

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
URBANA DIVISION**

HEATHER YANCEY, on behalf of herself)		
and as the Personal Representative of the)		
ESTATE OF BRANDON HOPKINS)		
)		
Plaintiff,)		No. 2:17-cv-02048
)		
v.)		Hon. Colin S. Bruce
)		
COUNTY OF MACON, ILLINOIS;)		Magistrate: Hon. Eric I. Long
THOMAS P. SCHNEIDER,)		
BILL HOTWICK; OTTIS LIVINGSTON;)		
SHARON BROWN; KEVIN REYNOLDS;)		
KRISTOPHER THOMPSON, HERITAGE)		
BEHAVIORAL HEALTH CENTER, INC.)		
)		
Defendants.)		

FIRST AMENDED COMPLAINT

Plaintiff, HEATHER YANCEY, on behalf of herself and as the Personal Representative of the ESTATE OF BRANDON HOPKINS, her son, brings this action pursuant to the Eighth Amendment to the United States Constitution, 42 U.S.C. §1983, the Illinois Wrongful Death Act, and the Illinois Local Governmental and Governmental Employees Tort Immunity Act, seeking redress for the wrongful death of Mr. Hopkins while in the custody of the Macon County Jail, as a direct result of the willful and wanton disregard of Defendants, his jailers, for his health and safety.

Parties

1. Plaintiff HEATHER YANCEY is the mother of Decedent Brandon Hopkins and the Personal Representative of the ESTATE OF BRANDON HOPKINS. She is a natural person and a resident of Illinois.
2. Defendant COUNTY OF MACON, ILLINOIS is a political subdivision of

Illinois, located within the Central District of Illinois.

3. Defendant HERITAGE BEHAVIORAL HEALTH CENTER, INC. is an Illinois not-for-profit corporation with a principal place of business at 151 N. Main Street in Decatur, Illinois. At all times relevant to this complaint, Defendant Heritage was acting under a contract with the County of Macon to provide mental health services at the Macon County Jail, was a quasi-state actor, and acted or failed to act under the color of state law.

4. Defendant SHERRIFF THOMAS P. SCHNEIDER is a natural person, who during all relevant times, was the Sheriff of Macon County, Illinois. All of Defendant's actions or inactions were taken under color of state law. He is sued in his official capacity.

5. Defendant LIEUTENANT BILL HOTWICK is a natural person, who during all relevant times, was employed by the Macon County Sheriff's Department and/or the Macon County Jail, as Supervisor. All of Defendant's actions or inactions were taken under color of state law. He is sued in his official and individual capacity.

6. Defendant REVEREND OTTIS LIVINGSTON is a natural person, who during all relevant times, was employed by the Macon County Sheriff's Department and/or Macon County Jail. All of Defendant's actions or inactions were taken under color of state law. He is sued in his official and individual capacity.

7. Defendant SHARON BROWN is a natural person, who during all relevant times, was employed by Heritage, under contract with Macon County, at the Macon County Jail. All of Brown's actions or inactions were taken under color of state law. She is sued in her official and individual capacity.

8. Defendant, KEVIN REYNOLDS is a natural person, who during all relevant times, was employed by the Macon County Sheriff's Department and/or Macon County Jail. All of Defendant's actions or inactions were taken under color of state law. He is sued in his official and individual capacity.

9. Defendant, KRISTOPHER THOMPSON, is a natural person, who during all relevant times, was employed by the Macon County Sheriff's Department and/or the Macon County Jail. All of Defendant's actions or inactions were taken under color of state law. He is sued in his official and individual capacity.

Jurisdiction and Venue

10. This court has subject matter jurisdiction pursuant to 28 U.S.C. §1331 because it is an action arising under the Constitution and Laws of the United States, namely the 8th Amendment and 28 U.S.C §1983.

11. Personal jurisdiction and venue are proper in this District because Defendant County of Macon is located in this District, other Defendants, on information and belief, reside in this District and/or are employed in this District, and the facts that gave rise to Plaintiff's claims occurred in this District.

Background

12. Suicide is the leading cause of death in jails, accounting for 29 percent of inmate deaths between 2000 and 2009.

13. Suicide rates are 2.6 times higher among local jail populations when compared with state prison populations, and 4.4 times higher than the rest of Americans.

14. The vast majority of suicides take place in the jail cell, usually when the person is alone and unsupervised; often involving bed sheets or sharp objects.

15. Because of these risks, correctional facilities are obligated to monitor inmates and adhere to strict protocols when informed of the possibility that an inmate may attempt to commit suicide. These protocols include 24-hour observation and deprivation of dangerous objects, including clothing and bedding and reasonable access to mental health services and counselors

16. On February 28, 2016, Brandon Hopkins attempted to commit suicide by hanging himself in his jail cell at the Macon County Jail in Decatur, Illinois. Over the previous two and-a-half weeks, Mr. Hopkins and numerous other inmates had informed the Defendant jail employees and officers of Mr. Hopkins' intention to attempt suicide, and pleaded for help; Defendants ignored these pleas.

17. With respect to Mr. Hopkins, Defendants did not follow the above-referenced protocols. Rather, they repeatedly mocked Mr. Hopkins' statements of suicidal ideation, and on the day he hung himself, denied him access to a mental health professional.

18. Moreover, Defendants Macon County and Heritage promulgated a policy, memorialized in Heritage's contract with the County, of staffing the Macon County Jail with mental health professionals only on weekdays between the hours of 8:00 am and 9:00 pm, thereby denying as a matter of course Mr. Hopkins' access to potentially life-saving medical care on weekends.

19. Generally, inmates are just as likely, if not more likely, to require mental health medical care or attempt self-harm on weekends as they are on weekdays. Mr. Hopkins hung himself on a Sunday, after repeatedly and unsuccessfully requesting to meet with a mental health professional.

20. Because of Macon County's and Heritage's unconstitutional staffing policy, and because the individual Defendants ignored Mr. Hopkins' pleas for help, he was not provided reasonable access to mental health professionals, he was not deprived of dangerous materials, and he was not under observation. Mr. Hopkins hung for an extended period of time before he was discovered by another inmate. He died a few days later, on March 5, 2016.

Defendants Ignore Pleas for Help

21. Mr. Hopkins was jailed in the Macon County Jail, awaiting trial in early 2016 on charges including possession of an illegal handgun.

22. Mr. Hopkins believed himself to be innocent of these charges, because the handgun in question belonged not to him, but to an acquaintance who was also incarcerated.

23. As a result of his incarceration on charges he believed to be false, Mr. Hopkins experienced worsening anxiety, depression, and instability.

24. Mr. Hopkins related these concerns to his fellow inmates. On multiple occasions, Mr. Hopkins professed to his fellow inmates and others that he was emotionally distraught, and that he intended to kill himself.

25. Mr. Hopkins also personally related these concerns to numerous jail employees, including Defendants Hotwick, Livingston, Brown, Williams, and Thompson.

26. Other inmates also alerted prison officials to Mr. Hopkins' suicidal ideation. On numerous occasions, inmates stated to jail officers that Mr. Hopkins intended to "kill himself" and that he "need[ed] help."

27. These pleas for help from Mr. Hopkins and others continued for a period

of more than 2 ½ weeks prior to February 28, 2016.

28. These pleas included numerous written requests for intervention, including written requests directed specifically at Defendants Livingston, Brown, and Reynolds.

29. Defendants ignored these pleas. In response to warnings from multiple inmates that Mr. Hopkins intended to harm himself, guards including Defendants Williams, Thompson, and Brown responded with flippant and sarcastic comments.

30. Upon hearing of Mr. Hopkins' suicidal ideation and requests for help, at least one of the guards responded that they would "lose" their "job[s]" if they provided Mr. Hopkins with aid.

31. On one of these occasions, Mr. Hopkins told Defendant Reynolds that he intended to kill himself, to which Reynolds responded: "go ahead, make my job easier."

32. Despite all the warnings they received, none of the Defendants provided Mr. Hopkins with assistance or took any steps to prevent him from harming himself.

33. Mr. Hopkins received no mental health evaluation, no observation, and no intervention.

34. When other inmates at Macon County Jail expressed suicidal ideation, they were placed in a segregated location, denied access to dangerous materials, and continuously observed until medically cleared.

35. Despite expressing suicidal ideation on multiple occasions, Mr. Hopkins was never segregated as described above. On each occasion, Hopkins was immediately returned to or permitted to remain in the jail's general population with no further intervention.

36. Had Defendants intervened to help Mr. Hopkins prior to February 28,

2016, he would not have harmed himself, resulting in his death.

Events of February 28, 2016

37. On February 28, 2016, Mr. Hopkins made three telephone calls: one to his significant other, one to a friend, and one to his brother.

38. Following the first call, Mr. Hopkins was visibly distraught.

39. Defendant Thompson observed Mr. Hopkins' distress, but took no action to intervene.

40. During the second and third calls, Mr. Hopkins expressed to his friend and his brother, respectively, his intent to kill himself in the near future, and asked each to see to his personal effects in the event something "happen[ed]" to him.

41. Defendant Thompson was aware of the content of these calls and the suicidal ideation expressed therein.

42. Shortly after the visit, Mr. Hopkins disappeared. Neither jail staff nor fellow inmates were aware of his whereabouts.

43. At some point following Hopkins' disappearance, Defendant Thompson noticed that he had placed a towel over the window to his cell, preventing officers or inmates from looking inside.

44. In light of the numerous prior warnings of Mr. Hopkins' intent to self-harm, Mr. Hopkins' visible emotional distress, the fact that his whereabouts were unaccounted for, and the towel placed over the window of his door, Defendants had actual knowledge of a substantial and imminent likelihood that Mr. Hopkins would commit suicide.

45. Despite this knowledge, Defendants made no effort to locate Mr. Hopkins

or otherwise intervene to prevent his death.

46. After an extended period, although Defendants were unconcerned, Mr. Hopkins' fellow inmates took note of his absence and the towel over the window of his door, and, out of concern for his life, attempted to locate him.

47. Eventually, an inmate – not jail staff – discovered Mr. Hopkins unconscious in his cell, with a bed sheet wrapped tightly around his neck. Mr. Hopkins did not appear to be breathing.

48. At the time of the discovery, in contravention of usual jail policy, no jail staff was stationed in view of the area where Mr. Hopkins was discovered.

49. After discovery, jail staff waited more than 15 minutes before responding to inmates' requests for aid. Inmates made in excess of 8 requests for help using the jail's emergency call button system, before Defendant Thompson, the first officer on the scene, responded.

50. On information and belief, more than 30 minutes passed between Mr. Hopkins' discovery by fellow inmates and their first calls for help, and Mr. Hopkins being transported out of the jail for medical care.

51. As the result of these events, Mr. Hopkins' brain was deprived of oxygen for several minutes, resulting in severe brain damage. He died as a proximate result of these injuries a few days later, on March 2, 2016.

52. Prior to his death, Mr. Hopkins experienced pain, suffering, disability, and emotional distress, including but not limited to experiencing a several-day vegetative state.

53. As a result of Mr. Hopkins' death, Ms. Yancey, his mother, has

experienced loss of society and companionship related to the loss of her son, as well as extreme stress and emotional distress.

Specific Conduct of Defendant Brown

54. At all times relevant to this complaint, Defendant Brown was the medical professional responsible for inmates' medical and psychological well-being, including that of Mr. Hopkins.

55. Defendant Brown was informed of Mr. Hopkins's intention to harm himself numerous times, by both Mr. Hopkins and others.

56. Defendant Brown was warned about Mr. Hopkins's intention to harm himself for weeks prior to February 28, 2016.

57. Despite being aware of Mr. Hopkins's intention to harm himself, Defendant Brown took no action in order to prevent such harm.

58. Rather, Defendant Brown repeatedly dismissed, mocked, and ignored warnings regarding Mr. Hopkins's intention to harm himself.

59. Defendant Brown did not prescribe any medication, or otherwise recommend or implement any course of treatment for depression, anxiety, or other illness despite knowing of Mr. Hopkins's suicidal ideation.

60. Defendant Brown did not recommend or otherwise place Mr. Hopkins on suicide watch or in protective custody at any time.

61. Had Mr. Hopkins been placed on suicide watch or in protective custody, he would not have had access to the bed sheet with which he ultimately hung himself.

62. Defendant Brown's refusal to treat Mr. Hopkins's suicidal ideation or place him in protective custody or on suicide watch was recklessly indifferent to Mr.

Hopkins's life, and directly resulted in Mr. Hopkins's death.

Specific Conduct of Defendant Thompson

63. At all times relevant to this Complaint, Defendant Thompson was a corrections officer who had regular contact with Mr. Hopkins prior to his death.

64. Defendant Thompson was repeatedly warned by Mr. Hopkins and others of Mr. Hopkins's desire to harm himself.

65. On multiple occasions, Defendant Thompson received oral and written warnings from inmates other than decedent regarding Mr. Hopkins's intention to harm himself.

66. Despite these warnings, Defendant Thompson did not recommend or otherwise place Mr. Hopkins on suicide watch or in protective custody at any time.

67. Defendant Thompson was on duty on the day that Mr. Hopkins hung himself.

68. Defendant Thompson was warned again of Mr. Hopkins's intention to harm himself, by Mr. Hopkins himself, on the day he ultimately did so.

69. On that day, Mr. Hopkins repeatedly requested a meeting with Defendant Brown, who was not present at the jail pursuant to the policy of Defendants Macon and Heritage. While making the request, Mr. Hopkins was visibly distraught, unstable, and dangerous to himself.

70. These requests were ignored. Specifically, Defendant Thompson not only took no action with regards to the request, but openly mocked it.

71. Immediately after mocking Mr. Hopkins, Defendant Thompson left Mr. Hopkins alone for more than an hour, whereupon Mr. Hopkins hung himself.

72. After the discovery of the unconscious decedent by fellow inmates, Defendant Thompson needlessly waited several minutes before responding to those inmates' pleas for help.

73. Had Mr. Hopkins been placed on suicide watch or in protective custody, he would not have had access to the bed sheet with which he ultimately hung himself.

74. Had Defendant Thompson continued to observe Mr. Hopkins after his last expression of suicidal ideation, Mr. Hopkins would not have had the opportunity to harm himself.

75. Had Defendant Thompson responded promptly to inmates' calls for assistance after the hanging, Mr. Hopkins would have survived his injuries.

76. Defendant Thompson's conduct as described herein displayed reckless indifference towards the life of Mr. Hopkins.

Specific Conduct of Defendant Reynolds

77. At all times relevant to this Complaint, Defendant Reynolds was a corrections officer who had regular contact with Mr. Hopkins prior to his death.

78. Defendant Reynolds was repeatedly warned by Mr. Hopkins and others of Mr. Hopkins's desire to harm himself.

79. On multiple occasions, Defendant Reynolds received written and oral warnings from inmates other than decedent regarding Mr. Hopkins's intention to harm himself.

80. Despite these warnings, Defendant Reynolds did not recommend or otherwise place Mr. Hopkins on suicide watch or in protective custody at any time.

81. On at least one occasion, Defendant Reynolds discarding such a written

warning entirely – throwing the warning in the trash.

82. Had Defendant Reynolds placed Mr. Hopkins on suicide watch or in protective custody, he would not have had access to the bed sheet with which he ultimately hung himself.

83. Defendant Reynolds' conduct as described herein displayed reckless indifference towards the life of Mr. Hopkins.

Specific Conduct of Defendant Hotwick

84. At all times relevant to this Complaint, Defendant Hotwick was a corrections officer who had regular contact with Mr. Hopkins prior to his death.

85. At all times relevant to this Complaint, Defendant Hotwick was a supervisor at the Macon County Jail, to whom Defendants Thompson and Reynolds reported directly.

86. Defendant Hotwick was repeatedly warned by the decedant and others of Mr. Hopkins's desire to harm himself.

87. On multiple occasions, Defendant Hotwick became aware of oral and written warnings from inmates other than decedent regarding Mr. Hopkins's intention to harm himself.

88. Despite these warnings, Defendant Hotwick did not recommend or otherwise place Mr. Hopkins on suicide watch or in protective custody at any time.

89. Defendant Hotwick was aware of the inappropriate and hostile comments made by Defendants Reynolds and Thompson to Mr. Hopkins in response to Mr. Hopkins' requests for mental health assistance, but took no corrective action, and refused to instruct his subordinates to place Mr. Hopkins in protective custody or otherwise deny

him access to dangerous materials.

90. Defendant Hotwick's conduct as described herein displayed reckless indifference towards the life of Mr. Hopkins.

Specific Conduct of Defendant Livingston

91. At all times relevant to this Complaint, Defendant Livingston was a jail chaplain who had regular contact with Mr. Hopkins prior to his death.

92. Defendant Livingston was repeatedly warned by Mr. Hopkins and others of Mr. Hopkins's desire to harm himself.

93. Specifically, Defendant Livingston met regularly with Mr. Hopkins for the ostensible purpose of counseling him. During these sessions, Mr. Hopkins repeatedly expressed his fear that he would harm himself, and otherwise displayed depression, anxiety, and suicidal ideation.

94. On multiple occasions, Defendant Livingston received warnings from inmates other than decedent regarding Mr. Hopkins's intention to harm himself.

95. Despite these warnings, Defendant Livingston did not recommend or otherwise place Mr. Hopkins on suicide watch or in protective custody at any time, nor did he attempt to report decedent's suicidal ideation to superiors or other authorities.

96. Had Mr. Hopkins been placed on suicide watch or in protective custody, he would not have had access to the bed sheet with which he ultimately hung himself.

97. Defendant Livingston's conduct as described herein displayed reckless indifference towards the life of Mr. Hopkins.

FIRST CLAIM FOR RELIEF
Denial of Medical Care (8th Amendment, 42 U.S.C. §1983) as to Defendants
Schneider, Hotwick, Brown, Thompson, Reynolds, and Livingston

98. Plaintiff restates and realleges the allegations contained in Paragraphs 1-97 of this Complaint as if fully stated herein.

99. Mr. Hopkins' repeated statements of his intent to harm himself gave rise to an excessive risk to his health or safety.

100. The statements of Mr. Hopkins and others to Defendants concerning Mr. Hopkins' intent to harm himself placed Defendants on actual, subjective notice of the excessive risk to his health and safety.

101. Despite knowing of this risk, Defendants completely disregarded it, and took no action whatsoever to intervene and save Mr. Hopkins' life.

102. Defendants needlessly delayed intervention because of a nonmedical reason.

103. Moreover, Defendant Thompson refused to provide life-saving mental health intervention on the day that Mr. Hopkins hung himself, despite multiple requests from Mr. Hopkins for such treatment.

104. Because of Defendants' reckless dismissal of numerous warnings of Mr. Hopkins' intent to harm himself, and because of the denial of observation and protections that Mr. Hopkins needed to survive, he was died a needless death after attempting suicide.

105. As a result of the actions described herein, Mr. Hopkins was deprived of his rights under the Eighth Amendment, resulting in his death and entitling Plaintiff as his Personal Representative to relief pursuant to 42 U.S.C. §1983.

SECOND CLAIM FOR RELIEF
Failure to Protect (8th Amendment, 42 U.S.C. §1983) as to Defendants Schneider,
Hotwick, Brown, Thompson, Reynolds, and Livingston

106. Plaintiff restates and realleges the allegations contained in Paragraphs 1-97 of this Complaint as if fully stated herein.

107. Under settled United States Supreme Court authority, and in accordance with the Eighth Amendment, Mr. Hopkins was entitled to be free from a known and unreasonable risk of serious harm while in the custody of the Macon County Jail.

108. In violation of the Eighth Amendment, the individual Defendants knew of and disregarded a substantial risk of serious harm—that Mr. Hopkins would commit suicide.

109. In the alternative, the individual Defendants disregarded an obvious risk of serious harm or unreasonably disregarded a risk of serious harm.

110. The individual Defendants' above-described actions and omissions were undertaken with malice and/or reckless disregard for Mr. Hopkins' constitutional rights.

111. As a result of the unjustified and unconstitutional conduct of the individual Defendants, Mr. Hopkins experienced pain, suffering, emotional distress, injury, and ultimately, death.

112. The Defendants' actions and omissions were the direct and proximate cause of the violations of Mr. Hopkins' constitutional rights, of Mr. Hopkins' death, and of the damages suffered by Plaintiff.

113. As a result of the actions described herein, Mr. Hopkins was deprived of his right to be free from a known and unreasonable risk of serious harm under the Eighth Amendment, resulting in his death and entitling Plaintiff as his Personal Representative

to relief pursuant to 42 U.S.C. §1983.

THIRD CLAIM FOR RELIEF
Monell Negligent Training as to Defendants Schneider, Macon County, and Heritage

114. Plaintiff restates and realleges the allegations contained in Paragraphs 1-97 of this Complaint as if fully stated herein.

115. On information and belief, including based upon statements made by County employees to other inmates, Macon County and Heritage employees and/or management adhered to a policy or practice whereby employees who intervened with assistance for certain potential victims of suicide, but not others, believed they would be retaliated against with penalties including termination.

116. Despite having a policy in place for the prevention of inmate suicides, Defendant's training program failed to train employees to apply this policy consistently, resulting in some inmates receiving intervention while others – such as Mr. Hopkins – did not.

117. On information and belief, Defendants were also not trained to recognize signs of suicidal ideation or imminent risk of self-harm, and were not trained to intervene in the event of the observation of such signs in order to prevent inmate suicide.

118. Moreover, Defendants were not trained to respond to self-harm emergencies within the jail promptly, resulting in a significant delay between Mr. Hopkins' discovery by fellow inmates and their calls for help, and him ultimately receiving medical care.

119. Defendants needlessly delayed intervention because of nonmedical reasons – namely, fear of professional retaliation and lack of training.

120. Had Mr. Hopkins received intervention prior to his suicide attempt, or prompt medical assistance after the attempt, he would not have sustained ultimately fatal injuries, and/or his injuries may have been treated before becoming fatal.

121. The above-referenced customs of repeatedly failing to follow proper procedures for the prevention of inmate suicides, and failing to train employees to follow such procedures, led directly to Mr. Hopkins' suicide attempt and resulting injuries.

122. Defendants' negligent training resulted in the violation of Mr. Hopkins' rights the Eighth Amendment to be free from a known and unreasonable risk of serious harm, and his rights to medical care and to be free from a known and unreasonable risk of serious harm while in the custody of the Macon County Jail, entitling him to relief under 42 U.S.C. §1983.

FOURTH CLAIM FOR RELIEF
Monell Policy/Practice/Widespread Practice Claim as to Defendants Macon County, Schneider, and Heritage

123. Plaintiff restates and realleges the allegations contained in Paragraphs 1-97 of this Complaint as if fully stated herein.

124. At all times relevant to this complaint, Defendants maintained a policy or practice of providing a mental health services staff person on site at the Macon County Jail only on weekdays, between the hours of 8:00 am and 9:00 pm.

125. This policy constitutes an intentional refusal to provide required medical care on weekends, and rendered inmates such as the decedent far more vulnerable to self-harm during that time.

126. Mr. Hopkins hung himself on a Sunday, after repeatedly but fruitlessly requesting to meet with a mental health services staff person.

127. Additionally, on information and belief, including based upon statements made by County employees to other inmates, Macon County and Heritage employees and/or management adhered to a policy or practice whereby employees who intervened with assistance for certain potential victims of suicide, but not others, believed they would be retaliated against with penalties including termination.

128. Defendants also had a custom and practice of repeatedly failing to follow proper procedures for the prevention of inmate suicides, and failing to train employees to follow such procedures, led directly to Mr. Hopkins' suicide attempt and resulting injuries.

129. These customs and practices demonstrate the deliberate indifference of Macon County, Schneider, and Heritage towards the risk of and prevention of inmate suicide.

130. As a direct result of these policies and practices, Mr. Hopkins was deprived of his rights to medical care and to be free from a known and unreasonable risk of serious harm under the Eighth Amendment, resulting in his death and entitling Plaintiff as his Personal Representative to relief pursuant to 42 U.S.C. §1983.

FIFTH CLAIM FOR RELIEF
Wrongful Death (740 ILCS 180, *et seq.*) as to all Defendants

131. Plaintiff restates and realleges the allegations contained in Paragraphs 1-97 of this Complaint as if fully stated herein.

132. The Defendants acted maliciously, and/or with willful misconduct, causing Hopkins' wrongful death.

133. As a direct and proximate cause of the Defendants' actions, which caused Hopkins' wrongful death, Hopkins' family suffered a financial loss, associated in large

part with lost services, society, guidance, companionship, and comfort.

134. Therefore, Plaintiff is entitled to relief in her own capacity and as Personal Representative of the decedent, pursuant to 740 ILCS 180, *et seq.*

SIXTH CLAIM FOR RELIEF
Supervisory Liability as to Defendants Hotwick and Schneider

135. Plaintiff restates and realleges the allegations contained in Paragraphs 1-97 of this Complaint as if fully stated herein.

136. In committing the acts alleged in the preceding paragraphs, all Defendants acted under the supervision of Defendants Hotwick and Schneider.

137. On information and belief, including on the basis of the numerous written reports submitted by multiple inmates about Mr. Hopkins' suicidal ideation, Hotwick and Schneider had personal knowledge of, and acquiesced in and/or directed the conduct of the other individual Defendants.

138. Therefore, Hotwick and Schneider are liable for the actions of their subordinates.

SEVENTH CLAIM FOR RELIEF
***Respondent Superior* as to Defendants Schneider, Macon County, and Heritage**

139. Plaintiff restates and realleges the allegations contained in Paragraphs 1-97 of this Complaint as if fully stated herein.

140. In committing the acts alleged in the preceding paragraphs, the individual Defendants were employees, members, and agents of the Macon County Sheriff's Department, and/or Defendant Heritage, acting at all relevant times within the scope of their employment.

141. Defendants Schneider and Heritage are liable as principals for all torts

committed by their agents.

142. Defendants Heritage, Schneider, and Macon County are each liable as principals for all state law torts committed by their agents.

EIGHTH CLAIM FOR RELIEF
Indemnification as to Defendants Schneider, Macon County and Heritage

143. Plaintiff restates and realleges the allegations contained in Paragraphs 1-97 of this Complaint as if fully stated herein.

144. Illinois law provides that public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment activities.

145. The individual Defendants were employees of the Macon County Sheriff's Department, the Macon County Jail, and/or Defendant Heritage, who acted within the scope of their employment in committing the misconduct described above.

146. Macon is obligated to pay any judgment entered against Sheriff Schneider or the other individual Defendants in an official capacity.

147. Pursuant to its contract with Macon, Defendant Heritage is a quasi-public entity subject to the same obligation with respect to Defendant Brown.

NINTH CLAIM FOR RELIEF
Illinois Local Governmental and Governmental Employees Tort Immunity Act as to Defendants Schneider, Hotwick, Brown, Thompson, Reynolds, and Livingston

148. Plaintiff restates and realleges the allegations contained in Paragraphs 1-97 of this Complaint as if fully stated herein.

149. Owing to the numerous verbal and written reports of Mr. Hopkins' progressively worsening mental condition, and his visible emotional distress and statements of suicidal ideation on February 28, 2016, Defendants knew from observation

of Mr. Hopkins' condition that he was in immediate need of medical intervention.

150. Defendants' failure to place Mr. Hopkins on suicide watch prior to him taking his own life, and their failure to render aid for more than 15 minutes after his discovery, demonstrated utter indifference to and conscious disregard for Mr. Hopkins' safety.

151. But for Defendants' failure to provide the needed medical intervention, Mr. Hopkins' would not have been able to harm himself on February 28, 2016, and would not have experienced the injuries sustained during the incident.

152. The acts and omissions of the individual employee Defendants alleged herein were performed within the scope of Defendants' public employment.

153. The acts and omissions of the individual employee Defendants alleged herein were performed in bad faith and with malicious intent, rendering Defendants liable pursuant to 745 ILCS 10/4-105.

WHEREFORE, Plaintiff respectfully requests that judgment be entered in Plaintiff's favor awarding the following relief:

- A. Compensatory damages
- B. Punitive damages;
- C. Reasonable attorney's fees and costs; and
- D. Such other financial or equitable relief as is reasonable and just.

PLAINTIFF DEMANDS A TRIAL BY JURY

RESPECTFULLY SUBMITTED,

BY: s/ Mark T. Lavery

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