

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

KEITH R. CRUMLEY, by Next Friend
Shirley Crumley,

Plaintiff,

v.

KERRY J. FORESTAL, in his official
capacity as the Sheriff of Marion County; et
al.

Defendants.

STATEMENT OF CLAIMS

Plaintiff Keith R. Crumley, through his Next Friend Shirley Crumley and by counsel, and pursuant to the approved Case Management Plan in this case, hereby provides the following statement of the claims that he intends to prove at trial:

1. Defendant City of Indianapolis, through its employees, agents, contractors and other representatives injured Plaintiff by subjecting him to disability discrimination and failing to provide an accommodation or policy modification during Mr. Crumley's underlying October 13, 2017 arrest, and thus providing unequal access to Defendant's benefits programs, services, or activities in violation of Title II of the Americans with Disabilities Act ("ADA"), 42 U.S.C. §§ 12131-12165, and its implementing regulations.

2. Defendant City of Indianapolis, through its employees, agents, contractors and other representatives injured Plaintiff by failing to meet its obligation to provide Plaintiff an equal opportunity to use and benefit from their public assistance programs and activities, in violation of Section 504 of the Rehabilitation Act ("Section 504") and its implementing regulations. *See* 29 U.S.C. § 794(a); 45 C.F.R. § 84.3(j).

3. Defendant Khyree Jones failed to adequately attend to Plaintiff's medical needs in violation of the Fourth Amendment.

4. Defendants Sheriff of Marion County, in his official capacity, and the Marion County Sheriff's Office, through their employees, agents, contractors and other representatives injured Plaintiff by subjecting him to disability discrimination and failing to provide him with any accommodations or policy modifications with respect to Plaintiff's disabilities throughout his period of incarceration from October 13, 2017, through October 16, 2017. Further, Plaintiff was subject to differential treatment and discrimination because of his disability that lead to injury and emotional distress. Plaintiff was provided unequal access to Defendant's benefits programs, services, or activities in violation of Title II of the Americans with Disabilities Act ("ADA"), 42 U.S.C. §§ 12131-12165, and its implementing regulations.

5. Defendants Sheriff of Marion County, in his official capacity, and the Marion County Sheriff's Office, through their employees, agents, contractors and other representatives injured Plaintiff by failing to meet its obligation to provide Plaintiff an equal opportunity to use and benefit from their public assistance programs and activities, in violation of Section 504 of the Rehabilitation Act ("Section 504") and its implementing regulations. *See* 29 U.S.C. § 794(a); 45 C.F.R. § 84.3(j). Plaintiff was subjected to differential treatment and injury because of his disability and in violation of the Defendants' requirements under Section 504.

6. Defendant Simon Foxworthy failed to take action to ensure Plaintiff was kept safe and protected from self-harm while housed on the mental health unit, in violation of the protections of the Forth and Fourteenth Amendments of the United States Constitution.

7. The medical care provided by Defendant Teresa Pierce to Plaintiff, a pretrial detainee, was objectively unreasonable under the circumstances and rendered in violation of the Fourth and Fourteenth Amendments of the United States Constitution.

WHEREFORE, the plaintiff respectfully provides his statement of the claims that he intends to prove at trial, and requests all proper relief.

Respectfully submitted,

/s/ Nikki G. Gray

Nikki G. Gray

Indiana Disability Rights

4701 North Keystone Avenue, Suite 222

Indianapolis, IN 46205

Telephone: (317) 722-3445

ngray@indianadisabilityrights.org