

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN OF THE UNITED STATES OF AMERICA
FOR THE SOUTHERN DISTRICT OF ILLINOIS

_____)	
DEON HAMPTON #M15934,)	
)	
Plaintiff(s),)	
)	
vs.)	Case 18-CV-550-NJR
)	
ILLINOIS DEPARTMENT OF)	
CORRECTIONS DIRECTOR JOHN)	
BALDWIN, et al.,)	
)	
Defendant(s).)	
_____)	

STATUS CONFERENCE

BE IT REMEMBERED AND CERTIFIED that heretofore on **3/12/2018**, the same being one of the regular judicial days in and for the United States District Court for the Southern District of Illinois, **Honorable Nancy J. Rosenstengel**, United States District Judge, presiding, the following proceedings were recorded by mechanical stenography; transcript produced by computer.

APPEARANCES:

FOR PLAINTIFF: Vanessa del Valle and Sheila A Bedi of Roderick and Solange MacArthur Justice Center, Northwestern Univ. Sch. of Law, 375 E. Chicago Avenue, Chicago, IL 60611; and, Alan S. Mills of Uptown People's Law, 4413 N. Sheridan, Chicago, IL 60640.

ALSO PRESENT: Chris Higgerson and Lisa Cook, Office of the Attorney General-Springfield, 500 South Second Street, Springfield, IL 62701.

REPORTED BY: Molly N. Clayton, RPR, FCRR, Official Reporter for United States District Court, SDIL, 750 Missouri Ave., East St. Louis, Illinois 62201, (618)482-9226, molly_clayton@ilsd.uscourts.gov

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX OF WITNESS EXAMINATION

DX CX R-DX R-CX

No witness testimony.

INDEX OF EXHIBITS

EXHIBIT DESCRIPTION Id'D Rcv'd

No exhibits identified or received.

MISCELLANEOUS INDEX

PAGE

No miscellaneous index entries.

1 *COURTROOM DEPUTY:* All right. Counsel, we are now on
2 the record in case No. 18-CF-550 for a status conference.

3 On the line for plaintiff I have Vanessa del Valle,
4 Alan Mills, and Sheila Bedi. And also on the line, I have Lisa
5 Cook and Chris Higerson.

6 Counsel, I would ask that you identify yourself before
7 speaking so we might have an accurate record today.

8 *THE COURT:* Good morning, counsel.

9 This case, I note, was filed last week on Thursday,
10 the complaint was filed, and was moved out of threshold because
11 plaintiff is represented by counsel. The same day counsel
12 filed a motion for an expedited evidentiary hearing and
13 expedited discovery for motions on preliminary injunction.

14 Now, Mr. Higerson and Ms. Cook, I appreciate you
15 participating in the call today. I note that summons was just
16 issued on Friday so the defendants have not been served. But
17 also, in looking into this, it's clear that this has been going
18 on for some time with this plaintiff. There was a lawsuit in
19 front of Judge Herndon that was settled, and that was dealing
20 with conduct at Menard.

21 There is a pending case in front of Judge Reagan
22 dealing with matters that took place in Pinckneyville.

23 And it looks like now that the plaintiff is at
24 Lawrence -- at the Lawrence facility, where she was transferred
25 as a result of the settlement in Judge Herndon's case, but the

1 issues are ongoing.

2 So I wanted to have this status just to, if you can --
3 someone can enlighten me a little bit more about the history of
4 what's going on. It looks like there have been some attempts
5 to get more information since she was transferred to Lawrence.
6 And I'm particularly interested in what proceedings occurred in
7 front of Judge Daly leading up to the settlement.

8 So, who would like to speak on behalf of the
9 plaintiff?

10 MS. BEDI: I will do my best to explain what happened
11 before Judge Daly. We filed for a preliminary injunction in
12 that case as well; and, we're seeking immediate action,
13 including a transfer to get the plaintiff moved way from
14 Menard, where she was experiencing both assaults and constant
15 threats, and also an atmosphere of really intense harassment,
16 all relating to her status as a transwoman.

17 On our second day of hearing, the department
18 approached us with the possibility -- with the judge's
19 encouragement, with the possibility of trying to negotiate a
20 resolution. The plaintiff was scared for her life were she to
21 remain in Menard. So, she agreed to be transferred to
22 Lawrence, based on representations that the Lawrence
23 Correctional Center was better equipped at meeting the needs of
24 transwomen.

25 And a term of the settlement was that, within 60 days

1 of the date of the settlement, the gender committee would
2 review the plaintiff for placement at the Logan Correctional
3 Center, and determine whether that was appropriate; and, if it
4 wasn't appropriate, identify why it was not appropriate.

5 So, plaintiff has been advised by multiple mental
6 health professionals that the decision to house her -- to keep
7 her housed in a men's prison has already been made. We have
8 made multiple attempts to try to confirm that, and to try to
9 get her records so that we could understand exactly what the
10 Department's reasoning is, but we have been unable to do so.

11 I will note that we have gotten some of her medical
12 and mental health records from the defendant, and that her
13 testosterone level remains undetectable, her estrogen level is
14 at about 390, I believe; meaning that she is chemically
15 castrate. And we have got experts who are prepared to testify
16 that there is no medical justification for keeping her in a
17 men's prison.

18 Since she's been at Lawrence, she's been compensated
19 significantly. She has had multiple suicide attempts. Her
20 mental health status is -- it's a very urgent situation. She's
21 in segregation right now. And that is one of the issues that
22 we want to bring to the Court's attention.

23 The other issue is the fact that she just simply can't
24 be kept safe in a men's prison. Since she's been at Lawrence
25 she was assaulted. A prisoner -- officers left her alone,

1 vulnerable on the yard, a prisoner exposed himself to her,
2 threatened to rape her, is now on the segregation unit with her
3 and is continuing to threaten her. He can't get access to her
4 because they're in segregation, but she is still having to hear
5 these threats constantly. She also had a altercation with an
6 officer where there was a very violent use of force. She was
7 again on the yard, trying to get into a cage where she could
8 safely have her recreation, free from assaults, and the officer
9 ended up slamming her head into the wall of the cage.

10 So, what we're asking for right now is, we want to get
11 the records. We want to understand what the Department knows,
12 or what the Department has decided about her mental health
13 status, as well as the possibility of getting her transitioned
14 to Logan. And then what we would like to do is put on
15 evidence, that we think is very strong, that to keep
16 Ms. Hampton in a men's facility constitutes unlawful
17 discrimination; and to keep her in segregation is cruel and
18 unusual punishment, particularly given how seriously she's been
19 compensated since being at Logan -- being at Lawrence, I
20 apologize.

21 *THE COURT:* Mr. Higgeson or Ms. Cook, would you like
22 to respond?

23 *MR. HIGGERSON:* We can certainly work with the
24 Department at this point to get the rest of whatever records
25 are needed. As you noted already, we don't represent anybody

1 yet, so, we really can't file anything, and no position.

2 But as far as getting the information out there, we
3 can -- that's certainly something we can do.

4 *THE COURT:* Okay. Now, I note there were other
5 individuals at the Attorney General's office that were involved
6 in Judge Herndon's case. And then it looks like in Judge
7 Reagan's case.

8 Ms. Bedi, who have you been working with mostly? I
9 don't want to overlap efforts, and I don't want anyone to be
10 able to say, Well, I thought someone else was doing it. So,
11 who have you been working with?

12 *MS. BEDI:* We've been working directly with Eric at
13 Menard. And, I apologize, I don't have his last name right in
14 front of me. And then it's Kay -- Ms. McClimans was the
15 attorney who was representing the Department in the preliminary
16 hearing, the hearing for preliminary injunction.

17 *THE COURT:* Eric Rieckenberg, is that --

18 *MS. BEDI:* Yes.

19 *THE COURT:* I saw that e-mail, but I didn't know who
20 that was.

21 Well, Mr. Higerson, I appreciate your willingness to
22 work with them. And I think the things set out in plaintiff's
23 motion of what they -- let me see if this is -- yeah, so, in
24 Document 5-5, which is the expedited request for production and
25 the expedited interrogatories, those all seem very straight

1 forward, and things that should be able to be turned over very
2 quickly. So, Mr. Higginson, take a look at those, and work
3 with plaintiff's counsel to get these documents.

4 And what I'd like to do is set this for another status
5 next Monday, and see where we are. And, then, I will either
6 set it for a hearing -- the case is currently assigned to Judge
7 Wilkerson, but, I'm wondering, since Judge Daly has some
8 history with this and, really, in many ways this is coming out
9 of the settlement that was reached before her, I may send it
10 back to Judge Daly for further hearing.

11 But, I think -- I noticed, I mean, Friday was the 60
12 days and, so, we need to get this addressed. One case was
13 settled, and it doesn't seem that any real resolution has been
14 reached.

15 Deana is going to look and see what time we can do it
16 next Monday. So, anything else anyone wants to say on behalf
17 of plaintiff?

18 *MS. BEDI:* Not at this time, your Honor.

19 *THE COURT:* All right.

20 Mr. Higginson, anything else?

21 *MR. HIGGINSON:* We have nothing else.

22 *THE COURT:* Okay. Well, we will get a notice out
23 today setting it -- okay, 10:00 next Monday we'll have another
24 status. And between now and then, I hope that plaintiff can
25 get the documents that they seek. And we'll know then when we

1 can set it for hearing.

2 Okay, anything else, Counsel?

3 *MS. BEDI:* No, your Honor. Thank you.

4 *MR. HIGGERSON:* No.

5 *MR. MILLS:* Thank you.

6 (Court adjourned)

7 -oOo-

8 REPORTER'S CERTIFICATE

9 I, Molly N. Clayton, RPR, FCRR, Official Court Reporter
10 for the U.S. District Court, Southern District of Illinois, do
11 hereby certify that I reported with mechanical stenography the
12 proceedings contained in pages 1 - 9; and that the same is a
13 full, true, correct and complete transcript from the record of
14 proceedings in the above-entitled matter.

15 DATED this 14th day of March, 2018.

16
17
18
19
20
21
22
23
24
25
s/Molly Clayton, RPR, FCRR
