

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

**ANTHONY VASQUEZ, GEORGE WOODARD,)
and JULIUS SANGSTER, individually and on behalf)
of all others similarly situated, including BIDE MI)
AJOBIEWE, JEFFREY ALEXANDER,)
PAUL A. ALSTON, MICHAEL ANDERSON,)
MICHAEL ANDERSON, JESH ANSELMINI,)
WILLIAM AUSTIN, DANIEL BARRON, JERRY)
BEHM, BRIRAN BLAKE, JASON BOWEN,)
ANDREW BRADLEY, ROBERT D. BROWN II,)
MINOR CALVO, TIMOTHY CHILDS, JERMAINE)
CLARE, DAVID COLEMAN, JAMES L. COLEMAN,)
JOSE CORTEZ, JAMES E. COX, RYAN CURRAN,)
DENNIS CURRY, CONTRELL DIGGS, CARL)
DORSEY, FRANK DOWER, JASON M. DULCEAK,)
HARRIS E.L., REGINALD ELLIOTT, FERNANDO)
FRANCO-CORNEJO, FREDERICK GASTON,)
FERNANDO GOMEZ, EUGENE L.)
GREENWOOD III, TIM GRIFFIN, ALPHONSO)
HARRIS, RAIL HIBBLER, REMONSE HOLT,)
ANTOINE HOWARD, JEREMY HUFFMAN,)
JAMES JACKSON, RICHARD JACKSON, MARC C.)
JOHNS, DEMARLO JONES, EDWARD KELLER,)
EDWARD V. LACY, DONTRELL LEWIS,)
ROBERT A. LEWIS, MICHAEL LIRIOS, WILLIE)
MARTIN, ROBERTO MARTINEZ, WILLIE MASON,)
JAMES MASSEY, SHERMAN MCBRIDE,)
MARQUISE MCCRANEY, JESSE MCDONALD,)
CASEY MCGEE, RICKY MCGEE, JULIANO)
MENDEZ, LUIS MENDOZA, BART MILLIGAN,)
DAMEN MOORE, ANTHONY MORALES,)
PARNELL MOSBY, KEITH NASH, NICHOLAS)
NOWOTNIK, RAFAEL PASTRANA, THEODORE)
PIANO, CORY PISCIOTTO, JOHN A. POWELL,)
DENZIL RADABAUGH, MARIO RAMOS, KYLE)
RANKIN, AARON RIDGEWAY, CARLOS)
ROSARIO, VERN ROSENTHAL, JOEL SANCHEZ,)
THOMAS SIERRA, AUGUSTA SIMS, JOVON)
SMITH, RICARDO SOLIVAN, LUCIOUS TATE,)
OLIVER TEON, FREDERICK THOMAS, LAMONT)
THOMAS, DARION THOMPSON, SHAMMARCO)**

Case No.

JURY TRIAL REQUESTED

TRAINER, DEVRON TYUS, JOSE G. VALDEZ,)
JUAN VASQUEZ, ARELL WASHINGTON,)
ROOSEVELT WILLIAMS, MAURICE)
WILLIAMSON, CHARLES WYATT, ARMONDO)
ZARATE, AND UNKNOWN OTHERS,)

Plaintiffs,)

-vs-)

WARDEN MARVIN REED, WARDEN ORR,)
LT. BURTLE, LT. BRADSHAW, LT. CHEEKS,)
MAJOR CHEEKS, LT. BLACKLEY, LT. COX,)
LT. DEWITT, SGT. SMITH, C.O. FAUL,)
C.O. RICHARDS, C.O. TURNER, C.O. OWAJAWE,)
C.O. BECKMAN or BECKHAM, C.O. MORGAN,)
C.O. SOURS, C.O. BURGEE, C.O. RUYON,)
C.O. KUFORJI, C.O. WAHLS, C.O. GREEN, C.O.)
MORGAN, C.O. WILLIAMS, C.O. TOBIN, and)
OTHER UNKNOWN OFFICERS, ILLINOIS)
DEPARTMENT OF CORRECTIONS, DONALD)
STOLWORTHY, Acting Director of the Illinois)
Department of Corrections, JOHN R. BALDWIN,)
Acting Director of the Illinois Department of)
Corrections,)

Defendants.)

COMPLAINT

Plaintiffs, Anthony Vasquez, George Woodard, and Julius Sangster, individually and on behalf of all others similarly situated, including Bidemi Ajobiewe, Jeffrey Alexander, Paul A. Alston, Michael Anderson, Michael Anderson, Jesh Anselmini, William Austin, Daniel Barron, Jerry Behm, Briran Blake, Jason Bowen, Andrew Bradley, Robert D. Brown II, Minor Calvo, Timothy Childs, Jermaine Clare, David Coleman, James L. Coleman, Jose Cortez, James E. Cox, Ryan Curran, Dennis Curry, Contrell Diggs, Carl Dorsey, Frank Dower, Jason M. Dulceak, Harris E.L., Reginald Elliott, Fernando, Franco-Cornejo, Frederick Gaston, Fernando Gomez, Eugene L.

Greenwood III, Tim Griffin, Alphonso Harris, Rail Hibbler, Remonse Holt, Antoine Howard, Jeremy Huffman, James Jackson, Richard Jackson, Marc C. Johns, DeMarlo Jones, Edward Keller, Edward V. Lacy, Dontrell Lewis, Robert A. Lewis, Michael Lirios, Willie Martin, Roberto Martinez, Willie Mason, James Massey, Sherman McBride, Marquise McCraney, Jesse McDonald, Casey McGee, Ricky McGee, Juliano Mendez, Luis Mendoza, Bart Milligan, Damen Moore, Anthony Morales, Parnell Mosby, Keith Nash, Nicholas Nowotnik, Rafael Pastrana, Theodore Piano, Cory Pisciotto, John A. Powell, Denzil Radabaugh, Mario Ramos, Kyle Rankin, Aaron Ridgeway, Carlos Rosario, Vern Rosenthal, Joel Sanchez, Thomas Sierra, Augusta Sims, Jovon Smith, Ricardo Solivan, Lucious Tate, Oliver Teon, Frederick Thomas, LaMont Thomas, Darion Thompson, Shammarco Trainer, Devron Tyus, Jose G. Valdez, Juan Vazquez, Arell Washington, Roosevelt Williams, Maurice Williamson, Charles Wyatt, Armondo Zarate, and other Unknown Inmates of Jacksonville Correctional Center, hereinafter collectively referred to as “PLAINTIFFS,” by and through their attorney, complain against Defendants, Warden Orr, individually and in his official capacity as a warden at Jacksonville Correctional Facility, Warden Marvin Reed, individually and in his official capacity as warden at Jacksonville Correctional Center, Lt. Burtle, Lt. Bradshaw, Lt. Cheeks, Major Cheeks, Lt. Blackley, Lt. Cox, Lt. Dewitt, Sgt. Smith, C.O. Faul, C.O. Richards, C.O. Turner, C.O. Owajawe, C.O. Beckman or Beckham, C.O. Morgan, C.O. Sours, C.O. Burgee, C.O. Ruyon, C.O. Kuforiji, C.O. Wahls, C.O. Green, C.O. Tobin, C.O. Morgan, C.O. Williams, and other Unknown Officers, each individually, and the Illinois Department of Corrections (“IDOC), Donald Stolworthy, Acting Director of the Illinois Department of Corrections, individually and in his official capacity, and John R. Baldwin, Acting Director of the Illinois Department of Corrections, individually and in his official capacity, and

each of them, as follows:

I. NATURE OF ACTION

1. This is an action pursuant to the Eighth and Fourteenth Amendments and 42 U.S.C. § 1983, 28 U.S.C. § 1343, and state law challenging several mass strip searches at Jacksonville Correctional Facility which were conducted without penological justification and in a manner intended to humiliate and inflict upon the prisoners psychological and physical pain. Plaintiffs, on behalf of themselves and all others similarly situated, seek to recover actual damages, punitive damages, injunctive relief, and such other relief as this Court deems proper, including, but not limited to, an award of attorney's fees under 42 U.S.C. § 1988. Plaintiffs demand trial by jury.

II. JURISDICTION AND VENUE

2. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 and § 1343.

3. Venue is proper in this judicial district under 28 U.S.C. § 1391 because two of the proposed class representatives reside in the Northern District of Illinois and class counsel resides in the Northern District of Illinois.

III. PARTIES

4. Plaintiffs, Anthony Vasquez and George Woodard, individually and on behalf of all others similarly situated, were inmates at Jacksonville Correctional Center and were subjected to a mass strip search on May 29, 2015. Plaintiff, Julius Sangster, individually and on behalf of all others similarly situated, was an inmate at Jacksonville Correctional Center and was subjected to a mass strip search on October 20, 2015. Plaintiff Vasquez currently resides in Wheeling, Illinois, Plaintiff Woodard resides in Chicago, Illinois, and Plaintiff Sangster in Peoria, Illinois.

5. At all relevant times, Defendant Reed was the Warden at Jacksonville Correctional

Center, a minimum security facility, and was thus a policy maker for the prison and had final policy making authority for the prison with regard to the acts and conduct herein alleged. At all relevant times Defendant Reed was acting under the color of law.

6. Defendants, Assistant Warden Orr, Lt. Burtle, Lt. Bradshaw, Lt. Cheeks, Major Cheeks, Lt. Blackley, Lt. Cox, Lt. Dewitt, Sgt. Smith, C.O. Faul, C.O. Richards, C.O. Turner, C.O. Owajawe, C.O. Beckman or Beckham, C.O. Morgan, C.O. Sours, C.O. Burgee, C.O. Ruyon, C.O. Kuforiji, C.O. Wahls, C.O. Green, C.O. Morgan, C.O. Williams, C.O. Tobin, and other unknown officers, were at all relevant times, correctional officers and agents working at Jacksonville Correctional Center, and each participated in one or both of the strip searches on May 29, 2015 and October 20, 2015. At all relevant times, these Defendants were acting under the color of law.

7. The Illinois Department of Corrections has final policy making authority with regard to the Illinois prison system and it manages the prison system in Illinois, including the Jacksonville Facility. On or about May 29, 2015, the Acting Director of IDOC was Donald Stolworthy. On or about October 20, 2015, the Acting Director of IDOC was John R. Baldwin. At the relevant times, Stolworthy and Baldwin were working on behalf of and were agents for the Illinois Department of Corrections and were acting under the color of law.

IV. FACTS

8. On May 29, 2015, in the early morning hours, approximately one-hundred (100) inmates In Housing Unit 2A were removed from their cells and ordered into the “Day Room” a large room normally used as a common area for the inmates. The “Day Room” had windows facing the street as well as windows facing residential units of the jail; moreover, the “Day Room” was equipped with operational video cameras which were monitored by correctional staff in the

control center.

9. At said time and place, the inmates were placed approximately an arm's length apart and ordered to strip naked. They were next ordered to spread their buttock cheeks, bend over and cough, and lift their testicles for visual inspection. After performing those acts, the inmates were ordered to open their mouths with their hands.

10. In addition to those persons participating in the strip search, the search was done in plain view of both male and female correctional officers, maintenance personnel, as well as other inmates, and was done in front of the operational cameras in the room so that additional persons could view, in the control center, the search.

11. The search lasted approximately forty-five minutes and during that time, the men were not permitted to use the bathroom or obtain drinking water.

12. During the search, several correctional officers made derogatory statements to the inmates about their bodies; moreover, correctional officers threatened the inmates with segregation and discipline in they did not comply with the search.

13. Lieutenant Cheeks ordered that the men be strip searched in this manner and Lieutenants Burtle, Blackley, Dewitt and Bradshaw oversaw the proceedings and themselves participated in the searches. Among others, correctional officers Faul, Richards, Turner, Owajawe, Beckham or Beckman, Morgan, Sours, Kuforiji and Ruyan were present for and conducted the mass strip search, or otherwise acquiesced in the strip search. Assistant Warden Orr and Major Cheeks viewed the search as it was being conducted.

14. On October 20, 2015, at approximately 9:00 a.m., 80 to 100 correctional officers came into Unit 2-B for a training exercise. The officers ordered the approximately two hundred

(200) inmates to partially undress and stand against the wall. The inmates were handcuffed behind their backs and patted down.

15. Once this was done, the inmates were walked to the gym and ordered to keep their heads down and line up in a single file line. The inmates were then taken in small groups to be strip searched in the bathroom. At that time, the inmates were uncuffed, ordered to strip, bend over, spread their buttock cheeks, lift their testicles, and then open their mouth and jaw with two fingers, in front of other inmates and numerous correctional officers, including female officers.

16. The strip searches were not only visible to the correctional officers conducting the search, they were visible to the other inmates and correctional officers in the bathroom and to anyone standing outside of the bathroom.

17. Inmates remained handcuffed behind their backs in excess two hours and were not permitted to use the bathroom. Some of the inmates were forced to urinate upon themselves because of the extended time.

18. Throughout the training exercise, the correctional officers were verbally abusive to the inmates and threatened physical violence.

19. Among others, Major Cheeks, Lieutenants Burtle, Cheeks, Cox, Dewitt and Bradshaw, Sergeant Smith, as well as correctional officers Richards, Owajawe, Morgan, Sours, Beckham or Beckman, Green, Williams, Wahls, Morgan, Tobin, Dodds, Burgee and Ruyon were present for, conducted, and otherwise acquiesced in the mass strip search.

V. CLASS ALLEGATIONS

20. The named Plaintiffs and the members of the class each and all have tangible and legally protectable interests at stake in this action.

21. The claims of the named class representatives and the absent class members have a common origin and share a common basis. Their claims originate from the same illegal practices of the Defendants, and Defendants act in the same way towards Plaintiffs and the members of the class. As such, the named Plaintiffs have been the victim of Defendants' illegal practices.

22. The proposed class representatives state a claim for which relief can be granted that is typical of the claims of absent class members. If brought and prosecuted individually, the claims of each class member would necessarily require proof of the same material and substantive facts, rely upon the same remedial theories, and seek the same relief.

23. The claims and remedial theories pursued by the named class representatives are sufficiently aligned with the interests of absent class members to ensure that the universal claims of the class will be prosecuted with diligence and care by Plaintiffs as representatives of the class.

24. Plaintiffs' claims are typical of the claims of the members of the class because Plaintiffs and all other class members sustained damages in the same way, as a result of Defendants' wrongful conduct complained of herein, and the claims of each class member arise out of the same nucleus of operative facts and are based on the same legal theories.

25. The members of the class are so numerous that joinder of all members is impracticable. The class is, however, ascertainable, because the names and addresses of all the class members can be identified by the Illinois Department of Corrections.

26. The questions of law and fact common to the two classes include, *inter alia*: Whether Defendants violated Plaintiffs' Eighth Amendment rights when they conducted the mass strip search of inmates on May 29, 2015 in the manner herein described; Whether Defendants violated Plaintiffs' Eighth Amendment rights when they conducted the strip search of inmates on

October 20, 2015 in the manner herein described.

27. The named Plaintiffs are willing and prepared to serve the Court and proposed class in a representative capacity with all of the obligations and duties thereto material. Plaintiffs will fairly and adequately protect the interest of the class and have no interests adverse to or which directly and irrevocably conflict with, the interests of the other class members.

28. The self-interest of the names class representatives are co-extensive with and not antagonistic to the interests of the absent class members. The proposed representatives will undertake to well and truly protect the interests of the absent class members.

29. The named Plaintiffs have engaged the services of counsel below indicated. Said counsel is experienced in class litigation, will adequately prosecute the action, and will assert, protect and otherwise well represent the named class representatives and absent class members.

30. The prosecution of separate actions by individual members of the class would create a risk of adjudications with respect to individual members of the class which would, as a practical matter, be dispositive if the interests of other members of the class who are not parties to the action, or could substantially impair or impeded their ability to protect their interests.

31. The prosecution of separate actions by individual members of the class would create a risk of inconsistent or varying adjudications with respect to the individual members of the class, which would establish incompatible standards of conduct for the parties opposing the class. Such incompatible standards and inconsistent or varying adjudications, on what would necessarily be the same essential facts, proof, and legal theories, would also create inconsistent and incompatible rights within the plaintiff class.

32. The questions of law and fact common to members of the class predominate over

any questions affecting only individual members.

33. A class action is superior to other available methods for the fair and efficient adjudication of the controversies herein in that:

- (a) Individual claims by the class members are impracticable as the cost of pursuit likely exceeds what any one plaintiff or class member has at stake;
- (b) The class action will effectuate economies of scale, including judicial time and resources;
- (c) There has been very little or no individual litigation over the controversies herein, and individual members have no interest in prosecuting and controlling separate actions;
- (d) The proposed class is manageable;
- (e) Class treatment will permit a large number of similarly situated persons to prosecute their common claims in a single forum simultaneously, efficiently and without the unnecessary duplication of evidence, effort and expense that numerous individual actions would engender;
- (f) The benefits of proceeding through the class mechanism, including providing injured persons with a method for obtaining redress for claims that it might not be practical to pursue individually, substantially outweigh any difficulties that may arise in management of this class action.

34. Plaintiffs know of no difficulty to be encountered by litigating this action that would preclude its maintenance as a class action.

VI. CLAIMS

35. Claim I: 42 U.S.C. § 1983 Violation of Eighth and Fourteenth Amendments against

all individual Defendants. Defendants unlawfully violated the rights of the Plaintiffs to be free from cruel and unusual punishment when they conducted the mass strip search at Jacksonville Correctional Center on May 29, 2015. The search was conducted without penological justification and in a manner intended to humiliate and inflict upon the prisoners psychological and physical pain.

36. Claim II: 42 U.S.C. § 1983 Violation of Eighth and Fourteenth Amendments against all individual Defendants. Defendants unlawfully violated the rights of the Plaintiffs to be free from cruel and unusual punishment when they conducted a strip search at Jacksonville Correctional Center on October 20, 2015. The search was conducted without penological justification and in a manner intended to humiliate and inflict upon the prisoners psychological and physical pain.

37. Claim III: State Law Claim of Intentional Infliction of Emotion Distress against all Defendants. In conducting the mass strip search at Jacksonville Correctional Center on May 29, 2015, and in the manner it was conducted, Defendants' actions were extreme and outrageous. Defendants deliberately subjected Plaintiffs to acts of intense humiliation not designed for any legitimate penological purpose, with the intent to inflict upon Plaintiffs emotional distress, or at least they knew that there was a high probability that their conduct would cause emotional distress. Defendants' conduct did, in fact, cause Plaintiffs to suffer severe emotional distress that no reasonable person could be expected to tolerate. Finally, Defendants' conduct was and is willful, wanton, malicious, and in reckless disregard of Plaintiffs' rights.

38. Defendants, and each of them, at all times acted within the scope of their employment with the Illinois Department of Corrections. Defendant Illinois Department of

Corrections is thus liable under the doctrine of *respondeat superior* for acts committed by the Defendants against the Plaintiffs.

39. Claim IV: State Law Claim of Intentional Infliction of Emotion Distress against all Defendants. In conducting the strip search at Jacksonville Correctional Center on October 20, 2015, and in the manner it was conducted, Defendants' actions were extreme and outrageous. Defendants deliberately subjected Plaintiffs to acts of intense humiliation and pain not designed for any legitimate penological purpose, with the intent to inflict upon Plaintiffs emotional distress and physical pain, or at least they knew that there was a high probability that their conduct would cause emotional distress and physical pain. Defendants' conduct did, in fact, cause Plaintiffs to suffer severe emotional distress that no reasonable person could be expected to tolerate, as well as physical pain. Finally, Defendants' conduct was and is willful, wanton, malicious, and in reckless disregard of Plaintiffs' rights.

40. Defendants, and each of them, at all times acted within the scope of their employment with the Illinois Department of Corrections. Defendant Illinois Department of Corrections is thus liable under the doctrine of *respondeat superior* for acts committed by the Defendants against the Plaintiffs.

41. Plaintiffs demand a trial by jury.

WHEREFORE, Plaintiffs, individually and on behalf of all others similarly situated, respectfully request that this Court enter judgment against Defendants, and each of them, for violating their constitutional rights under the Eighth and Fourteenth Amendments to the U.S. Constitution and 42 U.S.C. § 1983, and award the following relief:

- a. temporary and permanent injunctive relief requiring Defendants to follow IDOC policy and procedure when conducting strip and body cavity searches of inmates;
- b. temporary and permanent injunctive relief prohibiting the use of handcuffs for extended periods of time absent exigent circumstances;
- c. temporary and permanent injunctive relief prohibiting strip and body cavity searches of inmates for the sole purpose of training correctional officers;
- d. Compensatory damages in an amount to be determined at trial, jointly and severally against Defendants;
- e. Punitive damages in an amount to be determined at trial, jointly and severally against Defendants;
- f. An award of costs and reasonable attorneys' fees pursuant to 42 U.S. C. § 1988; and
- g. Such injunctive, declaratory, or other relief as this Court deems just and proper.

Respectfully submitted,

/s/ Deidre Baumann

By: Attorney for Plaintiffs VAZQUEZ,
WOODARD and SANGSTER, individually
and on behalf of all others similarly situated

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