

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

JANE DOE,)	
)	
Plaintiff,)	
)	
v.)	No. 18-3234-RM-TSH
)	
MILO ZIEMER, et al.,)	
)	
Defendants.)	

ANSWER AND AFFIRMATIVE DEFENSES TO COMPLAINT

Defendants, KEITH BECK, MARGARET BURKE, RYAN SEXTON, and TODD SEXTON, by and through their attorney, Lisa Madigan, Attorney General for the State of Illinois, provide the following answers and affirmative defenses directed to Plaintiff’s complaint [d/e 1].

NATURE OF THE CASE

1. Between March 1, 2017 through July 5, 2017, while incarcerated at Logan Correctional Center, Jane Doe was sexually assaulted by Defendant MILO ZIEMER ("Defendant ZIEMER") while working for him in the maintenance department. Jane Doe was not the only victim of Defendant ZIEMER. In fact, during this time period, the maintenance department at Logan Correctional Center was rife with custodial sexual misconduct. Some of the maintenance department employees would routinely bring contraband into Logan in exchange for sexual acts from inmates. These allegations were well known to inmates and staff at Logan, yet nothing was done for months, if not years. After the debauchery was finally exposed and Plaintiff finally cooperated in the investigation, Plaintiff was retaliated against by being transferred to Decatur Correctional Center.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit that Plaintiff was transferred to Decatur Correctional Center.

Defendant Todd Sexton denies that there were other victims of Ziemer besides Jane Doe, denies that some of the maintenance staff would routinely bring contraband into Logan in exchange for sexual acts, denies that these allegations were well known to inmates and staff at Logan, denies that nothing was done for months or years, and denies that Plaintiff was retaliated

against. Defendant Todd Sexton lacks knowledge or information sufficient to form a belief regarding the truth of the remaining allegations in paragraph 1.

Defendants Ryan Sexton, Margaret Burke, and Keith Beck deny that Plaintiff was retaliated against by being transferred.

Defendants Ryan Sexton and Keith Beck deny that maintenance employees would routinely bring contraband into Logan in exchange for sexual acts, deny that these allegations were well known to inmates and staff at Logan, and deny that nothing was done for months or years. Ryan Sexton and Keith Beck lack knowledge or information sufficient to form a belief regarding the truth of whether Ziemer sexually assaulted Plaintiff, whether there were other victims of Ziemer, and whether the maintenance department was “rife” with custodial sexual misconduct.

Defendant Margaret Burke lacks knowledge or information sufficient to form a belief regarding the truth of the allegations that Jane Doe was sexually assaulted by Ziemer, that Ziemer had other victims, that the maintenance department was “rife” with custodial sexual misconduct, that maintenance employees would routinely bring contraband into Logan in exchange for sexual acts, that these allegations were well known to inmates and staff at Logan, and that nothing was done for months or years.

2. In this case, Jane Doe seeks damages against Defendant ZIEMER to compensate her for her injuries. In addition, Jane Doe alleges that officials at Logan failed to intervene to prevent sexual assaults and sexual harassment despite knowledge of guard-on-inmate and employee-on-inmate sexual assaults occurring in the facility.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit that Plaintiff seeks damages against Defendant Ziemer and alleges that officials at Logan failed to intervene. Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny violating Plaintiff’s rights.

JURISDICTION AND VENUE

3. The jurisdiction of the Court is invoked pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3) and (4), as this case arises under the Eighth and Fourteenth Amendments to the Constitution of the United States and 42 U.S.C. § 1983. Jurisdiction for Plaintiff's state claims is based on supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a).

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit that jurisdiction is proper in this Court. Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit that Plaintiff alleges her rights under the Eighth and Fourteenth Amendments to the Constitution of the United States were violated and that she brings these claims pursuant to 42 U.S.C. § 1983. Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit that jurisdiction for Plaintiff's state law claims is based on supplemental jurisdiction. Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny that they violated Plaintiff's rights.

4. Venue is appropriate in the Central District of Illinois pursuant to 28 U.S.C. § 1391(b), as the events complained of occurred exclusively in this district.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit that venue is proper in this Court.

Plaintiff

5. Plaintiff JANE DOE is a 42-year-old woman, a citizen of the United States. JANE DOE is currently out of prison on parole. Between March 1, 2017 through August 3, 2017, JANE DOE was housed at Logan Correctional Center, in the County of Logan in the State of Illinois.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit that Jane Doe is a 42-year-old woman, a citizen of the United States, is currently out on parole, and that she was housed at Logan Correctional Center on March 1 2017, which is in the County of Logan in the State of Illinois. Defendants deny that Jane Doe continued to be housed at Logan Correctional Center through August 3, 2017.

Defendants

6. Defendant MARGARET BURKE (“Defendant BURKE”) was, at the time of the occurrence alleged herein, the Warden of Logan Correctional Center (“Logan”). Her powers and responsibilities as Warden included, without limitation, responsibility for promulgating and/or enforcing rules, regulations, and procedures to ensure the safety and security of those in her custody, including Plaintiff. As Warden, Defendant BURKE was responsible for preventing staff-on-inmate violence, such as sexual assaults by guards and employees, and the adherence of each facility to the Prison Rape Elimination Act (“PREA”).

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit that, at the time of the occurrence alleged in Plaintiff’s complaint, Burke was the Warden of Logan Correctional Center and her duties and responsibilities included promulgating and/or enforcing rules, regulations, and procedures to ensure the safety and security of those in her custody, including Plaintiff. Defendants further admit that Burke was responsible for preventing staff-on-inmate violence, such as sexual assaults, and the adherence of Logan to PREA. Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny that these duties and responsibilities were “without limitation,” deny that Burke, alone, had these responsibilities with no other individuals sharing in these duties and responsibilities, and deny that Burke was responsible for compliance with PREA for any facility other than Logan.

7. Additionally, at all time relevant to the events at issue in this case, Defendant BURKE was responsible for the hiring, supervision, training and retention of maintenance workers employed by IDOC and assigned to Logan, including Defendant ZIEMER

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny that Burke was responsible for hiring, training, or retention of maintenance workers assigned to Logan. Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny that Burke was responsible for directly supervising maintenance workers assigned to Logan, but admit that she was in their supervisory chain of command.

8. Defendant ZIEMER was a maintenance worker employed by the Illinois Department of Corrections (“IDOC”), assigned to Logan at all times relevant hereto

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit the allegations in paragraph 8.

9. Defendant Correctional Officer KEITH BECK (“Defendant BECK”) was, at the time of the occurrence alleged herein, a correctional officer employed by the Illinois Department of Corrections (IDOC). At the time of the incident alleged herein, Defendant BECK was assigned to the maintenance unit to which Defendant ZIEMER and Plaintiff worked.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit the allegations in paragraph 9.

10. Defendant Correctional Officer RYAN SEXTON was, at the time of the occurrence alleged herein, a correctional officer employed by the IDOC. At the time of the incident alleged herein, Defendant RYAN SEXTON was assigned to the fire safety unit in the maintenance building where Defendant ZIEMER and Plaintiff worked.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny that Ryan Sexton was a correctional officer at the time of the occurrence alleged in Plaintiff’s complaint. Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit the remaining allegations in paragraph 10.

11. Defendant TODD SEXTON was a supervisory officer at Logan and a member of Logan’s Internal Affairs Department (“IA”) at the time of the events giving rise to this case. Defendant TODD SEXTON is in charge of investigating inmate and staff misconduct at Logan. On information and belief, Defendant TODD SEXTON was aware of the skulduggery occurring in the maintenance department at Logan, yet failed to bring a stop to it. Upon information and belief, Defendant TODD SEXTON is RYAN SEXTON’s brother and knew that RYAN SEXTON was aware of the improper behavior going on in the maintenance building but failed to prevent it from occurring.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit that Todd Sexton was a supervisory officer at Logan and a member of Logan’s IA Department at the time relevant to Plaintiff’s complaint. Defendants further admit that Todd Sexton was in charge of investigating inmate and staff misconduct at Logan and admit that Todd Sexton is Ryan Sexton’s brother.

Defendant Todd Sexton denies that he was aware of the “skullduggery” occurring in the maintenance department, yet failed to stop it. Defendants Keith Beck, Margaret Burke, and Ryan Sexton lack knowledge or information sufficient to form a belief regarding the truth of the allegation in this sentence of paragraph 11.

Defendant Todd Sexton denies knowing that Ryan Sexton was aware of improper behavior in the maintenance building yet failed to prevent it from occurring. Defendant Ryan Sexton denies being aware of improper behavior in the maintenance building. Defendants Keith Beck and Margaret Burke lack knowledge or information sufficient to form a belief regarding the truth of the allegations in this sentence of paragraph 11.

12. All of the defendants were, at the time of the occurrence alleged herein, employees of IDOC assigned to Logan in Illinois. They engaged in the conduct complained of in the course of their employment with the IDOC and while they were on duty. They are sued in their individual capacities.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit that there were employees of IDOC assigned to Logan Correctional Center and that they are sued in their individual capacities. Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny that they engaged in the conduct complained of herein at any time.

13. At all times material to this complaint, defendants were acting under color of state law, ordinance, and/or regulation.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit that they would have acted under color of law while completing their job duties with respect to their employment with the Illinois Department of Corrections. Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny the remaining allegations in paragraph 13.

Facts Common to All Counts

14. Plaintiff was an inmate in IDOC from May 2015 to August 2018.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit the allegations in paragraph 14.

15. Plaintiff was housed in Logan until July 5, 2017, when she was transferred to Decatur Correctional Center.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit the allegations in paragraph 15.

16. In December 2015, Plaintiff began to work for the outside maintenance crew.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton lack knowledge or information sufficient to form a belief regarding the truth of the allegations in paragraph 16.

17. In March 2017, Plaintiff transferred to the inside maintenance crew.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit the allegations in paragraph 17.

18. Plaintiff was assigned to work with Defendant ZIEMER as an electrician's assistant.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit the allegations in paragraph 18.

19. Plaintiff and one other inmate were the only two people who worked with Defendant ZIEMER as electricians.

ANSWER: Defendants Margaret Burke and Todd Sexton lack knowledge or information sufficient to form a belief regarding the truth of the allegations in paragraph 19. Defendant Ryan Sexton and Keith Beck admit the allegations in paragraph 19.

20. Work assignments in the maintenance department were highly sought after by the inmates as there were many perks associated with the work.

ANSWER: Defendants Keith Beck, Margaret Burke, and Ryan Sexton admit the allegations in paragraph 20. Defendant Todd Sexton admits that work assignments in maintenance were sought after by inmates, but lacks knowledge or information sufficient to form a belief regarding the truth of the remaining allegations in paragraph 20.

21. The normal work hours for the maintenance department were from 8:00 a.m. until 2:30 p.m., unless an inmate was out on a job.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit the allegations in paragraph 21.

22. The maintenance department comprised an electrical department, plumbing department, carpentry department, steamfitter department and welding department. The electrical department had two supervisors, Defendant ZIEMER and someone named Chad. The plumbing department had two supervisors named Rod and Jack. The carpentry department had two supervisors named Al and Jarred. The steamfitter supervisor was Hayward. The welding supervisor was called J.P. Above all of these supervisors was an individual named Dwayne. Each department had their own area in the maintenance building. Defendant ZIEMER had a private office with a door that locked from the inside, as did Chad, Rod and Jack.

ANSWER: Defendants Todd Sexton, Margaret Burke, and Ryan Sexton deny that Ziemer had a private office with a door that locked from the inside. Defendants Margaret Burke and Ryan Sexton deny that Chad, Rod, and Jack had a private office with a door that locked from the inside. Defendant Todd Sexton lacks knowledge or information sufficient to form a belief regarding whether Chad, Rod, and Jack had private offices with doors that locked from the inside. Defendant Keith Beck denies that Jack had a private office. Defendant Keith Beck admits that Ziemer had a private office with a lock, but lacks knowledge or information sufficient to form a belief regarding the truth of the allegation that it locked from the inside. Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit the remaining allegations in paragraph 22.

23. There were no cameras inside the maintenance building. This fact was well known by the workers and the supervisors.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit there were no cameras inside the maintenance building during the time relevant to Plaintiff's complaint. Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton lack knowledge or information sufficient to form a belief regarding the remaining allegations in paragraph 23.

24. From some time in 2016 until Plaintiff's transfer to Decatur, Defendant BECK was the sole correctional officer working in the tool room in the maintenance building.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny the allegations in paragraph 24.

25. Defendant RYAN SEXTON was assigned to fire safety and had an office in the maintenance building.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit the allegations in paragraph 25.

26. Within the first week of working with Defendant ZIEMER, he began to inappropriately touch and fondle Plaintiff.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton lack knowledge or information sufficient to form a belief regarding the truth of the allegations in paragraph 26.

27. Numerous times, Plaintiff would be working alone with Defendant ZIEMER. There were no policies in place when Plaintiff worked in the maintenance department that forbid workers to be alone with the supervisors.

ANSWER: Defendant Ryan Sexton denies that Plaintiff worked alone with Ziemer numerous times. Defendants Margaret Burke, Keith Beck, and Todd Sexton lack knowledge or information sufficient to form a belief regarding the truth of the allegations in paragraph 27. Defendant Ryan Sexton lacks knowledge or information sufficient to form a belief regarding

whether there was a specific policy forbidding workers to be alone with supervisors in the maintenance department.

28. Defendant ZIEMER would also keep Plaintiff in the maintenance building after 2:30 p.m., and would personally take her back to her housing unit right before the 3-11 shift count. Defendants RYAN SEXTON and BECK did not prevent Defendant MILO from keeping Plaintiff in the maintenance building past 2:30 p.m.

ANSWER: Defendants Margaret Burke and Todd Sexton lack knowledge or information sufficient to form a belief regarding the truth of the allegations in paragraph 28. Defendant Ryan Sexton denies that Ziemer would keep Plaintiff in the maintenance building after 2:30 p.m., and denies that he did not prevent Ziemer from keeping Plaintiff in the maintenance building. Defendant Ryan Sexton lacks knowledge or information sufficient to form a belief regarding whether Ziemer would personally take Plaintiff back to her housing unit right before the 3-11 shift count.

Defendant Keith Beck lacks knowledge or information sufficient to form a belief regarding the truth of the allegations that Ziemer would keep Plaintiff in the maintenance building after 2:30 p.m. and would personally take her back to the housing unit. Defendant Keith Beck denies that he did not prevent Ziemer from keeping Plaintiff in the maintenance building past 2:30 p.m.

29. In late April or early May 2017, Defendant MILO took Plaintiff to a staff bathroom in the maintenance building and forced her to perform oral sex on him.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton lack knowledge or information sufficient to form a belief regarding the truth of the allegations in paragraph 29.

30. Defendant MILO continued to sexually harass Plaintiff, including having Plaintiff sit on his lap.

ANSWER: Defendants Keith Beck, Margaret Burke, and Todd Sexton lack knowledge or information sufficient to form a belief regarding the truth of the allegations in paragraph 30. Defendant Ryan Sexton denies the allegations in paragraph 30.

31. Defendant ZIEMER threw a birthday party for Plaintiff in late May 2017. At the party, Defendant MILO brought in balloons and cake. Defendant MILO also gave Plaintiff a hair straightener. The balloons, cake and hair straightener was all contraband.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit that balloons, cake, and hair straighteners are all contraband. Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton lack knowledge or information sufficient to form a belief regarding the truth of the remaining allegations in paragraph 31.

32. At some point in mid-May 2017, Defendant RYAN SEXTON told Plaintiff that he did not walk to the back of the maintenance area because he did not want to see what was going on between the maintenance staff and their inmate workers. Plaintiff understood this to mean that Defendant RYAN SEXTON was aware of the misconduct occurring in the maintenance building.

ANSWER: Defendant Ryan Sexton denies telling Plaintiff that he did not walk to the back of the maintenance area because he did not want to see what was going on between the maintenance staff and their inmate coworkers. Defendants Keith Beck, Margaret Burke, and Todd Sexton lack knowledge or information sufficient to form a belief regarding the truth of whether this conversation took place.

Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton lack knowledge or information sufficient to form a belief as to the truth of the allegation concerning what Plaintiff understood.

33. Throughout the time Plaintiff was working in the maintenance department, Defendant BECK rarely left his office. During a conversation with Defendant BECK, Plaintiff inquired why he did not do rounds in the maintenance building. Defendant BECK implied that if he did, he would see things he would have to report. Additionally, Defendant BECK warned Plaintiff about Defendant ZIEMER.

ANSWER: Defendants Margaret Burke and Todd Sexton lack knowledge or information sufficient to form a belief regarding the truth of the allegations in paragraph 33.

Defendants Ryan Sexton and Keith Beck deny that during the time Plaintiff worked in the maintenance department, Beck rarely left his office. Defendant Ryan Sexton lacks knowledge or information sufficient to form a belief regarding the truth of the remaining allegations in paragraph 33.

Defendant Keith Beck denies having a conversation with Plaintiff as described in paragraph 33.

34. Sometime in June 2017, the Illinois State Police came to the prison and shut the maintenance department down for an investigation.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit the allegations in paragraph 34.

35. When the Illinois State Police left, Plaintiff went back to work in the maintenance department for one day.

ANSWER: Defendants Margaret Burke, Ryan Sexton, and Todd Sexton lack knowledge or information sufficient to form a belief regarding the truth of the allegations in paragraph 35. Defendant Keith Beck admits the allegations in paragraph 35.

36. Plaintiff was fired the next day.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit that Plaintiff was unassigned from maintenance. Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton lack knowledge or information sufficient to form a belief regarding the truth of the remaining allegations in paragraph 36.

37. Around this time, Defendant ZIEMER and Jack came to Plaintiff's housing unit and took Plaintiff into the basement.

ANSWER: Defendants Margaret Burke, Ryan Sexton, and Todd Sexton lack knowledge or information sufficient to form a belief regarding the truth of the allegations in paragraph 37. Defendant Keith Beck denies that Jack had access to Logan Correctional Center after the ISP concluded their investigation, and therefore denies that he acted in the manner described to the extent the alleged conduct occurred after ISP's investigation. To the extent this alleged conduct occurred prior to ISP's investigation, Defendant Beck lacks knowledge or information sufficient to form a belief regarding the truth of whether Jack acted in the manner described. Defendant Beck lacks knowledge or information sufficient to form a belief regarding the truth of the remaining allegations in paragraph 37.

38. Defendant ZIEMER and Jack threatened Plaintiff to remain silent about what was occurring in the maintenance department. They further informed Plaintiff of what happens to inmates that talk. Jack gave Plaintiff examples of what happened to inmates that talked while he worked in Pontiac Correctional Center.

ANSWER: Defendants Margaret Burke, Ryan Sexton, and Todd Sexton lack knowledge or information sufficient to form a belief regarding the truth of the allegations in paragraph 38. Defendant Keith Beck denies that Jack had access to Logan Correctional Center after the ISP concluded their investigation, and therefore denies that he acted in the manner described to the extent the alleged conduct occurred after ISP's investigation. To the extent this alleged conduct occurred prior to ISP's investigation, Defendant Beck lacks knowledge or information sufficient to form a belief regarding the truth of whether Jack acted in the manner described. Defendant Beck lacks knowledge or information sufficient to form a belief regarding the truth of the remaining allegations in paragraph 38.

39. A short time after this, Defendant TODD SEXTON summoned Plaintiff for an interview about the maintenance department.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit that Todd Sexton interviewed Plaintiff about the maintenance department. Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton lack knowledge or information sufficient to form a belief regarding the truth of the remaining allegations in paragraph 39.

40. At first, Plaintiff did not say anything because she was afraid of retaliation.

ANSWER: Defendant Todd Sexton admits that, at first, Plaintiff was not forthcoming with information, but lacks knowledge or information sufficient to form a belief regarding the remaining allegations in paragraph 40.

Defendants Keith Beck, Margaret Burke, and Ryan Sexton lack knowledge or information sufficient to form a belief regarding the truth of the remaining allegations in paragraph 40.

41. Defendant TODD SEXTON then told Plaintiff that he was going to have her immediately and involuntarily transferred from Logan to Decatur.

ANSWER: Defendant Todd Sexton admits that he told Plaintiff she would be transferred to Decatur, but denies the remaining allegations in paragraph 41.

Defendants Keith Beck, Margaret Burke, and Ryan Sexton lack knowledge or information sufficient to form a belief regarding the truth of the remaining allegations in paragraph 41.

42. Plaintiff did not want to be transferred to Decatur.

ANSWER: Defendants Keith Beck, Margaret Burke, and Ryan Sexton lack knowledge or information sufficient to form a belief regarding the truth of the allegations in paragraph 42.

Defendant Todd Sexton admits the allegations in paragraph 42.

43. Defendant TODD SEXTON told Plaintiff that if she cooperated with him, he would have her transferred back to Logan.

ANSWER: Defendant Todd Sexton denies the allegations in paragraph 43. Defendants Keith Beck, Margaret Burke, and Ryan Sexton lack knowledge or information sufficient to form a belief regarding the truth of the allegations in paragraph 43.

44. Decatur was very difficult for Plaintiff. She refused housing and was placed in administrative segregation.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton lack knowledge or information sufficient to form a belief regarding the truth of the allegations in paragraph 44.

45. Plaintiff agreed to tell Defendant TODD SEXTON what was occurring in the maintenance department. However, after she spoke with him, he did not transfer Plaintiff back to Logan.

ANSWER: Defendant Todd Sexton admits that Plaintiff agreed to tell him what was occurring in the maintenance department. Defendants Keith Beck, Ryan Sexton, and Margaret Burke lack knowledge or information sufficient to form a belief regarding the truth of this allegation.

Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit Plaintiff was not transferred back to Logan before being released on parole and deny that Todd Sexton had any role in any denial or refusal of a transfer for Plaintiff.

46. On information and belief, Plaintiff's transfer to Decatur and the refusal to transfer her back to Logan, were carried out by Defendants TODD SEXTON and BURKE in retaliation for Plaintiff's information and complaints about the maintenance department. These Defendants acted with the knowledge that it would be harmful to Plaintiff.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny the allegations in paragraph 46.

47. On information and belief, Defendant ZIEMER abused other woman at Logan in the same way he abused Plaintiff. Other IDOC personnel at Logan, including but not limited to Defendants TODD SEXTON, RYAN SEXTON, and KEITH BECK, knew as early as January 2017 that Defendant ZIEMER was engaging in this pattern of abuse.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton lack knowledge or information sufficient to form a belief regarding the truth of the allegation that Ziemer abused other women at Logan the same way he abused Plaintiff.

Defendants Keith Beck, Ryan Sexton, and Todd Sexton deny that they knew Ziemer was engaging in a pattern of abuse.

Defendant Margaret Burke lacks knowledge or information sufficient to form a belief regarding the truth of the allegation that other IDOC personnel, including Todd Sexton, Ryan Sexton, and Keith Beck, knew that Ziemer was engaging in a pattern of abuse.

48. On information and belief, other as-yet-unidentified Defendants were substantially aware that Defendant ZIEMER and other staff in the maintenance department were sexually abusing prisoners at Logan, and failed to take reasonable steps to prevent it from continuing. As a result of these Defendants' failing to intervene to stop this activity, Plaintiff's constitutional rights were violated by Defendant ZIEMER.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton lack knowledge or information sufficient to form a belief regarding the truth of the allegations in paragraph 48.

49. On or about December 11, 2017, Defendant ZIEMER was charged with five counts of custodial sexual misconduct in Logan County Circuit Court in the case of People v. Milo J. Ziemer, 17-CF-208. Counts four and five deal with the assaults experienced by Plaintiff. Counts one through three involve a different inmate at Logan and stem from an incident that occurred in January 2017.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit that, on or about December 11, 2017, Milo Ziemer was charged with five counts of custodial sexual misconduct in Logan County Circuit Court in the case of People v. Milo J. Ziemer, 17-CF-208. Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton lack knowledge or information sufficient to form a belief regarding the truth of the remaining allegations in paragraph 49.

50. As a result of the Defendants' wrongful acts described herein, Plaintiff suffered and continues to suffer physical and psychological injuries, pain, suffering, severe mental distress, anguish, and humiliation.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny the allegations in paragraph 50.

COUNT I
DEFENDANT VIOLATED THE EIGHTH AMENDMENT
(Unnecessary and Wanton Infliction of Pain)
(vs. MILO ZIEMER)

51. Plaintiff realleges paragraphs 1 through 50 of the Facts Common to All Counts as if they were set forth in full in this Count One.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton re-allege paragraphs 1-50 of their answer in response to paragraph 51 as if fully restated herein.

52. The actions of Defendant MILO ZIEMER in forcing Plaintiff to engage in sexual acts constituted unnecessary and wanton infliction of pain and were done maliciously and sadistically for the very purpose of causing harm, and not in furtherance of any legitimate penological purpose, in violation of Plaintiffs rights under the Eighth Amendment to be free from cruel and unusual punishment, as made applicable to the states by the Fourteenth Amendment.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton lack knowledge or information sufficient to form a belief in regards to the allegations in paragraph 52.

WHEREFORE, Plaintiff requests that the Court enter a judgment in favor of Plaintiff and against Defendant MILO ZIEMER for actual or compensatory damages. Additionally, because the Defendant acted maliciously, willfully, wantonly, and/or in reckless disregard for the Plaintiffs constitutional rights, Plaintiff requests that she be awarded punitive damages from this Defendant. Plaintiff also requests that she be awarded her costs and attorney's fee, pursuant to 42 U.S.C. § 1983, and whatever additional relief this Court deems equitable and just.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit that Plaintiff seeks compensatory and punitive damages, costs, and attorney's fees from Defendant Ziemer. Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton lack knowledge or information sufficient to form a belief regarding the remaining allegations in Plaintiff's request for relief.

COUNT II
DEFENDANTS FAILED TO PROTECT PLAINTIFF
IN VIOLATION OF HER EIGHTH AMENDMENT RIGHTS
(Deliberate Indifference to Need for Protection)
(Defendants ZIEMER and BURKE)

53. Plaintiff realleges paragraphs 1 through 50 of the Facts Common to All Counts as if they were set forth in full in this Count Two.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton re-allege paragraphs 1-50 of their answer in response to paragraph 53 as if fully restated herein.

54. Logan housed exclusively female prisoners.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit that, during the time period relevant to Plaintiff's claims, Logan Correctional Center exclusively housed female prisoners. Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny that Logan Correctional Center has always housed female prisoners.

55. Defendant MILO ZIEMER was permitted to be alone with female prisoners in the maintenance building where there are no cameras.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit that there were no cameras in the maintenance building. Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny the remaining allegations in paragraph 55.

56. Defendant MILO ZIEMER was permitted take Plaintiff into a staff bathroom without a female officer present.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny the allegations in paragraph 56.

57. Numerous national standards and international treaties and standards recognize the danger posed to female inmates who are guarded by males without a female officer present.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny the allegations in paragraph 57.

58. There have been numerous instances within the Illinois Department of Corrections where male guards have sexually abused female inmates that they were supposed to be guarding, including recent incidents at Logan involving Richard Macleod.

ANSWER: Defendants Keith Beck, Margaret Burke, and Todd Sexton admit that there have been instances within the IDOC where male guards have sexually abused female inmates who they were supposed to be guarding, but deny that there have been “numerous” instances of this conduct. Defendant Ryan Sexton lacks knowledge or information sufficient to form a belief regarding the truth of this allegation.

Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton lack knowledge or information sufficient to form a belief regarding the truth of the remaining allegations in paragraph 58.

59. Upon information and belief, Defendant MILO ZIEMER had prior allegations made against him regarding improper contact with female inmates.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny the allegations in paragraph 59.

60. Upon information and belief, Defendants BURKE had actual knowledge of this pattern of sexual abuse.

ANSWER: Defendant Margaret Burke denies the allegations in paragraph 60. Defendants Ryan Sexton, Todd Sexton, and Keith Beck lack knowledge or information sufficient to form a belief regarding the truth of the allegations in paragraph 60.

61. Despite the established standards, the incidents of sexual abuse, and Defendants’ actual knowledge of this history of sexual abuse, Defendant BURKE failed to implement policies and procedures to protect female prisoners, including Plaintiff, who were working in the maintenance building at Logan.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny the allegations in paragraph 61.

62. Between March 2017 and July 5, 2017, and for a period of time prior thereto, Defendant BURKE, as warden of Logan, was responsible for the creation, implementation, oversight, and supervision of all policies and procedures followed by IDOC employees at Logan. Between March 2017 and July 5, 2017, and for a period of time prior thereto, Defendant BURKE knew or should have known of a widespread practice of IDOC employees, specifically the maintenance employees at Logan, who engaged in sexual assaults of inmates, by way of direct reporting, annual PREA Compliance Reports, John Howard Association Investigations, grievances, training, s reports from counselors, meetings, and lawsuits.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit that between March 2017 and July 5, 2017, Margaret Burke was the Warden of Logan and was responsible for the creation, implementation, oversight, and supervision of all policies and procedures followed by IDOC employees at Logan. Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny that she alone had the responsibilities described. Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny the remaining allegations in paragraph 62.

63. Defendant BURKE's lack of regard for and conscious disregard for Plaintiff's safety and security resulted in her sexual assaults at the hands of Defendant ZIEMER

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny the allegations in paragraph 63.

64. The failure of Defendant BURKE to enact appropriate policies and procedures constituted willful and reckless conduct and/or deliberate indifference to her need for protection, and thus violated Plaintiffs rights under the Eighth Amendment to be free from cruel and unusual punishment, as made applicable to the states by the Fourteenth Amendment.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny the allegations in paragraph 64.

65. As a direct and proximate result of the above-described violation of Plaintiffs constitutional right to be free from cruel and unusual punishment by Defendant BURKE, Plaintiff suffered and continues to suffer physical and psychological injuries, pain, suffering, severe mental distress, anguish, and humiliation.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny the allegations in paragraph 65.

WHEREFORE, Plaintiff requests that the Court enter a judgment in favor of Plaintiff and against Defendant BURKE, for actual or compensatory damages. Additionally, because Defendant BURKE acted maliciously, willfully, wantonly, and/or in reckless disregard for the Plaintiffs constitutional rights, Plaintiff requests that the Court award her punitive damages from Defendant BURKE. Plaintiff also requests that the Court award her costs and attorney's fees pursuant to 42 U.S.C. § 1988, and whatever additional relief this Court deems equitable and just.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit that Plaintiff seeks compensatory and punitive damages, costs, and attorney's fees against Defendant Burke, but deny that Plaintiff is entitled to any of the relief requested.

COUNT III
DEFENDANT FAILED TO PROTECT PLAINTIFF
IN VIOLATION OF HER EIGHTH AMENDMENT RIGHTS
(Deliberate Indifference to Need for Protection)
(Defendants RYAN SEXTON and KEITH BECK)

66. Plaintiff realleges paragraphs 1 through 50 of the Facts Common to All Counts as if they were set forth in full in this Count Three.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton re-allege paragraphs 1-50 of their answer in response to paragraph 66 as if fully restated herein.

67. Logan houses exclusively female prisoners.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit that, during the time period relevant to Plaintiff's claims, Logan Correctional Center exclusively housed female prisoners. Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny that Logan Correctional Center has always housed female prisoners.

68. Between March 2017 and July 5, 2017 Plaintiff was sexually assaulted by Defendant ZIEMER under the noses of Defendant RYAN SEXTON and KEITH BECK while they were assigned to the maintenance building.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny the allegations of paragraph 68.

69. Defendants RYAN SEXTON and KEITH BECK permitted Plaintiff to be alone with Defendant ZIEMER and stay after work hours with Defendant ZIEMER in the maintenance building.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny the allegations in paragraph 69.

70. Numerous national standards and international treaties and standards recognize the danger posed to female inmates who are guarded by male officers without a female officer present.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny the allegations in paragraph 70.

71. There have been numerous instances within the Illinois Department of Corrections where male guards have sexually abused female inmates whom they were supposed to be guarding.

ANSWER: Defendants Keith Beck, Margaret Burke, and Todd Sexton admit that there have been instances within the IDOC where male guards have sexually abused female inmates who they were supposed to be guarding, but deny that there have been “numerous” instances of this conduct. Defendant Ryan Sexton lacks knowledge or information sufficient to form a belief regarding the truth of this allegation.

Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton lack knowledge or information sufficient to form a belief regarding the truth of the remaining allegations in paragraph 71.

72. Upon information and belief, Defendants RYAN SEXTON and KEITH BECK had actual knowledge of this pattern of sexual abuse, specifically that it was occurring in the maintenance department.

ANSWER: Defendants Ryan Sexton and Keith Beck deny the allegations in paragraph 72. Defendants Margaret Burke and Todd Sexton lack knowledge or information sufficient to form a belief regarding the truth of the allegations in paragraph 72.

73. Despite the established standards, the incidents of sexual abuse, and Defendants' actual knowledge of this history of sexual abuse, Defendants RYAN SEXTON and KEITH BECK allowed Defendant ZIEMER to be alone with Plaintiff, even after they both had warned Plaintiff to be careful of Defendant ZIEMER.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny the allegations in paragraph 73.

74. The lack of regard for and conscious disregard for Plaintiff's safety and security by Defendants RYAN SEXTON and KEITH BECK resulted in her sexual assault.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny the allegations in paragraph 74.

75. Allowing Defendant ZIEMER to be alone with Plaintiff and in a staff bathroom without another officer being present constituted willful and reckless conduct and/or deliberate indifference to Plaintiff's need for protection, and thus violated Plaintiff's rights under the Eighth Amendment to be free from cruel and unusual punishment, as made applicable to the states by the Fourteenth Amendment.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny the allegations in paragraph 75.

76. The failure of Defendants RYAN SEXTON and KEITH BECK to protect Plaintiff constituted willful and reckless conduct and/or deliberate indifference to her need for protection, and thus violated Plaintiff's rights under the Eighth Amendment to be free from cruel and unusual punishment, as made applicable to the states by the Fourteenth Amendment.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny the allegations in paragraph 76.

77. As a direct and proximate result of the above-described violation of Plaintiff's constitutional right to be free from cruel and unusual punishment by Defendants RYAN SEXTON and KEITH BECK, Plaintiff suffered and continues to suffer physical and psychological injuries, pain, suffering, severe mental distress, anguish, and humiliation.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny the allegations in paragraph 77.

WHEREFORE, Plaintiff requests that the Court enter a judgment in favor of Plaintiff and against Defendants RYAN SEXTON and KEITH BECK for actual or compensatory damages. Additionally, because Defendants RYAN SEXTON and KEITH BECK acted maliciously, willfully, wantonly, and/or in reckless disregard for the Plaintiffs constitutional rights, Plaintiff requests that the Court award her punitive damages from these Defendants. Plaintiff also requests that the Court award her costs and attorneys' fees pursuant to 42 U.S.C. § 1988, and whatever additional relief this Court deems equitable and just.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit that Plaintiff seeks compensatory and punitive damages, costs, and attorney's fees against Defendants Ryan Sexton and Keith Beck, but deny that Plaintiff is entitled to any of the relief requested.

COUNT IV
DEFENDANT ASSAULTED AND BATTERED PLAINTIFF
(Pendent State Claim - Assault and Battery)
(Defendant MILO ZIEMER)

78. Plaintiff realleges paragraphs 1 through 50 of the Facts Common to All Counts as if they were set forth in full in this Count Four.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton re-allege paragraphs 1-50 of their answer in response to paragraph 78 as if fully restated herein.

79. The actions of Defendant MILO ZIEMER in sexually assaulting Plaintiff, were done intentionally, willfully and wantonly, or with such reckless disregard for their natural consequences as to constitute the torts of assault and battery under the laws and constitution of the State of Illinois, and did directly and proximately cause the physical and psychological injuries, pain and suffering, severe mental distress, anguish, humiliation, and loss of liberty as alleged above.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton lack knowledge or information sufficient to form a belief regarding the truth of the allegations in paragraph 79.

WHEREFORE, Plaintiff requests that the Court enter a judgment in favor of Plaintiff and against Defendant MILO ZIEMER for actual or compensatory damages. Additionally, because the Defendant acted maliciously, willfully, wantonly, and/or in reckless disregard for the Plaintiffs constitutional rights, Plaintiff requests that she be awarded punitive damages from this Defendant. Plaintiff also requests that she be awarded her costs and whatever additional relief this Court deems equitable and just.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit that Plaintiff seeks compensatory and punitive damages, costs, and attorney's fees from Defendant Ziemer. Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton lack knowledge or information sufficient to form a belief regarding the remaining allegations in Plaintiff's request for relief.

COUNT V
DEFENDANT SEXUALLY ABUSED DEFENDANT
(Pendent State Claim - Sexual Abuse)
(Defendant MILO ZIEMER)

80. Plaintiff realleges paragraphs 1 through 50 of the Facts Common to All Counts as if they were set forth in full in this Count Five.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton re-allege paragraphs 1-50 of their answer in response to paragraph 80 as if fully restated herein.

81. The acts of Defendant ZIEMER between March 2017 and July 5, 2017, as described above, were done intentionally, willfully and wantonly, or with such reckless disregard for their natural consequences as to constitute the tort of sexual abuse under the laws and constitution of the State of Illinois, and did directly and proximately cause the physical and psychological injuries, pain and suffering, severe mental distress, anguish, humiliation, and loss of liberty, as alleged above.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton lack knowledge or information sufficient to form a belief regarding the truth of the allegations in paragraph 81.

WHEREFORE, Plaintiff requests that the Court enter a judgment in favor of Plaintiff and against Defendant MILO ZIEMER for actual or compensatory damages. Additionally, because the

Defendant acted maliciously, willfully, wantonly, and/or in reckless disregard for the Plaintiffs constitutional rights, Plaintiff requests that she be awarded punitive damages from this Defendant. Plaintiff also requests that she be awarded her costs and whatever additional relief this Court deems equitable and just.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit that Plaintiff seeks compensatory and punitive damages, costs, and attorney's fees from Defendant Ziemer. Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton lack knowledge or information sufficient to form a belief regarding the remaining allegations in Plaintiff's request for relief.

COUNT VI
DEFENDANT INTENTIONALLY INFLICTED
EMOTIONAL DISTRESS UPON PLAINTIFF
(Pendent State Claim - Intentional Infliction of Emotional Distress)
(Defendant MILO ZIEMER)

82. Plaintiff realleges paragraphs 1 through 50 of the Facts Common to All Counts as if they were set forth in full in this Count Six.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton re-allege paragraphs 1-50 of their answer in response to paragraph 82 as if fully restated herein.

83. The acts of Defendant ZIEMER between March 2017 and July 5, 2017, as described above, constitute extreme and outrageous conduct and were done in a wanton and willful manner.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton lack knowledge or information sufficient to form a belief regarding the truth of the allegations in paragraph 83.

84. Defendant ZIEMER intended that his conduct, as set forth above, should inflict severe emotional distress and/or knew that there was a high probability that his conduct would cause severe emotional distress.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton lack knowledge or information sufficient to form a belief regarding the truth of the allegations in paragraph 84.

85. The conduct of Defendant ZIEMER, as set forth above, did in fact cause Plaintiff to suffer severe emotional distress.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton lack knowledge or information sufficient to form a belief regarding the truth of the allegations in paragraph.

WHEREFORE, Plaintiff requests that the Court enter a judgment in favor of Plaintiff and against Defendant ZIEMER for actual or compensatory damages. Additionally, because the Defendant acted maliciously, willfully, wantonly, and/or in reckless disregard for the Plaintiffs constitutional rights, Plaintiff requests that she be awarded punitive damages from this Defendant. Plaintiff also requests that she be awarded her costs and whatever additional relief this Court deems equitable and just.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit that Plaintiff seeks compensatory and punitive damages and costs from Defendant Ziemer. Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton lack knowledge or information sufficient to form a belief regarding the remaining allegations in Plaintiff's request for relief.

COUNT VII
FIRST AMENDMENT RETALIATION
(Defendants BURKE and TODD SEXTON)

86. Plaintiff realleges paragraphs 1 through 50 of the Facts Common to All Counts as if they were set forth in full in this Count Seven.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton re-allege paragraphs 1-50 of their answer in response to paragraph 86 as if fully restated herein.

87. In the manner described more fully above, Defendants BURKE and TODD SEXTON retaliated against Plaintiff for engaging in protected First Amendment activity when she spoke about Defendant ZIEMER's misconduct and the overall misconduct occurring in the maintenance building

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny the allegations in paragraph 87.

88. The misconduct described in this count was objectively unreasonable and was undertaken intentionally, with malice and knowing disregard for Plaintiff's clearly established constitutional rights, and not for any legitimate penological purpose.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny the allegations in paragraph 88.

89. As a result of Defendants BURKE and TODD SEXTON's retaliatory actions, Plaintiff suffered harm.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton deny the allegations in paragraph 89.

WHEREFORE, Plaintiff requests that the Court enter a judgment in favor of Plaintiff and against Defendants BURKE and TODD SEXTON, for actual or compensatory damages. Additionally, because Defendants BURKE and TODD SEXTON acted maliciously, willfully, wantonly, and/or in reckless disregard for the Plaintiffs constitutional rights, Plaintiff requests that the Court award her punitive damages from Defendants BURKE and TODD SEXTON. Plaintiff also requests that the Court award her costs and attorneys' fees pursuant to 42 U.S.C. § 1988, and whatever additional relief this Court deems equitable and just.

ANSWER: Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton admit that Plaintiff seeks compensatory and punitive damages, costs, and attorney's fees against Defendants Burke and Todd Sexton, but deny that Plaintiff is entitled to any of the relief requested.

AFFIRMATIVE DEFENSES

A. Sovereign Immunity

Under the Eleventh Amendment, Plaintiff's constitutional claims for monetary damages against Defendants in their official capacities are barred by sovereign immunity. To the extent Plaintiff is suing Defendants for injunctive relief that is not intended to address ongoing constitutional violations, the Eleventh Amendment and sovereign immunity bar such claims.

B. Statutes of Limitations

Plaintiff's claims arising more than two years before filing to which tolling does not apply are barred by the applicable statutes of limitations.

C. Qualified Immunity

At all times relevant to the plaintiff's claims, the defendants charged herein acted in good faith in the performance of their official duties without violating Plaintiff's clearly established statutory or constitutional rights of which a reasonable person would have been aware. Defendants are therefore protected from liability by the doctrine of qualified immunity.

JURY DEMAND

Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton demand a trial by jury on all triable issues.

WHEREFORE, Defendants Keith Beck, Margaret Burke, Ryan Sexton, and Todd Sexton respectfully request that this Court enter judgment in their favor and deny all relief sought by Plaintiff.

KEITH BECK, MARGARET BURKE, RYAN
SEXTON, and TODD SEXTON,

Defendants,

LISA MADIGAN, Illinois Attorney General,

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