

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

MARCI MARIE WEBBER	)	
	)	
Plaintiff,	)	No. 1:20-cv-07807
	)	
v.	)	The Hon. Charles R. Norgle, Sr.
	)	
STATE OF ILLINOIS, et al.,	)	
	)	
Defendants.	)	

**AMENDED COMPLAINT**

Plaintiff, Ms. Marci Webber, by her court appointed counsel Brian R. Michalek and Thomas A. Laser of Saul Ewing Arnstein & Lehr LLP, for her amended complaint against Dr. Richard Malis, Ricardo Fernandez, Marva Stroud, Velma Westbrook, Cletus (Dale) Stewart, Kheri Francis, Sam Brinez, Mable Rivas, Pat Pearce, Jim Alm, Wosena Oliver-Smith, Priya Priarkyal, Dr. John Meiszner, Dr. Dan Hardy, Mario Rabaza, Dr. James P. Corcoran, Lilly Schindelbeck, Cara Nordmeyer, Andrea Duncan, Debra Marsico, Dr. Vikas Arora, Jose Hernandez, Carmine Navarro, Brian Barnick, Renita Thorpe, Maria Segura, and Dr. Syed Hussain (together, the “Defendants”), in their official capacities, states as follows:

**INTRODUCTION**

1. This is a civil action seeking damages from Defendants pursuant to the Civil Rights Act of 1871, 42 U.S.C. §§ 1983, 1985, and 1986 for violations of the rights, privileges and immunities guaranteed to Ms. Webber by the Fourteenth Amendment to the Constitution of the United States of America. Specifically, Ms. Webber has been subjected to the deprivation of her most basic civil liberties and has been denied adequate medical care for her serious medical needs.

2. Marci Webber is currently involuntarily confined at the Chicago-Read Mental Health Center and has been since 2019. She has been confined to mental health treatment facilities operated by the Illinois Department of Human Services (“IDHS”) since June 2012.

3. Throughout that time, Ms. Webber has been harassed, bullied, deprived of basic human needs and property, and abused by numerous employees of IDHS, including but not limited to the named Defendants. Specifically, these individuals have repeatedly preyed upon Ms. Webber’s sensitive mental state by intentionally placing her with violent fellow patients with the intent that Ms. Webber be harmed, tormented Ms. Webber by continual reference to the crime of which Ms. Webber was acquitted, and even suggesting that Ms. Webber kill herself.

4. Additionally, Defendants have deliberately deprived Ms. Webber of her right to adequate medical care by failing to follow Ms. Webber’s trusted physicians’ treatment plans and, on information and belief, forcing Ms. Webber to take medication which Defendants know will only serve to harm Ms. Webber and prevent her from recuperating from her mental condition.

#### **JURISDICTION AND VENUE**

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and 28 U.S.C. §§ 1341(a)(3) and (4), and 28 U.S.C. § 1367 for the supplemental state law claims.

6. Venue is proper in this district under 28 U.S.C. § 1391(b) because Defendants conduct business in this district, and the events at issue occurred within the Northern District of Illinois.

#### **PARTIES**

7. Ms. Webber is a citizen of the United States and a patient in the custody of IDHS. Ms. Webber has been confined at the Chicago-Read Mental Health Center, located in the Dunning neighborhood of Chicago, Illinois, since 2019.

8. Dr. Richard Malis is employed by Illinois Department of Human Services as a psychiatrist at the Elgin Mental Health Center. He was previously assigned to Ms. Webber's case and, as such, has served as the head of Ms. Webber's mental health treatment team and makes ultimate decisions regarding Ms. Webber's treatment.

9. Ricardo Fernandez is the current hospital administrator at Chicago-Read Mental Health Center. He is responsible for ensuring the safety and appropriate mental health treatment for patients in custody at Chicago-Read Mental Health Center.

10. Marva Stroud was formerly employed by Illinois Department of Human Services as a security therapy aide ("STA") at the Elgin Mental Health Center.

11. Velma Westbrook is employed by Illinois Department of Human Services as an STA at the Elgin Mental Health Center.

12. Sam Brinez is employed by Illinois Department of Human Services as a nurse at the Chicago-Read Mental Health Center.

13. Jane Doe (first name Michelle, last name unknown) is employed by Illinois Department of Human Services as a nurse at the Chicago-Read Mental Health Center.

14. Jim Alm is employed by Illinois Department of Human Services as a nurse at the Chicago-Read Mental Health Center.

15. Priya Priarkyal is employed by Illinois Department of Human Services as a nurse at the Chicago-Read Mental Health Center.

16. Cletus (Dale) Stewart was previously employed by Illinois Department of Human Services as an STA at the Elgin Mental Health Center.

17. Kheri Francis is employed by Illinois Department of Human Services as an STA at the Elgin Mental Health Center.

18. Pat Pearce, is employed by Illinois Department of Human Services as a nurse at the Chicago-Read Mental Health Center.

19. Wosena Oliver-Smith is employed by Illinois Department of Human Services as a nurse at the Chicago-Read Mental Health Center.

20. Dr. John Meiszner was employed by Illinois Department of Human Services as a psychiatrist at the Elgin Mental Health Center.

21. Mario Rabaza was previously employed by Illinois Department of Human Services as a social worker at the Elgin Mental Health Center.

22. Dr. James Corcoran is employed by Illinois Department of Human Services as the head forensic psychiatrist.

23. Lilly Schindelbeck was employed by Illinois Department of Human Services as an STA at the Elgin Mental Health Center.

24. Cara Nordmeyer is employed by Illinois Department of Human Services as an STA at the Elgin Mental Health Center.

25. Andrea Duncan is employed by Illinois Department of Human Services as an STA at the Elgin Mental Health Center.

26. Debra Marsico is employed by Illinois Department of Human Services as a psychologist at the Chicago-Read Mental Health Center.

27. Dr. Vikas Arora is employed by Illinois Department of Human Service as a psychiatrist at the Chicago-Read Mental Health Center.

28. Jose Hernandez is employed by Illinois Department of Human Services as a technician at Chicago-Read Mental Health Center.

29. Brian Barnick is employed by the Illinois Department of Human Services as a nurse at Chicago-Read Mental Health Center.

30. Renita Thorpe is employed by the Illinois Department of Human Services as a technician at Chicago-Read Mental Health Center.

31. Maria Segura is employed by the Illinois Department of Human Services as a technician at Chicago-Read Mental Health Center.

32. Mable Rivas is employed by the Illinois Department of Human Services as a nurse at Chicago-Read Mental health Center.

33. Carmine Navarro is employed by the Illinois Department of Human Services as a nurse at Chicago-Read Mental health Center.

34. Dr. Syed Hussain was employed by the Illinois Department of Human Services as a psychiatrist at Elgin Mental Health Center.

#### **FACTUAL ALLEGATIONS**

35. Ms. Webber was originally admitted to the custody of IDHS at the Elgin Mental Health Center's Forensic Treatment Program on June 18, 2012, after being acquitted Not Guilty by Reason of Insanity by Judge Bakalis, a judge in the Illinois 18th Judicial Circuit – DuPage County, Illinois, for the November 2010 killing of her daughter. At that time, Judge Bakalis found that Ms. Webber was in need of inpatient mental health treatment. On October 11, 2016, after over four years of treatment at Elgin, Ms. Webber was transferred to Chicago-Read Mental Health Center.

36. In June 2018, following Ms. Webber's first *pro se* petition for release, Ms. Webber petitioned Judge Bakalis for conditional release a second time. Hearings commenced in May 2019, and in September 2019, Judge Bakalis issued a memorandum order detailing his findings that Ms.

Webber had met her burden to show that she did not require inpatient mental health treatment and was no longer a threat to others and, with appropriate release conditions, would not be a threat to herself.

37. On December 11, 2019, after certain pre-conditions ordered by Judge Bakalis had been met, Ms. Webber was conditionally released. The state immediately appealed and moved for a stay of Ms. Webber's release pending appeal, which was granted. She was returned to IDHS custody at Chicago-Read in December 2019, just two weeks after her conditional release had been granted.

38. The Illinois Appellate Court subsequently reversed Judge Bakalis' order granting Ms. Webber's petition for conditional release. The Illinois Supreme Court denied Ms. Webber's petition for leave to appeal the Appellate Court's decision. Ms. Webber has petitioned the United States Supreme Court to review her case and to overturn the Appellate Court's reversal of Judge Bakalis' order granting Ms. Webber's request for release.

39. Ms. Webber has remained confined at Chicago-Read since December 2019.

*Inadequate Mental Health Treatment at Elgin and Chicago-Read*

40. Throughout her confinement, Ms. Webber's treating staff at Elgin and Chicago-Read have failed to prescribe Ms. Webber an appropriate treatment plan to help her overcome her mental health conditions, and on some occasions, have deliberately deviated from the appropriate standard of care for Ms. Webber and prescribed Ms. Webber with medication and treatment which only exacerbates her condition.

41. Indeed, members of Ms. Webber's treating staff at IDHS have told Ms. Webber that they were instructed by their superiors to omit relevant information from Ms. Webber's

treatment chart(s), thereby altering the course of Ms. Webber's treatment plan and precluding Ms. Webber from making a full recovery and frustrating her attempts to obtain conditional release.

42. Specifically, Defendant Pat Pearce told Ms. Webber on one occasion that she had been instructed to not chart IDHS' patients' information correctly.

43. Additionally, and notwithstanding the fact that Ms. Webber's physicians and mental health advisors have recommended that Ms. Webber discontinue or be weaned off of certain medications, Defendants have told Ms. Webber on numerous occasions that she must take these medications or they will never let Ms. Webber leave Chicago-Read (or Elgin during her confinement there). Indeed, in June 2013 Ms. Webber informed her treating staff that she would like to discontinue taking her medication. Defendant Dr. Meiszner, in conjunction with Defendant Mario Rabaza, however, rejected Ms. Webber's request and prescribed her medication anyway. Defendant Dr. Meiszner even went so far as to coerce Ms. Webber into taking the medication by suggesting there would be adverse consequences for Ms. Webber's refusal.

44. On another occasion, Defendant Mario Rabaza told Ms. Webber that she would remain confined at Elgin for another twenty years unless she took the medication.

45. Instances such as these have recurred on numerous occasions throughout Ms. Webber's confinement at Elgin and Chicago-Read, and they continue to occur to this day, demonstrating a pattern or practice of mistreatment of Ms. Webber and other patients at Elgin and Chicago-Read.

46. Fearful of retaliation from these Defendants, and as demonstrated above, Ms. Webber has gone against the advice of her trusted physicians, taken the forced medication, and potentially exacerbated her condition(s).

47. Further, on numerous occasions Defendants have intentionally aggravated Ms. Webber's recovery by subjecting her to severe mental and emotional abuse.

48. Namely, Defendants regularly place Ms. Webber in isolation, initiate impermissible body cavity searches upon her (even searching Ms. Webber's vagina on at least one occasion), search her room and personal belongings on over 400 occasions, and intentionally deprive Ms. Webber of basic necessities such as adequate sleep and the ability to confer with her attorneys representing her in the Illinois state court proceedings.

49. Defendants carry on these acts and/or omissions cognizant of Ms. Webber's sensitive mental state and with the intent to further harm Ms. Webber.

50. Additionally, in 2018, Ms. Webber's father was very sick and at a tremendous risk of passing away. During that time, Ms. Webber repeatedly requested that she be given the ability to see her father before his passing or at least to engage in a phone call with him to say goodbye.

51. Defendants ignored Ms. Webber's request and she was not allotted sufficient time to see or speak with her father in the days before his death, causing Ms. Webber severe emotional pain and suffering.

52. Further, Dr. Vikas Arora, Ms. Webber's current psychiatrist, has knowingly gone against Ms. Webber's prescribed treatment plan by intentionally directing that Ms. Webber be isolated from her friends and trusted physicians at Chicago-Read.

53. Finally, Defendants such as Velma Westbrook and Marva Stroud have even gone so far as to suggest that Ms. Webber harm herself and even commit suicide. Specifically, Defendant Stroud gave Ms. Webber a plastic bag on May 31, 2014 and suggested that she place the bag over her head and kill herself.



54. These actions, among others, demonstrate Defendants' deliberate indifference to Ms. Webber's serious medical needs and represent a pattern or practice of failure to exercise a reasonable degree of care in implementing Ms. Webber's treatment plan.

*Failure to Protect or Intervene to Prevent Physical Assault*

55. In addition to not receiving appropriate or adequate mental health treatment, Ms. Webber's physical safety has been repeatedly threatened and remains at risk due to the Elgin and Chicago-Read staff's failure to protect her from violence and harassment from other patients, as well as their repeated encouragement that Ms. Webber harm herself.

56. Since Ms. Webber's confinement at Elgin and Chicago-Read, Defendants have permitted and even encouraged other patients to physically assault Ms. Webber or otherwise failed to intervene in order to prevent an anticipated assault on Ms. Webber on over 70 occasions.

57. Specifically, and by way of example, Defendant Sam Brinez instructed another patient, Jaleesa Carlisle, to physically harm Ms. Webber on July 30, 2021. Ms. Carlisle then walked over to Ms. Webber and began pushing and hitting her, causing Ms. Webber to sustain injury. Defendant Brinez had the opportunity and ability to intervene but chose not to do so.

58. Further, on July 3, 2013, Defendant Stewart approached Ms. Webber and slapped her in the face with a magazine three times. Other IDHS employees were nearby and could have intervened, but chose not to. The IDHS staff members nearby saw Defendant Stewart violently approach Ms. Webber, had the opportunity and ability to intervene to protect Ms. Webber, and deliberately chose not to do so.

59. On another occasion on December 28, 2013, Defendants stood by and let a patient named Tamika Davis walk into Ms. Webber's room and punch her in the face, causing Ms. Webber injuries and even mangling her glasses. On information and belief, Ms. Davis was not punished

and was even rewarded for the assault on Ms. Webber by Defendant Marva Stroud, who repeatedly supplied Tamika with snacks and candies for a month.

60. On another occasion in 2016, Defendant Lilly Schindelbeck knowingly allowed a notoriously violent patient, Latoya Nickerson, to enter Ms. Webber's room and attempt to stab Ms. Webber with a pencil. Patient Nickerson physically assaulted Ms. Webber and even ripped some of her hair out of her head.

61. On another occasion in 2019, Defendant Cara Nordmeyer shoved Ms. Webber while conducting a search of Ms. Webber's room.

62. On another occasion in 2019, Defendant Andrea Duncan placed her hands underneath Ms. Webber's sweatshirt and shoved her, causing Ms. Webber to spill her coffee.

63. Further, Mable Rivas provoked another patient to attack Ms. Webber on May 21, 2021.

64. Additionally, Carmine Navarro has repeatedly subjected Ms. Webber to unnecessary room searches and has effectuated the unconstitutional taking of Ms. Webber's property on several occasions.

65. Finally, as recently as December 6, 2021, Defendants Brian Barnick, Renita Thorpe, and Maria Segura failed to intervene to protect Ms. Webber from physical assault from violent patient Carnita Morgan.

66. These instances represent only a sampling of the numerous assaults Ms. Webber has been the victim of since her confinement but are illustrative of a pattern, custom, or practice of abusive conduct and hostile environment fostered and authorized by Defendants. Each of these instances could have prevented by Defendants had they not been deliberately indifferent to Ms. Webber's risk of harm from other IDHS patients.

67. As a result of these instances, Ms. Webber has sustained severe physical and emotional damages and distress.

*Failure to Protect or Intervene to Prevent Sexual Assault*

68. Additionally, Defendants have displayed a deliberate indifference to Ms. Webber's safety from sexual assault while confined at Chicago-Read.

69. Specifically, Defendants knowingly allowed another IDHS patient, Mansoor Abdul-Hameed ("Mansoor") (an IDHS patient who had been convicted of sexual crimes in the past) to be alone with Ms. Webber on multiple occasions throughout her time at Elgin. On several such occasions, Mansoor made inappropriate contact with Ms. Webber by grabbing her breasts and other private parts of Ms. Webber's body. These instances of contact were without Ms. Webber's consent and could have been prevented by IDHS employees had they not been deliberately indifferent to Ms. Webber's safety.

70. Ms. Webber has also been subjected to inappropriate sexual contact directly from IDHS staff members. Namely, in 2018, Defendant Kheri Francis, an STA at Elgin, placed her hands on Ms. Webber's breasts while Ms. Webber was walking through a security metal detector.

71. Further, Defendant Jose Hernandez attempted to solicit sex from Ms. Webber in the spring of 2017.

72. These instances of contact were without Ms. Webber's consent and could have been prevented by IDHS employees had they not been deliberately indifferent to Ms. Webber's safety.

73. On information and belief, Defendants have acted in concert with one another and conspired to permit Ms. Webber to be sexually assaulted during her confinement at Elgin and Chicago-Read.

74. As a result of these instances, Ms. Webber has sustained severe emotional damages and distress.

**COUNT I**

**Violation of 42 U.S.C. § 1983 – Failure to Protect or Intervene**

**(Malis, Stroud, Westbrook, Brinez, Alm, Stewart, Schindelbeck, Nordmeyer, Duncan, Francis, Hernandez, Priarkyal, Oliver-Smith, Barnick, Thorpe, Segura, Navarro, Rivas)**

75. Ms. Webber incorporates paragraphs 1-74 set forth above as if fully set forth herein.

76. 42 U.S.C. § 1983 provides for a civil action for deprivation of rights against any person who, under color of state law, “subjects, or causes to be subjected, any citizen of the United States . . . to the deprivation of any rights, privileges or immunities secured by the constitution.”

77. At all times relevant, Defendants owed a duty to protect IDHS patients under their supervision, including Ms. Webber, from violence and assault at the hands of other patients.

78. At all relevant times, Ms. Webber was detained under conditions posing a substantial risk of serious harm to her.

79. At all relevant times, Defendants were aware of that risk and acted with deliberate indifference to that risk.

80. Further, Defendants were aware of facts from which an inference could be drawn that a substantial risk of serious harm to Ms. Webber existed from the other patients.

81. Indeed, a reasonable IDHS staff member on the scene during the instances where Ms. Webber was assaulted would have drawn the inference that she was faced with a substantial risk of serious harm from other patients.

82. At those times, Defendants drew the inference that Ms. Webber faced a substantial risk of serious harm from other patients.

83. Nevertheless, Defendants failed to intervene or otherwise act so as to protect Ms. Webber from violence at the hands of the other patients, demonstrating a deliberate indifference to the risk of harm to Ms. Webber.

84. Ms. Webber would not have been harmed had Defendants taken reasonable measures.

85. Ms. Webber's rights under the Fourteenth Amendment have been abridged by Defendants' failure to protect her from assault by other patients.

86. As a direct result of Defendants' acts and/or omissions, Plaintiff has sustained serious physical and emotional injuries.

WHEREFORE, Plaintiff, Marci Webber, prays that this Court enter judgment in her favor and against Defendants for actual and punitive damages and pain and suffering in an amount to be proven at trial, for reasonable attorney's fees pursuant to 42 U.S.C. § 1988(b) and her costs of suit, and for such other and further relief as may be appropriate.

## **COUNT II**

### **Violation of 42 U.S.C. § 1985 – Conspiracy to Fail to Protect or Intervene (Malis, Stroud, Westbrook Brinez, Alm, Stewart, Schindelbeck, Nordmeyer, Duncan, Francis, Hernandez, Priarkyal, Oliver-Smith, Barnick, Thorpe, Segura, Navarro, Rivas)**

87. Ms. Webber incorporates paragraphs 1-74 set forth above as if fully set forth herein.

88. 42 U.S.C. § 1985 provides for a civil action for damages against two or more persons who conspire “for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws[.]”

89. On information and belief, Defendants have conspired to deprive Ms. Webber of her constitutional right to be free from assault (both physical and sexual) from patients and staff members at Chicago-Read.

90. Defendants have acted on this conspiracy by repeatedly encouraging other IDHS patients to physically harm Ms. Webber, knowingly failing to intervene to protect Ms. Webber from the obvious risk of harm, and encouraging Ms. Webber to harm herself.

91. As a result of Defendants' acts and/or omissions, Ms. Webber has suffered physical and emotional injury, along with the violation of her rights under the Fourteenth Amendment to the U.S. Constitution.

WHEREFORE, Plaintiff, Marci Webber, prays that this Court enter judgment in her favor and against Defendants for actual and punitive damages and pain and suffering in an amount to be proven at trial, for reasonable attorney's fees pursuant to 42 U.S.C. § 1988(b) and her costs of suit, and for such other and further relief as may be appropriate.

### COUNT III

**Violation of 42 U.S.C. § 1986 – Neglect to Prevent Failure Protect or Intervene**  
**(Malis, Stroud, Westbrook Brinez, Alm, Stewart, Schindelbeck, Nordmeyer, Duncan, Francis, Hernandez, Priarkyal, Oliver-Smith, Barnick, Thorpe, Segura, Navarro, Rivas)**

92. Ms. Webber incorporates paragraphs 1-74 set forth above as if fully set forth herein.

93. 42 U.S.C. § 1986 provides that:

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action[.]

94. Defendants were aware of the conspiracy to deprive Ms. Webber of her constitutional right to be free from physical danger while confined at Chicago-Read.

95. Further, Defendants, as fellow IDHS staff members, had the ability to prevent this conspiracy to violate Ms. Webber's rights.

96. Defendants, however, failed to prevent the conspiracy, and Ms. Webber has suffered damages as a result.

WHEREFORE, Plaintiff, Marci Webber, prays that this Court enter judgment in her favor and against Defendants for actual and punitive damages and pain and suffering in an amount to be proven at trial, for reasonable attorney's fees pursuant to 42 U.S.C. § 1988(b) and her costs of suit, and for such other and further relief as may be appropriate.

**COUNT IV**

**Violation of 42 U.S.C. § 1983 – Failure to Provide Medical Treatment**  
**(Malis, Corcoran, Pearce, Meiszner, Rabaza, Arora, Stroud, Hardy, Alm, Marsico, Hussain, Westbrook)**

97. Ms. Webber incorporates paragraphs 1-74 set forth above as if fully set forth herein.

98. 42 U.S.C. § 1983 provides for a civil action for deprivation of rights against any person who, under color of state law, “subjects, or causes to be subjected, any citizen of the United States . . . to the deprivation of any rights, privileges or immunities secured by the constitution.”

99. While in custody of IDHS, Ms. Webber is restrained from caring for herself and Defendants have deliberately delayed or deliberately denied medical care necessary to alleviate Ms. Webber's medical needs.

100. At all relevant times, Ms. Webber has had a serious medical need in that she suffers from depression, anxiety, and/or other severe mental afflictions.

101. Ms. Webber has repeatedly requested that Defendants provide her with adequate medical care by following the advice of her trusted physicians, both through written communications as well as through face-to-face conversations with Defendants.

102. Defendants have demonstrated deliberate indifference to the Ms. Webber's serious medical needs by, among other things:

- a. Failing to follow the treatment plans recommended by Ms. Webber's physicians;
- b. Forcing Ms. Webber to take medication believed to aggravate her condition(s); and
- c. Subjecting her to severe mental and emotional abuse.

103. As a direct result of Defendants' deliberate indifference to Ms. Webber's serious medical needs, her pain and suffering have been needlessly exacerbated and she has been exposed to worsening of her medical condition(s), resulting in severe physical and emotional damage.

WHEREFORE, Plaintiff, Marci Webber, prays that this Court enter judgment in her favor and against Defendants for actual and punitive damages and pain and suffering in an amount to be proven at trial, for reasonable attorney's fees pursuant to 42 U.S.C. § 1988(b) and her costs of suit, and for such other and further relief as may be appropriate.

#### COUNT V

**Violation of 42 U.S.C. § 1985 – Conspiracy to Fail to Provide Medical Treatment**  
**(Malis, Corcoran, Pearce, Meiszner, Rabaza, Arora, Hardy, Stroud, Alm, Marsico, Hussain, Fernandez)**

104. Ms. Webber incorporates paragraphs 1-74 set forth above as if fully set forth herein.

105. 42 U.S.C. § 1983 provides for a civil action for deprivation of rights against any person who, under color of state law, "subjects, or causes to be subjected, any citizen of the United States . . . to the deprivation of any rights, privileges or immunities secured by the constitution."

106. On information and belief, Defendants have conspired to deprive Ms. Webber of her constitutional right to adequate medical care during her confinement at Chicago-Read.

107. Defendants have acted on this conspiracy by repeatedly and intentionally, and in concert with one another, prescribing Ms. Webber harmful and unnecessary medication, subjecting her to severe mental and emotional abuse, and intentionally deviating from the standard course(s) of conduct for treating Ms. Webber's conditions, among other acts and/or omissions.



108. As a result of Defendants' acts and/or omissions, Ms. Webber has suffered physical and emotional injury, along with the violation of her rights under the Fourteenth Amendment to the U.S. Constitution.

WHEREFORE, Plaintiff, Marci Webber, prays that this Court enter judgment in her favor and against Defendants for actual and punitive damages and pain and suffering in an amount to be proven at trial, for reasonable attorney's fees pursuant to 42 U.S.C. § 1988(b) and her costs of suit, and for such other and further relief as may be appropriate.

#### **COUNT VI**

#### **Violation of 42 U.S.C. § 1985 – Conspiracy to Fail to Provide Medical Treatment (Malis, Corcoran, Pearce, Meiszner, Rabaza, Arora, Hardy, Stroud, Alm, Marsico, Hussain, Fernandez)**

109. Ms. Webber incorporates paragraphs 1-74 set forth above as if fully set forth herein.

110. 42 U.S.C. § 1983 provides for a civil action for deprivation of rights against any person who, under color of state law, "subjects, or causes to be subjected, any citizen of the United States . . . to the deprivation of any rights, privileges or immunities secured by the constitution."

111. Defendants were aware of the conspiracy to deprive Ms. Webber of her constitutional right to adequate medical care while confined at Chicago-Read and Elgin.

112. Further, Defendants, as fellow IDHS staff members, had the ability to prevent this conspiracy to violate Ms. Webber's rights.

113. Defendants, however, failed to prevent the conspiracy, and Ms. Webber has suffered damages as a result.

WHEREFORE, Plaintiff, Marci Webber, prays that this Court enter judgment in her favor and against Defendants for actual and punitive damages and pain and suffering in an amount to be proven at trial, for reasonable attorney's fees pursuant to 42 U.S.C. § 1988(b) and her costs of suit, and for such other and further relief as may be appropriate.

**COUNT VII**  
**Medical Malpractice – Illinois Law**  
**(Malis, Hardy, Meiszner, Hussain, Marsico, Aurora)**

114. Ms. Webber incorporates paragraphs 1-74 set forth above as if fully set forth herein.

115. At all time during Ms. Webber’s confinement at Chicago-Read, Defendants owed Ms. Webber a duty of care in prescribing and administering her mental health treatment plan.

116. Defendants breached that duty of care by, among other things, prescribing Ms. Webber harmful and unnecessary medication, subjecting her to severe mental and emotional abuse, and intentionally deviating from the standard course(s) of conduct for treating Ms. Webber’s conditions.

117. As a direct and proximate cause of Defendants’ breaches of the applicable standard of care, Ms. Webber has sustained severe mental and emotional damages.

WHEREFORE, Plaintiff, Marci Webber, prays that this Court enter judgment in her favor and against Defendants for actual and punitive damages and pain and suffering in an amount to be proven at trial, for reasonable attorney’s fees pursuant and her costs of suit, and for such other and further relief as may be appropriate.

**DEMAND FOR TRIAL BY JURY**

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff Marci Webber demands a trial by jury on all issues so triable.

RESPECTFULLY SUBMITTED,

/s/ *Brian R. Michalek*

One of the Attorneys for Plaintiff

Brian R. Michalek  
Brian.Michalek@saul.com  
Thomas A. Laser  
Tom.Laser@saul.com  
Saul Ewing Arnstein & Lehr LLP  
161 N. Clark St., Ste. 4200  
Chicago, Illinois 60601  
(312)-876-7100  
*Counsel for Plaintiff*