

FILED

JUL 11 2007
7-11-07

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

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

eu

Derrick Phipps,
Plaintiff,

-vs-

Sheriff of Cook County, and Cook
County, Illinois,
Defendants.

) **07CV3889**
) **JUDGE BUCKLO**
) **MAG. JUDGE COLE**
)
) *(jury demand)*
)
)

COMPLAINT

Plaintiff, by counsel, alleges as follows:

1. This is a civil action arising under Section 202 of the Americans with Disabilities Act, 42 U.S.C. §12132, Section 504 of the Rehabilitation Act, 29 U.S.C. §794(a), and 42 U.S.C. §1983. The jurisdiction of this Court is conferred by 28 U.S.C. §12133, 29 U.S.C. §794a(a)(2), and 28 U.S.C. §1343.

2. Plaintiff Derrick Phipps is a paraplegic resident of the Northern District of Illinois who is wheelchair bound. Plaintiff was a prisoner at the Cook County Jail from April 11, 2007 to July 9, 2007.

3. Defendants are the Sheriff of Cook County and Cook County, Illinois.

4. Plaintiff was assigned to the "Residential Treatment Unit" ("RTU") of Division Eight from April 11, 2007 to May 13, 2007.

5. While confined at the RTU, plaintiff was discriminated against because of his disability in violation of § 202 of the Americans with Disabilities Act of 1990(ADA) and § 504 of the Rehabilitation Act of 1973 because defendants failed to provide appropriate shower facilities, appropriate toilet facilities, and appropriate beds for wheelchair bound

persons.

6. Plaintiff developed an infection from his bed sores as the direct and proximate result of the discrimination described above; on or about May 13, 2007, plaintiff was transferred to the hospital wing of Division Eight ("Cermak Hospital") where he remained until he was discharged in July of 2007.

7. While confined at Cermak Hospital, plaintiff continued to be discriminated against because of his disability in violation of § 202 of the Americans with Disabilities Act of 1990(ADA) and § 504 of the Rehabilitation Act of 1973 because defendants failed to provide appropriate shower facilities, appropriate toilet facilities, and appropriate beds for wheelchair bound persons.

8. Plaintiff incurred personal injuries as a result of the above described discrimination at the RTU and Cermak Hospital: plaintiff fell on several occasions while trying to maneuver his body from the wheelchair to a non-handicap accessible toilet; and while trying to maneuver his body from the wheelchair to the non-handicap accessible bed; plaintiff was required to shower while sitting in his wheelchair (rather than on a handicap accessible chair) and was unable to clean and dry his body

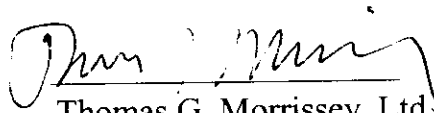
9. Plaintiff was also denied enlargement from custody at the Cook County Jail through the "Sheriff's Electronic Monitoring" program because of his disability: plaintiff was found qualified for placement in the "Electronic Monitoring" program on his admission to the jail but was denied placement in this program because of the Sheriff's refusal to maintain appropriate policies for the transportation of persons, like plaintiff, who are paraplegic.

10. As a result of the foregoing, plaintiff incurred physical injuries, was subjected to emotional distress, and was deprived of equal protection of law, as secured by the

Fourteenth Amendment to the Constitution of the United States, and was discriminated against in violation of the Americans with Disabilities Act, 42 U.S.C. §12132 and Section 504 of the Rehabilitation Act.

11. Plaintiff hereby demands trial by jury.

WHEREFORE, the Plaintiff requests that Judgment be entered in his favor in an amount in excess of one hundred thousand dollars, plus attorney fees and costs, against the Defendants.



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