

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

Kavarian Rogers v. Thomas Dart, Sheriff of Cook County, and Cook
County, Illinois

Kavarian Rogers v. Dart · No. 24-cv-03739 · Decided March 16, 2026

SUMMARY

The United States District Court for the Northern District of Illinois denied Defendants’ motion for judgment on the pleadings based on alleged failure to exhaust administrative remedies under the Prison Litigation Reform Act. The court held that the plaintiff’s December 2023 grievance regarding inaccessible toilets was sufficient, or that further remedies were unavailable, because jail officials treated it as duplicative and stated that it could not be appealed. The court also noted that the class claims could proceed under a theory of vicarious exhaustion.

CASE DETAILS

COURT	United States District Court for the Northern District of Illinois, Eastern Division
WRITING FOR THE COURT	Mary M. Rowland
JURISDICTION	United States District Court for the Northern District of Illinois, Eastern Division
DECIDED	March 16, 2026
DOCKET	24-cv-03739
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved for judgment on the pleadings under Federal Rule of Civil Procedure 12(c), asserting that named plaintiff Kavarian Rogers failed to exhaust administrative remedies concerning inaccessible toilets in Division 9 of the Cook County Jail.
STANDARD OF REVIEW	Under Rule 12(c), judgment on the pleadings is appropriate only when it appears beyond doubt that the plaintiff cannot prove any facts supporting relief and the moving party demonstrates that no material issues of fact remain. Well-pleaded allegations in the nonmovant's pleadings are accepted as true, and reasonable inferences are drawn in the nonmovant's favor. The court may consider the complaint, answer,

	written instruments attached as exhibits, and matters subject to judicial notice.
PRECEDENTIAL VALUE	Nonprecedential district-court memorandum opinion
PARTIES	Thomas Dart, Sheriff of Cook County, Cook County, Illinois v. Kavarian Rogers

TOPICS

motion for judgment on the pleadings

prisoners rights

affirmative defenses

ada / disability

civil procedure

PRACTICE AREAS

Civil procedure

Prison litigation

Disability discrimination

Class actions

QUESTIONS PRESENTED

1. Whether defendants' Rule 12(c) motion was procedurally proper when filed after summary-judgment briefing and relied on materials beyond the pleadings.
2. Whether Rogers exhausted available administrative remedies concerning the allegedly inaccessible Division 9 toilets under the Prison Litigation Reform Act.
3. Whether the class claims could proceed under vicarious exhaustion if Rogers himself had failed to exhaust.

HOLDINGS

1. The motion was procedurally cognizable because defendants had pleaded failure to exhaust as an affirmative defense in their answers; the court therefore addressed the exhaustion argument notwithstanding defendants' reliance on materials beyond the pleadings.
2. Defendants were not entitled to judgment on the pleadings on their failure-to-exhaust defense because the December 21, 2023 grievance was rendered practically unavailable for further pursuit by the jail's confusing noncompliance determination and express statement that the grievance could not be appealed. Rogers's grievance also gave the jail notice of the toileting-accommodation issue and invited corrective action.
3. Alternatively, even if Rogers had failed to exhaust, defendants were not entitled to judgment on the pleadings because their motion addressed only Rogers and not whether another class member had exhausted available remedies.

KEY QUOTATIONS

“An administrative scheme might be so opaque that it becomes, practically speaking, incapable of use.”
(Analysis, section II)

“Rogers reasonably would be led to believe no further steps were available to him because the form warned “[t]his grieved issue . . . cannot be appealed,” and the form further stated, “remedies cannot be exhausted.””

(Analysis, section II)

“Inmates are not required to follow a procedure that they are not aware of.” (Analysis, section II)

FACTUAL BACKGROUND

Rogers was detained at Cook County Jail and was prescribed a cane, crutch, or walker by a jail medical provider. He alleged that toilets and showers in Division 9 lacked grab bars and mounted shower seats, preventing disabled detainees from using those facilities on the same basis as nondisabled detainees. Rogers filed grievances about inaccessible showers in 2022 and 2023 and a December 21, 2023 grievance specifically complaining that Division 9 toilets lacked rails, handles, or other support. Jail officials deemed the December grievance noncompliant as duplicative of an earlier shower grievance and stated that it could not be appealed.

PROCEDURAL HISTORY

Rogers filed the action on May 8, 2024, alleging violations of Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act based on inaccessible toilets and showers. The court previously certified Rule 23(b)(2) and Rule 23(b)(3) classes. After defendants answered and pleaded failure to exhaust as an affirmative defense, they moved for judgment on the pleadings. The court denied the motion, concluding that defendants failed to prove that available administrative remedies remained unexhausted and, alternatively, that the motion did not establish entitlement to judgment against the class.

DISPOSITION

other

CASES CITED

- Brunt v. Service Employees International Union, 284 F.3d 715, 718 (7th Cir. 2002)
- Moss v. Martin, 473 F.3d 694, 698 (7th Cir. 2007)
- Federated Mutual Insurance Co. v. Coyle Mechanical Supply Inc., 983 F.3d 307, 312-13 (7th Cir. 2020)
- Mesa Laboratories, Inc. v. Federal Insurance Co., 994 F.3d 865, 867 (7th Cir. 2021)
- Milwaukee Police Association v. Flynn, 863 F.3d 636, 640 (7th Cir. 2017)
- Perttu v. Richards, 605 U.S. 460, 465 (2025)
- Pavey v. Conley, 663 F.3d 899, 903 (7th Cir. 2011)
- King v. McCarty, 781 F.3d 889, 893, 896 (7th Cir. 2015)
- Woodford v. Ngo, 548 U.S. 81, 93 (2006)
- Maddox v. Love, 655 F.3d 709, 720-21 (7th Cir. 2011)
- Jones v. Bock, 549 U.S. 199, 219 (2007)
- Ross v. Blake, 578 U.S. 632, 642-44 (2016)
- Wallace v. Baldwin, 55 F.4th 535, 542 (7th Cir. 2022)
- Reid v. Balota, 962 F.3d 325, 330-31 (7th Cir. 2020)
- Ajala v. Tom, 592 F. App'x 526, 528 (7th Cir. 2015)

- Kaba v. Stepp, 458 F.3d 678, 684 (7th Cir. 2006)
- Shelby v. Dart, 2015 WL 8329971, at *5 (N.D. Ill. Dec. 9, 2015)
- Dole v. Chandler, 438 F.3d 804, 811 (7th Cir. 2006)
- White v. Bukowski, 800 F.3d 392, 397 (7th Cir. 2015)
- Pyles v. Nwaobasi, 829 F.3d 860, 867 (7th Cir. 2016)
- Riccardo v. Rausch, 375 F.3d 521, 524 (7th Cir. 2004)
- Phipps v. Sheriff of Cook County, 681 F. Supp. 2d 899, 908 (N.D. Ill. 2009)
- Chandler v. Crosby, 379 F.3d 1278, 1287 (11th Cir. 2004)
- Meisberger v. Donahue, 245 F.R.D. 627, 629 (S.D. Ind. 2007)
- Parungao v. Community Health Systems, Inc., 858 F.3d 452, 457 (7th Cir. 2017)
- Simpson v. Greenwood, 2007 WL 5445538, at *1 (W.D. Wis. Apr. 6, 2007)
- Rodriguez v. Judkins, 2020 U.S. Dist. LEXIS 198558, at *26-27 (N.D. Ill. Oct. 26, 2020)
- Johnson v. Manis, 2020 U.S. Dist. LEXIS 211434, at *6-11 (N.D. Ill. Nov. 12, 2020)
- Milner v. Young, 2021 U.S. Dist. LEXIS 58746, at *8-18 (N.D. Ill. Mar. 28, 2021)

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