

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

ROBERT JACKSON, JOSEPH McGRATH,	)	
and DERRELL SMITH,	)	
	)	
<i>Plaintiffs,</i>	)	
	)	No. 06 CV 493
-vs-	)	
	)	(Judge Coar)
SHERIFF OF COOK COUNTY,	)	
COOK COUNTY, ILLINOIS, AND	)	
DIRECTOR, CERMAK HEALTH SERVICES,	)	
	)	
<i>Defendants.</i>	)	

**PLAINTIFF'S MOTION TO CERTIFY
CASE AS A CLASS ACTION**

Pursuant to Rule 23 of the Federal Rules of Civil Procedure, plaintiffs, by counsel, move the Court to order that this case may be maintained as a class action on behalf of:

All male prisoners at the Cook County Jail who, on and after January 27, 2004, was subjected to the non-consensual insertion of a swab into his penis as part of his admission to the jail.

Grounds for this motion are as follows:

1. As part of the admission procedure to the Cook County Jail, male prisoners are subject to an invasive procedure that involves the insertion of a swab into the prisoner's penis. This invasive procedure has been applied to more than one thousand persons from January 27, 2004 to the present.
2. Plaintiffs contend that this invasive procedure is undertaken without consent, is conducted in a manner likely to spread disease, is an

unreasonable search and invasion of privacy, and is an unauthorized medical procedure that violates rights secured by the Fourth and/or Fourteenth Amendments.

3. Plaintiffs also contend that the manner in which the procedure is performed is reasonably calculated to spread disease in that the person who inserts the swab into the penis of each male prisoner does not change his rubber gloves after performing the procedure, but instead wears the same pair of gloves while he performs this procedure on numerous other persons.
4. The challenged procedure was applied to each of the named plaintiffs on his admission to the jail. (Corrected Amended Complaint, par. 7.)
5. The claims of the named plaintiffs are typical of those of the class. Plaintiffs attach to this motion as Exhibit 1 sworn declarations from fourteen males who were admitted to the Cook County Jail on the same days as the named plaintiffs.
 - a. The sworn declarations show that none of the males being admitted to the jail consented to the procedure and that, given the opportunity, each would have declined to have a swab inserted into his penis.
 - b. The sworn declarations also show that males being admitted to the jail do not have the ability to refuse the swab procedure. Kevin McDuffie was subjected to the procedure when he was transferred to the Cook County Jail from the Illinois Department of Corrections. (Sworn Declaration of Kevin McDuffie, par. 5.) McDuffie had been subjected to the procedure at the Cook County Jail one month before, did not wish to experience the painful experience again, and related these facts to a correctional officer at the jail. *Id.* The

officer's response was "to be quiet." McDuffie followed this order: "I knew that if I complained further I would be beaten up by the officer." Id. McDuffie's averments are corroborated by a letter to counsel from Kevin Patterson (attached as Exhibit 2), who states, in pertinent part, the following:

[O]n the day in question I had been brought back to court from Dixon Correctional Center for a resentencing hearing and had been remanded to the custody of CCDOC. During the medical portion of the intake procedure I went before this medical med tech (a male) and was told to drop my pants. Since I had been through this procedure time(s) before and knowing how painful it is I informed the med tech that I was from Dixon C.C. and my medical history was in the folder. He stated "I don't care about that, everyone coming into the jail must be tested" and thus I was made to submit to the test anyway. The procedure entails dropping you[r] pants and shorts the med tech grabs your penis with latex gloved hands. He then squeezed the head of the penis to open the inclosure. He then inserted the swab, (the entire cotton part) into the head of my penis. A very painful process.

- c. In addition, the sworn declarations show that the pain from the swab procedure often continues for several days, and in some cases for a week or more. See, e.g., Sworn Declaration of Jamal J. Davis, par. 7; (three days); Sworn Declaration of Lawrence Howard, par. 7 (three days) Sworn Declaration of Jerome Johnson, par. 7 (28 days); Sworn Declaration of Leonard Pittman, par. 7 (4 days); Sworn Declaration of John O. Williams, par. 7 (3 days).
- d. Moreover, the sworn declarations show that the procedure often involves the handling of the prisoner's penis. Sworn Declaration of Jamal J. Davis, par. 8; Sworn Declaration of Lawrence Howard, par. 8; Sworn Declaration of Larry E. Lawson, par. 8; Sworn Declaration of Kevin McDuffie, par. 7;

Sworn Declaration of Leonard Pittman, par. 8; Sworn Declaration of John O. Williams, par. 8;

6. Further evidence that the case presents common questions of fact and law is found in the transcript of the trial before Judge Kennelly in *Thompson v. County of Cook*, 03 CV 7172.
 - a. The medical techs who insert the swab into the penis wear rubber gloves but do not changes their gloves after testing each prisoner. (Testimony of James Gray, *Thompson v. County of Cook*, 03 CV 7172, February 2, 2006, 46, attached as Exhibit 3.)
 - b. A medical tech will typically test 200 to 300 persons and use two to five pairs of gloves. (Testimony of James Gray, *Thompson v. County of Cook*, 03 CV 7172, February 2, 2006, 47.)
 - c. "Reality forces us [the medical personnal at the jail in charge of screening] to somwwhat compromise our care." (Testimony of Jean Kiriazes, Director of CQI Serivces and Risk Management at Cerman Hospital, *Thompson v. County of Cook*, 03 CV 7172, February 4, 2006, 52, attached as Exhibit 4.)
7. The intake procedure challenged by plaintiffs presents common questions of fact and law, including the following:
 - a. Is the procedure undertaken without consent? And, if so, is consent required by the Fourth and/or Fourteenth Amendments?
 - b. Does the procedure violate rights secured by the Fourth and/or Fourteenth Amendments?
 - c. Is the manner in which the procedure is performed reasonably calculated to spread disease and, if so, is this a violation of rights secured by the Fourth

and/or Fourteenth Amendments?

8. Plaintiffs are represented by competent counsel and will fully and adequately represent each subclass.
9. Class certification is appropriate under Rule 23(b)(3) because common questions predominate over individual issues and a class action is superior to other methods for the fair and effective adjudication of the controversy.

It is therefore respectfully requested that the Court order that the case proceed as a class action under Rule 23(b)(3).

/s/ Kenneth N. Flaxman

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tgmlaw@ameritech.net

attorneys for plaintiffs

Exhibit 1

SWORN DECLARATION

The undersigned, under penalties of perjury, certifies that the following statement are true:

1. My name is Jamal J Davis.
2. I was admitted to the Cook County Jail on December 27, 2005 and assigned CIMIS number 20050099869. At that time, I was 23.22 years of age.
3. On admission to the Cook County Jail, I was subjected to a procedure which I understand to be known as the insertion of a urethral swab into my penis.
4. I did not consent to this procedure and tried to refuse.
5. I would not have agreed to undergo this procedure if I had been given a choice.
6. The procedure was painful and an embarrassing intrusion into a private part of my body.
7. I was in pain for about ~~1 day after the procedure.~~ [REDACTED]
8. The person who performed the procedure held my penis with his hand while inserting the swab.

Dated: August 30, 2006

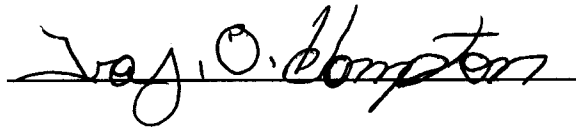
Jamal J Davis

SWORN DECLARATION

The undersigned, under penalties of perjury, certifies that the following statement are true:

1. My name is Troy O Hampton.
2. I was admitted to the Cook County Jail on December 27, 2005 and assigned CIMIS number 20050099770. At that time, I was 30.81 years of age.
3. On admission to the Cook County Jail, I was subjected to a procedure which I understand to be known as the insertion of a urethral swab into my penis.
4. I did not consent to this procedure.
5. I would not have agreed to undergo this procedure if I had been given a choice.
6. The procedure was painful and an embarrassing intrusion into a private part of my body.
7. I was in pain for several days after the procedure.

Dated: August 30 2006

A handwritten signature in black ink, reading "Troy O. Hampton", written over a horizontal line.

SWORN DECLARATION

The undersigned, under penalties of perjury, certifies that the following statement are true:

1. My name is Lawrence Howard.
2. I was admitted to the Cook County Jail on December 27, 2005 and assigned CIMIS number 20050099838. At that time, I was 39.47 years of age.
3. On admission to the Cook County Jail, I was subjected to a procedure which I understand to be known as the insertion of a urethral swab into my penis.
4. I did not consent to this procedure.
5. I would not have agreed to undergo this procedure if I had been given a choice.
6. The procedure was painful and an embarrassing intrusion into a private part of my body.
7. I was in pain for about 3 days after the procedure.
8. The person who performed the procedure held my penis with his hand while inserting the swab.

Dated: August 23 2006

Lawrence A. Howard

SWORN DECLARATION

The undersigned, under penalties of perjury, certifies that the following statement are true:

1. My name is Crasseros Jackson
2. I was admitted to the Cook County Jail on July 20, 2004 and assigned CIMIS number 20040057841. At that time, I was 39.4 years of age.
3. On admission to the Cook County Jail, I was subjected to a procedure which I understand to be known as the insertion of a urethral swab into my penis.
4. I did not consent to this procedure.
5. I would not have agreed to undergo this procedure if I had been given a choice.
6. The procedure was painful and an embarrassing intrusion into a private part of my body.
7. I was in pain for about one day ~~in~~ ^{days} after the procedure.

Dated: August 28, 2006

Crasseros Jackson

SWORN DECLARATION

The undersigned, under penalties of perjury, certifies that the following statement are true:

1. My name is Jerome Johnson.
2. I was admitted to the Cook County Jail on July 20, 2004 and assigned CIMIS number 20040057889. At that time, I was 23.49 years of age.
3. On admission to the Cook County Jail, I was subjected to a procedure which I understand to be known as the insertion of a urethral swab into my penis.
4. I did not consent to this procedure.
5. I would not have agreed to undergo this procedure if I had been given a choice.
6. The procedure was painful and an embarrassing intrusion into a private part of my body.
7. I was in pain for about 28 days after the procedure.

Dated: August 23, 2006

Jerome Johnson

SWORN DECLARATION

The undersigned, under penalties of perjury, certifies that the following statement are true:

1. My name is Thomas Kelly.
2. I was admitted to the Cook County Jail on July 20, 2004 and assigned CIMIS number 20040057806. At that time, I was 46.13 years of age.
3. On admission to the Cook County Jail, I was subjected to a procedure which I understand to be known as the insertion of a urethral swab into my penis.
4. I did not consent to this procedure.
5. I would not have agreed to undergo this procedure if I had been given a choice.
6. The procedure was painful and an embarrassing intrusion into a private part of my body.
7. I was in pain for about several days after the procedure.

Dated: August 23, 2006

Thomas Kelly

SWORN DECLARATION

The undersigned, under penalties of perjury, certifies that the following statement are true:

1. My name is Sylvester Kimbrew.
2. I was admitted to the Cook County Jail on July 20, 2004 and assigned CIMIS number 20040057780. At that time, I was 25.00 years of age.
3. On admission to the Cook County Jail, I was subjected to a procedure which I understand to be known as the insertion of a urethral swab into my penis.
4. I did not consent to this procedure.
5. I would not have agreed to undergo this procedure if I had been given a choice.
6. The procedure was painful and an embarrassing intrusion into a private part of my body.
7. I was in pain for about several days after the procedure.

Dated: August 23 2006

Sylvester Kimbrew

SWORN DECLARATION

The undersigned, under penalties of perjury, certifies that the following statement are true:

1. My name is Larry E Lawson.
2. I was admitted to the Cook County Jail on July 20, 2004 and assigned CIMIS number 20040057803. At that time, I was 51.55 years of age.
3. On admission to the Cook County Jail, I was subjected to a procedure which I understand to be known as the insertion of a urethral swab into my penis.
4. I did not consent to this procedure.
5. I would not have agreed to undergo this procedure if I had been given a choice.
6. The procedure was painful and an embarrassing intrusion into a private part of my body.
7. I was in pain for about 1 day after the procedure.
8. The person who performed the procedure held my penis with his hand while inserting the swab.

Dated: August 28, 2006

A handwritten signature in cursive script that reads "Larry E Lawson". The signature is written in black ink and is positioned above a horizontal line.

SWORN DECLARATION

The undersigned, under penalties of perjury, certifies that the following statement are true:

1. My name is Kevin McDuffie.
2. I was arrested on June 14, 2000 and brought to the Cook County on June 16, 2000. I bonded out on June 17, 2000. I was subjected a procedure which I understand to be known as the "urethral swab test" which involves the insertion of a urethral swab into my penis..
2. I was on bond until I was convicted on March 15, 2002 and then committed to the Cook County Jail. I was at that time again subject to the urethral swab test.
3. I was returned to the Cook County Jail on June 1, 2004 from the Illinois Department of Corrections. I was again subjected to the urethral swab test.
4. I was shipped to the Illinois Department of Corrections in July of 2004 and returned to the Cook County Jail from IDOC on July 20, 2004. I was assigned CIMIS number 20040057940. At that time, I was 43 years of age.
5. On re-admission to the Cook County Jail on July 20, 2004, I was again subjected to the urethral swab test. I told a correctional officer that I has just been returned from IDOC and did not need to be tested again. The officer told me to be quiet. I knew that if I complained further I would be beaten up by the officer.
6. I did not consent to any of the urethral swab tests.
7. The procedure was painful and embarrassing first because the person conducting the test held my penis and second because it involved an intrusion into a private part of my body.
8. . I was in pain for about two days after each procedure. I continue to have painful recurring memories about this event.

Dated: August 28, 2006

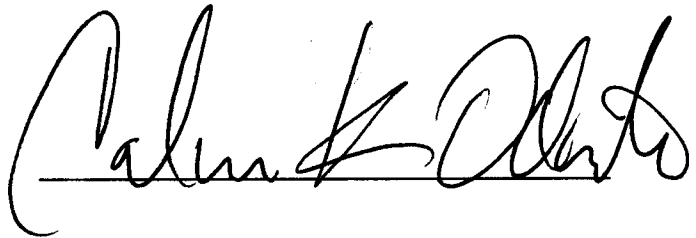
A handwritten signature in cursive script that reads "Kevin McDuffie". The signature is written in dark ink and is positioned above a horizontal line.

SWORN DECLARATION

The undersigned, under penalties of perjury, certifies that the following statement are true:

1. My name is Calvin K Odisho.
2. I was admitted to the Cook County Jail on July 20, 2004 and assigned CIMIS number 20040057728. At that time, I was 37.51 years of age.
3. On admission to the Cook County Jail, I was subjected to a procedure which I understand to be known as the insertion of a urethral swab into my penis.
4. I did not consent to this procedure.
5. I would not have agreed to undergo this procedure if I had been given a choice.
6. The procedure was painful and an embarrassing intrusion into a private part of my body.
7. I was in pain for about several days after the procedure.

Dated: August 23, 2006

A handwritten signature in black ink, appearing to read "Calvin K Odisho", written over a horizontal line.

SWORN DECLARATION

The undersigned, under penalties of perjury, certifies that the following statement are true:

1. My name is Vincent D Papaccio.
2. I was admitted to the Cook County Jail on July 20, 2004 and assigned CIMIS number 20040057892. At that time, I was 23.56 years of age.
3. On admission to the Cook County Jail, I was subjected to a procedure which I understand to be known as the insertion of a urethral swab into my penis.
4. I did not consent to this procedure.
5. I would not have agreed to undergo this procedure if I had been given a choice.
6. The procedure was painful and an embarrassing intrusion into a private part of my body.
7. I was in pain for several days after the procedure.

Dated: August 25, 2006

Vincent D Papaccio

SWORN DECLARATION

The undersigned, under penalties of perjury, certifies that the following statement are true:

1. My name is Leonard Pittman.
2. I was admitted to the Cook County Jail on December 27, 2005 and assigned CIMIS number 20050099847. At that time, I was 27.57 years of age.
3. On admission to the Cook County Jail, I was subjected to a procedure which I understand to be known as the insertion of a urethral swab into my penis.
4. I did not consent to this procedure.
5. I would not have agreed to undergo this procedure if I had been given a choice.
6. The procedure was painful and an embarrassing intrusion into a private part of my body.
7. I was in pain for about 4 days after the procedure.
8. The person who performed the procedure held my penis with his hand while inserting the swab.

Dated: August 24, 2006

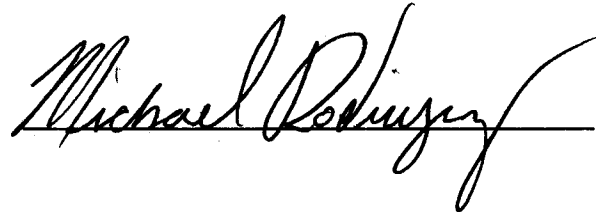
Leonard Pittman

SWORN DECLARATION

The undersigned, under penalties of perjury, certifies that the following statement are true:

1. My name is Michael Rodriguez.
2. I was admitted to the Cook County Jail on July 20, 2004 and assigned CIMIS number 20040057957. At that time, I was 27.45 years of age.
3. On admission to the Cook County Jail, I was subjected to a procedure which I understand to be known as the insertion of a urethral swab into my penis.
4. I did not consent to this procedure.
5. I would not have agreed to undergo this procedure if I had been given a choice.
6. The procedure was painful and an embarrassing intrusion into a private part of my body.
7. I was in pain for several days after the procedure.

Dated: August 26 2006

A handwritten signature in cursive script, reading "Michael Rodriguez", is written over a horizontal line.

SWORN DECLARATION

The undersigned, under penalties of perjury, certifies that the following statement are true:

1. My name is John O Williams.
2. I was admitted to the Cook County Jail on February 5, 2004 and assigned CIMIS number 20040009974. At that time, I was 37.75 years of age.
3. On admission to the Cook County Jail, I was subjected to a procedure which I understand to be known as the insertion of a urethral swab into my penis.
4. I did not consent to this procedure.
5. I would not have agreed to undergo this procedure if I had been given a choice.
6. The procedure was painful and an embarrassing intrusion into a private part of my body.
7. I was in pain for about 3 days after the procedure.
8. The person who performed the procedure snatched my penis with his hand while inserting the swab. I was bleeding for a couple of days after the procedure.

Dated: August 27, 2006

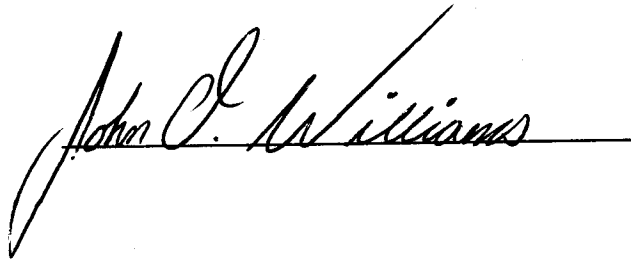
A handwritten signature in cursive script, reading "John O. Williams", is written over a horizontal line.

Exhibit 2

September 1, 2006

Kenneth N. Flaxman
Attorney at Law
200 S. Michigan Ave.
Chicago, Il. 60604-2430

re: Cook County Jail Intake Procedure Litigation

Dear Attorney Flaxman

My name is Kevin Patterson and I am in receipt of a letter sent to my home address by you concerning the Cook County Jail Intake Procedure of inserting a swab into the head of person(s), particularly myself penis upon entry into the jail. Yes I was placed in the cook county jail on Feruary 5, 2004 and I did undergo this procedure.

That was many times I have undergone that procedure as it was a standard procedure for a number of years. The procedure was always done during the medical portion of the intake procedure inwhich a person would go to several stations, talking to different medical technicians on medical issues ranging from x-rays to whether or not you were on medication and your medical history.

The procedure you inquire about and on the day in question I had been brought back to court from Dixon Correctional Center for a resentencing hearing and had been remanded to the custody of CCDOC. During the medical portion of the intake procedure I went before this medical med tech (a male) and was told to drop my pants. Since I had been through this procedure time(s) before and knowing how painful it is I informed the med tech that I was from Dixon C.C. and my medical history was in the folder. He stated "I don't care about that, everyone coming into the jail must be tested" and thus i was made to submit to the test anyway. The procedure entails dropping you pants and shorts the med tech grabs your penis with latex gloved hands. He then squeezed the head of the penis to open the inclosure. He then inserted the swab, (the entire cotton part) into the head of my penis. A very painful process.

As I said before this is a procedure that has been going on for years. I know because I have undergone the procedure a number of times.

Right now I am incarcerated at the Taylorville Correctional Center. If you wish to talk to me further about this, and you prefer to do it by phone, you will need to write a letter to prison to set up a conference call.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

/s/ Kevin Patterson
Kevin Patterson
Reg. NO. A-83515
P.O. Box 900
Taylorville, IL 62568

Exhibit 3

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

LAWRENCE E. THOMPSON,)
)
Plaintiff,) No. 03 C 7172
)
v.) Chicago, Illinois
) February 1, 2006
THE COUNTY OF COOK, et al.,) 1:45 p.m.
)
Defendants.)

VOLUME 2
TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE MATTHEW F. KENNELLY AND A JURY

APPEARANCES:

For the Plaintiffs: JOHN P. DE ROSE & ASSOCIATES
15 Spinning Wheel Road
Suite 428
Hinsdale, IL 60521, by
MR. JOHN P. DE ROSE
MR. JONATHAN A. IBARRA

For the Defendants: MR. FRANCIS J. CATANIA
MR. DOMINICK L. LANZITO
Office of the State's Attorney of
Cook County
500 Richard J. Daley Center
Chicago, IL 60602

Also Present: MR. PETER KRAMER
MR. DAVID FAGUS

COURT REPORTER: LAURA M. BRENNAN
219 South Dearborn Street, Room 2102
Chicago, IL 60604
(312) 427-4393

1 THE COURT: Anything else, Mr. Catania?

2 MR. CATANIA: No, your Honor.

3 THE COURT: You're excused.

4 THE WITNESS: Thank you.

5 (Witness excused.)

6 THE COURT: Please call your next witness.

7 MR. DE ROSE: Judge, I will call Mr. Gray.

8 THE COURT: I think Mr. Catania is going to go get
9 him.

10 (Witness sworn.)

11 MR. DE ROSE: May I proceed, your Honor?

12 THE COURT: That is fine.

13 JAMES GRAY, PLAINTIFF'S WITNESS, DULY SWORN

14 DIRECT EXAMINATION

15 BY MR. DE ROSE:

16 Q Sir, would you please state your name for the record?

17 A James Gray.

18 Q Mr. Gray, have you got a nickname, B. J.?

19 A Yes.

20 Q Do those initials stand for something?

21 A Benjamin James.

22 Q Is that your real name, Benjamin James Gray?

23 A No.

24 Q Mr. Gray, are you employed at the Cook County Department of
25 Corrections by the Cermak Health Services?

1 A No.

2 Q And immediately behind him comes the next person in, right?

3 A Yes.

4 Q And you repeat your instructions as you did to the last
5 man, "take out your penis, I have to inspect it, and then I
6 have to put this in your penis," right?

7 A Correct.

8 Q What did you do you with your pair of gloves from the guy
9 that just walked out who had a discharge before you started to
10 work on that next guy?

11 A They will go either in the garbage if I got any on my
12 hands.

13 Q If you got any what on your hands?

14 A Discharge on my hands.

15 Q You don't remove the gloves just because there is
16 discharge, do you?

17 A No.

18 Q And if you had no discharge from a particular detainee who
19 later tests positive and you didn't know it at the time because
20 you didn't see discharge, you would not take the gloves off
21 after that person left the room, would you?

22 A No.

23 Q Then the next detainee comes in and you would still wear
24 your gloves now with the next detainee as you're inspecting his
25 penis?

1 A Yes.

2 Q You tried always to wear a pair of gloves when you're
3 inspecting another man's penis?

4 A Yes.

5 Q You average about five pair a gloves a day?

6 A It can vary on the day.

7 Q It can vary, but do you remember giving us an average that
8 you use from two pair to five pair a day?

9 A Yes.

10 Q You use two pair if you don't have to take any breaks for
11 lunch or breaks, right?

12 A Not really, but if I don't take any breaks and they don't
13 rip or they don't tear or I don't have anything, yeah.

14 Q Then you would only use two pair?

15 A Yes.

16 Q That day if you didn't take a break, you probably used on
17 an average one pair of gloves for 120 different penises that
18 you did this procedure on, correct?

19 A Could have been. I don't know.

20 Q Did anybody teach you over there at Cermak or even in your
21 work as a paramedic of why you're wearing those gloves?

22 A Not over at Cermak, but basically it's to protect myself.

23 Q Did anyone ever tell you, in changing the gloves before you
24 go to another human being, you're also protecting their health
25 and safety?

Exhibit 4

1 IN THE UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF ILLINOIS
3 EASTERN DIVISION

4 LAWRENCE E. THOMPSON,)
5)
6 Plaintiff,) No. 03 C 7172
7)
8 v.) Chicago, Illinois
9) February 3, 2006
10 THE COUNTY OF COOK, et al.,) 9:40 a.m.
11)
12 Defendants.)

13
14 VOLUME 4
15 TRANSCRIPT OF PROCEEDINGS
16 BEFORE THE HONORABLE MATTHEW F. KENNELLY AND A JURY

17 APPEARANCES:

18 For the Plaintiffs: JOHN P. DE ROSE & ASSOCIATES
19 15 Spinning Wheel Road
20 Suite 428
21 Hinsdale, IL 60521, by
22 MR. JOHN P. DE ROSE
23 MR. JONATHAN A. IBARRA

24 For the Defendants: MR. FRANCIS J. CATANIA
25 MR. DOMINICK L. LANZITO
Office of the State's Attorney of
Cook County
500 Richard J. Daley Center
Chicago, IL 60602

Also Present: MR. PETER KRAMER
MR. DAVID FAGUS

COURT REPORTER: LAURA M. BRENNAN
219 South Dearborn Street, Room 2102
Chicago, IL 60604
(312) 427-4393

1 (The following proceedings were had in open court out of
2 the presence and hearing of the jury:)

3 THE COURT: 03 C 7172, Thompson v. Cook County.

4 THE COURT: Please be seated. You can call the next
5 witness.

6 MR. IBARRA: Your Honor, we call Jean Kiriazes to the
7 stand.

8 (Brief interruption.)

9 THE COURT: We will break for lunch between 12:00 and
10 1:00 today. So we will probably take a break around a little
11 after 11:00 for a few minutes, go to 12:00, come back at 1:00
12 and then go until 2:00, 2:30. We will probably go straight
13 through from 1:00 to 2:30.

14 (Witness sworn.)

15 THE COURT: Make sure you're talking into the
16 microphone.

17 JEAN KIRIAZES, PLAINTIFF'S WITNESS, DULY SWORN

18 DIRECT EXAMINATION

19 BY MR. IBARRA:

20 Q Good morning, ma'am.

21 A Good morning.

22 Q Would you please state your name and spell your last name
23 for the record?

24 A Jean Kiriazes, J-e-a-n K-i-r-i-a-z-e-s.

25 THE COURT: Can everyone hear okay?

1 A JUROR: Yes.

2 THE COURT: Move it up. That is good.

3 BY MR. IBARRA:

4 Q Ms. Kiriazes, where are you currently employed?

5 A Cermak Health Services.

6 Q How long have you worked there?

7 A Ten years.

8 Q Ten years. What is your current position?

9 A I am director of CQI Services and Risk Management.

10 Q How long have you held that position?

11 A Director of CQI Services for 10 years and Risk Management
12 since 2002, December.

13 Q So that was an additional responsibility that was given to
14 you in 2002?

15 A Yes.

16 Q Briefly what are your primary job responsibilities?

17 A I oversee the CQI process at Cermak. I chaired the CQI
18 committee, which is continuous quality improvement.

19 I am the liaison between any legal representative that
20 has dealings with the medical staff or Cermak Health Services.

21 THE COURT: Did you say CQI? Say what CQI stands for
22 again.

23 THE WITNESS: Continuous quality improvement.

24 THE COURT: Continuous quality improvement.

25 MR. IBARRA: Thank you.

1 question, so you can ask a question.

2 BY MR. IBARRA:

3 Q You briefly talked about the real world versus the jail
4 population with respect to medical care and specifically with
5 respect to the use of gloves.

6 Should there be a difference between the two, in your
7 opinion?

8 A Should, no.

9 Q Should, no. Is there?

10 A Is there? Yes.

11 Q What differences are there?

12 A The difference is the situation or logistics. The time
13 frame when you're treating a patient, especially with the
14 intake process, is very tight, very -- very going-down-the-line
15 type. You have no hospital deals with the number of admissions
16 and screenings that we do.

17 You have 300 detainees coming in to be screened and
18 under a time constraint not set by us, and in the ideal world,
19 we would have time to change our gloves after every patient
20 when reality forces us to somewhat compromise our care. I was
21 not aware of this bad of a compromise of the care, and it will
22 definitely be addressed. I know we'll address it.

23 But we would have to -- even in the situation we have,
24 I would expect our care to be somewhat better and still have
25 health care professionals.

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of September, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Francis J. Catania, Ass't State's Atty, 50 W Washington St, Room 500, Chicago, IL 60602, and Daniel F. Gallagher, Esq., Query & Harrow, Ltd., 175 W Jackson Blvd, Ste 1600, Chicago, IL 60604-2827, and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: none.

/s/ Kenneth N. Flaxman

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