

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

CRISTAL MORENO AGUILAR, as)
Independent Administrator of the Estate of)
RENEYDA AGUILAR-HURTADO,)
deceased,)

Plaintiff,)

vs.)

DUPAGE COUNTY, DUPAGE COUNTY)
SHERIFF JAMES MENDRICK, in his)
official capacity; ALMA)
MARTIJA, MD, in her individual capacity,)
JAMES CORCORAN, MD, in his individual)
capacity, MICHELE FINDRICK, RN, in her)
individual capacity, JENNIFER HENNING,)
LPN, in her individual capacity, AARON)
ATIENZA, RN, in his individual capacity,)
AMY LANENGA, in her individual)
capacity, ERIC MORALES, in his)
individual capacity, RUSSELL HAYLES, in)
his individual capacity, ALEXANDER)
CORBO, in his individual capacity,)
MELISSA GUSTAFSON in her individual)
capacity, and DEPUTY JASPER, in)
individual capacity)

Defendants.)

Case No. 1:23-cv-04547

Honorable Manish S. Shah
Magistrate Sheila M. Finnegan

PLAINTIFF'S SECOND AMENDED COMPLAINT AT LAW

NOW COMES Plaintiff, CRISTAL MORENO AGUILAR, as Independent Administrator of the Estate of RENEYDA AGUILAR-HURTADO, deceased by and through her attorneys, FAKLIS, TALLIS & MEAD, PC, and complaining of the Defendants, DUPAGE COUNTY, DUPAGE COUNTY SHERIFF JAMES MENDRICK, in his individual and official capacity, ALMA MARTIJA, MD, JAMES CORCORAN, MD, MICHELE FINDRICK, RN, JENNIFER

HENNING, LPN, AARON ATIENZA, RN, AMY LANENGA, ERIC MORALES, RUSSELL HAYLES, ALEXANDER CORBO, MELISSA GUSTAFSON and DEPUTY JASPER, in their individual capacities, and alleges and states as follows:

JURISDICTION AND VENUE

1. This action is brought pursuant to 42 U.S.C. § 1983 and the Fourth, Eighth and Fourteenth Amendments of the Constitution of the United States to redress the deprivation under the color of law of Plaintiff's rights as secured by the United States Constitution.

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343. This Court has supplementary jurisdiction of Plaintiff's state law claims pursuant to 28 U.S.C. § 1367.

3. Venue is proper in the Northern District of Illinois pursuant to 28 U.S.C. § 1391(b), as the events giving rise to Plaintiffs' claims occurred in DuPage County, Illinois, located in the Northern District, Eastern Division.

PARTIES

4. Reneyda Aguilar-Hurtado, deceased, was a 50-year-old resident of Addison, Illinois. Ms. Aguilar-Hurtado is the mother of the Plaintiff, Cristal Moreno Aguilar (age 19), who is the duly-appointed Administrator of her estate and who brings this suit. Ms. Aguilar-Hurtado is also the mother of Giovanni Moreno Aguilar (age 15).

5. At the time of the events at issue in this case, Ms. Aguilar-Hurtado was an inmate of the DuPage County Jail in Wheaton, Illinois.

6. At all times relevant to the events at issue in this case, Defendant, JAMES MENDRICK, was employed by the DuPage County Sheriff's Department in the capacity of

Sheriff, acting under the color of state law. Defendant Mendrick is sued in his official and individual capacity.

7. Defendant Mendrick was an elected official in charge of the DuPage County Jail. At all times relevant to the events at issue in this case, Defendant Mendrick promulgated rules, regulations, policies, and procedures as Sheriff of DuPage County for the provision of certain medical care by medical personnel and correctional officers to detainees at the DuPage County Jail. Defendant Mendrick also promulgated rules, regulations, policies and procedures for the training, supervision and discipline of correctional officers with respect to providing or failing to provide medical attention to detainees and alerting or failing to alert medical personnel of detainee's medical needs. Defendant Mendrick's policies were implemented by and through Jail employees. Defendant Mendrick had the responsibility and authority to ensure that Plaintiff was not denied due process, to ensure that Plaintiff lived under humane conditions free from unreasonable risk of injury and was provided necessary medical treatment and was responsible for the hiring, training and supervision of all deputies and officers of the DuPage County Sheriff's Department. As the Sheriff of DuPage County, Defendant Mendrick was the policymaker for the DuPage County Sheriff's Department and the DuPage County Jail.

8. On or about March through June of 2023, the Defendant, ALMA MARTIJA, MD was a licensed physician employed by the DuPage County Sheriff's Department and DuPage County Sheriff, JAMES MENDRICK. She was part of the medical staff responsible for caring for detainees of the DuPage County Jail and she was responsible for providing medical and psychiatric care for the decedent, Reneyda Aguilar-Hurtado, while she was incarcerated and leading up to her death. Upon information and belief, Dr. Martija was also the medical director at DuPage County Jail and was responsible for overseeing the administration of medical care for

inmates, supervising medical staff at the jail and promulgating, training and enforcing policies and procedures relating to the provision of medical care, recognizing and treating life-threatening medical conditions and transferring detainees to the hospital when necessary. As such, Dr. Martija had policy-making authority with respect to the provision of medical care at the jail.

9. On or about March through June of 2023, the Defendant, JAMES CORCORAN, MD was a licensed psychiatrist employed by the DuPage County Sheriff's Department and DuPage County Sheriff, JAMES MENDRICK. He was part of the medical staff responsible for caring for detainees of the DuPage County Jail and he was responsible for providing medical and psychiatric care for the decedent, Reneyda Aguilar-Hurtado, while she was incarcerated and leading up to her death. Upon information and belief, Dr. Corcoran was also the psychiatric services medical director at DuPage County Jail and was responsible for overseeing the administration of psychiatric care for inmates, supervising mental health staff at the jail and promulgating, training and enforcing policies and procedures relating to the provision of mental health care and recognizing life-threatening and treating mental health conditions. As such, Dr. Corcoran had policy-making authority with respect to the provision of mental health care the jail.

10. On or about March through June of 2023, the Defendant, MICHELE FINDRICK, RN was a registered nurse employed by the DuPage County Sheriff's Department and DuPage County Sheriff, JAMES MENDRICK. She was part of the medical staff responsible for caring for detainees of the DuPage County Jail and she was responsible for providing medical and psychiatric care for the decedent, Reneyda Aguilar-Hurtado, while she was incarcerated and leading up to her death.

11. On or about March through June of 2023, the Defendant, JENNIFER HENNING, LPN, was a licensed practical nurse employed by the DuPage County Sheriff's Department and

DuPage County Sheriff, JAMES MENDRICK. She was part of the medical staff responsible for caring for detainees of the DuPage County Jail and she was responsible for providing medical and psychiatric care for the decedent, Reneyda Aguilar-Hurtado, while she was incarcerated and leading up to her death.

12. On or about March through June of 2023, the Defendant, AARON ATIENZA, RN, was a registered nurse employed by the DuPage County Sheriff's Department and DuPage County Sheriff, JAMES MENDRICK. He was part of the medical staff responsible for caring for detainees of the DuPage County Jail and he was responsible for providing medical and psychiatric care for the decedent, Reneyda Aguilar-Hurtado, while she was incarcerated and leading up to her death.

13. On or about March through June of 2023, and at all times relevant to the events at issue in this case, Defendant, AMY LANENGA, was employed by the DuPage County Sheriff's Department and worked at the DuPage County Jail as a correctional officer. As such, Defendant Lanenga was acting under the color of law.

14. On or about March through June of 2023, and at all times relevant to the events at issue in this case, Defendant, ERIC MORALES, was employed by the DuPage County Sheriff's Department and worked at the DuPage County Jail as a correctional officer. As such, Defendant Morales was acting under the color of law.

15. On or about March through June of 2023, and at all times relevant to the events at issue in this case, Defendant, RUSSELL HAYLES, was employed by the DuPage County Sheriff's Department and worked at the DuPage County Jail as a sergeant and as a supervisory correctional officer and was responsible for supervising other correctional officers. At all times relevant hereto, Defendant Hayles was acting under the color of law.

16. On or about March through June of 2023, and at all times relevant to the events at issue in this case, Defendant, ALEXANDER CORBO, was employed by the DuPage County Sheriff's Department and worked at the DuPage County Jail as a correctional officer. As such, Defendant Corbo was acting under the color of law.

17. On or about March through June of 2023, and at all times relevant to the events at issue in this case, Defendant, MELISSA GUSTAFSON, was employed by the DuPage County Sheriff's Department and worked at the DuPage County Jail as a Lieutenant and as a supervisory correctional officer and was responsible for supervising other correctional officers and administering and enforcing policies and procedures. At all times relevant hereto, Defendant Gustafson was acting under the color of law

18. On or about March through June of 2023, and at all times relevant to the events at issue in this case, Defendant, DEPUTY JASPER, was employed by the DuPage County Sheriff's Department and worked at the DuPage County Jail as a correctional officer. As such, Defendant Jasper was acting under the color of law.

19. On or about June of 2023, and at all times relevant to the events at issue in this case, Unnamed Employees of the DuPage County Sheriff's Department worked at DuPage County Jail. As such, these defendants were acting under the color of law.

20. Defendant, DUPAGE COUNTY, is the public entity and duly incorporated municipal corporation responsible for the DuPage County Jail and is joined in this action pursuant to Carver v. Sheriff of LaSalle County 145 Ill.2d R.20 (7th Cir. 2003) and pursuant to respondeat superior for Plaintiff's state law claims.

GENERAL ALLEGATIONS AND FACTS

21. The decedent, Reneyda Aguilar-Hurtado, died while she was detained at the DuPage County Jail on June 12, 2023. The cause of death was failure to thrive due to malnutrition and dehydration leading to multisystem organ failure and the DuPage County Coroner determined that medical neglect while she was incarcerated at the DuPage County Jail was a contributing cause of death.

22. Ms. Aguilar-Hurtado left behind two children when she died, Cristal Moreno Aguilar (age 19) and Giovanni Moreno Aguilar (age 15).

23. On or about March 19, 2023, Reneyda Aguilar-Hurtado was arrested in relation to a misdemeanor battery charge and subsequently became detained in the DuPage County Jail. The simple battery charge involved allegations that Ms. Aguilar-Hurtado kicked another customer at a grocery store resulting in a small scratch on the side of the person's calf.

24. Ms. Aguilar-Hurtado had a history of psychiatric illness involving psychosis / schizophrenia. The mental health diagnoses of psychosis and schizophrenia were documented in the DuPage County Jail records and medical chart upon intake into the jail on March 20 and March 21, 2023. Ms. Aguilar-Hurtado was found unfit for trial due to her psychiatric illness by Dr. Tara Fullmer of DuPage County Probation and Court Services on or about March 31, 2023.

25. Ms. Aguilar-Hurtado was held in custody at the DuPage County Jail from March 19, 2023 up to her death on June 12, 2023. She was kept in custody for two and a half months for a simple battery charge awaiting transfer to a mental health facility to receive treatment so she could be fit to stand trial.

26. During the time she was incarcerated at the DuPage County Jail., Ms. Aguilar-Hurtado suffered from psychosis / schizophrenia and exhibited signs and symptoms of

psychiatric illness. Her mental and physical condition grew progressively worse while she was incarcerated. She lost nearly 60 pounds in the two and half months she was incarcerated, she routinely refused food and water, and she was repeatedly found with blood, vomit and feces on the ground of her cell. In the days before her death, she was found to be confused, weak and unable to stand on her own and needed to be transported by wheelchair.

27. On April, 3, 2023, defendant, Alma Martija, MD, documented in a health evaluation of Ms. Aguilar-Hurtado that she was crying, easily agitated, actively hallucinating, cold, shivering, seeing a skull in the toilet and suffering from paranoid delusions. However, no medical or psychiatric care was provided or prescribed. Ms. Aguilar-Hurtado was not seen or evaluated by a physician again for over a month.

28. On April 10, 2023, Judge Paul A. Marchese of the Circuit Court of the Eighteenth Judicial Circuit, DuPage County, Illinois entered an order finding Reneyda Aguilar-Hurtado to be mentally disabled and unfit to plea or stand trial and ordering for Ms. Aguilar-Hurtado to be transferred for placement by Illinois Department of Human Services for mental health treatment. However, Ms. Aguilar-Hurtado remained at the DuPage County Jail up until her death on June 12, 2023.

29. On April 17, 2023, DuPage County Sheriff Deputy Samonte observed a pile of feces on the floor of Ms. Aguilar-Hurtado's cell and informed DuPage County Sheriff Deputy Sergeant Rodriguez. Ms. Aguilar-Hurtado had to be moved to another cell so her cell could be cleaned.

30. On April 18, 2023, Ms. Aguilar-Hurtado was scheduled to have an initial psychiatric evaluation. Ms. Aguilar-Hurtado was not seen or evaluated on this date because she was too unstable to be seen for evaluation and no Spanish translator was available, according to

DuPage County Jail records. No additional attempts were made to evaluate Ms. Aguilar-Hurtado for the following two weeks.

31. On May 6, 2023, over six weeks after she was admitted to the jail with diagnoses of psychosis and schizophrenia with active hallucinations and five weeks after she was found unfit to stand trial due to mental illness, Ms. Aguilar-Hurtado underwent an initial psychiatric evaluation. The evaluation was conducted by Dr. James Corcoran. Dr. Corcoran noted that the patient is a poor communicator, extremely disheveled, had defecated mid cell, displayed in appropriate bizarre smiling, and had food bags everywhere. His assessment was psychotic disorder. Dr. Corcoran noted that the patient refused to take psychotropic medication. However, there was no further documentation of Dr. Corcoran following up with this patient or of any further attempt to convince her to take medication.

32. On May 17, 2023, Ms. Aguilar-Hurtado was observed by DuPage County Sheriff deputies spitting blood onto her cell floor. DuPage County Sheriff employee Joelle Montouoho, LPN was notified and saw Ms. Aguilar-Hurtado and deemed no medical intervention necessary.

33. On May 19, 2023, Ms. Aguilar-Hurtado was observed by DuPage County Sheriff Deputy Corcoran and Sergeant Odom to be bleeding from her lip with a large amount of blood on her floor and medical staff was notified. Defendant Michelle Findrick, RN, responded and assessed Ms. Aguilar-Hurtado and deemed no medical intervention necessary.

34. On May 27, 2023, DuPage County Sheriff Deputy Jasper observed that Ms. Aguilar-Hurtado had vomit on the floor in front of her bed with small particles of yellow food and red streaks in the emesis. Medical staff including Defendant, Jennifer Henning, LPN and Defendant Michele Findrick, RN, were notified of this incident. Supervisory staff, including Defendant Lieutenant Melissa Gustafson, were also notified of said facts. Said defendants were

also notified that Ms. Aguilar-Hurtado had appeared to have lost a large amount of weight and was not eating regularly. Ms. Aguilar-Hurtado was weighed and found to have lost 51 pounds since admission two months earlier. Ms. Aguilar-Hurtado was given a protein drink and cereal, which she refused.

35. On May 27, 2023, Ms. Aguilar-Hurtado was scheduled for psychiatric evaluation by Defendant James Corcoran, MD. Dr. Corcoran documented in Ms. Aguilar-Hurtado's chart that the inmate refuses interview. Dr. Corcoran took no further action with respect to Ms. Aguilar-Hurtado. Dr. Corcoran did not attempt to follow up with this patient. Dr. Corcoran made no further attempt to assess and treat the patient's severe psychiatric illness.

36. On May 30, 2023, Ms. Aguilar-Hurtado was seen and assessed by Defendant, Alma Martija, MD for her weight loss of over 50 pounds and bloody vomit. Dr. Martija's assessment on May 30 was psychosis, unstable, untreated, Global Assessment of Functioning less than 50 and tendency to self-harm. Dr. Martija provided no intervention or treatment other than weekly weight checks and medication administration review to be conducted on June 18. Dr. Martija did not see the Ms. Aguilar Hurtado again until the morning of June 12, 2023 when she was found unresponsive in her cell and the code was called. It appears that the Ms. Aguilar-Hurtado was weighed again on June 3 and had lost another seven pounds and no further interventions or treatment were provided.

37. No physician saw Ms. Aguilar-Hurtado after May 30, 2023 up until morning of June 12, 2023 when she was unresponsive and code was called.

38. On or about June 3, 2023, Reneyda Aguilar-Hurtado displayed visible signs of dehydration and malnutrition including cracked lips, shaking hands, sunken eyes and cheeks, fatigue, difficulty speaking and weight loss.

39. On or about June 3, 2023, the Plaintiff, CRISTAL MORENO AGUILAR, requested for unnamed employees of the DuPage County Sheriff's Department and of the Defendant James Mendrick at the DuPage County Jail to provide water for the plaintiff's decedent Reneyda Aguilar-Hurtado because she appeared dehydrated and voiced complaints about not having water. The unnamed employees refused.

40. On June 3, 2023, Ms. Aguilar-Hurtado was seen by an unnamed registered nurse employed by the DuPage County Sheriff's Department. The nurse noted that Ms. Aguilar-Hurtado had a foul stench, poor hygiene, psychosis and had lost an additional seven pounds in the last week. No intervention or treatment was provided or prescribed, other than for deputies to assist Ms. Aguilar-Hurtado with a shower.

41. On June 7, 2023, an unnamed DuPage County Sheriff deputy documented that Ms. Aguilar-Hurtado refused going to court.

42. On the morning of June 10, 2023, DuPage County Sheriff Deputy Corbo and Corporal Morales found Ms. Aguilar-Hurtado slouched over with vomit on her uniform and cell floor. She was slow to respond physically and verbally to commands. The room was dirty with vomit covering the floor and the toilet and there were multiple lunch bags piled up in the corner of the room. Ms. Aguilar-Hurtado was too weak to stand or walk. Defendants Findrick and Henning and DuPage County Sheriff Sergeant Hayles were notified of these facts.

43. On the morning of June 10, 2023, Ms. Aguilar-Hurtado was transported by wheelchair to a new cell because her cell was covered in her vomit by defendant Morales. She had to be transported by wheelchair because she was too weak to walk. She was placed on medical watch where her vitals would be taken twice a day by nursing staff, due to weakness, confusion and vomiting were noted on the Medical Watch Flow Sheet.

44. On and prior to June 10, 2023, Ms. Aguilar-Hurtado was suffering from severe psychiatric and medical conditions in need of emergency treatment. She was suffering from severe malnutrition, dehydration and volume depletion that was causing kidney failure and putting her at risk of imminent death.

45. Ms. Aguilar-Hurtado was not seen by a physician on June 10 and June 11, 2023.

46. No efforts were made by anyone from the DuPage County Sheriff's Department to transfer Ms. Aguilar-Hurtado to a hospital for emergency care on June 10, 2023 and June 11, 2023.

47. On June 11, 2023 at or about 11:00 am, the Defendant, Findrick, deferred taking Ms. Aguilar-Hurtado's vital signs and instead repositioned her.

48. On June 11, 2023 at or about 6:55 pm, the Defendant, Atienza, attempted to obtain Ms. Aguilar-Hurtado's vitals and was unable to obtain her blood pressure. Weakness was again noted on her chart at this time.

49. Ms. Aguilar-Hurtado was not seen or assessed by any one from the medical staff after 6:55 pm on June 11, 2023 up until approximately 9:00 am on June 12, 2023 when she was found unresponsive in her cell and a code was called.

50. At or about 9:30 am on June 12, 2023, DuPage County Sheriff's Department Deputy Cutts found Ms. Aguilar-Hurtado unresponsive in her cell and cold to touch. A code was called and AED machine was obtained to attempt to revive her.

51. Wheaton Fire Department paramedics then transported Ms. Aguilar-Hurtado to Northwestern Medicine Central DuPage Hospital. She was pronounced dead later in the day.

52. DuPage County Coroner conducted an autopsy of Ms. Aguilar-Hurtado. The autopsy was conducted on June 13, 2013 but the autopsy report was not completed by the

pathologist until December 1, 2023. The pathologist determined that Ms. Aguilar-Hurtado died of multisystem organ failure from malnutrition and medical neglect while she was incarcerated was a contributing cause to her death. The DuPage County Coroner pathologist's opinion as to cause of death was as follows:

OPINION:

This 50-year-old Hispanic female, RENEYDA AGUILAR, died of multisystem organ failure due to failure to thrive due to a psychotic disorder. Acute esophageal necrosis, self-neglect and medical neglect contributed significantly to her death. Comment: "Medical neglect" and "self-neglect" are applied as contributing factors in this case as the decedent was incarcerated and exhibited symptoms of schizophrenia/psychosis while an inmate at DCCC. While incarcerated she relied upon corrections staff to attend to her medical needs, a situation that was compounded by self-neglect and an inherent inability to make appropriate decisions regarding self-care due to her schizophrenia/psychotic disorder. A consequence of these psychiatric and situational factors appears to have been a loss of approximately 50 pounds over a 3-month period leading to failure to thrive. Additionally, at the time of her admission to CDH she had shown physical signs of acute illness for days prior without significant medical intervention.

53. On July 5, 2023, Cristal Moreno Aguilar was appointed the Independent Administrator of the Estate of Reneyda Aguilar-Hurtado. (Order attached as Exhibit 1).

COUNT I

42 U.S.C. § 1983

(Denial of Medical Care)

Against Defendants, Alma Martija, MD, James Corcoran, MD, Michele Findrick, RN, Jennifer Henning, LPN, Aaron Atienza, RN, Amy Lanenga, Eric Morales, Russell Hayles, Alexander Corbo, Melissa Gustafson, Deputy Jasper, DuPage County Sheriff James Mendrick, in his official capacity

54. Plaintiff, CRISTAL MORENO AGUILAR, as Independent Administrator of the Estate of RENEYDA AGUILAR-HURTADO, deceased, repeats the allegations in paragraphs 1 through 53 as if fully set forth herein.

55. On information and belief, at all relevant times, Defendants were responsible for the care and humane treatment of inmates at DuPage County Jail. Defendants were also

responsible for the taking care of Plaintiff by getting necessary treatment and health care to the inmates at DuPage County Jail.

56. The Defendants, ALMA MARTIJA, MD, JAMES CORCORAN, MD, MICHELE FINDRICK, RN, JENNIFER HENNING, LPN, and AARON ATIENZA, RN, were part of the medical and psychiatric staff at the DuPage County Jail who were responsible for the care of Ms. Aguilar-Hurtado while she was incarcerated.

57. The Defendants, AMY LENENGA, ERIC MORALES, RUSSELL HAYLES, ALEXANDER CORBO, MELISSA GUSTAFSON and DEPUTY JASPER, were part of the staff at the DuPage County Jail who were responsible for the safety and well-being of Ms. Aguilar-Hurtado while she was incarcerated.

58. Defendants, ALMA MARTIJA, MD, JAMES CORCORAN, MD, MICHELE FINDRICK, RN, JENNIFER HENNING, LPN, AARON ATIENZA, RN, AMY LENENGA, ERIC MORALES, RUSSELL HAYLES, ALEXANDER CORBO, MELISSA GUSTAFSON and DEPUTY JASPER, knew that Ms. Aguilar-Hurtado was suffering from severe psychiatric and acute medical illness causing her to be at imminent risk of death. Said defendants knew that Ms. Aguilar-Hurtado's psychiatric illness was affecting her physical health. Said defendants allowed Ms. Aguilar-Hurtado to suffer severe malnutrition and dehydration to the point where she suffered kidney failure and multi-organ system failure causing her death.

59. As described more fully above, Defendants had notice of Reneyda Aguilar-Hurtado's medical need and the seriousness of her medical need, and they failed to provide her with the necessary medical attention, allowed her physical and mental condition to deteriorate in the days and weeks leading up to her death, and let her to die in her cell, in violation of the Fourth, Eighth and Fourteenth Amendments of the United States Constitution.

60. The misconduct described in this count was objectively unreasonable and was undertaken intentionally with malice, willfulness, and reckless indifference to the rights of others.

61. Alternatively, Defendants were deliberately indifferent to Reneyda Aguilar-Hurtado's objectively serious medical needs, and their acts were undertaken intentionally with malice, willfulness, and deliberate indifference to the rights of others.

62. As a result of the unjustified and unconstitutional conduct of the Defendants, the Plaintiff's decedent, Reneyda Aguilar-Hurtado, experienced pain, suffering, emotional distress, injury and ultimately death.

63. Defendants, DUPAGE COUNTY SHERIFF JAMES MENDRICK, ALMA MARTIJA, MD and JAMES CORCORAN, MD, had policy-making authority and were responsible for making and enforcing policies and procedures relating to the provision of medical psychiatric care, recognizing and treating life-threatening medical and psychiatric conditions and transferring detainees to the hospital when necessary.

64. Defendants, DUPAGE COUNTY SHERIFF JAMES MENDRICK, ALMA MARTIJA, MD and JAMES CORCORAN, MD failed to promulgate, train and enforce policies and procedures for transferring detainees to the hospital when at risk of imminent death and in need of life-saving medical care.

65. Defendants, DUPAGE COUNTY SHERIFF JAMES MENDRICK, ALMA MARTIJA, MD and JAMES CORCORAN, MD failed to promulgate, train and enforce policies and procedures for medical staff and correctional officers to recognize life-threatening medical conditions such as severe malnutrition and dehydration resulting in multisystem organ failure and death.

66. Defendants, DUPAGE COUNTY SHERIFF JAMES MENDRICK, ALMA MARTIJA, MD and JAMES CORCORAN, MD failed to promulgate, train and enforce policies and procedures for medical and psychiatric staff to conduct timely evaluations and appropriate follow up with patients suffering from severe and life-threatening psychiatric illness and instead allowed patients who were dying from malnutrition and dehydration to go weeks without being seen by a physician.

67. Defendants, DUPAGE COUNTY SHERIFF JAMES MENDRICK, ALMA MARTIJA, MD and JAMES CORCORAN, MD failed to promulgate, train and enforce policies and procedures for encouraging psychiatric patients with severe and life-threatening psychiatric illness to take medication or to take steps for involuntary medication when necessary.

68. Defendants, DUPAGE COUNTY SHERIFF JAMES MENDRICK, ALMA MARTIJA, MD and JAMES CORCORAN, MD failed to promulgate, train and enforce policies and procedures for nursing staff to notify and obtain consults from physicians for patients suffering life-threatening medical conditions such as severe malnutrition and dehydration resulting in multisystem organ failure.

69. Multiple inmates, who were critically ill and supposedly placed on medical watch, died at the DuPage County Jail while on medical watch, like Ms. Aguilar-Hurtado. These instances, where defendants allowed critically ill patients to die at the jail who were on medical watch, demonstrate defendants' widespread practice and policy of deliberate indifference to the health and safety of critically ill inmates suffering from life-threatening conditions under their custody and control. Defendants' unconstitutional practice and policy is demonstrated by the following instances and others:

- a. Upon information and belief, inmate Crystal Blagaich (age 42) died in the DuPage County Jail on June 16, 2023, three days after Ms. Aguilar Hurtado. Ms. Blagaich was found unconscious and unresponsive in her cell and was later pronounced dead

upon transfer to the hospital. Upon information and belief, Ms. Blagaich was exhibiting symptoms of drug withdrawal and was on medical watch at the time of her death. Defendants failed to transfer Ms. Blagaich to a hospital setting for life-saving medical care.

- b. Upon information and belief, inmate Sebastiano Ceraulo died in the DuPage County Jail on January 7, 2016 as a result of dehydration and electrolyte depletion related to drug withdrawal while he was on medical watch at the jail. Mr. Ceraulo had clear signs and symptoms of drug withdrawal including vomiting and diarrhea. Defendants failed to transfer Mr. Ceraulo to a hospital setting for life-saving medical care and instead placed him on medical watch which was supposed to consist of 15 minutes checks. Mr. Ceraulo died in his cell while on medical watch.
- c. Upon information and belief, Jae Harrell died in the DuPage County Jail on June 2, 2007 when he committed suicide by hanging himself in his cell. Mr. Harrell exhibited bizarre behavior at the jail including hearing of voices and he appeared delusional and was placed on suicide and/or medical watch prior to and at the time of his death. Mr. Harrell committed suicide in his cell while he was supposedly on suicide and/or medical watch.
- d. Upon information and belief, inmate Dean Fuerstenberg attempted suicide by jumping headfirst from a second-story cell at the DuPage County Jail onto the concrete floor below. Mr. Fuerstenberg was placed on medical and/or emotional watch prior to the suicide attempt due to depression. Although Mr. Fuerstenberg survived the attempt, he suffered severe and permanent injuries, including paralysis from the waist down.

70. Defendants have routinely and as a matter of widespread practice and policy failed to transfer critically ill inmates to the hospital for urgently-needed medical care, causing multiple severe injuries and deaths. Instead of bringing these inmates to hospital when needed, defendants had an unconstitutional policy and practice of putting them on medical watch where they died or suffered severe injuries that could have been prevented. Defendants widespread practice and policy of failing to transfer inmates for hospital care and failing to provide needed medical treatment demonstrates deliberate indifference to the health and safety of inmates and is evidenced by the following examples and others:

- a. Upon information and belief, inmate William Horton suffered from liver disease while incarcerated at DuPage County Jail in 2015 and he was prescribed by his treating physician at Loyola University Medical Center to undergo liver function tests and evaluations for a liver transplant, but Mr. Horton was not provided the testing, evaluations and medications prescribed by his Loyola University doctor

while incarcerated. Mr. Horton alleged that he was told by the medical director of DuPage County Jail that the Jail would not pay for any treatment for his liver disease so he should get out of jail as soon as possible to get his treatment.

- b. Upon information and belief, Demarcus Feltus suffered severe vomiting, high fever and sharp abdominal pain while incarcerated at the DuPage County Jail in 2015. Mr. Feltus alleged that was not provided needed medical care and he was not transferred to a hospital for a period of weeks; instead, he was diagnosed with a stomach virus and prescribed Tylenol by jail medical staff. Eventually, he was transported to Central DuPage Hospital where he was diagnosed with an abscess on his liver and ruptured gallbladder requiring emergency surgery to remove part of his liver and gallbladder. Mr. Feltus was returned to the jail after the surgery but was not permitted consults with a medical physician at an outside medical facility for post-operative follow-up assessment to ensure he was properly recovering from his surgery. Mr. Feltus alleged that defendant Dr. James Corcoran was deliberately indifferent to his serious medical needs.
- c. Upon information and belief, inmate Renee Hoffman suffered from diabetes and pulmonary disease while incarcerated at DuPage County Jail in 2015, she was not provided medications or her oxygen machine while incarcerated and she developed sepsis while incarcerated from an infection in her rectum. Within 24 hours of her release from the jail, she was found unresponsive by her family and had to be hospitalized for a prolonged period for sepsis and rectal infection.
- d. Upon information and belief, Fawzi Ottman suffered fractures to his right hand while incarcerated at the DuPage County Jail in 2017, resulting in severe pain and swelling, but he was not permitted to see an orthopedist for several months after the injury and he was not allowed a surgical consult with an orthopedist. Mr. Ottman alleged that the denials and delays in his receiving of orthopedic care resulted in deformities in his hand that could have been prevented if he was permitted to have orthopedic care within 10 days of the injury. Mr. Ottman alleged defendant Alma Martija, MD was deliberately indifferent to his serious medical needs.
- e. Upon information and belief, Valentino Shaw suffered kidney disease while incarcerated at the DuPage County Jail in 2016 and he was on the kidney transplant list, but he was not transported to Loyola University Medical Center for appointments related to a kidney transplant and, as a result, he was taken off the kidney transplant list and suffered complications related to dialysis, including blocked fistula.
- f. Upon information and belief, Randy Lee Crosson was incarcerated at the DuPage County Jail in 2020 and suffered from diabetes, peripheral vascular disease and hypertension while incarcerated. Mr. Crosson alleged that he was not provided medication for his conditions and he developed progressively worsening swelling in his feet, skin breakdown, infections in his feet and toes and fracturing to his right toe with bone sticking through the skin, requiring amputation of the toe. Mr. Crosson alleged defendant Alma Martija, MD was deliberately indifferent to his serious medical needs.

- g. Upon information and belief, Michael Thomas suffered a broken hand and enlarged prostrate while incarcerated at the DuPage County Jail between 2011 and 2016. Mr. Thomas alleged that there were unnecessarily delays in referring him to see an orthopedist for his broken hand and, as a result he suffered nerve damage with diminished sensation which he would not have suffered if his hand had been properly treated earlier. Mr. Thomas alleged defendant Alma Martija, MD was deliberately indifferent to his serious medical needs.
- h. Upon information and belief, Michael Niewiedzial suffered from chronic pain from bone spurs in his feet while he was incarcerated at the DuPage County Jail between 2017 and 2019, he developed infections in his foot while incarcerated, he made multiple requests for medical care by specialists, and his requests were delayed or denied resulting in amputation of all of the toes in his left foot. Mr. Niewiedzial alleged that defendant Alma Martija, MD was deliberately indifferent to his serious medical needs.
- i. Upon information and belief, Raymond Bradly Kuykendall, suffered from diabetes, high blood pressure, hypertension, lupus and deep vein thrombosis while incarcerated at the DuPage County Jail in 2015. Mr. Kuykendall alleged that he suffered kidney failure and malfunction to inferior vena cava filter while incarcerated, but he was not provided adequate medical care or hospitalization for his conditions.

71. The misconduct described above was undertaken pursuant to the policy and practice of Defendants, DUPAGE COUNTY SHERIFF JAMES MENDRICK, ALMA MARTIJA, MD and JAMES CORCORAN, MD in that:

- (a) As a matter of both policy and practice, the Defendants directly encourage the type of misconduct at issue here by failing to adequately train, supervise and control its officers, and their failure to do so constitutes deliberate indifference.
- (b) As a matter of widespread practice so prevalent as to comprise municipal policy, officers of the Defendants engage in actions similar to those alleged in this Complaint.
- (c) Defendants have failed to act to remedy the patterns of abuse described in the preceding subparagraphs, despite actual knowledge of the same, thereby causing the types of injuries alleged here.

72. As a proximate result of the policies and practices by the Defendants, the Plaintiff's decedent, Reneyda Aguilar-Hurtado, experienced pain, suffering, emotional distress, injury and ultimately death.

73. Defendants are liable to Plaintiff under 42 U.S.C. § 1983.

COUNT II

**(State Law Wrongful Death – Negligence and Willful and Wanton Misconduct)
Against Defendants Amy Lanenga, Eric Morales, Russell Hayles, Alexander Corbo, Melissa Gustafson, Deputy Jasper, DuPage County Sheriff James Mendrick, in his official capacity, Alma Martija, MD, and James Corcoran, MD**

74. Plaintiff repeats the allegations in paragraphs 1 through 73 as if fully set forth herein.

75. At all relevant times, the Defendants, DUPAGE COUNTY SHERIFF JAMES MENDRICK, AMY LENENGA, ERIC MORALES, RUSSELL HAYLES, ALEXANDER CORBO, MELISSA GUSTAFSON, DEPUTY JASPER, and other deputies and agents of the Defendant Mendrick and the DuPage County Sheriff's Office had a duty to use reasonable care to those who are arrested and incarcerated for the preservation of their prisoner's health and life.

76. At all relevant times, the Defendants, DUPAGE COUNTY SHERIFF JAMES MENDRICK, ALMA MARTIJA, MD, JAMES CORCORAN, MD and their deputies, agents and employees, had a duty to properly train and supervise the employees of the DuPage County Sheriff's Department at the DuPage County Jail, to ensure that they provided for their prisoner's health, recognized urgent and life-threatening medical conditions, provided and allowed for appropriate medical care for urgent and life-threatening conditions and recognized and promptly responded to life- threatening medical emergencies in prisoners.

77. At the time of the conduct described in this Complaint, Defendants, AMY LENENGA, ERIC MORALES, RUSSELL HAYLES, ALEXANDER CORBO, MELISSA

GUSTAFSON, DEPUTY JASPER, ALMA MARTIJA, MD and JAMES CORCORAN, MD, were acting as duly-authorized agents of Defendants, DUPAGE COUNTY SHERIFF JAMES MENDRICK and DUPAGE COUNTY, within the scope of their employment.

78. At all times relevant hereto, Defendants, DUPAGE COUNTY SHERIFF JAMES MENDRICK, ALMA MARTIJA, MD and JAMES CORCORAN, MD, and their deputies, agents and employees, were responsible for making and enforcing policies and procedures relating to the provision of medical psychiatric care, recognizing and treating life-threatening medical and psychiatric conditions and transferring detainees to the hospital when necessary and had a duty to exercise reasonable care with respect to these policy-making responsibilities.

79. At the time of the conduct described in this Complaint, the Defendants, DUPAGE COUNTY SHERIFF JAMES MENDRICK, ALMA MARTIJA, MD, JAMES CORCORAN, MD, ERIC MORALES, RUSSELL HAYLES, ALEXANDER CORBO, MELISSA GUSTAFSON and DEPUTY JASPER, and other un-named deputies, agents, and employees of Defendants Mendrick and DuPage County, were then and then guilty of the following negligent and willful and wanton acts and/or omissions:

- a. Ignoring, delaying and disregarding Reneyda Aguilar-Hurtado urgent and life-threatening psychiatric and medical conditions and allowing her to die in her cell as a result of malnutrition and dehydration causing multisystem organ failure;
- b. Failing to provide or obtain medical attention for Reneyda Aguilar-Hurtado's patent and obvious urgent and life-threatening medical condition while she was detained in the jail and allowing her to die in her cell;
- c. Failed to promptly transfer Reneyda Aguilar-Hurtado to the hospital when it was apparent she was suffering from a life-threatening medical condition and needed urgent medical care to remain alive;
- d. Failing to properly train and supervise employees to identify persons with serious medical needs and to make sure that serious and urgent medical needs are promptly addressed;
- e. Failed to implement training, policies and procedures to ensure that emergency medical needs of prisoners were promptly addressed;

- f. Failed to implement training, policies and procedures for correctional staff to conduct appropriate follow up with patients suffering from severe and life-threatening psychiatric illness and instead allowed patients who were dying from malnutrition and dehydration to go weeks without being seen by a physician; and
- g. Failing to properly train and supervise employees to preserve and protect the life and well-being of detainees with serious mental illness.

80. As a direct and proximate result of the aforesaid acts by Defendants, and their deputies, agents and employees, the Plaintiff's decedent, Reneyda Aguilar-Hurtado, died on June 12, 2023.

81. The aforesaid actions of the Defendants, and their agents and employees, were willful and wanton in that they demonstrated an utter indifference to the safety of others. Defendants were conscious and aware that an injury or death would probably result from the above-described course of action and recklessly disregarded the consequences of those actions.

82. Defendant Mendrick is liable for the negligence and willful and wanton misconduct of the defendants, and the other deputies, nurses, and medical employees of the DuPage County Sheriff's Department who were involved in the care and custody of Ms. Aguilar-Hurtado and who were deliberately indifferent to her obvious and serious medical needs. Pursuant to 55 ILCS 5/3-6016, DuPage County Sheriff Mendrick is liable for the negligent and willful and wanton acts and omissions of the deputies, agents and employees of his office in the same manner as for his own personal acts or omissions.

83. On July 5, 2023, the Plaintiff, CRISTAL MORENO AGUILAR, was appointed Independent Administrator of the Estate of Reneyda Aguilar-Hurtado. (Order attached as Exhibit 1, Letters of Office attached as Exhibit 2).

84. The Plaintiff's decedent, Reneyda Aguilar-Hurtado, left as surviving heirs Cristal Moreno Aguilar (adult daughter) and Giovanni Moreno Aguilar (minor son) who have suffered pecuniary loss, loss of society, grief and sorrow by reason of said death.

85. Plaintiff and the heirs of the decedent claim damages under the Illinois Wrongful Death Act, 740 ILCS 180/1.

COUNT III

(State Law Survival Act – Negligence and Willful and Wanton)

Against Defendants Amy Lanenga, Eric Morales, Russell Hayles, Alexander Corbo, Melissa Gustafson, Deputy Jasper, DuPage County Sheriff James Mendrick, in his official capacity, Alma Martija, MD, James Corcoran, MD

86. Plaintiff repeats the allegations in paragraphs 1 through 85 as if fully set forth herein.

87. That as a direct and proximate result of one or more of the aforesaid negligent acts or omissions the Defendants, and their agents and employees, Plaintiff's decedent, Reneyda Aguilar-Hurtado, was caused to suffer pain and suffering prior to her death.

88. Plaintiff claims damages under the Illinois Survival Act, 755 ILCS 5/27-6.

COUNT IV

(State Law Family Expense Act – Negligence and Willful and Wanton)

Against Defendants Amy Lanenga, Eric Morales, Russell Hayles, Alexander Corbo, Melissa Gustafson, Deputy Jasper, DuPage County Sheriff James Mendrick, in his official capacity, Alma Martija, MD, James Corcoran, MD

89. Plaintiff repeats the allegations in paragraphs 1 through 85 as if fully set forth herein.

90. That as a direct and proximate result of one or more of the aforesaid negligent acts or omissions by the Defendants, and their agents and employees, Plaintiff's decedent, Reneyda Aguilar-Hurtado, and her family and heirs were caused to incur doctor, hospital and other medical expenses and funeral and burial expenses.

91. Plaintiff claims damages under the Illinois Family Expense Act, 750 ILCS 65/15.

COUNT V

(State Law Wrongful Death – Medical Negligence and Willful and Wanton Misconduct)

Against Defendant Alma Martija, MD, DuPage County Sheriff James Mendrick, in his official capacity

92. Plaintiff repeats the allegations in paragraphs 1 through 53 as if fully set forth herein.

93. On and prior to 2023, the Defendant, ALMA MARTIJA, MD, was a physician duly licensed under the laws of the State of Illinois and engaged in the practice of medicine in DuPage County, Illinois.

94. On and prior to 2023, the Defendant, ALMA MARTIJA, MD, was a duly authorized agent, servant and employee of the Defendants, DUPAGE COUNTY SHERIFF JAMES MENDRICK and DUPAGE COUNTY.

95. During the time she was incarcerated between March 19, 2023 to her death on June 12, 2023, the decedent, Reneyda Aguilar-Hurtado, was under the care of Defendant, ALMA MARTIJA, MD.

96. Defendant, ALMA MARTIJA, MD, as a duly authorized agent, servant and employee of the Defendants, DUPAGE COUNTY SHERIFF JAMES MENDRICK, was part of the medical staff responsible for caring for Reneyda Aguilar-Hurtado while she was incarcerated, defendant accepted Ms. Aguilar-Hurtado as a patient and agreed to render competent and adequate medical care and said Defendant undertook to tender diagnosis and treatment.

97. Because she was incarcerated, Ms. Aguilar-Hurtado was fully dependent on the defendants for her medical and psychiatric care and well-being.

98. At all times relevant hereto, the Defendant, ALMA MARTIJA, MD, was the medical director at DuPage County Jail and was responsible for ensuring that patients like Reneyda Aguilar-Hurtado received medical care for urgent and life-threatening medical needs. Defendant was also responsible for overseeing the administration of medical care for inmates, supervising

mental health staff at the jail and promulgating, training and enforcing policies and procedures relating to the provision of medical care, recognizing and treating life-threatening medical conditions and transferring detainees to the hospital when necessary.

99. Dr. Martija conducted a health evaluation of the patient on April 3, 2023 and noted that she was awake crying, rambled and unable to give health history, was easily agitated, cold, shivering, actively hallucinating, seeing skull in toilet, and had paranoid delusions. Dr. Martija provided no intervention, treatment or follow up for the patient's psychiatric illness other than to place in mental health unit.

100. Dr. Martija also evaluated the patient on May 30, 2023. As of May 30, it was documented that the patient was found with vomit on the floor of her cell, blood on the floor of her cell, she was seen spitting blood, she defecated in mid cell, she had substantial weight loss of over 50 pounds since admission two months earlier and the deputies suspected she was not eating regularly. Dr. Martija's assessment on May 30 was psychosis, unstable, untreated, Global Assessment of Functioning less than 50 and tendency to self-harm.

101. Dr. Martija provided no intervention or treatment other than weekly weight checks and medication administration review to be conducted on June 18. The patient had signs of severe psychiatric and medical illness in need of urgent treatment. There is no record of Dr. Martija seeing the patient again until the morning of June 12, 2023 when she was found unresponsive in her cell and the code was called. It appears that the patient was weighed again on June 3 and had lost another seven pounds and no further interventions or treatment were provided.

102. At the aforesaid time and place, the Defendant, ALMA MARTIJA, MD, as a duly authorized agent, servant and employee of the Defendants, DUPAGE COUNTY SHERIFF JAMES MENDRICK, and other deputies, agents and employees of the Defendants Mendrick and Martija, were then and there guilty of one or more of the following negligent acts and/or omissions:

- a. Failed to properly monitor, assess and treat the patient's severe psychiatric and medical illness;
- b. Failed to conduct appropriate follow ups with the patient after knowing that the patient was suffering from severe and life-threatening psychiatric and medical illness;
- c. Failed to transfer the patient to a hospital for a higher level of care than could be provided at the jail;
- d. Failed to promulgate, train and enforce policies and procedures for transferring detainees to the hospital when at risk of imminent death and in need of life-saving medical care;
- e. Failed to promulgate, train and enforce policies and procedures for medical staff and correctional officers to recognize life-threatening medical conditions such as severe malnutrition and dehydration resulting in multisystem organ failure and death; and
- f. Failed to promulgate, train and enforce policies and procedures for medical and psychiatric staff to conduct appropriate follow up with patients suffering from severe and life-threatening psychiatric illness and instead allowed patients who were dying from malnutrition and dehydration to go weeks without being seen by a physician.

103. As a direct and proximate result of the aforesaid acts by the aforesaid by Defendants, and their agents and employees, the Plaintiff's decedent, Reneyda Aguilar-Hurtado, died on June 12, 2023.

104. Pursuant to 55 ILCS 5/3-6016, DuPage County Sheriff Mendrick is liable for the negligent and willful and wanton acts and omissions of the deputies, agents and employees of his office, including Defendant Martija, in the same manner as for his own personal acts or omissions.

105. On July 5, 2023, the Plaintiff, CRISTAL MORENO AGUILAR, was appointed Independent Administrator of the Estate of Reneyda Aguilar-Hurtado. (Order attached as Exhibit 1, Letters of Office attached as Exhibit 2).

106. The Plaintiff's decedent, Reneyda Aguilar-Hurtado, left as surviving heirs Cristal Moreno Aguilar (adult daughter) and Giovanni Moreno Aguilar (minor son) who have suffered

pecuniary loss, loss of society, grief and sorrow by reason of said death.

107. Plaintiff and the heirs of the decedent claim damages under the Illinois Wrongful Death Act, 740 ILCS 180/1.

108. Attorney, Michael C. Mead, one of the attorneys for the plaintiff has had this matter reviewed by a consultant who believes this action is meritorious. A copy of counsel's Affidavit is attached hereto as Exhibit 3. A copy of the Report of Health Care Professional is attached hereto as Exhibit 4.

COUNT VI

**(State Law Survival Act – Medical Negligence and Willful and Wanton Misconduct)
Against Defendant Alma Martija, MD, DuPage County Sheriff James Mendrick, in his
official capacity**

109. Plaintiff repeats the allegations in paragraphs 92 through 108 as if fully set forth herein.

110. That as a direct and proximate result of one or more of the aforesaid negligent and willful and wanton acts or omissions, the Defendants, and their agents and employees, Plaintiff's decedent, Reneyda Aguilar-Hurtado, was caused to suffer pain and suffering prior to her death.

111. Plaintiff claims damages under the Illinois Survival Act, 755 ILCS 5/27-6.

COUNT VII

**(State Law Family Expense Act – Medical Negligence and Willful and Wanton
Misconduct)
Against Defendant Alma Martija, MD DuPage County Sheriff James Mendrick, in his
official capacity**

112. Plaintiff repeats the allegations in paragraphs 92 through 108 as if fully set forth herein.

113. That as a direct and proximate result of one or more of the aforesaid negligent and willful and wanton acts or omissions by the Defendants, and their agents and employees, Plaintiff's decedent, Reneyda Aguilar-Hurtado, and her family and heirs were caused to incur doctor, hospital

and other medical expenses and funeral and burial expenses.

114. Plaintiff claims damages under the Illinois Family Expense Act, 750 ILCS 65/15.

COUNT VIII

**(State Law Wrongful Death – Medical Negligence and Willful and Wanton Misconduct)
Against Defendant James Corcoran, MD DuPage County Sheriff James Mendrick, in his
official capacity**

115. Plaintiff repeats the allegations in paragraphs 1 through 53 as if fully set forth herein.

116. On and prior to 2023, the Defendant, JAMES CORCORAN, MD, was a physician duly licensed under the laws of the State of Illinois and engaged in the practice of medicine in DuPage County, Illinois.

117. On and prior to 2023, the Defendant, JAMES CORCORAN, MD, was a duly authorized agent, servant and employee of the Defendants, DUPAGE COUNTY SHERIFF JAMES MENDRICK and DUPAGE COUNTY.

118. During the time she was incarcerated between March 19, 2023 to her death on June 12, 2023, the decedent, Reneyda Aguilar-Hurtado, was under the care of Defendant, JAMES CORCORAN, MD.

119. Defendant, JAMES CORCORAN, MD, as a duly authorized agent, servant and employee of the Defendants, DUPAGE COUNTY SHERIFF JAMES MENDRICK, was part of the medical and psychiatric staff responsible for caring for Reneyda Aguilar-Hurtado while she was incarcerated, defendant accepted Ms. Aguilar-Hurtado as a patient and agreed to render competent and adequate medical care and said Defendant undertook to tender diagnosis and treatment.

120. Because she was incarcerated, Ms. Aguilar-Hurtado was fully dependent on the defendants for her medical and psychiatric care and well-being.

121. At all times relevant hereto, the Defendant, JAMES CORCORAN, MD, was the

psychiatric services medical director at DuPage County Jail and was responsible for ensuring that patients like Reneyda Aguilar-Hurtado received medical care for urgent and life-threatening medical needs. Defendant was also responsible for overseeing the administration of psychiatric care for inmates, supervising mental health staff at the jail and promulgating, training and enforcing policies and procedures relating to the provision of psychiatric care, recognizing and treating life-threatening medical conditions and transferring detainees to the hospital when necessary.

122. Dr. Corcoran saw and evaluated the patient on May 6, 2023 and notes that the patient is a poor communicator, extremely disheveled, had defecated mid cell, displayed in appropriate bizarre smiling, and had food bags everywhere. His assessment was psychotic disorder. Dr. Corcoran noted that the patient refused to take psychotropic medication. However, there was no further documentation of Dr. Corcoran following up with this patient or of any further attempt to convince her to take medication.

123. The chart includes another intervention note dated May 27, 2023 by Dr. Corcoran. At this point, it was documented that the patient was found with vomit on the floor of her cell, blood on the floor of her cell, she was seen spitting blood, she defecated in mid cell, she had substantial weight loss of over 50 pounds since admission two months earlier and the deputies suspected she was not eating regularly. Dr. Corcoran noted that the inmate refuses interview and he apparently took no further action with respect to this patient.

124. It was well-documented that the patient had signs and symptoms of severe psychiatric illness affecting her physical health. There was no further documentation of Dr. Corcoran following up with this patient or of any further attempt to convince her to take medication or take steps to involuntarily medicate her. Dr. Corcoran made no further attempt to assess and treat the patient's severe psychiatric illness which was contributing to her weight loss,

malnutrition, volume depletion and failure to thrive.

125. At the aforesaid time and place, the Defendant, JAMES CORCORAN, MD, as a duly authorized agent, servant and employee of the Defendants, DUPAGE COUNTY SHERIFF JAMES MENDRICK, and other deputies, agents and employees of the Defendants Mendrick and Corcoran, were then and there guilty of one or more of the following negligent acts and/or omissions:

- a. Failed to properly monitor, assess and treat the patient's severe psychiatric and medical illness;
- b. Failed to conduct timely initial evaluation and appropriate follow ups with the patient after knowing that the patient was suffering from severe and life-threatening psychiatric and medical illness;
- c. Failed to transfer the patient to a hospital for a higher level of care than could be provided at the jail;
- d. Failed to take appropriate to ensure for the patient to take psychiatric medication and/or to institute procedures for involuntarily administering medication;
- e. Failed to promulgate, train and enforce policies and procedures for transferring detainees to the hospital when at risk of imminent death and in need of life-saving medical care;
- f. Failed to promulgate, train and enforce policies and procedures for medical staff and correctional officers to recognize life-threatening medical conditions such as severe malnutrition and dehydration resulting in multisystem organ failure and death; and
- g. Failed to promulgate, train and enforce policies and procedures for medical and psychiatric staff to conduct timely initial evaluations and appropriate follow up with patients suffering from severe and life-threatening psychiatric illness and instead allowed patients who were dying from malnutrition and dehydration to go weeks without being seen by a physician.

126. As a direct and proximate result of the aforesaid acts by the aforesaid by Defendants, and their agents and employees, the Plaintiff's decedent, Reneyda Aguilar-Hurtado, died on June 12, 2033.

127. Pursuant to 55 ILCS 5/3-6016, DuPage County Sheriff Mendrick is liable for the

negligent and willful and wanton acts and omissions of the deputies, agents and employees of his office, including Defendant Corcoran, in the same manner as for his own personal acts or omissions.

128. On July 5, 2023, the Plaintiff, CRISTAL MORENO AGUILAR, was appointed Independent Administrator of the Estate of Reneyda Aguilar-Hurtado. (Order attached as Exhibit 1, Letters of Office attached as Exhibit 2).

129. The Plaintiff's decedent, Reneyda Aguilar-Hurtado, left as surviving heirs Cristal Moreno Aguilar (adult daughter) and Giovanni Moreno Aguilar (minor son) who have suffered pecuniary loss, loss of society, grief and sorry by reason of said death.

130. Plaintiff and the heirs of the decedent claim damages under the Illinois Wrongful Death Act, 740 ILCS 180/1.

131. Attorney, Michael C. Mead, one of the attorneys for the plaintiff has had this matter reviewed by a consultant who believes this action is meritorious. A copy of counsel's Affidavit is attached hereto as Exhibit 3. A copy of the Report of Health Care Professional is attached hereto as Exhibit 5.

COUNT IX
(State Law Survival Act – Medical Negligence and Willful and Wanton)
Against Defendant James Corcoran, MD DuPage County Sheriff James Mendrick, in his
official capacity

132. Plaintiff repeats the allegations in paragraphs 115 through 131 as if fully set forth herein.

133. That as a direct and proximate result of one or more of the aforesaid negligent and willful wanton acts or omissions by the Defendants, and their agents and employees, Plaintiff's decedent, Reneyda Aguilar-Hurtado, was caused to suffer pain and suffering prior to her death.

134. Plaintiff claims damages under the Illinois Survival Act, 755 ILCS 5/27-6.

COUNT X

(State Law Family Expense Act – Medical Negligence)

Against Defendant James Corcoran, MD DuPage County Sheriff James Mendrick, in his official capacity

135. Plaintiff repeats the allegations in paragraphs 115 through 131 as if fully set forth herein.

136. That as a direct and proximate result of one or more of the aforesaid negligent and willful wanton acts or omissions, the Defendants, and their agents and employees, Plaintiff's decedent, Reneyda Aguilar-Hurtado, and her family and heirs were caused to incur doctor, hospital and other medical expenses and funeral and burial expenses.

137. Plaintiff claims damages under the Illinois Family Expense Act, 750 ILCS 65/15.

COUNT XI

(State Law Wrongful Death – Medical Negligence and Willful and Wanton Misconduct)

Against Defendant Michele Findrick, RN, DuPage County Sheriff James Mendrick, in his official capacity

138. Plaintiff repeats the allegations in paragraphs 1 through 53 as if fully set forth herein.

139. On and prior to 2023, the Defendant, MICHELE FINDRICK, RN, was a registered nurse licensed under the laws of the State of Illinois and engaged in the practice of nursing in DuPage County, Illinois and at the DuPage County Jail.

140. On and prior to 2023, the Defendant, MICHELE FINDRICK, RN, was a duly authorized agent, servant and employee of the Defendants, DUPAGE COUNTY SHERIFF JAMES MENDRICK and DUPAGE COUNTY.

141. During the time she was incarcerated between March 19, 2023 to her death on June 12, 2023, the decedent, Reneyda Aguilar-Hurtado, was under the care of Defendant, MICHELE FINDRICK, RN.

142. Defendant, MICHELE FINDRICK, RN, as a duly authorized agent, servant and

employee of the Defendants, DUPAGE COUNTY SHERIFF JAMES MENDRICK, and other nurses, medical staff members and deputies of the DuPage County Sheriff's Department, were part of the medical staff responsible for caring for Reneyda Aguilar-Hurtado while she was incarcerated, they accepted Ms. Aguilar-Hurtado as a patient and agreed to render competent and adequate medical care and they undertook to tender medical care.

143. Because she was incarcerated, Ms. Aguilar-Hurtado was fully dependent on the defendants for her medical and psychiatric care and well-being.

144. Ms. Findrick saw and assessed the patient on May 19, 2023 after she was bleeding from her lip and there was a large amount of blood on the floor of her cell. Ms. Findrick determined no medical intervention was necessary at that time.

145. Ms. Findrick saw and assessed the patient on May 27, 2023 after vomit was found on her floor and deputies noted she had lost a large amount of weight. The patient refused a protein drink and cereal at this time. It was documented that she had also defecated in mid cell and she had substantial weight loss of over 50 pounds since admission two months earlier. However, on May 27, 2023, Ms. Findrick determined no further intervention was needed.

146. Ms. Findrick saw and assessed the patient on June 10, 2023. The patient was slouched over with vomit on her uniform and cell floor and she was slow to respond physically and verbally to commands. The room was dirty with vomit covering the floor and the toilet and there were multiple lunch bags piled up in the corner of the room. The patient was unable to walk and needed to be placed into a wheelchair to be transported. The patient could not stand to be weighed.

147. On and prior to June 10, 2023, it was apparent that this patient was suffering from a severe psychiatric illness and life-threatening medical conditions requiring emergency care. Ms. Findrick should have made efforts to immediately transfer the patient to the hospital. Ms. Findrick

should have made efforts to see that the patient was urgently seen by a physician. Instead, on June 10, the patient was transported by wheelchair to medical unit in the jail where her vitals would be taken by the nursing staff twice a day.

148. Ms. Findrick continued to be involved in the patient's care after she was transferred to the medical unit on June 10 and on June 11. During this time, the patient was not eating and she was weak. Ms. Findrick documented that she deferred taking vitals and repositioned the patient on June 11 at 11:00. There is no indication that Ms. Findrick communicated the severity and urgency of the patient's medical condition to a physician on or after June 10.

149. At the aforesaid time and place, the Defendant, MICHELE FINDRICK, RN, as a duly authorized agent, servant and employee of the Defendants, DUPAGE COUNTY SHERIFF JAMES MENDRICK, and other deputies, agents and employees of the Defendants Mendrick, were then and there guilty of one or more of the following negligent acts and/or omissions:

- a. Failed to properly monitor, assess and treat the patient's severe psychiatric and medical illness;
- b. Failed to conduct appropriate follow ups with the patient after knowing that the patient was suffering from severe and life-threatening psychiatric and medical illness;
- c. Failed to transfer the patient to a hospital for emergency and life-saving care after it was clear that the patient was suffering from a severe and life-threatening medical condition;
- d. Failed to make efforts to see that the patient was provided with life-saving medical intervention after it was apparent that the patient was suffering from severe medical illness;
- e. Failed to notify physicians of the severity of plaintiff's medical and psychiatric illness and obtain an assessment by a physician.

150. As a direct and proximate result of the aforesaid acts by the aforesaid by Defendants, and their agents and employees, the Plaintiff's decedent, Reneyda Aguilar-Hurtado, died on June 12, 2033.

151. Pursuant to 55 ILCS 5/3-6016, DuPage County Sheriff Mendrick is liable for the negligent and willful and wanton acts and omissions of the deputies, agents and employees of his office, including Defendant Martija, in the same manner as for his own personal acts or omissions.

152. On July 5, 2023, the Plaintiff, CRISTAL MORENO AGUILAR, was appointed Independent Administrator of the Estate of Reneyda Aguilar-Hurtado. (Order attached as Exhibit 1, Letters of Office attached as Exhibit 2).

153. The Plaintiff's decedent, Reneyda Aguilar-Hurtado, left as surviving heirs Cristal Moreno Aguilar (adult daughter) and Giovanni Moreno Aguilar (minor son) who have suffered pecuniary loss, loss of society, grief and sorrow by reason of said death.

154. Plaintiff and the heirs of the decedent claim damages under the Illinois Wrongful Death Act, 740 ILCS 180/1.

155. Attorney, Michael C. Mead, one of the attorneys for the plaintiff has had this matter reviewed by a consultant who believes this action is meritorious. A copy of counsel's Affidavit is attached hereto as Exhibit 3. A copy of the Report of Health Care Professional is attached hereto as Exhibit 6.

COUNT XII

**(State Law Survival Act – Medical Negligence and Willful and Wanton Misconduct)
Against Defendant Michele Findrick, RN, DuPage County Sheriff James Mendrick, in his
official capacity**

156. Plaintiff repeats the allegations in paragraphs 138 through 155 as if fully set forth herein.

157. That as a direct and proximate result of one or more of the aforesaid negligent and willful and wanton acts or omissions by the Defendants, and their agents and employees, Plaintiff's decedent, Reneyda Aguilar-Hurtado, was caused to suffer pain and suffering prior to her death.

158. Plaintiff claims damages under the Illinois Survival Act, 755 ILCS 5/27-6.

COUNT XIII

(State Law Family Expense Act – Medical Negligence and Willful and Wanton Misconduct)

Against Defendant Michele Findrick, RN, DuPage County Sheriff James Mendrick, in his official capacity

159. Plaintiff repeats the allegations in paragraphs 138 through 155 as if fully set forth herein.

160. That as a direct and proximate result of one or more of the aforesaid negligent and willful and wanton acts or omissions by the Defendants, and their agents and employees, Plaintiff's decedent, Reneyda Aguilar-Hurtado, and her family and heirs were caused to incur doctor, hospital and other medical expenses and funeral and burial expenses.

161. Plaintiff claims damages under the Illinois Family Expense Act, 750 ILCS 65/15.

COUNT XIV

(State Law Wrongful Death – Medical Negligence and Willful and Wanton Misconduct)
Against Defendant Jennifer Henning, LPN, DuPage County Sheriff James Mendrick, in his official capacity

162. Plaintiff repeats the allegations in paragraphs 1 through 53 as if fully set forth herein.

163. On and prior to 2023, the Defendant, JENNIFER HENNING, LPN, was a licensed practical nurse engaged in the practice of nursing in DuPage County, Illinois and at the DuPage County Jail.

164. On and prior to 2023, the Defendant, JENNIFER HENNING, LPN, was a duly authorized agent, servant and employee of the Defendants, DUPAGE COUNTY SHERIFF JAMES MENDRICK and DUPAGE COUNTY.

165. During the time she was incarcerated between March 19, 2023 to her death on June 12, 2023, the decedent, Reneyda Aguilar-Hurtado, was under the care of Defendant, JENNIFER HENNING, LPN.

166. Defendant, JENNIFER HENNING, LPN, as a duly authorized agent, servant and

employee of the Defendants, DUPAGE COUNTY SHERIFF JAMES MENDRICK, was part of the medical staff responsible for caring for Reneyda Aguilar-Hurtado while she was incarcerated, defendant accepted Ms. Aguilar-Hurtado as a patient and agreed to render competent and adequate medical care and said Defendant undertook to tender medical care.

167. Because she was incarcerated, Ms. Aguilar-Hurtado was fully dependent on the defendants for her medical and psychiatric care and well-being.

168. Ms. Henning saw, assessed and treated this patient on multiple occasions while she was incarcerated in the days, weeks and months before her death.

169. Ms. Henning saw and assessed the patient on May 27, 2023 after vomit was found on her floor and deputies noted she had lost a large amount of weight. The patient refused a protein drink and cereal at this time. It was documented that she had also defecated in mid cell and she had substantial weight loss of over 50 pounds since admission two months earlier. It appears that the patient was seen by a physician, Mr. Martija, on May 30, 2023. However, there is no record of her being seen by a physician after May 30 up until the morning of June 12, 2023 when she was found unresponsive in her cell and the code was called.

170. Ms. Henning saw and assessed the patient on June 10, 2023. The patient was slouched over with vomit on her uniform and cell floor and she was slow to respond physically and verbally to commands. The room was dirty with vomit covering the floor and the toilet and there were multiple lunch bags piled up in the corner of the room. The patient was unable to walk and needed to be placed into a wheelchair to be transported. The patient could not stand to be weighed.

171. On and prior to June 10, 2023, it was apparent that this patient was suffering from a severe psychiatric illness and life-threatening medical conditions requiring emergency care. Ms. Henning should have made efforts to immediately transfer the patient to the hospital. Ms. Henning

should have made efforts to see that the patient was urgently seen by a physician. Instead, on June 10, the patient was transported by wheelchair to medical unit in the jail where her vitals would be taken by the nursing staff twice a day.

172. There is no indication that Ms. Henning communicated the severity and urgency of the patient's medical condition to a physician on or after June 10.

173. At the aforesaid time and place, the Defendant, JENNIFER HENNING, LPN, as a duly authorized agent, servant and employee of the Defendants, DUPAGE COUNTY SHERIFF JAMES MENDRICK, were then and there guilty of one or more of the following negligent acts and/or omissions:

- a. Failed to properly monitor, assess and treat the patient's severe psychiatric and medical illness;
- b. Failed to conduct appropriate follow ups with the patient after knowing that the patient was suffering from severe and life-threatening psychiatric and medical illness;
- c. Failed to transfer the patient to a hospital for emergency and life-saving care after it was clear that the patient was suffering from a severe and life-threatening medical condition;
- d. Failed to make efforts to see that the patient was provided with life-saving medical intervention after it was apparent that the patient was suffering from severe medical illness;
- e. Failed to notify physicians of the severity of plaintiff's medical and psychiatric illness and obtain an assessment by a physician.

174. As a direct and proximate result of the aforesaid acts by the Defendants, and their agents and employees, the Plaintiff's decedent, Reneyda Aguilar-Hurtado, died on June 12, 2033.

175. Pursuant to 55 ILCS 5/3-6016, DuPage County Sheriff Mendrick is liable for the negligent and willful and wanton acts and omissions of the deputies, agents and employees of his office, including Defendant Henning, in the same manner as for his own personal acts or omissions.

176. On July 5, 2023, the Plaintiff, CRISTAL MORENO AGUILAR, was appointed

Independent Administrator of the Estate of Reneyda Aguilar-Hurtado. (Order attached as Exhibit 1, Letters of Office attached as Exhibit 2).

177. The Plaintiff's decedent, Reneyda Aguilar-Hurtado, left as surviving heirs Cristal Moreno Aguilar (adult daughter) and Giovanni Moreno Aguilar (minor son) who have suffered pecuniary loss, loss of society, grief and sorrow by reason of said death.

178. Plaintiff and the heirs of the decedent claim damages under the Illinois Wrongful Death Act, 740 ILCS 180/1.

179. Attorney, Michael C. Mead, one of the attorneys for the plaintiff has had this matter reviewed by a consultant who believes this action is meritorious. A copy of counsel's Affidavit is attached hereto as Exhibit 3. A copy of the Report of Health Care Professional is attached hereto as Exhibit 7.

COUNT XV

**(State Law Survival Act – Medical Negligence and Willful and Wanton Misconduct)
Against Defendant Jennifer Henning, LPN, DuPage County Sheriff James Mendrick, in his
official capacity,**

180. Plaintiff repeats the allegations in paragraphs 162 through 179 as if fully set forth herein.

181. That as a direct and proximate result of one or more of the aforesaid negligent and willful and wanton acts or omissions by the Defendants, and their agents and employees, Plaintiff's decedent, Reneyda Aguilar-Hurtado, was caused to suffer pain and suffering prior to her death.

182. Plaintiff claims damages under the Illinois Survival Act, 755 ILCS 5/27-6.

COUNT XVI

**(State Law Family Expense Act – Medical Negligence and Willful and Wanton
Misconduct)
Against Defendant Jennifer Henning, LPN, DuPage County Sheriff James Mendrick, in his
official capacity**

183. Plaintiff repeats the allegations in paragraphs 162 through 179 as if fully set forth herein.

184. That as a direct and proximate result of one or more of the aforesaid negligent and willful and wanton acts or omissions the Defendants, and their agents and employees, Plaintiff's decedent, Reneyda Aguilar-Hurtado, and her family and heirs were caused to incur doctor, hospital and other medical expenses and funeral and burial expenses.

185. Plaintiff claims damages under the Illinois Family Expense Act, 750 ILCS 65/15.

COUNT XVII
(State Law Wrongful Death – Medical Negligence and Willful and Wanton Misconduct)
Against Defendant Aaron Atienza, RN, DuPage County Sheriff James Mendrick, in his
official capacity

186. Plaintiff repeats the allegations in paragraphs 1 through 53 as if fully set forth herein.

187. On and prior to 2023, the Defendant, AARON ATIENZA, RN was a registered nurse engaged in the practice of nursing in DuPage County, Illinois and at the DuPage County Jail.

188. On and prior to 2023, the Defendant, AARON ATIENZA RN, was a duly authorized agent, servant and employee of the Defendants, DUPAGE COUNTY SHERIFF JAMES MENDRICK and DUPAGE COUNTY.

189. During the time she was incarcerated between March 19, 2023 to her death on June 12, 2023, the decedent, Reneyda Aguilar-Hurtado, was under the care of Defendant, AARON ATIENZA, RN.

190. Defendant, AARON ATIENZA, RN, as a duly authorized agent, servant and employee of the Defendants, DUPAGE COUNTY SHERIFF JAMES MENDRICK, was part of the medical staff responsible for caring for Reneyda Aguilar-Hurtado while she was incarcerated, defendant accepted Ms. Aguilar-Hurtado as a patient and agreed to render competent and adequate

medical care and said Defendant undertook to tender medical care.

191. Because she was incarcerated, Ms. Aguilar-Hurtado was fully dependent on the defendants for her medical and psychiatric care and well-being.

192. Mr. Atienza saw, assessed and treated the patient and was responsible for her care in the days before her death. Mr. Atienza saw and assessed this patient on June 10, 2023 and June 11, 2023. According to the records, the last time the patient was seen by a medical provider before she coded on the morning of June 12 was the evening prior, at 1855 on June 11, when she was seen by Mr. Atienza and vital signs were documented. Mr. Atienza noted that she was weak and he was unable to get any blood pressure at this time.

193. On and prior to June 10, 2023, it was apparent that this patient was severing from a severe psychiatric illness and life-threatening medical conditions requiring emergency care. Mr. Atienza knew or should have known of the patient's documented history of psychosis and that she been found with vomit on the floor of her cell, blood on the floor of her cell, feces mid cell, she was not eating, she had lost over 50 pounds in the two and a half months since admission, and she was unable to walk and had to be transported by wheelchair. Mr. Atienza should have communicated the urgency and severity of the patient's condition to a physician and made efforts to immediately transfer the patient to the hospital.

194. At the aforesaid time and place, the Defendant, AARON ATIENZA, RN, as a duly authorized agent, servant and employee of the Defendants, DUPAGE COUNTY SHERIFF JAMES MENDRICK, were then and there guilty of one or more of the following negligent acts and/or omissions:

- a. Failed to properly monitor, assess and treat the patient's severe psychiatric and medical illness;
- b. Failed to conduct appropriate follow ups with the patient after knowing that the patient was suffering from severe and life-threatening psychiatric and medical

illness;

- c. Failed to transfer the patient to a hospital for emergency and life-saving care after it was clear that the patient was suffering from a severe and life-threatening medical condition;
- d. Failed to make efforts to see that the patient was provided with life-saving medical intervention after it was apparent that the patient was suffering from severe medical illness;
- e. Failed to notify physicians of the severity of plaintiff's medical and psychiatric illness and obtain an assessment by a physician.

195. As a direct and proximate result of the aforesaid acts by the Defendants, and their agents and employees, the Plaintiff's decedent, Reneyda Aguilar-Hurtado, died on June 12, 2023.

196. Pursuant to 55 ILCS 5/3-6016, DuPage County Sheriff Mendrick is liable for the negligent and willful and wanton acts and omissions of the deputies, agents and employees of his office, including Defendant Atienza, in the same manner as for his own personal acts or omissions.

197. On July 5, 2023, the Plaintiff, CRISTAL MORENO AGUILAR, was appointed Independent Administrator of the Estate of Reneyda Aguilar-Hurtado. (Order attached as Exhibit 1, Letters of Office attached as Exhibit 2).

198. The Plaintiff's decedent, Reneyda Aguilar-Hurtado, left as surviving heirs Cristal Moreno Aguilar (adult daughter) and Giovanni Moreno Aguilar (minor son) who have suffered pecuniary loss, loss of society, grief and sorrow by reason of said death.

199. Plaintiff and the heirs of the decedent claim damages under the Illinois Wrongful Death Act, 740 ILCS 180/1.

200. Attorney, Michael C. Mead, one of the attorneys for the plaintiff has had this matter reviewed by a consultant who believes this action is meritorious. A copy of counsel's Affidavit is attached hereto as Exhibit 3. A copy of the Report of Health Care Professional is attached hereto as Exhibit 8.

COUNT XVIII

**(State Law Survival Act – Medical Negligence and Willful and Wanton Misconduct)
Against Defendant Aaron Atienza, RN, DuPage County Sheriff James Mendrick, in his
official capacity**

201. Plaintiff repeats the allegations in paragraphs 186 through 200 as if fully set forth herein.

202. That as a direct and proximate result of one or more of the aforesaid negligent and willful and wanton acts or omissions by the Defendants, and their agents and employees, Plaintiff's decedent, Reneyda Aguilar-Hurtado, was caused to suffer pain and suffering prior to her death.

203. Plaintiff claims damages under the Illinois Survival Act, 755 ILCS 5/27-6.

COUNT XIX

**(State Law Family Expense Act – Medical Negligence)
Against Defendant Aaron Atienza, RN, DuPage County Sheriff James Mendrick, in his
official capacity**

204. Plaintiff repeats the allegations in paragraphs 186 through 200 as if fully set forth herein.

205. That as a direct and proximate result of one or more of the aforesaid negligent and willful and wanton acts or omissions by the Defendants, and their agents and employees, Plaintiff's decedent, Reneyda Aguilar-Hurtado, and her family and heirs were caused to incur doctor, hospital and other medical expenses and funeral and burial expenses.

206. Plaintiff claims damages under the Illinois Family Expense Act, 750 ILCS 65/15.

COUNT XX

(Indemnification against Defendant DuPage County)

207. Plaintiff repeats the allegations in paragraphs 1 through 206 as if fully set forth herein.

208. Pursuant to 745 ILCS 10/9-102 and 55 ILCS 5/5-1106, Defendant DUPAGE COUNTY, is empowered and directed to pay any tort judgment for compensatory damages (and

any associated attorneys' fees and costs) for which an independently elected or appointed DuPage County officers, such as Defendant Mendrick, Defendant Lanenga and Defendant Atienza or their deputies/colleagues acting within the scope of their employment is found liable.

209. Defendant, DUPAGE COUNTY, is liable for any judgment rendered against Defendants, Mendrick, Lanenga and Atienza, or their deputies/colleagues for compensatory damages and associated attorneys' fees and costs.

JURY DEMAND

Plaintiff hereby demands a trial by jury.

REQUEST FOR RELIEF

WHEREFORE, the Plaintiff, CRISTAL MORENO AGUILAR, as Independent Administrator of the Estate of RENEYDA AGUILAR-HURTADO, deceased, requests that this Court grant her the following relief, jointly and severally against the named defendants:

- (a) Award the Plaintiff, CRISTAL MORENO AGUILAR, as Independent Administrator of the Estate of RENEYDA AGUILAR-HURTADO, deceased compensatory damages for pain, suffering, emotional distress, loss of society, pecuniary loss, grief and sorrow, medical bills, funeral and burial expenses and all other damages allowed under state and federal law in an amount to be determined by the finder of fact of this case;
- (b) Award Plaintiff a judgment against Defendants for punitive damages in an amount as may be awarded by the finder of fact upon trial of this case.
- (c) Award Plaintiff attorney's fees and costs pursuant to 42 U.S.C. §1988.
- (d) Grant such further relief as the Court deems just and proper.

Respectfully submitted,
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CERTIFICATE OF SERVICE

Plaintiff's attorneys hereby certify that on the 24th day of April, 2024 a copy of **PLAINTIFF'S SECOND AMENDED COMPLAINT** was filed electronically. Parties may access this filing through the Court's system.

SERVICE LIST

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