

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

JOHN SMENTEK,

Plaintiff,

-vs-

SHERIFF OF COOK COUNTY,
and COOK COUNTY, ILLINOIS

Defendants.

)

)

)

) No. 09 CV ____

)

) *(jury demand)*

) FILED: JANUARY 27, 2009

) 09CV529

)

) JUDGE LEFKOW

) MAGISTRATE JUDGE BROWN

COMPLAINT

PH

Plaintiff, by counsel, alleges as follows:

1. This is a civil action arising under 42 U.S.C. §1983. The jurisdiction of this Court is conferred by 28 U.S.C. §1343.
2. Defendants are the Sheriff of Cook County and Cook County, Illinois. The Sheriff is sued in his official capacity only.
3. Defendants are responsible for providing medical and dental care to prisoners at the Cook County Jail.
4. Defendants have at all times known that broken, infected, or otherwise diseased teeth and gums can be excruciatingly painful and, if untreated, can result in serious permanent injury.
5. Defendants have also at all times known that dental care is one of the most important medical needs of inmates.
6. At all times relevant, defendants have declined to require a dental screening of persons being processed into the jail and have required prisoners who were in need of dental treatment to endure a lengthy wait before receiving treatment.

7. In 2007, defendants effectively discontinued dental services by eliminating the positions of all but one dentist, who was to be responsible for the care of the ten thousand persons.
8. Plaintiff John Smentek was confined at the Cook County Jail from September 22, 2007 to March 14, 2008.
9. Within two weeks of entering the jail, plaintiff began to experience severe tooth pain and submitted a request for dental services.
10. Plaintiff did not receive a response to his first request for dental services. Thereafter, plaintiff submitted numerous additional requests for dental services.
11. Plaintiff did not receive any dental services while he was confined at the Jail.
12. On or about March 14, 2008, plaintiff was transferred to the Illinois Department of Corrections.
13. While in the Illinois Department of Corrections, received dental services and was required to undergo fourteen or fifteen tooth extractions.
14. As the result of defendant's policies, plaintiff experienced great pain and suffering and incurred permanent damage to his mouth.
15. Defendants' above described actions were taken in deliberate indifference to the dental needs of prisoners at the Cook County Jail.
16. Plaintiff hereby demands trial by jury.

Wherefore plaintiffs request that judgment be entered in his favor in an amount in excess of fifty thousand dollars and that the Court grant such relief as may be appropriate. to each member of the proposed class as may be appropriate.

/s/ Kenneth N. Flaxman

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