attention as quickly as possible, regardless of the sick call schedules.” The Defendants LAKIN and MADISON COUNTY had no policy in place that permitted detainees, including Elissa, to receive prompt, immediate care of emergency conditions.
76. Under Madison County Sheriff’s Office Policy number 1100.5(a), all deputies had an obligation to “dispense sick slips upon request and with each Medication Pass ...[and] see that the slips are returned to the infirmary” The Defendants LAKIN and MADISON COUNTY failed to train their employees, including the Defendant Correctional Officers, on the use of sick slips or on the obligation to avoid this prerequisite to medical care in emergency situations, like that experienced by Elissa.
77. Under that same policy, 1100.5, Subsection (b), medical staff are to determine “when and if the prisoner should be seen on either the next Nurse Call or Doctor Call.” The policy further requires that all sick slips be maintained in the detainee’s medical file. The Defendants LAKIN and MADISON COUNTY failed to train the employees, including the Defendant Correctional Officers, on the need to seek immediate medical attention for emergency medical conditions like that suffered by Elissa and to recognize those

conditions requiring immediate medical assistance and the need to dispense with sick slip requirements.

78. Defendants LAKIN and MADISON COUNTY never developed any policy that defined for their employees, including the Defendant Correctional Officers, when detainees should receive medical attention, other than upon the completion of a sick slip; that defined or provided guidance on when a medical condition should be determined to be an emergency; or that defined or offered guidance to officers concerning the signs or symptoms of drug overdose, withdrawal, dehydration, or other medical conditions that pose a threat of significant harm or to the life of detainees.
79. Defendants LAKIN and MADISON COUNTY failed to train jail employees, including the Defendant Correctional Officers and Defendant RUSHING, to recognize serious medical conditions, including drug overdoses and withdrawal, to understand the significant risk of harm posed by drug overdoses and withdrawal, and failed to provide necessary training and guidance to jail employees in determining the need for necessary medical assistance.

D. MADISON COUNTY'S HISTORY OF ISSUES WITH DETAINEE SAFETY

80. Madison County has a significant history of issues with detainee safety, including thirty-six suicide attempts and three successful suicides over the five years from 2005 through 2010. *See Pittman ex rel. Hamilton v. County of Madison, Ill.* 746 F.3d 766, 773 (2014).
81. There have been many other incidents involving injuries to detainees since 2010. In 2017, an inmate smuggled narcotics into the Madison County jail, where three

detainees, who consumed the drugs, required medical attention, including hospitalization, for their intoxication. www.riverbend.com/articels/details/three-femaile-madison-county-jail-inmates-treated-for-suspected-opioidbased-overdoses-20145.cfm.

82. In 2016, an inmate beat to death another inmate in Madison County Jail. The injured victim of the beating did not receive assistance from jail officers for almost two hours after the beating. www.thetelegraph.com/new/article/Caught-on-camera-Inmate-beaten-to-death-12710270.php.

Causes of Action:

COUNT I

Claims under 42 U.S.C. 1983: LAKIN

83. Plaintiff re-alleges the Common Allegations of Fact as if fully set forth herein.
84. Plaintiff is entitled to relief against Defendant LAKIN under 42 U.S.C. § 1983, based on violation of the Fourteenth Amendment to the U.S. Constitution.
85. At all times material, Plaintiff's decedent, Elissa, had a constitutionally protected right under the Fourteenth Amendment to the U.S. Constitution to receive needed care while in the Madison County Jail, and to have her mental health issues timely and properly assessed and treated.
86. Defendant LAKIN deliberately disregarded the immediate and serious threat to the mental and medical health and well-being of persons in the Madison County Jail and exhibited deliberate and callous indifference to serious medical and mental health needs, by denying access to intensive and structured medical health care, treatment and observation necessary to treat serious medical needs and prevent suffering and

death.

87. Defendant LAKIN was well aware that there were detainees confined in the Madison County Jail who suffered from severe medical health needs and were at risk of injury and/or death. Despite this knowledge, Defendant LAKIN intentionally and knowingly failed to provide serious, ongoing case management and treatment for such inmates and failed to regularly monitor their medical health care needs.
88. Defendant LAKIN knew at all times material to this action that there was a substantial risk that detainees with serious medical issues, left substantially untreated, could die, that such deaths were reasonably foreseeable, that the threat of this was imminent and immediate.
89. Defendant LAKIN deliberately disregarded the immediate and serious threat to detainees' medical health and well-being and exhibited deliberate indifference to their serious medical and psychological needs by denying and unreasonably delaying access to competent medical care to treat their serious medical needs, in that:
 - a. with full knowledge of prior in custody deaths, and that failing to provide adequate medical care to detainees with serious medical issues could die were reasonably foreseeable, Defendant LAKIN simply failed to provide needed care and attention;
 - b. with full knowledge of detainees with histories of serious medical issues, Defendant LAKIN's actions in failing to provide close observation and adequate medical care by trained medical professionals was so grossly substandard, incompetent, and inadequate as to fairly be characterized as medical and mental health care so cursory as

to amount to no medical and mental health care at all.

90. In light of the aforementioned, Elissa suffered from both an objectively and subjectively substantial risk of serious harm while under the care and custody of Defendant LAKIN. Defendant LAKIN reacted to this risk in an objectively and subjectively unreasonable manner.
91. It is more likely than not that the failures of Defendant LAKIN as alleged above were the cause of Elissa's death.
92. As a result of Defendant LAKIN's disregard of and indifference to Plaintiff's decedent's constitutionally protected right to be provided with proper care, to be safe and free from harm, Plaintiff's decedent, Elissa's medical needs were ignored.
93. As a direct and proximate result of Defendant LAKIN deliberate indifference to Elissa's serious health needs, Elissa died from complications of serious medical issues on February 24, 2020.

WHEREFORE, Plaintiff prays for judgment as noted below.

COUNT II

Claims under 42 U.S.C. 1983:

KATHY L. NODINE, ALISIA RUSHING, DEPUTY HURST, DEPUTY PAULDA, SGT. SARHAGE, DEPUTY GOODWIN, DEPUTY CALDWELL, DEPUTY DECKER, LT. FOSTER, SGT. RICHERT, DEPUTY WILSON, DEPUTY WILSON, LT. COURT, SGT. BARDELMEIER, REBECCA McNAUGHTON, as Special Representative of Estate of Sgt. McNaughton, DEPUTY WALLENDORFF, DEPUTY BURDEN, DEPUTY WHITECOTTON, and DEPUTY HARING

94. Plaintiff re-alleges the above allegations as if fully set forth herein.
95. Plaintiff is entitled to relief against Defendant Correctional Officers under 42 U.S.C. § 1983, based on violation of the Fourteenth Amendment to the U.S. Constitution.
96. At all times material, Elissa had a constitutionally protected right under the Fourteenth

Amendment to the U.S. Constitution to receive necessary care while in the Madison County Jail, and to have her serious medical needs timely and properly assessed and treated.

97. Defendant Correctional Officers and Defendant RUSHING deliberately disregarded the immediate and serious threat to the well-being of persons in the Madison County Jail in need of medical treatment and exhibited deliberate and callous indifference to serious medical and mental health needs, by denying access to immediate and structured medical observation, assessment, and treatment necessary to treat serious medical needs and prevent suffering and death.
98. Defendant Correctional Officers and Defendant RUSHING were aware of the fact that there were detainees at the Jail who suffered from severe medical needs and were at risk of injury and/or death. Despite this knowledge, Defendant Correctional Officers and Defendant RUSHING intentionally and knowingly failed to provide serious, ongoing case management and treatment for such inmates and failed to regularly monitor their medical health care needs.
99. Defendant Correctional Officers and Defendant RUSHING knew at all times material to this action that there was a substantial risk that detainees with serious medical issues, left substantially untreated, could be seriously injured and/or die, that such injuries and/or deaths were reasonably foreseeable, and that the risk of injuries and/or death was imminent and immediate.
100. Defendant Correctional Officers and Defendant RUSHING deliberately disregarded the immediate and serious threat to detainees' medical health and well-being and

exhibited deliberate indifference and callous indifference to their serious medical and psychological needs by denying and unreasonably delaying access to competent health care to treat their serious medical issues.

101. In light of the aforementioned, Elissa suffered from both an objectively and subjectively substantial risk of serious harm while under the care and custody of Defendant Correctional Officers and Defendant RUSHING.
102. Defendant Correctional Officers and Defendant RUSHING responded to this risk in an objectively and subjectively unreasonable manner.
103. As a result of Defendant Correctional Officers' disregard of and indifference to Elissa's constitutionally protected right to be provided with proper care, Plaintiff's medical needs were ignored and it is more likely than not that the failures of Defendant Correctional Officers and Defendant RUSHING as alleged above were the proximate cause of Elissa's death.
104. As a direct and proximate result of Defendant Correctional Officers' deliberate indifference to Elissa's serious health needs, Elissa dies on February 24, 2020.

WHEREFORE, Plaintiff prays for judgment as stated in the Prayer for Relief.

COUNT III
Claims under 42 U.S.C. 1983:
***Monell* Claim: Defendant LAKIN**

105. Plaintiff re-alleges the above allegations as if fully set forth herein.
106. The violations of Elissa's constitutional rights under the Fourteenth Amendment to the United States Constitution, her damages and the conduct of the individual Defendants, were directly and proximately caused by the actions and/or inactions of Defendant

LAKIN, in his official capacity as the final policy-maker as Sheriff of Madison County, who have, with deliberate indifference:

- a. failed to establish and/or implement policies, practices and procedures to ensure that detainees at the Madison County Jail receive prompt and appropriate medical care for serious medical needs, including specifically providing monitoring and care by medically-trained personnel for individuals experiencing drug withdrawal or intoxication/overdose;
- b. failed to adequately assess and provide adequate care and treatment for detainees exhibiting signs of distress;
- c. failed to adequately monitor the deteriorating mental and medical health conditions of detainees;
- d. failed to ensure through training, supervision and discipline that correctional, supervisory and medical staff at or assigned to the Madison County Jail, in necessary circumstances, make a prompt referral for health care services outside the Jail;
- e. failed to ensure through training, supervision and discipline that correctional and medical staff adequately communicate and document inmates' deteriorating mental and medical health conditions;
- f. failed to ensure through training, supervision and discipline that correctional and medical staff properly respond to inmates' deteriorating mental and medical health conditions;
- g. possessed knowledge of deficiencies in the policies, practices, customs and procedures concerning detainees, and approved and/or deliberately ignored these

deficiencies.

WHEREFORE, Plaintiff prays for judgment as stated in the Prayer for Relief.

COUNT IV
Wrongful Death Act, Pursuant to Illinois Law

NOW COMES the Plaintiff, RANA SCHMIDT, as the Independent Administrator of THE ESTATE OF ELISSA A. LINDHORST, deceased, by MEYER & KISS, LLC., her attorneys, and complaining of the Defendant NODINE, states:

107. Plaintiff re-alleges the above allegations as if fully set forth herein.
108. NODINE'S actions and course of conduct, occurred in her role and within the scope of her employment as a jail officer at the Madison County Jail facility.
109. In NODINE'S role as a jail officer, she owed a duty to pretrial detainees, including Elissa, to refer detainees for medical care when necessary to avoid injury or death.
110. At all times relevant to the issues raised in the Plaintiff's complaint, Defendant NODINE knew that Elissa suffered from an illness causing her to vomit, knew that the condition existed since Elissa's incarceration on February 20, 2020, and knew that Elissa's condition had continued to deteriorate, thereby placing Elissa's safety and life at risk.
111. At all times relevant to the issues raised in this complaint, Defendant NODINE knew that medical staff competent to examine Elissa were present and available to care for Elissa's deteriorating medical condition and further knew that Elissa could be transferred for such additional medical care as might be necessary to treat Elissa's deteriorating condition.
112. Despite her knowledge, as aforesaid, on February 20, 2020, and again on the morning of February 24, 2020, Defendant NODINE willfully and wantonly and with a reckless

disregard for Elissa's health and safety, repeatedly ignored Elissa's medical condition, failed to investigate her condition, and failed to call for a further medical evaluation of Elissa's condition.

113. Through NODINE'S willful, wanton, and reckless conduct, Elissa became severely dehydrated and aspirated her own vomit, thereby causing acute pneumonia.
114. As a result of the injuries caused by her dehydration and the acute edema to her lungs caused by the aspiration pneumonia, Elissa suffered a cardiac dysrhythmia and died.
115. Elissa left surviving her, as her next-of-kin, her mother, Plaintiff, RANA SCHMIDT, and her sisters, Kaci Lindhorst Sokoloff, Sara Lindhorst Cox, and Jody O'Mara.
116. By reason of Elissa's death, her next-of-kin have suffered grief and been deprived of the society, love, affection, and companionship of ELISSA A. LINDHORST.
117. This Action and the damages sought by the Plaintiff are authorized by and brought pursuant to the Illinois Wrongful Death Act, 740 ILCS 180/0.01 – 180/2.2. Plaintiff RANA SCHMIDT, as the Independent Administrator of the Estate of ELISSA A. LINDHORST, deceased, brings this action for the use and the benefit of the next-of-kin for ELISSA A. LINDHORST.

WHEREFORE, Plaintiff RANA SCHMIDT, as Independent Administrator of the Estate of ELISSA A. LINDHORST, deceased, prays that this Court enters a judgment against the Defendant, KATHY L. NODINE, in such sums as will fairly and justly compensate the next-of-kin for the substantial loss sustained as a result of the death of ELISSA A. LINDHORST, and for such other and further relief, including equitable relief, as the Court deems just and appropriate, together with her cost of suit.

COUNT V
Survival Act Claim, Pursuant to State Law

NOW COMES Plaintiff RANA SCHMIDT, as the Independent Administrator of The Estate of ELISSA A. LINDHORST, deceased, by MEYER & KISS, LLC., her attorneys, and complaining of the Defendant, KATHY L. NODINE, states:

118. Plaintiff re-alleges the above allegations as if fully set forth herein.

119. As a direct and proximate result of the willful and wanton conduct of NODINE, Elissa suffered substantial pain and discomfort prior to her death and suffered severe emotional distress and her Estate has incurred medical bills and funeral expenses.

120. This Action and the damages sought by the Plaintiff are authorized by the Illinois Survival Act, 755 ILCS 5/27-6.

WHEREFORE, Plaintiff RANA SCHMIDT, as Independent Administrator of the Estate of ELISSA A. LINDHORST, deceased, prays that this Court enters a judgment against the Defendant KATHY L. NODINE, in such sums as will fairly and justly compensate the Estate of ELISSA A. LINDHORST for the injuries and damages sustained by ELISSA A. LINDHORST prior to her death, and for such other and further relief, including equitable relief, as the Court deems just and appropriate, together with her cost of suit.

COUNT VI
Wrongful Death Act Pursuant to Illinois Law (MADISON COUNTY & JOHN D. LAKIN)

NOW COMES Plaintiff RANA SCHMIDT, as the Independent Administrator of THE ESTATE OF ELISSA A. LINDHORST, deceased, by MEYER & KISS, LLC., her attorneys, and complaining of Defendants JOHN D. LAKIN, as Sheriff of Madison County and MADISON COUNTY Illinois, states:

121. Plaintiff re-alleges the above allegations as if fully set forth herein.
122. At all times relevant to this SECOND AMENDED COMPLAINT, LAKIN, as the Sheriff of Madison County, Illinois, employed KATHY L. NODINE, ALISIA RUSHING, DEPUTY HURST, DEPUTY PAULDA, SGT. SARHAGE, DEPUTY GOODWIN, DEPUTY CALDWELL, DEPUTY DECKER, LT. FOSTER, SGT. RICHERT, DEPUTY WILSON, DEPUTY WILSON, LT. COURT, SGT. BARDELMEIER, REBECCA McNAUGHTON, as Special Representative of Estate of Sgt. McNaughton, DEPUTY WALLENDORFF, DEPUTY BURDEN, DEPUTY WHITECOTTON, and DEPUTY HARING (previous John Doe Defendants), and is liable for the conduct of his employees.
123. At all relevant times, the Defendants, MADISON COUNTY and JOHN D. LAKIN, as Sheriff of Madison County, by and through the acts of its agents and/or employees, each had a duty to exercise care in their interaction with the Decedent, ELISSA A. LINDHORST, and a duty to refrain from willful and wanton conduct in their interaction with Decedent.
124. At the time and place alleged, Defendants, MADISON COUNTY and JOHN D. LAKIN, as Sheriff of Madison County, by and through the acts of its agents and/or employees, breached their duty to the Decedent, ELISSA A. LINDHORST, by acting in an intentional, willful and wanton manner, negligent and/or in utter disregard for the Decedent's safety in one or more of the following respects:
 - a. Failed to provide medical care to the Decedent;
 - b. Failed to summon medical care for the Decedent;
 - c. Failed to take reasonable action(s) to provide medical care to the Decedent;
 - d. Failed to take reasonable action(s) to summon medical care for the Decedent;

- e. Ignored the Decedent's need for medical care;
 - f. Unreasonably delayed providing medical care to the Decedent;
 - g. Unreasonably delayed summoning medical care to the Decedent;
 - h. Unreasonably delayed taking reasonable action(s) to provide medical care to the Decedent;
 - i. Unreasonably delayed taking reasonable action(s) to summon medical care for the Decedent;
 - j. Failed to summon paramedic and/or other medical professionals in a timely fashion to administer medical treatment to the Decedent; and
 - k. Were otherwise willful and wanton and/or negligent.
125. As a proximate result of one or more of the aforesaid intentional and/or willful and want and/or negligent acts and/or omissions, the Decedent, ELISSA A. LINDHORST, sustained injuries which resulted in her death.
126. ELISSA left surviving her, as her next-of-kin, her mother, Plaintiff RANA SCHMIDT, and her sisters, Kaci Lindhorst Sokoloff, Sara Lindhorst Cox, and Jody O'Mara.
127. By reason of ELISSA's death, her next-of-kin have suffered grief and been deprived of the society, love, affection, and companionship of ELISSA A. LINDHORST.
128. This Action and the damages sought by the Plaintiff are authorized by and brought pursuant to the Illinois Wrongful Death Act, 740 ILCS 180/0.01 – 180/2.2. Plaintiff RANA SCHMIDT, as the Independent Administrator of the Estate of ELISSA A. LINDHORST, deceased, brings this action for the use and the benefit of the next-of-kin for ELISSA A. LINDHORST.

WHEREFORE, Plaintiff RANA SCHMIDT, as Independent Administrator of the Estate of ELISSA A. LINDHORST, deceased, prays that this Court enters a judgment against the Defendants, JOHN D. LAKIN, as the Sheriff of Madison County, Illinois, and MADISON COUNTY in such sums as will fairly and justly compensate the next-of-kin for the substantial loss sustained as a result of the death of ELISSA A. LINDHORST, and for such other and further relief, including equitable relief, as the Court deems just and appropriate, together with her cost of suit.

COUNT VII
Survival Act Claim Pursuant to Illinois Law (MADISON COUNTY & JOHN D. LAKIN)

NOW COMES Plaintiff RANA SCHMIDT, as the Independent Administrator of THE ESTATE OF ELISSA A. LINDHORST, deceased, by MEYER & KISS, LLC, her attorneys, and complaining of the Defendants, JOHN D. LAKIN, as the Sheriff of Madison County, Illinois, and MADISON COUNTY, states:

129. Plaintiff re-alleges the above allegations as if fully set forth herein.

130. As a direct and proximate result of the reckless or deliberate indifference of KATHY L. NODINE, ALISIA RUSHING, DEPUTY HURST, DEPUTY PAULDA, SGT. SARHAGE, DEPUTY GOODWIN, DEPUTY CALDWELL, DEPUTY DECKER, LT. FOSTER, SGT. RICHERT, DEPUTY WILSON, DEPUTY WILSON, LT. COURT, SGT. BARDELMEIER, REBECCA McNAUGHTON, as Special Representative of Estate of Sgt. McNaughton, DEPUTY WALLENDORFF, DEPUTY BURDEN, DEPUTY WHITECOTTON, and DEPUTY HARING, LAKIN'S employees, (previous John Doe defendants) ELISSA suffered substantial pain and discomfort prior to her death and suffered severe emotional distress and her Estate incurred medical bills and funeral expenses.

131. At all relevant times, the Defendants, MADISON COUNTY and JOHN D. LAKIN, as Sheriff of Madison County, by and through the acts of its agents and/or employees, each had a duty to exercise care in their interaction with the Decedent, ELISSA A. LINDHORST, and a duty to refrain from willful and wanton conduct in their interaction with Decedent.
132. At the time and place alleged, Defendants, MADISON COUNTY and JOHN D. LAKIN, as Sheriff of Madison County, by and through the acts of its agents and/or employees, breached their duty to the Decedent, ELISSA A. LINDHORST, by acting in an intentional, willful and wanton manner, negligent and/or in utter disregard for the Decedent's safety in one or more of the following respects:
- l. Failed to provide medical care to the Decedent;
 - m. Failed to summon medical care for the Decedent;
 - n. Failed to take reasonable action(s) to provide medical care to the Decedent;
 - o. Failed to take reasonable action(s) to summon medical care for the Decedent;
 - p. Ignored the Decedent's need for medical care;
 - q. Unreasonably delayed providing medical care to the Decedent;
 - r. Unreasonably delayed summoning medical care to the Decedent;
 - s. Unreasonably delayed taking reasonable action(s) to provide medical care to the Decedent;
 - t. Unreasonably delayed taking reasonable action(s) to summon medical care for the Decedent;
 - u. Failed to summon paramedic and/or other medical professionals in a timely fashion to administer medical treatment to the Decedent; and

v. Were otherwise willful and wanton and/or negligent.

133. As a proximate result of one or more of the aforesaid intentional and/or negligent and/or willful and wanton acts and/or omissions, the Decedent, ELISSA A. LINDHORST, sustained injuries of a personal and pecuniary nature prior to her death, and, has she survived, she would have been entitled to bring this action for damages, and this action has survived her pursuant to the provisions of 755 ILCS 5/27-2

134. This Action and the damages sought by the Plaintiff are authorized by the Illinois Survival Act, 755 ILCS 5/27-6.

WHEREFORE, Plaintiff RANA SCHMIDT, as Independent Administrator of the Estate of ELISSA A. LINDHORST, deceased, prays that this Court enters a judgment against the Defendants, JOHN D. LAKIN, as the Sheriff of Madison County, Illinois, and MADISON COUNTY in such sums as will fairly and justly compensate the Estate of ELISSA A. LINDHORST for the injuries and damages sustained by ELISSA A. LINDHORST prior to her death, and for such other and further relief, including equitable relief, as the Court deems just and appropriate, together with her cost of suit.

COUNT VIII
Indemnification Claim pursuant to 745 ILCS 10/9-102
Defendants MADISON COUNTY and JOHN D. LAKIN

135. The acts of the individual Defendants who were deputies, correctional officers and jail employees of the Madison County Sheriff, described in the above claims, were willful and wanton, and committed in the scope of employment.

136. At all relevant times, the Defendants who were deputies, correctional officers and jail employees of the Madison County Sheriff were acting under color of law.
137. Defendant MADISON COUNTY is joined in this action pursuant to *Carver v. Sheriff of LaSalle County*, 324 F.3d 947 (7th Cir. 2003).
138. The Defendant, JOHN D. LAKIN, as the Sheriff of Madison County, Illinois , pursuant to Illinois law, including but not limited to the provisions found in 55 ILCS 5/3-6015, 55 ILCS 5/3-6016 and 745 ILCS 10/9-102, is liable as principal for all torts committed by his employees/agents and must indemnify them.
139. The Defendant, MADISON COUNTY, pursuant to Illinois law, including by not limited to the provisions found in 55 ILCS 5/5-1002 and 745 ILCS 10/9-102, must indemnify the Defendants, JOHN D. LAKIN, as the Sheriff of Madison County, Illinois, KATHY L. NODINE, ALISIA RUSHING, DEPUTY HURST, DEPUTY PAULDA, SGT. SARHAGE, DEPUTY GOODWIN, DEPUTY CALDWELL, DEPUTY DECKER, LT. FOSTER, SGT. RICHERT, DEPUTY WILSON, DEPUTY WILSON, LT. COURT, SGT. BARDELMEIER, REBECCA McNAUGHTON, as Special Representative of Estate of Sgt. McNaughton, DEPUTY WALLENDORFF, DEPUTY BURDEN, DEPUTY WHITECOTTON, and DEPUTY HARING.

WHEREFORE, Plaintiff as the Independent Administrator of the Estate of ELLISA A. LINDHORST, Deceased, pursuant to 55 ILCS 5/3-6015, 55 ILCS 5/3-6016, 55 ILCS 5/5-1002, 745 ILCS 10/9-102 and *Carver v. Sheriff of LaSalle County*, 324 F.3d 947 (7th Cir. 2003), demands judgment against Defendants, MADISON COUNTY and JOHN D. LAKIN, in the amounts awarded to the Plaintiff against MADISON COUNTY, JOHN D. LAKIN, KATHY L. NODINE, ALISIA RUSHING, DEPUTY HURST, DEPUTY PAULDA, SGT. SARHAGE, DEPUTY GOODWIN, DEPUTY CALDWELL,

DEPUTY DECKER, LT. FOSTER, SGT. RICHERT, DEPUTY WILSON, DEPUTY WILSON, LT. COURT, SGT. BARDELMEIER, REBECCA McNAUGHTON, as Special Representative of Estate of Sgt. McNaughton, DEPUTY WALLENDORFF, DEPUTY BURDEN, DEPUTY WHITECOTTON, and DEPUTY HARING, and for whatever additional relief this Court deems just and appropriate.

Damages

- A. The Estate of ELISSA A. LINDHORST has sustained the following damages:
1. funeral and burial expenses incurred as a result of decedent's death that have become a charge against his Estate or that were paid on his behalf;
 2. loss of prospective net Estate accumulations;
 3. decedent's conscious pain and suffering and the inherent value of life;
 4. pre- and post-judgment interest; and
 5. loss of earnings of Elissa from the date of her death, less lost support of her survivors excluding contributions in kind with interest.

Accordingly, Plaintiff respectfully requests that the Court award Plaintiff the aforementioned damages; any and all other compensatory damages suffered by Plaintiff; punitive damages; attorneys' fees and costs pursuant to 42 U.S.C. § 1988; and such other and further relief as the Court deems just and equitable.

Prayer for Relief

WHEREFORE, the Plaintiffs seek judgment as follows:

- A. Compensatory damages against each of the Defendants herein;
- B. Punitive damages against Defendants sued individually;
- C. Attorney's fees pursuant to 42 U.S.C. § 1988 and costs of litigation;

- D. A trial by jury on all issues so triable;
- E. Such further relief as the Court deems just and proper.

Respectfully Submitted,

s/Louis J. Meyer

Louis J. Meyer
MEYER & KISS, LLC
311 West Stratford Drive
Peoria, Illinois 61614
t. 309.713.3751
f. 312.585.7803
e. louismeyer@meyerkiss.com

s/ Daniel P. Kiss

Daniel P. Kiss
MEYER & KISS, LLC
53 West Jackson Blvd., Suite 724
Chicago, Illinois 60604
t. 312.765.0100
f. 312.785.7803
e. dankiss@meyerkiss.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

RANA SCHMIDT, Independent)
Administrator of the Estate of)
Elissa A. Lindhorst, Deceased)
)
Plaintiff,)

v.)

Case No. 3:21-cv-00152-SPM

MADISON COUNTY, ILLINOIS,)
JOHN D. LAKIN, as the Sheriff of)
Madison County, KATHY L. NODINE,)
DEPUTY HURST, DEPUTY PAULDA,)
SGT. SARHAGE, ALISIA RUSHING,)
DEPUTY GOODWIN,)
DEPUTY CALDWELL,)
DEPUTY DECKER, LT. FOSTER,)
SGT. RICHERT, DEPUTY WILSON,)
LT. COURT, SGT. BARDELMEIER,)
REBECCA McNAUGHTON, Special)
Representative of the Estate of)
SGT. McNAUGHTON, DEPUTY BURDEN,)
DEPUTY WALLENDORFF,)
DEPUTY WHITECOTTON, and)
DEPUTY HARING,)
)
Defendants.)

**DEFENDANTS’ ANSWER AND AFFIRMATIVE
DEFENSES TO PLAINTIFF’S THIRD AMENDED COMPLAINT**

COME NOW Defendants, JOHN D. LAKIN, as the Sheriff of Madison County, MADISON COUNTY, ILLINOIS, KATHY NODINE, DEPUTY HURST, DEPUTY PAULDA, SGT. SARHAGE, ALISIA RUSHING, DEPUTY GOODWIN, DEPUTY DECKER, DEPUTY CALDWELL, LT. FOSTER, SGT. RICHERT, DEPUTY WILSON, LT. COURT, SGT. BARDELMEIER, REBECCA McNAUGHTON, Special Representative of the Estate of SGT. McNAUGHTON, DEPUTY BURDEN, DEPUTY WALLENDORFF, DEPUTY WHITECOTTON, and DEPUTY HARING (“Defendants”), by and through their undersigned

attorney, and for their Answer and Affirmative Defenses to Plaintiff's Third Amended Complaint, state as follows:

INTRODUCTION

1. Defendants admit that on February 24, 2020, Decedent Lindhorst passed away. Defendants deny the remaining allegations contained in Paragraph 1 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

2. Defendants are without sufficient knowledge to admit or deny what other pretrial detainees heard and/or the actions taken by other pretrial detainees as alleged in Paragraph 2 of Plaintiff's Third Amended Complaint, and therefore deny same. Defendants deny the remaining allegations and inferences contained in Paragraph 2 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

3. Paragraph 3 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

4. Paragraph 4 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

5. Paragraph 5 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

6. Defendants are without sufficient knowledge to admit or deny the actions taken by other pretrial detainees as alleged in Paragraph 6 of Plaintiff's Third Amended Complaint, and therefore deny same. Defendants deny the remaining allegations and inferences contained in Paragraph 6 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

JURISDICTION AND VENUE

7. a. Defendants acknowledge that this Court has jurisdiction over this claim, for jurisdictional purposes only and deny this for any other purpose. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief. Defendants deny the remaining allegations in Paragraph 7a of Plaintiff's Third Amended Complaint and demand strict proof thereof.

b. Defendants acknowledge that this Court has jurisdiction over this claim, for jurisdictional purposes only and deny this for any other purpose. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief. Defendants deny the remaining allegations in Paragraph 7b of Plaintiff's Third Amended Complaint and demand strict proof thereof.

c. Defendants acknowledge that this Court has jurisdiction over this claim, for jurisdictional purposes only and deny this for any other purpose. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief. Defendants deny the remaining allegations in Paragraph 7c of Plaintiff's Third Amended Complaint and demand strict proof thereof.

8. Defendants acknowledge the existence of 42 U.S.C. § 1983. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief. Defendants deny the remaining allegations in Paragraph 8 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

9. Defendants acknowledge that this Court has jurisdiction over this claim, for jurisdictional purposes only and deny this for any other purpose. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief. Defendants deny the remaining allegations in Paragraph 9 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

10. Defendants acknowledge that this Court has jurisdiction over this claim, for jurisdictional purposes only and deny this for any other purpose. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief. Defendants deny the remaining allegations in Paragraph 10 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

PARTIES

11. Defendants are without sufficient knowledge to admit or deny whether Plaintiff Schmidt is a resident of Glen Carbon, Madison County, Illinois as alleged in Paragraph 11 of Plaintiff's Third Amended Complaint, and therefore deny same. Defendants admit that Plaintiff Schmidt is the independent administrator of the estate of Decedent Elissa Lindhorst. Defendants further admit that Plaintiff Schmidt is the mother of Decedent Lindhorst. Defendants deny the

remaining allegations and inferences contained in Paragraph 11 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

12. Defendants are without sufficient knowledge to admit or deny whether Decedent Lindhorst resided in Glen Carbon, Illinois and/or her date of birth as alleged in Paragraph 12 of Plaintiff's Third Amended Complaint, and therefore deny same. Defendants admit Decedent Lindhorst passed away on February 24, 2020. Defendants deny the remaining allegations and inferences contained in Paragraph 12 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

13. Defendants admit that Decedent Lindhorst was a pretrial detainee at the Madison County Jail in Edwardsville, Illinois. Defendants deny the remaining allegations contained in Paragraph 13 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

14. Defendants admit that Sheriff Lakin was the duly elected Sheriff of Madison County, Illinois. Defendants deny the remaining allegations contained in Paragraph 14 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

15. Paragraph 15 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

16. Paragraph 16 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

17. Paragraph 17 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

18. Defendants admit that Defendant Rushing was employed at the Madison County Jail. The remainder of Paragraph 18 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

19. Defendants admit that Defendant Correctional Officers were employed at the Madison County Jail. The remainder of Paragraph 19 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

20. Defendants admit that Rebecca McNaughton is the named Administrator of the Estate of Sergeant Donald McNaughton. The remainder of Paragraph 20 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

BASES FOR CLAIM

21. Defendants acknowledge the existence of the Illinois Survival Act and the Illinois Wrongful Death Act. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff

is entitled to any relief. Defendants deny the remaining allegations in Paragraph 21 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

22. Defendants acknowledge the existence of 42 U.S.C. § 1983. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief. Defendants deny the remaining allegations in Paragraph 22 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

23. Defendants acknowledge the existence of 55 ILCS 5/3-6016. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief. Defendants deny the remaining allegations in Paragraph 23 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

FACTS COMMONS TO ALL CLAIMS

A. Elisa's Incarceration and Death

24. Defendants are without sufficient knowledge to admit or deny the allegations contained in Paragraph 24 of Plaintiff's Third Amended Complaint, and therefore deny same.

25. Defendants admit that on February 20, 2020, Decedent Lindhorst was present at the Granite City Courtroom, 2000 Edison Avenue #6B, Granite City, Illinois 62040. Defendants deny the remaining allegations contained in Paragraph 25 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

26. Defendants admit that on February 20, 2020, Judge Slemer informed Deputy Schneidewind and Deputy Saffell that Decedent Lindhorst had a felony warrant for her arrest. Defendants deny the remaining allegations contained in Paragraph 26 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

27. Defendants admit that on February 20, 2020, it was confirmed that Decedent Lindhorst had a warrant for her arrest for the criminal charge of possession of a controlled substance. Defendants deny the remaining allegations contained in Paragraph 27 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

28. Defendants admit that on February 20, 2020, Decedent Lindhorst was taken into custody without incident. Defendants deny the remaining allegations contained in Paragraph 28 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

29. Defendants admit that upon her arrival at the Madison County Jail on February 20, 2020, a body scan was completed. Defendants deny the remaining allegations contained in Paragraph 29 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

30. Defendants admit that prior to February 20, 2020, Decedent Lindhorst had previously been detained at the Madison County Jail. Defendants deny the remaining allegations contained in Paragraph 30 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

31. Defendants admit that upon her arrival at the Madison County Jail on February 20, 2020, a body scan was completed. Defendants deny the remaining allegations contained in Paragraph 31 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

32. Defendants admit that on February 20, 2020, Decedent Lindhorst indicated that she had vomited. Defendants deny the remaining allegations contained in Paragraph 32 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

33. Defendants admit that on February 20, 2020, Decedent Lindhorst indicated that she had vomited. Defendants deny the remaining allegations contained in Paragraph 33 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

34. Defendants admit that on February 20, 2020, Defendant Nodine executed a sick call slip for Decedent Lindhorst. Defendants deny the remaining allegations contained in Paragraph 34 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

35. Defendants admit that on February 20, 2020, Defendant Nodine executed a sick call slip for Decedent Lindhorst. Defendants deny the remaining allegations contained in Paragraph 35 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

36. Defendants state that the Policy speaks for itself. To the extent an answer is required, Defendants deny the allegations contained in Paragraph 36 of Plaintiff's Third Amended Complaint.

37. Defendants deny the allegations contained in Paragraph 37 of Plaintiff's Third Amended Complaint.

38. Defendants deny the allegations contained in Paragraph 38 of Plaintiff's Third Amended Complaint.

39. Defendants admit that on February 20, 2020, Decedent Lindhorst indicated that she had vomited. Defendants deny the remaining allegations contained in Paragraph 39 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

40. Defendants deny the allegations contained in Paragraph 40 of Plaintiff's Third Amended Complaint.

41. Defendants deny the allegations contained in Paragraph 41 of Plaintiff's Third Amended Complaint.

42. Paragraph 42 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action

against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

43. Paragraph 43 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

44. Paragraph 44 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

45. Paragraph 45 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

46. Defendants admit that on February 24, 2020, Decedent Lindhorst passed away. Defendants deny the remaining allegations contained in Paragraph 46 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

47. Defendants are without sufficient knowledge to admit or deny the actions taken by other pretrial detainees as alleged in Paragraph 47 of Plaintiff's Third Amended Complaint, and therefore deny same. Defendants deny the remaining allegations and inferences contained in Paragraph 47 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

48. Paragraph 48 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action

against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

49. Paragraph 49 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

50. Paragraph 50 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

51. Paragraph 51 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

52. Paragraph 52 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

53. Paragraph 53 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

54. Defendants admit that on February 24, 2020, Sergeant Hare found a folded piece of notebook paper in a trash container. Defendants deny the remaining allegations contained in Paragraph 54 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

55. Paragraph 55 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

56. Paragraph 56 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

57. Paragraph 57 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

58. Paragraph 58 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

59. Paragraph 59 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

60. Paragraph 60 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

61. Paragraph 61 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

62. Defendants admit that medications were passed out to detainees on February 24, 2020. Defendants deny the remaining allegations contained in Paragraph 62 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

63. Defendants are without sufficient knowledge to admit or deny the actions taken by other pretrial detainees as alleged in Paragraph 63 of Plaintiff's Third Amended Complaint, and therefore deny same. Defendants deny the remaining allegations and inferences contained in Paragraph 63 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

64. Paragraph 64 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

65. Paragraph 65 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

66. Defendants admit that Decedent Lindhorst's date of death was February 24, 2020. Defendants deny the remaining allegations contained in Paragraph 66 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

B. The Setting for Elissa's Incarceration

67. Defendants acknowledge the existence of the Centers for Disease Control. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief. Defendants deny the remaining allegations in Paragraph 67 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

68. Defendants are without sufficient knowledge to admit or deny the allegations contained in Paragraph 68 of Plaintiff's Third Amended Complaint, and therefore deny same.

69. Defendants acknowledge the existence of the Centers for Disease Control. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief. Defendants deny the remaining allegations in Paragraph 69 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

70. Paragraph 70 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

C. The Policies and Regulations Governing Elissa's Incarceration

71. Defendants state that the Policy speaks for itself. To the extent an answer is required, Defendants deny the allegations contained in Paragraph 71 of Plaintiff's Third Amended Complaint.

72. Defendants acknowledge the existence of the Illinois County Jail Standards. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief. Defendants deny the remaining allegations in Paragraph 72 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

73. Defendants acknowledge the existence of the Illinois County Jail Standards. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief. Defendants deny the remaining allegations in Paragraph 73 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

74. Defendants acknowledge the existence of the Illinois County Jail Standards. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief. Defendants deny the remaining allegations in Paragraph 74 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

75. Defendants acknowledge the existence of the Illinois County Jail Standards. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief. Defendants deny the remaining allegations in Paragraph 75 of Plaintiff's Third Amended Complaint and demand strict proof thereof.

76. Defendants state that the Policy speaks for itself. To the extent an answer is required, Defendants deny the allegations contained in Paragraph 76 of Plaintiff's Third Amended Complaint.

77. Defendants state that the Policy speaks for itself. To the extent an answer is required, Defendants deny the allegations contained in Paragraph 77 of Plaintiff's Third Amended Complaint.

78. Paragraph 78 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

79. Paragraph 79 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

D. Madison County's History of Issues with Detainee Safety

80. Defendants deny the allegations contained in Paragraph 80 of Plaintiff's Third Amended Complaint.

81. Defendants deny the allegations contained in Paragraph 81 of Plaintiff's Third Amended Complaint.

82. Defendants deny the allegations contained in Paragraph 82 of Plaintiff's Third Amended Complaint.

CAUSES OF ACTION

COUNT I

Claims Under 42 U.S.C. 1983: Lakin

83. Defendant Lakin realleges and incorporates by reference, as if fully restated herein, his Answers to the Common Allegations of Fact.

84. Paragraph 84 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendant Lakin, Defendant denies he committed any violation of law and further denies that Plaintiff is entitled to any relief.

85. Paragraph 85 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendant Lakin, Defendant denies he committed any violation of law and further denies that Plaintiff is entitled to any relief.

86. Paragraph 86 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendant Lakin, Defendant denies he committed any violation of law and further denies that Plaintiff is entitled to any relief.

87. Paragraph 87 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendant Lakin, Defendant denies he committed any violation of law and further denies that Plaintiff is entitled to any relief.

88. Paragraph 88 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendant Lakin, Defendant denies he committed any violation of law and further denies that Plaintiff is entitled to any relief.

89. Paragraph 89, including sub-paragraphs (a) through (b), of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent

that Plaintiff attempts to assert a cause of action against Defendant Lakin, Defendant denies he committed any violation of law and further denies that Plaintiff is entitled to any relief.

90. Paragraph 90 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendant Lakin, Defendant denies he committed any violation of law and further denies that Plaintiff is entitled to any relief.

91. Paragraph 91 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendant Lakin, Defendant denies he committed any violation of law and further denies that Plaintiff is entitled to any relief.

92. Paragraph 92 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendant Lakin, Defendant denies he committed any violation of law and further denies that Plaintiff is entitled to any relief.

93. Paragraph 93 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendant Lakin, Defendant denies he committed any violation of law and further denies that Plaintiff is entitled to any relief.

In response to the "WHEREFORE" clause following Paragraph 93 of Count I of Plaintiff's Third Amended Complaint, Defendant Lakin denies all allegations included therein and denies that Plaintiff is entitled to the relief described therein or any other relief.

Jury Trial Demanded.

COUNT II

Claims Under 42 U.S.C. 1983: Kathy L. Nodine, Alisia Rushing, Deputy Hurst, Deputy Paulda, Sgt. Sarhage, Deputy Goodwin, Deputy Caldwell, Deputy Decker, Lt. Foster, Sgt. Richert, Deputy Wilson, Lt. Court, Sgt. Bardelmeier, Sgt. McNaughton, Deputy Wallendorff, Deputy Burden, Deputy Whitecotton, and Deputy Haring

94. Defendants reallege and incorporate by reference, as if fully restated herein, their Answers to the Common Allegations of Fact.

95. Paragraph 95 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

96. Paragraph 96 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

97. Paragraph 97 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

98. Paragraph 98 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

99. Paragraph 99 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action

against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

100. Paragraph 100 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

101. Paragraph 101 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

102. Paragraph 102 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

103. Paragraph 103 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

104. Paragraph 104 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

In response to the “WHEREFORE” clause following Paragraph 104 of Count II of Plaintiff’s Third Amended Complaint, Defendants deny all allegations included therein and deny that Plaintiff is entitled to the relief described therein or any other relief.

Jury Trial Demanded.

COUNT III
Claims Under 42 U.S.C. 1983: *Monell* Claim: Defendant Lakin

105. Defendant Lakin realleges and incorporates by reference, as if fully restated herein, his Answers to the Common Allegations of Fact.

106. Paragraph 106, including sub-paragraphs (a) through (g), of Plaintiff’s Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendant Lakin, Defendant denies he committed any violation of law and further denies that Plaintiff is entitled to any relief.

In response to the “WHEREFORE” clause following Paragraph 106 of Count III of Plaintiff’s Third Amended Complaint, Defendant Lakin denies all allegations included therein and denies that Plaintiff is entitled to the relief described therein or any other relief.

Jury Trial Demanded.

COUNT IV
Wrongful Death Act, Pursuant to Illinois Law

107. Defendant Nodine realleges and incorporates by reference, as if fully restated herein, her Answers to the Common Allegations of Fact.

108. Defendant Nodine admits she was employed as a jail officer. The remainder of Paragraph 108 of Plaintiff’s Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against

Defendant Nodine, Defendant denies she committed any violation of law and further denies that Plaintiff is entitled to any relief.

109. Paragraph 109 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendant Nodine, Defendant denies she committed any violation of law and further denies that Plaintiff is entitled to any relief.

110. Paragraph 110 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendant Nodine, Defendant denies she committed any violation of law and further denies that Plaintiff is entitled to any relief.

111. Paragraph 111 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendant Nodine, Defendant denies she committed any violation of law and further denies that Plaintiff is entitled to any relief.

112. Paragraph 112 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendant Nodine, Defendant denies she committed any violation of law and further denies that Plaintiff is entitled to any relief.

113. Paragraph 113 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendant Nodine, Defendant denies she committed any violation of law and further denies that Plaintiff is entitled to any relief.

114. Paragraph 114 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendant Nodine, Defendant denies she committed any violation of law and further denies that Plaintiff is entitled to any relief.

115. Defendant Nodine is without sufficient knowledge to admit or deny the allegations set forth in Paragraph 115 of Count IV of Plaintiff's Third Amended Complaint, and therefore denies same.

116. Defendant Nodine is without sufficient knowledge to admit or deny the allegations set forth in Paragraph 116 of Count IV of Plaintiff's Third Amended Complaint, and therefore denies same.

117. Defendant Nodine acknowledges the existence of the Illinois Wrongful Death Act. To the extent that Plaintiff attempts to assert a cause of action against Defendant Nodine, Defendant denies she committed any violation of law and further denies that Plaintiff is entitled to any relief. Defendant denies the remaining allegations in Paragraph 117 of Count IV of Plaintiff's Third Amended Complaint and demands strict proof thereof.

In response to the "WHEREFORE" clause following Paragraph 117 of Count IV of Plaintiff's Third Amended Complaint, Defendant Nodine denies all allegations included therein and denies that Plaintiff is entitled to the relief described therein or any other relief.

Jury Trial Demanded.

COUNT V
Survival Act Claim, Pursuant to State Law

118. Defendant Nodine realleges and incorporates by reference, as if fully restated herein, her Answers to the Common Allegations of Fact.

119. Paragraph 119 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendant Nodine, Defendant denies she committed any violation of law and further denies that Plaintiff is entitled to any relief.

120. Defendant Nodine acknowledges the existence of the Illinois Survival Act. To the extent that Plaintiff attempts to assert a cause of action against Defendant Nodine, Defendant denies she committed any violation of law and further denies that Plaintiff is entitled to any relief. Defendant denies the remaining allegations in Paragraph 120 of Count V of Plaintiff's Third Amended Complaint and demands strict proof thereof.

In response to the "WHEREFORE" clause following Paragraph 120 of Count V of Plaintiff's Third Amended Complaint, Defendant Nodine denies all allegations included therein and denies that Plaintiff is entitled to the relief described therein or any other relief.

Jury Trial Demanded.

COUNT VI
Wrongful Death Act Pursuant to Illinois Law (Madison County & John D. Lakin)

121. Defendants Madison County and Lakin reallege and incorporate by reference, as if fully restated herein, their Answers to the Common Allegations of Fact.

122. Paragraph 122 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants Madison County and Lakin, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

123. Paragraph 123 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action

against Defendants Madison County and Lakin, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

124. Paragraph 124, including sub-paragraphs (a) through (k), of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants Madison County and Lakin, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

125. Paragraph 125 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants Madison County and Lakin, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

126. Defendants Madison County and Lakin are without sufficient knowledge to admit or deny the allegations set forth in Paragraph 126 of Count VI of Plaintiff's Third Amended Complaint, and therefore deny same.

127. Defendants Madison County and Lakin are without sufficient knowledge to admit or deny the allegations set forth in Paragraph 127 of Count VI of Plaintiff's Third Amended Complaint, and therefore deny same.

128. Defendants Madison County and Lakin acknowledge the existence of the Illinois Wrongful Death Act. To the extent that Plaintiff attempts to assert a cause of action against Defendants Madison County and Lakin, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief. Defendants deny the remaining allegations in Paragraph 128 of Count VI of Plaintiff's Third Amended Complaint and demand strict proof thereof.

In response to the “WHEREFORE” clause following Paragraph 128 of Count VI of Plaintiff’s Third Amended Complaint, Defendants Madison County and Lakin deny all allegations included therein and deny that Plaintiff is entitled to the relief described therein or any other relief.

Jury Trial Demanded.

COUNT VII

Survival Act Claim Pursuant to Illinois Law (Madison County & John D. Lakin)

129. Defendants Madison County and Lakin reallege and incorporate by reference, as if fully restated herein, their Answers to the Common Allegations of Fact.

130. Paragraph 130 of Plaintiff’s Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants Madison County and Lakin, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

131. Paragraph 131 of Plaintiff’s Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants Madison County and Lakin, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

132. Paragraph 132, including sub-paragraphs (l) through (v), of Plaintiff’s Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants Madison County and Lakin, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

133. Paragraph 133 of Plaintiff’s Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action

against Defendants Madison County and Lakin, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

134. Defendants Madison County and Lakin acknowledge the existence of the Illinois Survival Act. To the extent that Plaintiff attempts to assert a cause of action against Defendants Madison County and Lakin, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief. Defendants deny the remaining allegations in Paragraph 134 of Count VII of Plaintiff's Third Amended Complaint and demand strict proof thereof.

In response to the "WHEREFORE" clause following Paragraph 134 of Count VII of Plaintiff's Third Amended Complaint, Defendants Madison County and Lakin deny all allegations included therein and deny that Plaintiff is entitled to the relief described therein or any other relief.

Jury Trial Demanded.

COUNT VIII
Indemnification Claim Pursuant to 745 ILCS 10/9-102
Defendants Madison County and John D. Lakin

135. Paragraph 135 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants Madison County and Lakin, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

136. Paragraph 136 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants Madison County and Lakin, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

137. Paragraph 137 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action

against Defendants Madison County and Lakin, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

138. Paragraph 138 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants Madison County and Lakin, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

139. Paragraph 139 of Plaintiff's Third Amended Complaint contains legal conclusions to which no response is required. To the extent that Plaintiff attempts to assert a cause of action against Defendants Madison County and Lakin, Defendants deny they committed any violation of law and further deny that Plaintiff is entitled to any relief.

In response to the "WHEREFORE" clause following Paragraph 139 of Count VIII of Plaintiff's Third Amended Complaint, Defendants Madison County and Lakin deny all allegations included therein and deny that Plaintiff is entitled to the relief described therein or any other relief.

Jury Trial Demanded.

DAMAGES

In response to the "DAMAGES" clause following Count VIII of Plaintiff's Third Amended Complaint, Defendants deny all allegations included therein and deny that Plaintiff is entitled to the relief described therein or any other relief.

PRAYER FOR RELIEF

In response to the "PRAYER FOR RELIEF" clause following Count VIII of Plaintiff's Third Amended Complaint, Defendants deny all allegations included therein and deny that Plaintiff is entitled to the relief described therein or any other relief.

AFFIRMATIVE AND OTHER DEFENSES

Further answering and without prejudice to the denials contained in their Answer to Plaintiff's Third Amended Complaint, Defendants state as follows for their affirmative defenses:

1. Defendants deny each and every fact and/or conclusion of law not expressly and specifically admitted herein.

2. Defendants demand a jury trial on Plaintiff's Third Amended Complaint.

3. Plaintiff's Complaint fails to state a cause of action upon which relief can be granted.

4. The alleged conduct of Defendants did not rise to the level of a constitutional violation.

5. At all times relevant herein, Defendants acted in good faith in the performance of their official duties and without violating Plaintiff's clearly established statutory and/or constitutional rights of which a reasonable person would have known. Defendants are, therefore, protected from suit by the Doctrine of Qualified Immunity.

6. Plaintiff's claims are barred as her Complaint fails to set forth a claim that the alleged constitutional deprivations were the result of an official policy, custom, and/or practice.

7. Plaintiff's claims are barred by the applicable Statute of Limitations.

8. Defendants deny each and every fact and/or conclusion of law not expressly and specifically admitted herein.

9. Plaintiff's claims are frivolous and have no basis in fact or law. Accordingly, Defendants are entitled to reasonable attorneys' fees and costs.

10. Plaintiff's claims are barred by the Doctrines of Estoppel, Laches and Waiver.

11. Plaintiff has failed to allege facts that could entitle her to an award of punitive damages.

12. Plaintiff's claim for punitive damages is barred by Amendments V, VI, VII, and XIV of the United States Constitution.

13. Assuming *arguendo* that the allegations contained in the Complaint are true, Plaintiff's contributory negligence was a proximate cause of the injuries and damages alleged. In particular, pursuant to 735 ILCS 5/2-1116, assuming that 100 percent represents the total combined negligence or fault of the Parties to this action or any Third-Party Defendants who could have been sued by Plaintiff, the contributory fault on the part of the Plaintiff was more than 50 percent of the total proximate cause of the alleged injuries or damages for which recovery is sought, and, therefore, there is no liability on the part of the Defendants. In the alternative, in the event that it is found that the contributory fault on the part of the Plaintiff is not more than 50 percent of the proximate cause of the alleged injuries or damages for which recovery is sought, then any damages allowed must be diminished in proportion to the amount of fault attributable to the Plaintiff.

14. Assuming *arguendo* that the allegations contained in the Complaint are true, Plaintiff's comparative fault reduces any award of damages to Plaintiff by a proportional amount.

15. Defendants are immune from liability pursuant to the Local Governmental and Governmental Employees Tort Immunity Act. In particular, Section 4-103 provides, "Neither a local public entity nor a public employee is liable for failure to provide a jail, detention or correctional facility, or if such facility is provided, for failure to provide sufficient equipment, personnel, supervision or facilities therein." 745 ILCS 10/4-103. In her Complaint, Plaintiff asserts numerous factually unsupported allegations against Defendants. However, the allegations do not state a claim upon which relief can be granted as Section 4-103 provides absolute immunity

to local public entities and employees with respect to the equipment, facilities, and supervision of the jail. *See Jefferson v. Sheahan*, 279 Ill.App.3d 74 (1st Dist. 1996). *See also Hawkins v. St. Clair County*, 2009 WL 839192 (S.D. Ill. 2009) (Section 4-103 provided immunity to county, director of detention center, and supervisor of detention center on claims by plaintiffs of alleged sexual abuse by corrections officers and claims that defendants were negligent because they failed to protect plaintiffs, failed to train and supervise correction officers, failed to monitor officer access to juvenile detainees, and failed to install surveillance cameras). *See also Isaacs v. St. Clair County Jail*, 2009 WL 211158 (S.D. Ill. 2009); *Fraley v. City of Elgin*, 251 Ill.App.3d 72, 76-77 (2nd Dist. 1993); *Bolinger v. Schneider*, 64 Ill.App.3d 758 (3rd Dist. 1978). Therefore, in the case at bar, Plaintiff's claims are barred by the Illinois Tort Immunity Act as they involve Defendants' alleged failure to provide sufficient personnel and supervision.

16. Defendants are immune from liability pursuant to the Local Governmental and Governmental Employees Tort Immunity Act. In particular, Sections 4-105, 6-105, and 6-106(a) also provide immunity. Section 4-105 provides, "Neither a local public entity nor a public employee is liable for injury proximately caused by the failure of the employee to furnish or obtain medical care for a prisoner in his custody." 745 ILCS 10/4-105. Section 6-105 provides, "Neither a local public entity nor a public employee acting within the scope of his employment is liable for injury caused by the failure to make a physical or mental examination, or to make an adequate physical or mental examination of any person for the purpose of determining whether such person has a disease or physical or mental condition that would constitute a hazard to the health or safety of himself or others." 745 ILCS 10/6-105. Similarly, Section 6-106(a) of the Tort Immunity Act provides, "(a) Neither a local public entity nor a public employee acting within the scope of his employment is liable for injury resulting from diagnosing or failing to diagnose that a person is

afflicted with mental or physical illness or addiction or from failing to prescribe for mental or physical illness or addiction; (b) Neither a local public entity nor a public employee acting within the scope of his employment is liable for administering with due care the treatment prescribed for mental or physical illness or addiction.” 745 ILCS 10/6-106. In her Third Amended Complaint, Plaintiff alleges that Defendants failed to provide Decedent Lindhorst with medical assistance. However, this claim is not supported by any factual allegation that Decedent Lindhorst presented to the Defendants a need for medical treatment. As such, Defendants are immune from negligent failure to provide medical care pursuant to the preceding Sections of the Tort Immunity Act.

17. Defendants are immune from liability pursuant to the Local Governmental and Governmental Employees Tort Immunity Act. In particular, 745 ILCS 10/2-201 also provides immunity. This Section provides, “Except as otherwise provided by Statute, a public employee serving in a position involving the determination of policy or the exercise of discretion is not liable for an injury resulting from his act or omission in determining policy when acting in the exercise of such discretion even though abused.” 745 ILCS 10/2-201. In order for a public employee to qualify for Section 2-201 immunity, the act or omission must be both a determination of policy and an exercise of discretion. *Harinel v. 161 North Clark Street LTD. Partnership*, 181 Ill.2d 335, 341 (1998). Policy decisions made by a municipality are “those decisions which require the municipality to balance competing interests and to make a judgment call as to what solution will best serve each of those interests.” *Id.* 181 Ill.2d at 342, quoting *West v. Kirkham*, 147 Ill.2d 1, 11 (1992). Here, Plaintiff’s allegations demonstrate that the decisions of the Defendants are a balance of competing interests and obligations. Moreover, where a public employee is not liable for an injury, the municipal employer also is not liable. 745 ILCS 10/2-109; *Greeson v. Mackinaw Township*, 207 Ill.App.3d 193, 202 (3rd Dist. 1990). Clearly, Defendants’ conduct, as alleged in

the Complaint, constitutes an exercise of discretionary conduct immunized by Section 2-201 of the Tort Immunity Act, and, as such, Defendants are immune from liability.

18. To the extent that Plaintiff seeks to hold Defendants liable for the acts or omissions of anyone other than themselves, said claims are barred by law as 42 U.S.C. § 1983 does not allow claims based upon vicarious liability or *respondeat superior*. See *Connick v. Thompson*, 131 S.Ct. 1350, 1359 (2011).

RESERVATION OF RIGHTS

Defendants hereby give notice that they intend to rely on such other defenses and affirmative defenses as might become available or apparent during the course of discovery, and thus, Defendants reserve the right to amend this Answer and serve such defenses and otherwise supplement the foregoing Affirmative Defenses.

WHEREFORE, having fully answered Plaintiff's Third Amended Complaint, Defendants respectfully request that the Court enter judgment in Defendants' favor, dismissing Plaintiff's claims with prejudice and awarding Defendants their costs and reasonable attorneys' fees.

Respectfully submitted,

FORDHARRISON LLP

/s/ Heidi L. Eckert

Heidi L. Eckert, #6271612
7777 Bonhomme Avenue, Suite 1710
St. Louis, MO 63105
(314) 257-0303 - Phone
(314) 257-0321 - Facsimile
heckert@fordharrison.com

Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that I have on July 25, 2022, served a true and correct copy of the foregoing via the Court's e-filing system upon the following:

Louis J. Meyer, Esq.
Daniel P. Kiss, Esq.
Meyer & Kiss, LLC
311 West Stratford Drive
Peoria, IL 60614
louismeyer@meyerkiss.com
dankiss@meyerkiss.com
Attorneys for Plaintiff

/s/ Heidi L. Eckert _____

/kds