

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

BRADFORD WHITE,)
)
) Plaintiff,)
)
 v.) No. 08 C 1349
)
 COUNTY OF COOK, et al.,)
)
) Defendants.)

MEMORANDUM ORDER

This Court's brief December 3, 2008 memorandum order directed defense counsel "to file, on or before December 12, 2008, a statement as to the administrative remedies White effectively had available to him in the emergency situation that he confronted, so as to trigger the operation of 42 U.S.C. §1997e(a)." In response the several defendants referred to collectively as "Sheriff Defendants" have confirmed:

The Sheriff of Cook County, a separate constitutional entity from Defendant County of Cook, as well as the other individual Sheriff Defendants, have not asserted an affirmative defense of exhaustion of administrative remedies. Said affirmative defense was raised in the recent answer filed by co-defendant, County of Cook.

But the remaining defendants, represented by the Cook County State's Attorney's office, have provided no explanation of their different stance. Under the circumstances this Court strikes their nonexhaustion defense, and this action will proceed against all named defendants on that basis.



Milton I. Shadur
Senior United States District Judge

Date: December 15, 2008