

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

DARTAVIUS BARNES, AS INDEPENDENT	)	
ADMINISTRATOR OF THE ESTATE OF	)	
TA'NAJA BARNES, DECEASED,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No.: 19-cv-2136
	)	
WEBSTER-CANTRELL HALL, an Illinois	)	
Corporation, AND AMANDA BEASLEY-RICKS,	)	<i>Plaintiff demands trial by jury</i>
	)	
Defendants.	)	

COMPLAINT AT LAW

Plaintiff, DARTAVIUS BARNES, AS INDEPENDENT ADMINISTRATOR OF THE ESTATE OF TA'NAJA BARNES, DECEASED, through his attorneys, CLIFFORD LAW OFFICES, P.C., complaining of Defendants, WEBSTER-CANTRELL HALL AND AMANDA BEASLEY-RICKS, states as follows:

INTRODUCTION

1. Plaintiff brings this matter to redress the harms caused to Plaintiff's decedent by Defendants, Webster-Cantrell Hall and Amanda Beasley-Ricks, (collectively referred herein as "Defendants"). Plaintiff brings this matter seeking damages for the various violations of the laws of the United States and State of Illinois arising from Defendants' acts and omissions resulting in harm to Plaintiff's decedent.

JURISDICTION AND VENUE

2. This case is brought under 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiff's rights as secured by the United States Constitution (Counts I-II), negligence (Counts III-IV), and willful and wanton conduct (Counts V-VI).

3. This Court has jurisdiction of the action under 28 U.S.C. §§ 1331 and 1367. Venue is proper under 28 U.S.C. § 1391(b).

4. On information and belief, all or most of the parties reside in this judicial district, and the events giving rise to the claims here all occurred within this district.

PARTIES

5. Dartavius Barnes (“Dartavius”) is the father of Ta’Naja Barnes, a 2-year-old child who died on February 11, 2019. He has been appointed to serve as Independent Administrator of the Estate of Ta’Naja Barnes, Deceased. He is a citizen of the United States and citizen of the State of Illinois.

6. Defendant Webster-Cantrell Hall is a Not-For-Profit Corporation located in Decatur, Illinois. Defendant is a citizen of the United States and citizen of the State of Illinois.

7. Defendant Amanda Beasley-Ricks (“Beasley-Ricks”) is a citizen of the United States and citizen of the State of Illinois. She is sued in her individual capacity and as employee of Defendant Webster-Cantrell Hall.

FACTS COMMON TO ALL COUNTS

8. At all relevant times herein, Defendant Webster-Cantrell Hall is an organization that provides foster care and family services with the Illinois Department of Children and Family Services (“DCFS”), a department within the State of Illinois.

9. At all relevant times herein, Defendant Beasley-Ricks is a Foster Care Case Coordinator employed with Defendant Webster-Cantrell Hall.

10. At all relevant times herein, Defendants Webster-Cantrell Hall and Beasley-Ricks exercised authority delegated by the State of Illinois to evaluate and ensure child welfare when a child is in the custody of the State of Illinois.

11. Plaintiff's decedent, Ta'Naja Barnes ("Ta'Naja"), is the biological daughter of Dartavius and Twan'ka L. Davis ("Davis"). At all relevant times herein, Dartavius and Davis were not married and lived separately.

12. Davis had another child, A.M., with her boyfriend, Anthony Myers ("Myers").

13. On and before December 23, 2017, Ta'Naja, age 2, resided with her mother, Davis, her mother's boyfriend, Myers, and their 1-year-old son, A.M., at 707 South Side Drive, Decatur, Illinois ("the Residence").

14. On and before December 23, 2017, and at all relevant times herein, the Residence was squalid with urine, feces, and rotten food and garbage throughout the location.

15. On and before December 23, 2017, and at all relevant times herein, the Residence possessed obvious signs of rodent and insect infestation.

16. On and before December 23, 2017, and at all relevant times herein, the Residence was in utter disrepair and not suitable for a child, *i.e.*, the kitchen was filthy with broken plumbing; the lone bathroom had a cardboard box filled with urine in the bathtub; the toilet was filled with urine and feces; children's feces was present on the floor; rodent feces was present; and there was no running water.

17. On and before December 23, 2017, and at all relevant times herein, the Residence where Davis and Myers resided did not possess working heat.

18. On December 23, 2017, DCFS received a hotline call alleging abuse and neglect regarding Davis' and Myers' mistreatment of Ta'Naja while living in the Residence.

19. Four days later, on December 27, 2017, DCFS opened a case against Davis and Myers. At that time, deeming the Residence uninhabitable and unsafe, DCFS took custody of

Ta’Naja and her brother, A.M., and placed these children in the care of its agent, Defendant Webster-Cantrell Hall.

20. On December 28, 2017, DCFS was appointed guardian and Defendants were granted custody of Ta’Naja and her brother, A.M.

21. On December 28, 2017, Davis and Myers were required to complete mental health assessments, parenting classes, and substance abuse screening.

22. On March 27, 2018, due to the unsafe environment of the Residence, a court awarded custody of Ta’Naja to her father, Dartavius. At that time, Ta’Naja’s brother, A.M., was returned to the Residence.

23. Starting in March 2018, Defendant Webster-Cantrell Hall, by and through its case care coordinator Defendant Beasley-Ricks, provided aftercare services to Davis and Myers where Defendants would make routine home visits to evaluate the well-being of Ta’Naja’s brother, A.M., and were aware of the uninhabitable and unsafe living conditions at the Residence.

24. On June 27, 2018, Defendants negligently removed Ta’Naja from the safety of her father’s home and placed her in foster care.

25. On August 8, 2018, despite the uninhabitable and unsafe residence, Defendants returned Ta’Naja to the Residence with Davis and Myers. After this point, Defendants Webster-Cantrell Hall and Beasley-Ricks continued to monitor the Residence through weekly unannounced visits.

26. During these visits, Defendants Webster-Cantrell Hall and Beasley-Ricks acted deliberately indifferent to the obvious safety hazards that were present in the Residence which threatened Ta’Naja’s health and well-being.

27. On September 12, 2018, while at the Residence with Davis and Myers, DCFS received a report alleging abuse and neglect to Ta’Naja. Because of the deliberate indifference of Defendants Webster-Cantrell Hall and Beasley-Ricks in accurately reporting the safety concerns threatening Ta’Naja at the Residence to DCFS, the DCFS investigation concluded the report was unfounded and declined to recommend additional services.

28. On October 24, 2018, despite the obviously unsafe living conditions of the Residence known to the Defendants, Defendants Webster-Cantrell Hall and Beasley-Ricks omitted material information to the court so that the court case could be closed against Davis and Myers. As a result of Defendants’ conduct, Ta’Naja was permanently placed back at the Residence.

29. On November 6, 2018, while at the Residence with Davis and Myers, DCFS received a hotline call regarding medical neglect to Ta’Naja; however, DCFS and Defendants did not conduct any investigation into the safety and welfare of Ta’Naja.

30. On February 11, 2019, Decatur Police Department officers found Ta’Naja unresponsive at the Residence. Ta’Naja was later pronounced deceased at St. Mary’s Hospital.

31. According to the police on the scene of the Residence, Ta’Naja was extremely dirty on her hands, feet, head, and face.

32. According to paramedics on the scene of the Residence, Ta’Naja was wrapped in a soiled blanket with a strong smell of urine. Because of her low internal temperature, paramedics were unable to take Ta’Naja’s temperature at the residence.

33. Once at the St. Mary’s Hospital emergency room, Ta’Naja’s core temperature was recorded at 32 degrees Fahrenheit.

34. As a result of Ta’Naja’s death, Davis and Myers were charged with First Degree Murder and Endangering the Life or Health of a Child for the death of Ta’Naja.

35. On February 12, 2019, Dr. J. Scott Denton, a forensic pathologist for the Macon County Coroner’s Office, performed a postmortem examination on Ta’Naja.

36. Dr. Denton’s examination revealed that Ta’Naja’s body weight was twenty-one (21) pounds which is considered much less than the 5th percentile for her age.

37. Dr. Denton’s examination revealed an abundant presence of dirt about her body with floor-type dirt and debris behind her ears and in her head hair along with pieces of food. Dr. Denton further observed that Ta’Naja was covered with pieces of damp paper on her face, chest, extremities, and genitalia.

38. Dr. Denton further noted multiple irregular scars of her abdomen, buttock, left arm, right lower leg, and back.

39. Dr. Denton also documented internal dehydration of Ta’Naja’s body.

40. Dr. Denton concluded that Ta’Naja’s cause of death was due to environmental neglect with significant contributing factors of dehydration and malnourishment.

COUNT I

42 U.S.C. § 1983 – DUE PROCESS VIOLATION – WRONGFUL DEATH WEBSTER-CANTRELL HALL AND BEASLEY-RICKS

41. Plaintiff realleges and incorporates each of the paragraphs of this Complaint contained in paragraphs 1 through 40 as paragraph 41 as if restated herein.

42. Defendants Webster-Cantrell Hall and Beasley-Ricks acted under color of law insofar as they engaged in conduct that is fairly attributable to the State of Illinois and that

Defendants were jointly engaged with state actors of the State of Illinois where they acted on behalf of DCFS with respect to custody, placement, and foster care services of Ta’Naja.

43. Defendants Webster-Cantrell Hall and Beasley-Ricks acted under color of law insofar as they engaged in conduct that is fairly attributable to the State of Illinois and that Defendants were controlled by state actors of the State of Illinois where they acted on behalf of DCFS with respect to custody, placement, and foster care services of Ta’Naja.

44. Defendants Webster-Cantrell Hall and Beasley-Ricks acted under color of law insofar as they engaged in conduct that is fairly attributable to the State of Illinois and that Defendants were delegated a public function by the State of Illinois where they acted on behalf of DCFS with respect to custody, placement, and foster care services of Ta’Naja.

45. Moreover, at all relevant times herein, Defendant Webster-Cantrell Hall acted deliberately indifferent to the health and safety concerns of the children pursuant to an express policy, widespread practice or custom, or at the direction of a policymaking official where Defendant required that open child protection cases were closed in the most expedient manner without regard to the adequacy of the children’s living situation and failed to train its employees on the signs of abuse and neglect knowing that such conduct created the plainly obvious consequence of harm to the children it serviced, including Ta’Naja.

46. Plaintiff’s decedent Ta’Naja possessed a liberty interest under the Fourteenth Amendment is not being placed in an abusive and neglectful environment.

47. Defendants Webster-Cantrell Hall and Beasley-Ricks placed Ta’Naja in an abusive and neglectful environment where they removed Ta’Naja from her father’s home and placed Ta’Naja in the abusive and neglectful Residence.

48. Defendants Webster-Cantrell Hall and Beasley-Ricks owed a duty of safekeeping to Ta’Naja because they had a custodial relationship where they oversaw the daily custodial care of Ta’Naja while the child was placed with DCFS.

49. Defendants Webster-Cantrell Hall and Beasley-Ricks deprived Ta’Naja of her liberty interest where it failed to ensure Ta’Naja’s basic life necessities including food, water, and healthy living conditions.

50. Defendants Webster-Cantrell Hall and Beasley-Ricks deprived Ta’Naja of her liberty interest because they affirmatively placed Ta’Naja, a two-year-old child, in a position of heightened danger that Ta’Naja would not have otherwise faced where Defendants Webster-Cantrell Hall and Beasley-Ricks removed Ta’Naja from her father’s home and placed her in the care of her mother, Davis, despite Defendants’ knowledge that Ta’Naja’s mother possessed a history of mental illness, parental unfitness with abuse and neglect, drug and alcohol abuse, and an uninhabitable and unsuitable residence for Ta’Naja.

51. Defendants’ conduct denied Ta’Naja due process under the law as protected by the Fourteenth Amendment to the U.S. Constitution in a manner that shocks the conscience.

52. As a direct and proximate result of the foregoing conduct of Defendants in placing Ta’Naja in the abusive and neglectful Residence with Davis and Myers, Plaintiff’s decedent Ta’Naja suffered harm and eventual death.

53. Plaintiff’s decedent Ta’Naja left surviving heirs that sustained losses as a result of the death of Ta’Naja, including, but not limited to, loss of companionship, guidance, society, affection, grief, and sorrow.

WHEREFORE, Plaintiff respectfully requests:

- a. Compensatory and punitive damages in an amount to be determined at trial;

- b. An award of reasonable attorneys' fees, costs, and litigation expenses; and
- c. Such other relief as the Court may deem just or equitable.

COUNT II

**42 U.S.C. § 1983 – DUE PROCESS VIOLATION – SURVIVAL ACTION
WEBSTER-CANTRELL HALL AND BEASLEY-RICKS**

54. Plaintiff realleges and incorporates each of the paragraphs of this Complaint contained in paragraphs 1 through 53 as paragraph 54 as if restated herein.

55. Defendants Webster-Cantrell Hall and Beasley-Ricks acted under color of law insofar as they engaged in conduct that is fairly attributable to the State of Illinois and that Defendants were jointly engaged with state actors of the State of Illinois where Defendants acted on behalf of DCFS with respect to custody, placement, and foster care services of Ta'Naja.

56. Defendants Webster-Cantrell Hall and Beasley-Ricks acted under color of law insofar as they engaged in conduct that is fairly attributable to the State of Illinois and that Defendants were controlled by state actors of the State of Illinois where they acted on behalf of DCFS with respect to custody, placement, and foster care services of Ta'Naja.

57. Defendants Webster-Cantrell Hall and Beasley-Ricks acted under color of law insofar as they engaged in conduct that is fairly attributable to the State of Illinois and that Defendants were delegated a public function by the State of Illinois where they acted on behalf of DCFS with respect to custody, placement, and foster care services of Ta'Naja.

58. Moreover, at all relevant times herein, Defendant Webster-Cantrell Hall acted deliberately indifferent to the health and safety concerns of the children pursuant to an express policy, widespread practice or custom, or at the direction of a policymaking official where Defendant required that open child protection cases were closed in the most expedient manner without regard to the adequacy of the children's living situation and failed to train its employees

on the signs of abuse and neglect knowing that such conduct created the plainly obvious consequence of harm to the children it serviced, including Ta’Naja.

59. Plaintiff’s decedent Ta’Naja possessed a liberty interest under the Fourteenth Amendment is not being placed in an abusive and neglectful environment.

60. Defendants Webster-Cantrell Hall and Beasley-Ricks placed Ta’Naja in an abusive and neglectful environment where they removed Ta’Naja from her father’s home and placed Ta’Naja in the abusive and neglectful Residence.

61. Defendants Webster-Cantrell Hall and Beasley-Ricks owed a duty of safekeeping to Ta’Naja because they had a custodial relationship where they oversaw the daily custodial care of Ta’Naja while the child was placed with DCFS.

62. Defendants Webster-Cantrell Hall and Beasley-Ricks deprived Ta’Naja of her liberty interest where it failed to ensure Ta’Naja’s basic life necessities including food, water, and healthy living conditions.

63. Defendants Webster-Cantrell Hall and Beasley-Ricks deprived Ta’Naja of her liberty interest because they affirmatively placed Ta’Naja, a two-year-old child, in a position of heightened danger that Ta’Naja would not have otherwise faced where Defendants Webster-Cantrell Hall and Beasley-Ricks removed Ta’Naja from her father’s home and placed her in the care of her mother, Davis, despite Defendants’ knowledge that Ta’Naja’s mother possessed a history of mental illness, parental unfitness with abuse and neglect, drug and alcohol abuse, and an uninhabitable and unsuitable residence for Ta’Naja.

64. Defendants’ conduct denied Ta’Naja due process under the law as protected by the Fourteenth Amendment to the U.S. Constitution in a manner that shocks the conscience.

65. As a direct and proximate result of the foregoing conduct of Defendants in placing Ta’Naja in the abusive and neglectful Residence with Davis and Myers, Plaintiff’s decedent Ta’Naja suffered harm and eventual death.

66. As a direct and proximate result of one or more of the aforesaid negligent acts and/or omissions by Defendant, Plaintiff’s decedent Ta’Naja sustained injuries of a personal and pecuniary nature, including but not limited to, conscious pain and suffering prior to her death, and had she survived she would have been entitled to bring an action for those injuries she suffered and this action has survived.

WHEREFORE, Plaintiff respectfully requests:

- a. Compensatory and punitive damages in an amount to be determined at trial;
- b. An award of reasonable attorneys’ fees, costs, and litigation expenses; and
- c. Such other relief as the Court may deem just or equitable.

COUNT III
NEGLIGENCE – WRONGFUL DEATH
WEBSTER-CANTRELL HALL AND BEASLEY-RICKS

67. Plaintiff realleges and incorporates the allegations contained in paragraphs 1 through 66 as paragraph 67 herein.

68. Between December 27, 2019 and February 11, 2019, Plaintiff’s decedent Ta’Naja, was under the care, custody, and control of Defendants Webster-Cantrell Hall and Beasley-Ricks.

69. On February 11, 2019, while in the care, custody, and control of Defendants, Plaintiff’s decedent Ta’Naja died due to neglect.

70. Between December 27, 2019 and February 11, 2019, and at all times relevant herein, Defendant Webster-Cantrell Hall is and was responsible under *respondeat superior* for the conduct of its employees and/or agents, including Defendant Beasley-Ricks.

71. Between December 27, 2019 and February 11, 2019, and at all times relevant herein, Defendant Webster-Cantrell Hall, by and through its actual and/or apparent agents and/or employees, including Defendant Beasley-Ricks, had the duty to exercise ordinary care in providing aftercare foster services to children such as Plaintiff's decedent Ta'Naja.

72. Between December 27, 2019 and February 11, 2019, and at all times relevant herein, Defendant Webster-Cantrell Hall, by and through its actual and/or apparent agents and/or employees, including Defendant Beasley-Ricks, breached said duty.

73. Between December 27, 2019 and February 11, 2019, and at all times relevant herein, Defendant Webster-Cantrell Hall, by and through its actual and/or apparent agents and/or employees, including Defendant Beasley-Ricks, was negligent in one or more of the following ways:

- a. Failed to provide Ta'Naja with reasonably safe living conditions to prevent risks of harm, including abuse and neglect;
- b. Failed to conduct adequate well-being checks on Ta'Naja to prevent to risks of harm, including abuse and neglect;
- c. Failed to ensure Ta'Naja's safety when they removed Ta'Naja from her father and placed her with her mother despite increased risk of great bodily harm or death to Ta'Naja;
- d. Failed to respond to the obvious signs of neglect during home visits that increased the risk of great bodily harm or death to Ta'Naja;
- e. Failed to direct, instruct, supervise, monitor, and train its agents, employees, or other staff in identifying the signs of abuse and neglect and responding to the risks associated with abuse and neglect;

- f. Failed to direct, instruct, supervise, monitor and train its agents, employees, or other staff to immediately remove Ta’Naja from her mother’s home to prevent abuse and neglect; and
- g. Failed to conduct reference checks, background checks, or employment screening of agents, employees, or other staff to ensure its staff was qualified in the area of child protection.

74. As a direct and proximate result of the aforesaid negligent acts and/or omissions by Defendants, Plaintiff’s decedent Ta’Naja sustained injuries resulting in her death.

75. Plaintiff’s decedent Ta’Naja left surviving heirs that sustained losses as a result of the death of Ta’Naja, including, but not limited to, loss of companionship, guidance, society, affection, grief, and sorrow.

WHEREFORE, Plaintiff respectfully requests:

- a. Compensatory damages in an amount to be determined at trial;
- b. An award of reasonable attorneys’ costs and litigation expenses; and
- c. Such other relief as the Court may deem just or equitable.

COUNT IV
NEGLIGENCE – SURVIVAL ACTION
WEBSTER-CANTRELL HALL AND BEASLEY-RICKS

76. Plaintiff realleges and incorporates the allegations contained in paragraphs 1 through 75 as paragraph 76 herein.

77. Between December 27, 2019 and February 11, 2019, Plaintiff’s decedent Ta’Naja, was under the care, custody, and control of Defendants Webster-Cantrell Hall and Beasley-Ricks.

78. On February 11, 2019, while in the care, custody, and control of Defendants, Plaintiff’s decedent Ta’Naja died due to neglect.

79. Between December 27, 2019 and February 11, 2019, and at all times relevant herein, Defendant Webster-Cantrell Hall is and was responsible under *respondeat superior* for the conduct of its employees and/or agents, including Defendant Beasley-Ricks.

80. Between December 27, 2019 and February 11, 2019, and at all times relevant herein, Defendant Webster-Cantrell Hall, by and through its actual and/or apparent agents and/or employees, including Defendant Beasley-Ricks, had the duty to exercise ordinary care in providing aftercare foster services to children such as Plaintiff's decedent Ta'Naja.

81. Between December 27, 2019 and February 11, 2019, and at all times relevant herein, Defendant Webster-Cantrell Hall, by and through its actual and/or apparent agents and/or employees, including Defendant Beasley-Ricks, breached said duty.

82. Between December 27, 2019 and February 11, 2019, and at all times relevant herein, Defendant Webster-Cantrell Hall, by and through its actual and/or apparent agents and/or employees, including Defendant Beasley-Ricks, was negligent in one or more of the following ways:

- a. Failed to provide Ta'Naja with reasonably safe living conditions to prevent risks of harm, including abuse and neglect;
- b. Failed to conduct adequate well-being checks on Ta'Naja to prevent to risks of harm, including abuse and neglect;
- c. Failed to ensure Ta'Naja's safety when they removed Ta'Naja from her father and placed her with her mother despite increased risk of great bodily harm or death to Ta'Naja;
- d. Failed to respond to the obvious signs of neglect during home visits that increased the risk of great bodily harm or death to Ta'Naja;
- e. Failed to direct, instruct, supervise, monitor, and train its agents, employees, or other staff in identifying the signs of abuse and neglect and responding to the risks associated with abuse and neglect;

- f. Failed to direct, instruct, supervise, monitor and train its agents, employees, or other staff to immediately remove Ta’Naja from her mother’s home to prevent abuse and neglect; and
- g. Failed to conduct reference checks, background checks, or employment screening of agents, employees, or other staff to ensure its staff was qualified in the area of child protection.

83. As a direct and proximate result of one or more of the aforesaid negligent acts and/or omissions by Defendant, Plaintiff’s decedent Ta’Naja sustained injuries of a personal and pecuniary nature, including but not limited to, conscious pain and suffering prior to her death, and had she survived she would have been entitled to bring an action for those injuries she suffered and this action has survived her.

WHEREFORE, Plaintiff respectfully requests:

- a. Compensatory damages in an amount to be determined at trial;
- b. An award of reasonable attorneys’ costs and litigation expenses; and
- c. Such other relief as the Court may deem just or equitable.

COUNT V
WILLFUL AND WANTON – WRONGFUL DEATH
WEBSTER-CANTRELL HALL AND BEASLEY-RICKS

84. Plaintiff realleges and incorporates the allegations contained in paragraphs 1 through 83 as paragraph 84 herein.

85. Between December 27, 2019 and February 11, 2019, Plaintiff’s decedent Ta’Naja, was under the care, custody, and control of Defendants Webster-Cantrell Hall and Beasley-Ricks.

86. On February 11, 2019, while in the care, custody, and control of Defendants, Plaintiff’s decedent Ta’Naja died due to neglect.

87. Between December 27, 2019 and February 11, 2019, and at all times relevant herein, Defendant Webster-Cantrell Hall is and was responsible under *respondeat superior* for the conduct of its employees and/or agents, including Defendant Beasley-Ricks.

88. Between December 27, 2019 and February 11, 2019, and at all times relevant herein, Defendant Webster-Cantrell Hall, by and through its actual and/or apparent agents and/or employees, including Defendant Beasley-Ricks, had the duty to exercise ordinary care in providing aftercare foster services to children such as Plaintiff's decedent Ta'Naja.

89. Between December 27, 2019 and February 11, 2019, and at all times relevant herein, Defendant Webster-Cantrell Hall, by and through its actual and/or apparent agents and/or employees, including Defendant Beasley-Ricks, breached said duty.

90. Between December 27, 2019 and February 11, 2019, and at all times relevant herein, Defendant Webster-Cantrell Hall, by and through its actual and/or apparent agents and/or employees, including Defendant Beasley-Ricks, were willful and wanton in one or more of the following ways:

- a. Failed to provide Ta'Naja with reasonably safe living conditions to prevent risks of harm, including abuse and neglect with utter indifference to or in conscious disregard for the safety of Ta'Naja;
- b. Failed to conduct adequate well-being checks on Ta'Naja to prevent to risks of harm, including abuse and neglect with utter indifference to or in conscious disregard for the safety of Ta'Naja;
- c. Failed to ensure Ta'Naja's safety when they removed Ta'Naja from her father and placed her with her mother despite increased risk of great bodily harm or death to Ta'Naja with utter indifference to or in conscious disregard for the safety of Ta'Naja;
- d. Failed to respond to the obvious signs of neglect during home visits that increased the risk of great bodily harm or death to Ta'Naja with utter indifference to or in conscious disregard for the safety of Ta'Naja;

- e. Failed to direct, instruct, supervise, monitor, and train its agents, employees, or other staff in identifying the signs of abuse and neglect and responding to the risks associated with abuse and neglect with utter indifference to or in conscious disregard for the safety of Ta’Naja;
- f. Failed to direct, instruct, supervise, monitor and train its agents, employees, or other staff to immediately remove Ta’Naja from her mother’s home to prevent abuse and neglect with utter indifference to or in conscious disregard for the safety of Ta’Naja; and
- g. Failed to conduct reference checks, background checks, or employment screening of agents, employees, or other staff to ensure its staff was qualified in the area of child protection with utter indifference to or in conscious disregard for the safety of Ta’Naja.

91. As a direct and proximate result of the aforesaid willful and wanton acts and/or omissions by Defendants, Plaintiff’s decedent Ta’Naja sustained injuries resulting in her death.

92. Plaintiff’s decedent Ta’Naja left surviving heirs that sustained losses as a result of the death of Ta’Naja, including, but not limited to, loss of companionship, guidance, society, affection, grief, and sorrow.

WHEREFORE, Plaintiff respectfully requests:

- a. Compensatory damages in an amount to be determined at trial;
- b. An award of reasonable attorneys’ costs and litigation expenses; and
- c. Such other relief as the Court may deem just or equitable.

COUNT VI
WILLFUL AND WANTON – SURVIVAL ACTION
WEBSTER-CANTRELL HALL AND BEASLEY-RICKS

93. Plaintiff realleges and incorporates the allegations contained in paragraphs 1 through 92 as paragraph 93 herein.

94. Between December 27, 2019 and February 11, 2019, Plaintiff's decedent Ta'Naja, was under the care, custody, and control of Defendants Webster-Cantrell Hall and Beasley-Ricks.

95. On February 11, 2019, while in the care, custody, and control of Defendants, Plaintiff's decedent Ta'Naja died due to neglect.

96. Between December 27, 2019 and February 11, 2019, and at all times relevant herein, Defendant Webster-Cantrell Hall is and was responsible under *respondeat superior* for the conduct of its employees and/or agents, including Defendant Beasley-Ricks.

97. Between December 27, 2019 and February 11, 2019, and at all times relevant herein, Defendant Webster-Cantrell Hall, by and through its actual and/or apparent agents and/or employees, including Defendant Beasley-Ricks, had the duty to exercise ordinary care in providing aftercare foster services to children such as Plaintiff's decedent Ta'Naja.

98. Between December 27, 2019 and February 11, 2019, and at all times relevant herein, Defendant Webster-Cantrell Hall, by and through its actual and/or apparent agents and/or employees, including Defendant Beasley-Ricks, breached said duty.

99. Between December 27, 2019 and February 11, 2019, and at all times relevant herein, Defendant Webster-Cantrell Hall, by and through its actual and/or apparent agents and/or employees, including Defendant Beasley-Ricks, were willful and wanton in one or more of the following ways:

- a. Failed to provide Ta'Naja with reasonably safe living conditions to prevent risks of harm, including abuse and neglect with utter indifference to or in conscious disregard for the safety of Ta'Naja;
- b. Failed to conduct adequate well-being checks on Ta'Naja to prevent to risks of harm, including abuse and neglect with utter indifference to or in conscious disregard for the safety of Ta'Naja;

- c. Failed to ensure Ta’Naja’s safety when they removed Ta’Naja from her father and placed her with her mother despite increased risk of great bodily harm or death to Ta’Naja with utter indifference to or in conscious disregard for the safety of Ta’Naja;
- d. Failed to respond to the obvious signs of neglect during home visits that increased the risk of great bodily harm or death to Ta’Naja with utter indifference to or in conscious disregard for the safety of Ta’Naja;
- e. Failed to direct, instruct, supervise, monitor, and train its agents, employees, or other staff in identifying the signs of abuse and neglect and responding to the risks associated with abuse and neglect with utter indifference to or in conscious disregard for the safety of Ta’Naja;
- f. Failed to direct, instruct, supervise, monitor and train its agents, employees, or other staff to immediately remove Ta’Naja from her mother’s home to prevent abuse and neglect with utter indifference to or in conscious disregard for the safety of Ta’Naja; and
- g. Failed to conduct reference checks, background checks, or employment screening of agents, employees, or other staff to ensure its staff was qualified in the area of child protection with utter indifference to or in conscious disregard for the safety of Ta’Naja.

100. As a direct and proximate result of the aforesaid willful and wanton acts and/or omissions by Defendants, Plaintiff’s decedent Ta’Naja sustained injuries of a personal and pecuniary nature, including but not limited to, conscious pain and suffering prior to her death, and had she survived she would have been entitled to bring an action for those injuries she suffered and this action has survived her.

WHEREFORE, Plaintiff respectfully requests:

- a. Compensatory damages in an amount to be determined at trial;
- b. An award of reasonable attorneys’ costs and litigation expenses; and
- c. Such other relief as the Court may deem just or equitable.

JURY DEMAND

Plaintiff respectfully demands a trial by jury.

Respectfully submitted,

/s/ James C. Pullos

James C. Pullos

James C. Pullos
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