

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

Chunece Jones-Broadway v. Illinois Department of Corrections
(IDOC), et al.

Jones-Broadway · No. 24-cv-11700 · Decided March 25, 2026

SUMMARY

The United States District Court for the Northern District of Illinois addresses three Rule 12(b)(6) motions in an action arising from Michael Broadway’s death from an asthma attack while incarcerated at Stateville Correctional Center. The amended complaint asserts Eighth Amendment deliberate-indifference, failure-to-intervene, and conspiracy claims, along with ADA, Rehabilitation Act, wrongful-death, survival, and respondeat-superior claims. The court grants the motions in part and denies them in part, allowing the deliberate-indifference and failure-to-intervene claims to proceed at this stage.

CASE DETAILS

COURT	United States District Court for the Northern District of Illinois, Eastern Division
WRITING FOR THE COURT	Andrea R. Wood
JURISDICTION	United States District Court for the Northern District of Illinois, Eastern Division
DECIDED	March 25, 2026
DOCKET	24-cv-11700
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, as administrator of Michael Broadway's estate, brought constitutional, federal statutory, and Illinois state-law claims arising from Broadway's death in IDOC custody. Defendants filed three partial motions to dismiss under Federal Rule of Civil Procedure 12(b) (6).
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, draws reasonable inferences in the plaintiff's favor, and asks whether the complaint contains sufficient factual matter to state a plausible claim for relief and provide fair notice. Federal

	pleading requirements apply to both federal and supplemental state-law claims litigated in federal court.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion; persuasive rather than precedential
PARTIES	Chunece Jones-Broadway v. Illinois Department of Corrections (IDOC), Wexford Health Sources, Inc., Edward Truitt, Jermiagh Daly, Britney Harvey, Amelia Arinaga, Kenneth Nushardt, Michael Bird, Patrick Gagliardo, Anthony Garant, Shane Leiby, Jeffrey Lovett, John Anderson Orock, Raymond Pahl, Edward Berzinski, Jennifer Henning

TOPICS

[motions to dismiss](#)
[section 1983](#)
[prisoners rights](#)
[ada / disability](#)
[sovereign immunity](#)

PRACTICE AREAS

[civil rights](#)
[constitutional law](#)
[prisoner medical care](#)
[disability discrimination](#)
[civil procedure](#)

[state sovereign immunity](#)
[wrongful death](#)

QUESTIONS PRESENTED

1. Whether the Amended Complaint plausibly stated an Eighth Amendment deliberate-indifference claim.
2. Whether the complaint plausibly stated an Eighth Amendment failure-to-intervene claim under 42 U.S.C. § 1983 against the individual defendants, including officials who allegedly shared responsibility for dangerous heat conditions.
3. Whether the complaint plausibly alleged a § 1983 conspiracy.
4. Whether the ADA claim against IDOC was duplicative of the Rehabilitation Act claim and should be dismissed or stricken.
5. Whether the Illinois wrongful-death and survival claims were sufficiently pleaded under federal pleading standards and whether the medical-affidavit requirement of 735 ILCS 5/2-622 required dismissal at the pleading stage.
6. Whether Illinois sovereign immunity barred the state-law damages claims against the IDOC Defendants.
7. Whether respondeat superior was an independent claim against Wexford or remained available as a theory of vicarious liability for state-law claims.
8. Whether the request for punitive damages should be stricken.

HOLDINGS

1. The Amended Complaint plausibly stated an Eighth Amendment deliberate-indifference claim against the individual defendants and Wexford; the motions to dismiss Count I were denied.

2. The complaint plausibly stated failure-to-intervene claims against the individual defendants, including Daly, Truitt, and Berzinski.
3. The complaint failed to plausibly allege a conspiracy among the individual defendants, so Count III was dismissed.
4. The ADA claim against IDOC was not dismissed as duplicative of the Rehabilitation Act claim.
5. The complaint sufficiently pleaded medical-negligence theories supporting the wrongful-death and survival claims against Wexford and Berzinski, and the absence of a 735 ILCS 5/2-622 affidavit at filing did not require dismissal.
6. Illinois sovereign immunity barred the state-law damages claims against the IDOC Defendants, and Counts VI and VII were dismissed without prejudice as to those defendants.
7. Count VIII was dismissed because respondeat superior is not an independent cause of action, but Jones-Broadway could pursue vicarious liability against Wexford for state-law claims in Counts VI and VII.
8. The request for punitive damages was not stricken because punitive damages may be available on the constitutional claims, although they are unavailable on the Illinois medical-negligence claims.

KEY QUOTATIONS

“To survive a Rule 12(b)(6) motion to dismiss, “a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’””

“Thus, a failure-to-intervene theory of § 1983 liability is appropriate in some circumstances not because it holds a defendant accountable for the actions of others, but because it holds them accountable for their own constitutional violation.”

“Accordingly, the lack of an affidavit at this stage does not provide a basis to dismiss either of Jones-Broadway’s state law claims.”

“The present case involves claims against the IDOC Defendants in their personal capacities and seeks damages for past harm suffered by Broadway and Jones-Broadway.”

FACTUAL BACKGROUND

Michael Broadway, who had severe asthma, was incarcerated at Stateville Correctional Center in June 2024. The complaint alleged that extreme heat, poor ventilation, a fifth-floor cell assignment, and the failure to operate an available industrial fan aggravated his condition. When Broadway experienced severe respiratory distress, correctional and medical personnel allegedly delayed calling a Code 3 or 911, failed to bring required emergency equipment, administered ineffective naloxone, and delayed transporting him to a hospital. Broadway was declared dead shortly after arrival, with bronchial asthma identified as the cause of death and heat stress as a significant contributing condition.

PROCEDURAL HISTORY

The action was pending in the Northern District of Illinois on an eight-count Amended Complaint. Wexford moved to dismiss Counts II, III, VI, VII, and VIII; the IDOC Defendants moved to dismiss portions of Counts I

through VII; and Nurse Berzinski moved to dismiss Counts II, III, VI, and VII. The court granted the motions in part and denied them in part, dismissing the conspiracy claim, dismissing the state-law claims against the IDOC Defendants without prejudice on sovereign-immunity grounds, and dismissing respondeat superior as a standalone count against Wexford.

DISPOSITION

other

CASES CITED

- Killingsworth v. HSBC Bank Nevada, N.A., 507 F.3d 614, 618 (7th Cir. 2007)
- Tamayo v. Blagojevich, 526 F.3d 1074, 1081 (7th Cir. 2008)
- Ashcroft v. Iqbal, 556 U.S. 662, 676, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 557, 570 (2007)
- Adams v. City of Indianapolis, 742 F.3d 720, 728 (7th Cir. 2014)
- Hefferman v. Bass, 467 F.3d 596, 599-600 (7th Cir. 2006)
- Cesal v. Moats, 851 F.3d 714, 725 (7th Cir. 2017)
- Farmer v. Brennan, 511 U.S. 825, 837 (1994)
- Whiting v. Wexford Health Sources, Inc., 839 F.3d 658, 662 (7th Cir. 2016)
- Harper v. Albert, 400 F.3d 1052, 1064 (7th Cir. 2005)
- Lewis v. Downey, 581 F.3d 467, 472 (7th Cir. 2009)
- Windle v. City of Marion, 321 F.3d 658, 663 (7th Cir. 2003)
- Yang v. Hardin, 37 F.3d 282, 284-85 (7th Cir. 1994)
- Haywood v. Hathaway, 842 F.3d 1026, 1031 (7th Cir. 2016)
- Abdullahi v. City of Madison, 423 F.3d 763, 774 (7th Cir. 2005)
- Burks v. Raemisch, 555 F.3d 592, 594-95 (7th Cir. 2009)
- Piercy v. Whiteside County, No. 14 CV 7398, 2016 WL 1719802, at *7 (N.D. Ill. Apr. 29, 2016)
- Beaman v. Freesmeyer, 776 F.3d 500, 510 (7th Cir. 2015)
- Walker v. Thompson, 288 F.3d 1005, 1007-08 (7th Cir. 2002)
- Roehl v. Merrilees, No. 11 C 4886, 2012 WL 1192093, at *8 (N.D. Ill. Apr. 10, 2012)
- Sanchez v. Village of Wheeling, 447 F. Supp. 3d 693, 705 (N.D. Ill. 2020)
- Chatman v. City of Chicago, No. 14 C 2945, 2015 WL 1090965, at *7 (N.D. Ill. Mar. 10, 2015)
- Cooney v. Rossiter, 583 F.3d 967, 971 (7th Cir. 2009)
- Pirelli Armstrong Tire Corp. Retiree Medical Benefits Trust v. Walgreen Co., 631 F.3d 436, 448 (7th Cir. 2011)
- McDaniel v. Syed, 115 F.4th 805, 812, 822-23 (7th Cir. 2024)
- A.H. ex rel. Holzmueller v. Illinois High School Association, 881 F.3d 587, 592 (7th Cir. 2018)
- Cesca v. Western Illinois University Board of Trustees, 716 F. Supp. 3d 696, 713 (C.D. Ill. 2024)

- Lawler v. University of Chicago Medical Center, 104 N.E.3d 1090, 1094 (Ill. 2017)
- Advincula v. United Blood Services, 678 N.E.2d 1009, 1029 (Ill. 1996)
- Cangemi v. Advocate South Suburban Hospital, 845 N.E.2d 792, 804 (Ill. App. Ct. 2006)
- Young v. United States, 942 F.3d 349, 350-52 (7th Cir. 2019)
- Dangerfield v. Wexford Health Sources Inc., No. 23-CV-03687, 2024 WL 2873809, at *6-*7 (S.D. Ill. June 7, 2024)
- Sonntag v. Cook County, No. 21 C 4935, 2022 WL 704833, at *5 (N.D. Ill. Mar. 9, 2022)
- Woods v. Cook County, No. 13 C 2607, 2014 WL 340422, at *3 (N.D. Ill. Jan. 30, 2014)
- Fields v. Wharrie, 672 F.3d 505, 518 (7th Cir. 2012)
- Rodriguez v. Cook County, 664 F.3d 627, 630-32 (7th Cir. 2011)
- T. S. v. County of Cook, 67 F.4th 884, 891, 894-95 (7th Cir. 2023)
- Healy v. Vaupel, 549 N.E.2d 1240, 1247 (Ill. 1990)
- Murphy v. Smith, 844 F.3d 653, 658-59 (7th Cir. 2016), *aff'd*, 583 U.S. 220 (2018)
- Leetaru v. Board of Trustees of University of Illinois, 32 N.E.3d 583, 585 (Ill. 2015)
- Parmar v. Madigan, 106 N.E.3d 1004, 1010 (Ill. 2018)
- Iskander v. Village of Forest Park, 690 F.2d 126, 128 (7th Cir. 1982)
- Shields v. Illinois Department of Corrections, 746 F.3d 782, 789 (7th Cir. 2014)
- Armbruster v. Wexford Health Sources, Inc., No. 16-CV-0544, 2017 WL 2619032, at *3 (S.D. Ill. June 16, 2017)
- White v. Watson, No. 16-CV-560, 2018 WL 2047934, at *15 (S.D. Ill. May 2, 2018)
- Bernier v. Burris, 497 N.E.2d 763, 776 (Ill. 1986)
- Woodward v. Correctional Medical Services of Illinois, Inc., 368 F.3d 917, 930 (7th Cir. 2004)
- Minix v. Canarecci, 597 F.3d 824, 830 (7th Cir. 2010)
- Hill v. Shelander, 924 F.2d 1370, 1374 (7th Cir. 1991)
- White v. United States, 8 F.4th 547, 552 (7th Cir. 2021)
- United States v. Collins, 796 F.3d 829, 836 (7th Cir. 2015)

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