

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS

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MAURA O'NEILL, as administrator of the Estate)	
of Madelyn E. Linsenmeir,)	
)	
Plaintiff,)	
v.)	Civil Action No.: 3:20-cv-30036
)	
CITY OF SPRINGFIELD, MOISES)	
ZANAZANIAN, REMINGTON MCNABB,)	
SHEILA RODRIGUEZ, HAMPDEN COUNTY)	
SHERRIFF'S DEPARTMENT, EILEEN)	
BARRETT AND MAUREEN COUTURE,)	
)	
Defendants)	
_____)	

**MUNICIPAL DEFENDANTS' RESPONSE TO PLAINTIFF'S
STATEMENTS OF ADDITIONAL FACTS**

Pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56.1, the City of Springfield, Moises Zanazanian, Remington McNabb and Sheila Rodriguez ("Municipal Defendants") hereby respond to Plaintiff's Statements of Additional Facts. The positions, facts, statements, and objections herein are offered for summary judgment purposes only, and the Municipal Defendants expressly reserve, and do not waive, any and all objections to evidence and factual assertions that may be made at trial.

PLAINTIFF'S STATEMENT OF ADDITIONAL FACTS

1. In 2018, SPD's booking and lockup area were staffed with a booking sergeant, a booking officer, a male cell guard, and a female detention attendant known as a "matron." Declaration of Julius Halstead ("Halstead Decl.") Ex. 1 (McNabb Dep. 41:20-42:4).

Response: Not disputed.

2. The booking staff were supervised by a watch commander, whose office was

adjacent to the booking area. Halstead Decl. Ex 1 (McNabb Dep. 86:8-11; 89:4-19; 92:16-22).

Response: Not disputed.

3. The booking sergeant, booking officer, and matron all had responsibility for the health and safety of the female detainees in the booking area and the lockup. Halstead Decl. Exs. 2 (Zanazanian Dep. 18:4-9); 1 (McNabb Dep. 42:17-22); 3 (Rodriguez Dep. 46:13-16).

Response: Not disputed.

4. SPD's Rule 26 stated, "If in the judgment of the Superior Officer or officer of rank in charge, the prisoner is suffering from wounds or injuries which require medical attention, the arrested person shall be taken to a hospital" Halstead Decl. Ex. 38.

Response: Not disputed.

5. Other than Rule 26, there were no other written rules or instructions as to when to obtain medical attention. Halstead Decl. Exs. 5 (Clapprood Dep. 85:16-86:17); 22 (Barbieri Dep. 23:5-23:14).

Response: Not disputed.

6. Instead, officers were authorized to rely entirely on their own subjective judgment.

Halstead Decl. Exs. 5 (Clapprood Dep. 85:16-85:21, 87:4-87:16, 87:24-88:6); 23 (Strout Dep.

32:18-34:20).

Response: Disputed to the extent that the testimony cited does not support the assertion; the officers relied on their judgment as informed by their training and experience, including their first responder training.

7. Officers' exercise of this discretion could include the denial of medical care if they believed someone was lying about their symptoms. Halstead Decl. Exs. 2 (Zanazanian Dep.

95:23- 97:4); 23 (Strout Dep. 33:8-34:3); 5 (Clapprood Dep. 87:12-87:16, 88:7-87:11).

Response: Not disputed for purposes of this motion.

8. Former Police Chief John Barbieri, who was chief when Ms. Linsenmeir was held in SPD, testified that prisoners “want to go to the hospital rather than stay in” the police lockup. Halstead Decl. Ex. 22 (Barbieri Dep. 73:1-7).

Response: Not disputed.

9. Current police Superintendent Cheryl Clapprood testified that prisoners often lie about their medical conditions. Halstead Decl. Ex. 5 (Clapprood Dep. 85:22-86:21).

Response: Not disputed.

10. Whether someone is lying is a subjective determination that is unreliable and likely to result in dangerously wrong decisions. Halstead Decl. Exs. 8 (Jordan Rep. at 8); 5 (Clapprood Dep. 85:16-85:21, 87:4-87:16, 87:24-88:6); 23 (Strout Dep. 33:18-34:20).

Response: Disputed. This is not a “concise statement of material fact” but is rather argument and it misstates the testimony cited to. Further, the “Jordan Rep.” cited to is opinion, not a statement of fact.

11. Officers received no training in how to determine whether a prisoner was lying about her symptoms. Halstead Decl. Ex. 5 (Clapprood Dep. 88:7-11).

Response: Not disputed.

12. Allowing police officers to deny medical care based on their stated belief that someone is lying about their symptoms can lead to officers’ improperly denying medical care. Officers can become jaded or callous toward prisoners; to counteract this, there needs to be a clear set of rules requiring officers not to discount serious symptoms. Halstead Decl. Ex. 8 (Jordan Rep. at 8).

Response: Disputed. This is not a “concise statement of material fact” but is rather argument and opinion testimony.

13. The City did not find that Zanzanian violated Rule 26. Halstead Decl. Ex. 19.

Response: Not disputed.

14. Sergeant Zanzanian’s supervisor testified that the procedures for providing medical care were followed in Ms. Linsenmeir’s case. Halstead Decl. Ex. 24 (Strzempek Dep. 52:17-52:21).

Response: Not disputed.

15. In 2018, the SPD lacked a clear rule requiring the booking staff to provide medical evaluation and treatment to sick people in SPD custody. Halstead Decl. Ex. 8 (Jordan Rep. at 7).

Response: Disputed. This is not a “concise statement of material fact” but is rather argument. The City had a written rule.

16. It was inevitable that the SPD’s failure to have a clear policy requiring officers to obtain a medical evaluation when prisoners show symptoms of illness or injury, or request medical attention, would lead to improper decisions leading to catastrophic consequences. Halstead Decl. Ex. 8 (Jordan Rep. at 8).

Response: Disputed. This is not a “concise statement of material fact” but is rather argument and opinion testimony.

17. The SPD’s Internal Investigation Unit (“IIU”) investigated potential violations of SPD rules and policies. Halstead Decl. Ex. 6 (McCoy Dep. 55:10-57:12).

Response: Not disputed, but not material to this dispute.

18. In 2018, multiple aspects of SPD’s IIU went against accepted national standards.

Halstead Decl. Ex. 8 (Jordan Rep. at 9-10).

Response: Disputed. This is not a “concise statement of material fact” but is rather argument and opinion testimony. Further, the statement is not material to this dispute.

19. In 2018, the SPD’s IIU did not have any written policies governing its activities.

Halstead Decl. Ex. 6 (McCoy Dep. 67:18-68:9).

Response: Not disputed, but not material to this dispute.

20. In 2018, the IIU had no policy for selecting which witnesses would be interviewed in internal investigations, or how those interviews would be conducted, or how documentary evidence would be collected. Halstead Decl. Ex. 6 (McCoy Dep. 69:5-15, 70:13-17).

Response: Not disputed, but not material to this dispute.

21. The deficiencies in the IIU’s processes were likely to lead to less-than-thorough, unreliable, or inaccurate investigation outcomes, making it more difficult to hold officers accountable for misconduct. Halstead Decl. Ex. 8 (Jordan Rep. at 9-10).

Response: Disputed. This is not a “concise statement of material fact” but is rather argument and opinion testimony. Further, the statement is not material to this dispute.

22. The City’s Community Police Hearing Board (“CPHB”), which screened the investigation results and held the disciplinary hearings, had “no formal protocols for the process followed by the board, and board members do not receive adequate training on how to execute their role.” Halstead Decl. Ex. 36 (PERF Report 2019 at 10).

Response: Disputed. This is not a “concise statement of material fact” but is

rather argument and opinion testimony. Further, the statement is not material to this dispute.

23. The “SPD does not have an adequate accountability system in place,” that it “fails to hold its IJU to even basic standards, perpetuating an environment that permits constitutional violations by officers,” and that the “CPHB fails to equip its members with the training and resources needed to adequately perform [its] tasks.” Halstead Decl. Ex. 7 (DOJ Rep. at 22-25 n.23).

Response: Disputed. This is not a “concise statement of material fact” but is rather argument and opinion testimony. Further, the statement is not material to this dispute. Further responding, the Department of Justice (“DOJ”) report cited is inapplicable to this case, and by its terms is not to be admitted into evidence in any cases. The DOJ report referred to was a finding of the potential of a pattern and practice limited only to the Narcotics Division of the SPD and has no bearing on the facts or circumstances of this case. A finding of likelihood of a pattern and practice is not a judgment or binding determination as a matter of law.

24. The SPD’s failure to create clear requirements that its officers and staff provide sick prisoners with necessary care, coupled with its lack of adequate systems to enforce the extremely vague rules that did exist, created a situation where the denial of medical care to a seriously ill prisoner was inevitable. Halstead Decl. Ex. 8 (Jordan Rep. at 8).

Response: Disputed. This is not a “concise statement of material fact” but is rather argument and opinion testimony. Further, the statement is not material to this dispute.

25. When no policies or procedures exist to hold people accountable, officers will do

what they want because there are no consequences. Left unchecked, officers will engage in rogue behavior or corruption. Halstead Decl. Ex. 8 (Jordan Rep. at 11).

Response: Disputed. This is not a “concise statement of material fact” but is rather argument and opinion testimony. Further, the statement is not material to this dispute.

26. Officers “should not be making the determination themselves whether someone’s symptoms or complaints warrant medical attention; EMTs or other medical professionals should make that determination.” Halstead Decl. Ex. 8 (Jordan Rep. at 8).

Response: Disputed. This is not a “concise statement of material fact” but is rather argument and opinion testimony. Further, the statement is not material to this dispute.

27. By September 28, 2018, Ms. Linsenmeir had endocarditis. Halstead Decl. Ex. 9 (Kimmel Rep. at 6).

Response: Not disputed.

28. On September 28, 2018, Ms. Linsenmeir sent her mother a message: “I need to go to the hospital I am dying I weigh 90 pounds mom I need you.” Halstead Decl. Ex. 10 (LINSENMEIR00009295).

Response: Not disputed.

29. On September 28, 2018, Ms. Linsenmeir sent her sister a message as well: “I am just in a lot of pain 90 pounds can’t eat sleep my chest Hurst my knee is so swollen i can’t even walk.” Halstead Decl. Ex. 10 (LINSENMEIR00009252).

Response: Not disputed.

30. On September 29 to 30, 2018, Sergeant Zanzanian was working two consecutive

shifts as the SPD's booking sergeant: from 4 p.m. to midnight on September 29, and then again from midnight to 8 a.m. on September 30. Halstead Decl. Ex. 2 (Zanazanian Dep. 33:20-34:16).

Response: Not disputed.

31. On September 29, 2018, Officer McNabb and Ms. Rodriguez worked the 4 p.m. to midnight shift in the booking area with Sergeant Zanazanian. Halstead Decl. Exs. 1 (McNabb Dep. 64:15-21); 3 (Rodriguez Dep. 54:10-12).

Response: Not disputed.

32. During his shifts on September 29 and 30, 2018, Sergeant Zanazanian was the supervisor for the booking area. Halstead Decl. Ex. 2 (Zanazanian Dep. 63:18-22).

Response: Not disputed.

33. On September 29, 2018, Officer McNabb and Ms. Rodriguez both knew that, if Sergeant Zanazanian was not properly performing his duties as booking sergeant, they had the ability to bring that to the attention of the watch commander. Halstead Decl. Exs. 1 (McNabb Dep. 93:14-22); 3 (Rodriguez Dep. 99:17-100:5).

Response: Not disputed.

34. Sergeant Zanazanian conducted Ms. Linsenmeir's initial booking interview, and Officer McNabb and Ms. Rodriguez could both hear what was being said. Halstead Decl. Exs. 2 (Zanazanian Dep. 40:8-18); 1 (McNabb Dep. 57:6-11, 66:6-19, 69:7-20); 3 (Rodriguez Dep. 57:8-16).

Response: Not disputed.

35. During her initial booking interview, Ms. Linsenmeir's stated the following:

- *"I'm very ill right now. I can't even think straight. I'm gonna like literally pass out from pain."*
- *"I might need to go to the hospital."*

- *“I have a really really really bad chest, like I don’t know what happened to it, it feels like it’s caving in, I can’t even breathe, and my knee, and my feet.”*
- *“I can’t breathe, my chest really hurts.”*
- *“I’m in so much pain right now, and I really need some water before... I really feel like I’m going to pass out.”*

deSousa Decl. Ex. D (booking videos).

Response: Not disputed, but not the totality of the interview and the entire videos are in the summary judgment record.

36. Officer Lindsay Tagliapietra who was present during the booking process, told Ms.Linsenmeir “Now you see what happens when you come to Springfield, no drugs in Springfield.” Halstead Decl. Ex. 2 (Zanazanian Dep. 63:23-64:5).

Response: Not disputed.

37. Sergeant Zanazanian did not say anything to Officer Tagliapietra about this comment and agreed with it. Halstead Decl. Ex. 2 (Zanazanian Dep. 63:23-64:5).

Response: Not disputed.

38. After her initial booking interview, Ms. Linsenmeir was taken back to her cell, where she told Ms. Rodriguez that she was in pain every 15 minutes for at least two hours. Halstead Decl. Ex. 3 (Rodriguez Dep. 115:13-118:21).

Response: Not disputed. In answering further, she reported having body aches, not chest pain.

39. Ms. Linsenmeir could not lie down on the bed because of pain. Halstead Decl. Exs. 3 (Rodriguez Dep. 112:6-18); 34.

Response: Not disputed. In answering further, the exact statement was

“Madelyn cannot lay on the bed because of her body aches”.

40. Ms. Rodriguez told Sergeant Zanzanian at least twice about Ms. Linsenmeir’s complaints in the cell. Halstead Decl. Ex. 3 (Rodriguez Dep. 115:13-118:21).

Response: Not disputed. In answering further, Rodriguez did not feel that Ms. Linsenmeir was suffering a medical emergency.

41. Ms. Rodriguez’s believed that she was required to log prisoners’ complaints of serious symptoms in her matron’s log. Halstead Decl. Ex. 3 (Rodriguez 115:13-118:21, 112:6-18, 43:20-45:10, 104:11-107:12).

Response: Not disputed.

42. Ms. Rodriguez did not log any of Ms. Linsenmeir’s symptoms or complaints in the matron’s log. Halstead Decl. Ex. 27; 3 (Rodriguez 104:11-107:12).

Response: Not disputed.

43. In the booking area, there is a button behind the booking desk that, when pressed, activates the audio recording. Halstead Decl. Ex. 2 (Zanzanian Dep. 67:4-9).

Response: Not disputed.

44. Sergeant Zanzanian believed that the button to activate the audio recording “should have been pulled” when Ms. Linsenmeir returned to the booking area to make her phone call. Halstead Decl. Ex. 2 (Zanzanian Dep. 67:16-17).

Response: Not disputed.

45. When Officer McNabb reached down to prepare to activate the audio recording button, Sergeant Zanzanian waved him away with a hand gesture, indicating he should not audio record the discussion with Ms. Linsenmeir. deSousa Decl. Ex. D (booking videos).

Response: Not disputed that Zanzanian made a hand gesture. In answering

further, both McNabb and Zanzanian testified that they did not believe this “hand gesture” to indicate the audio should not be recorded.

46. Officer McNabb immediately walked away from the button, without activating the audio recording. *See* deSousa Decl. Ex. D (booking videos).

Response: Not disputed that the “button” was not activated.

47. When Ms. Linsenmeir returned to the booking area on September 29, 2018, she spoke with Sergeant Zanzanian and Ms. Rodriguez for several minutes, after which she was allowed to use the phone. *See* deSousa Decl. Ex. D (booking videos).

Response: Not disputed.

48. Sergeant Zanzanian, Officer McNabb, and Ms. Rodriguez were all present with Ms. Linsenmeir while she spoke on the phone and could hear her talking. Halstead Decl. Exs. 2 (Zanzanian Dep. 37:11-17); 1 (McNabb Dep. 57:6-15); 3 (Rodriguez Dep. 60:14-17); deSousa Decl. Ex. D (booking videos).

Response: Disputed as to McNabb. The cite to McNabb’s deposition transcript as stated by Plaintiff does not support this statement. Not disputed as to Zanzanian or Rodriguez.

49. Ms. Linsenmeir called her mother, Maureen Linsenmeir, and stated, among other things, that she could not breathe. Halstead Decl. Ex. 13 (M. Linsenmeir Dep. (11/10/2022) 142:21-143:23; M. Linsenmeir Dep. (12/16/2022) 187:2-9).

Response: Not disputed.

50. During the phone call, Sergeant Zanzanian stated that he would not be providing Ms. Linsenmeir with medical care because Ms. Linsenmeir’s symptoms arose before she was in the SPD’s custody, it was not their responsibility. Halstead Decl. Ex. 13 (M. Linsenmeir Dep.

(12/16/2022) 71:17–72:23).

Response: Disputed, but not material.

51. During the phone call, Sergeant Zanazanian said, sarcastically, “If you’re so worried about her medically, send an ambulance.” Halstead Decl. Exs. 13 (M. Linsenmeir Dep. (11/10/2022) 142:24–145:7; M. Linsenmeir Dep. (12/16/2022) 70:18-71:4); 5 (Clapprood Dep. 163:14-164:1).

Response: Disputed, but not material.

52. During the phone call, Sergeant Zanazanian stated that because Ms. Linsenmeir’s injuries arose before she was arrested, SPD “would not be treating her medically because that was not their responsibility.” Halstead Decl. Ex. 13 (M. Linsenmeir Dep. (12/16/2022) 71:22-72:1).

Response: Disputed, but not material.

53. After Ms. Linsenmeir spoke on the phone for several minutes, Sergeant Zanazanian gestured to her to wrap up the call, and Ms. Linsenmeir hung up. deSousa Decl. Ex. D (booking videos).

Response: Not disputed.

54. Ms. Linsenmeir then broke down in tears, stepped back from the desk, and spoke to the Sergeant Zanazanian, Officer McNabb, and Ms. Rodriguez while making repeated gestures to her chest and rib cage area. deSousa Decl. Ex. D (phone desk video).

Response: Not disputed.

55. After her phone call, Ms. Linsenmeir was pleading with the Sergeant Zanazanian, Officer McNabb, and Ms. Rodriguez for medical attention for her chest pain and difficulty breathing. deSousa Decl. Ex. D (booking videos).

Response: Disputed and not supported by any evidence.

56. After that interaction, Ms. Linsenmeir was taken back to the cell, where she continued to cry off and on until at least the end of Ms. Rodriguez's shift. Halstead Decl. Ex. 3 (Rodriguez Dep. 82:3-15).

Response: Not disputed.

57. Ms. Linsenmeir never told anybody that her chest pain went away or that she had stopped having difficulty breathing. Halstead Decl. Ex. 3 (Zanazanian Dep. 111:7-12).

Response: Not disputed.

58. Officer McNabb testified that, if he had encountered a person on the street reporting the same symptoms as Ms. Linsenmeir, he would offer to call an ambulance and call the ambulance if the person said "yes." Halstead Decl. Ex. 1 (McNabb Dep. 200:4-201:2).

Response: Not disputed.

59. Any reasonable police officer with similar experience and training to Zanazanian would have recognized that Ms. Linsenmeir's symptoms could be life threatening and required immediate medical attention. Halstead Decl. Ex. 8 (Jordan Rep. at 7).

Response: Disputed. This is not a "concise statement of material fact" but is rather argument and opinion testimony.

60. Accepted contemporary police practices required Zanazanian, McNabb, and Rodriguez to summon medical care for Ms. Linsenmeir, and to ask clarifying questions regarding her medical complaint. Halstead Decl. Ex. 8 (Jordan Rep. at 7).

Response: Disputed. This is not a "concise statement of material fact" but is rather argument and opinion testimony.

61. Ms. Linsenmeir's condition on September 29, 2018, should have triggered an

immediate call for medical attention. Halstead Decl. Exs. 9 (Kimmel Rep. at 7); 8 (Jordan Rep. at 7); 1 (McNabb Dep. 200:4-201:2); 18 (Barbieri Dep. 73:1–20).

Response: Disputed. This is not a “concise statement of material fact” but is rather argument and opinion testimony.

62. Chest pain can be a symptom of multiple serious conditions that cannot be ruled out without a proper medical examination. Halstead Decl. Ex. 9 (Kimmel Rep. at 7).

Response: Disputed. This is not a “concise statement of material fact” but is rather argument and opinion testimony. Further, the statement is not material to this dispute.

63. Determining if a patient’s chest pain is dangerous requires immediate medical attention and cannot be ignored. Halstead Decl. Ex. 9 (Kimmel Rep. at 7).

Response: Disputed. This is not a “concise statement of material fact” but is rather argument and opinion testimony.

64. Ms. Linsenmeir’s chest pain was likely a result of septic pulmonary emboli, which very likely would have been identified had she undergone a basic medical evaluation for chest pain. Halstead Decl. Ex. 9 (Kimmel Rep. at 7).

Response: Disputed. This is not a “concise statement of material fact” but is rather argument and opinion testimony. Further, the statement is highly speculative.

65. When Ms. Linsenmeir reported chest pain, difficulty breathing, and other symptoms on September 29, 2018, it was reasonably foreseeable that a serious medical consequence would occur without immediate medical attention. Halstead Decl. Exs. 9 (Kimmel Rep. at 7); 8 (Jordan at 7); 1 (McNabb Dep. 200:4-201:2); 22 (Barbieri Dep. 73:1–20); deSousa

Decl. Ex. D (booking videos).

Response: Disputed. This is not a “concise statement of material fact” but is rather argument and opinion testimony containing legal conclusions.

66. In instances of reported chest pain, there exist many relatively simple medical tests that can quickly provide objective information about the presence or absence of illness, such as chest x-ray, electrocardiogram (EKG), and echocardiogram. Halstead Decl. Ex. 9 (Kimmel Rep. at 7).

Response: Disputed. This is not a “concise statement of material fact” but is rather argument and opinion testimony. Further, the statement is not material to this dispute.

67. While Ms. Linsenmeir was in SPD custody, nobody called an ambulance, nor did anyone measure her pulse, temperature, or blood pressure. Halstead Decl. Exs. 2 (Zanazanian Dep. 50:19-51:4); 1 (McNabb Dep. 83:24-84:13); 3 (Rodriguez Dep. 69:11-21).

Response: Not disputed.

68. While Ms. Linsenmeir was in SPD custody, nobody listened to her chest or her breathing. Halstead Decl. Exs. 2 (Zanazanian Dep. 51:8-16); 1 (McNabb Dep. 84:14-17); 3 (Rodriguez Dep. 69:22-70:5).

Response: Not Disputed.

69. While Ms. Linsenmeir was in SPD custody, nobody asked her how long she had been having difficulty breathing, how long her chest felt like it was caving in, or any other questions to assess her medical condition relating to these symptoms. Halstead Decl. Exs. 2 (Zanazanian Dep. 51:17-52:11); 3 (Rodriguez Dep. 70:6-12).

Response: Not disputed.

70. While Ms. Linsenmeir was in SPD custody, nobody consulted with a medical professional about her symptoms, or called a medical professional to the station, or called an ambulance, or took steps to send her to the hospital. Halstead Decl. Ex. 2 (Zanazanian Dep. 54:6- 17).

Response: Not disputed.

71. While Ms. Linsenmeir was in SPD custody, nobody gave her or secured for her any medical treatment or evaluation of any kind. Halstead Decl. Exs. 2 (Zanazanian Dep. 52:12-24); 1 (McNabb Dep. 85:8-86:4); 3 (Rodriguez Dep. 59:15-19, 70:13-17).

Response: Not disputed.

72. Under the SPD's regional lockup ("RLU") arrangement with HCSD, transferring sick prisoners to HCSD was not a mechanism to provide medical care. Halstead Decl. Ex. 14.

Response: Disputed as written, but not material.

73. The RLU agreement and Springfield's implementing rules required the SPD to take sick prisoners to the hospital, not transfer them to HCSD facilities. Halstead Decl. Exs. 14; 39 (Piscotanno Dep. 40:17-23); 5 (Clapprood 103:1-9, 107:7-12).

Response: Disputed as written as it misstates the document.

74. Sergeant Zanazanian did not tell HCSD or direct anyone else to tell HCSD that Ms.Linsenmeir had complained of chest pain and difficulty breathing while she was still alive. Halstead Decl. Ex. 2 (Zanazanian Dep. 96:13-20).

Response: Not disputed.

75. Nobody at the SPD told anybody at HCSD about Ms. Linsenmeir's medical condition she was transferred to the WCC. Halstead Decl. Exs. 2 (Zanazanian Dep. 96:13-20); 37 (Moran Dep. 30:14-19), 31 (Barrett Dep. 41:13-17), 39 (Piscotanno Dep. 80:21-81:4).

Response: Not disputed.

76. Sergeant Zanzanian did not record Ms. Linsenmeir's reports of chest pain and difficulty breathing in his prisoner injury report for Ms. Linsenmeir or in any other documentation created while she was still alive. Halstead Decl. Ex. 17.

Response: Not disputed.

77. On October 4, HCSD's staff found Ms. Linsenmeir "unresponsive" in her cell.

Halstead Decl. Ex. 30.

Response: Not disputed.

78. HCSD transported Ms. Linsenmeir to the hospital, where she remained (still in custody) until her death on October 7. Halstead Decl. Exs. 16, 30.

Response: Not disputed.

79. Ms. Linsenmeir is no longer alive because, while she was in SPD and HCSD custody, her body was gradually overwhelmed by a progressive infection in her heart, until she ultimately became septic and died. Halstead Decl. Exs. 9 (Kimmel Rep. at 1); 16-17.

Response: Disputed. This is not a "concise statement of material fact" but is rather argument and opinion testimony.

80. The medical examiner's autopsy identified Ms. Linsenmeir's cause of death as "complications of methicillin-resistant *staphylococcus aureus* septicemia in the setting of tricuspid valve endocarditis." Halstead Decl. Exs. 16-17.

Response: Not disputed.

81. Tricuspid valve endocarditis—also called "right-sided endocarditis"—is a life-threatening, but treatable, medical condition. Halstead Decl. Ex. 9 (Kimmel Rep. at 3).

Response: Not disputed, but this is not a "concise statement of material fact"

but is rather argument and opinion testimony containing legal conclusions.

82. It requires immediate medical evaluation and treatment, including intravenous antibiotics and sometimes surgery. Halstead Decl. Ex. 9 (Kimmel Rep. at 3).

Response: Disputed. This is not a “concise statement of material fact” but is rather argument and opinion testimony containing legal conclusions.

83. In particular, the rapid initiation of antibiotics is essential to prevent the infection from spreading and to limit the body’s inflammatory response. Halstead Decl. Ex. 9 (Kimmel Rep. at 3).

Response: Disputed. This is not a “concise statement of material fact” but is rather argument and opinion testimony containing legal conclusions.

84. Even short delays of several hours in providing antibiotics can worsen mortality. Halstead Decl. Ex. 9 (Kimmel Rep. at 6).

Response: Disputed. This is not a “concise statement of material fact” but is rather argument and opinion testimony containing legal conclusions and speculation.

85. From September 29 to October 2, 2018, Ms. Linsenmeir’s chances of survival if appropriately evaluated and treated were highest on September 29, 2018, and declined with the passage of time. Halstead Decl. Ex. 9 (Kimmel Rep. at 1, 6, 11–12).

Response: Disputed. This is not a “concise statement of material fact” but is rather argument and opinion testimony containing legal conclusions.

86. Ms. Linsenmeir was “very likely” to survive her endocarditis if she had received medical evaluation and treatment during her time in SPD custody. *See* MDSOF ¶126; Halstead Decl. Ex. 9 (Kimmel Rep. at 7).

Response: Disputed. This is not a “concise statement of material fact” but is rather argument and opinion testimony containing legal conclusions.

87. Ms. Linsenmeir’s death was caused by delays in appropriate medical evaluation

and treatment. Halstead Decl. Ex. 9 (Kimmel Rep. at 11).

Response: Disputed. This is not a “concise statement of material fact” but is rather argument and opinion testimony containing legal conclusions.

88. The delay in providing Ms. Linsenmeir with medical treatment advanced her symptoms and prolonged her suffering. Halstead Decl. Ex. 9 (Kimmel Rep. at 6).

Response: Disputed. This is not a “concise statement of material fact” but is rather argument and opinion testimony containing legal conclusions.

89. After Ms. Linsenmeir’s death, the SPD initiated multiple investigations, including the IIU’s investigation SO 18-261. Halstead Decl. Exs. 18; 35 (SO 18-247).

Response: Not disputed.

90. SO 18-261 included inquiry into whether Sergeant Zanazanian committed misconduct by failing to provide Ms. Linsenmeir with medical care, and into the reasons for her death. Halstead Decl. Ex. 6 (McCoy Dep. 86:5-90:8).

Response: Not disputed.

91. When Sergeant Zanazanian was interviewed by the IIU for SO 18-261, even after being shown the video footage of his interactions with Ms. Linsenmeir, he did not disclose that Ms. Linsenmeir had complained of difficulty breathing, he claimed falsely that Ms. Linsenmeir only complained “one time” about chest pain, and he also claimed falsely that Ms. Linsenmeir did not “show symptoms of chest pain.” Halstead Decl. Ex. 6 (McCoy Dep. 249:9-253:8).

Response: Disputed only to the use of the word “falsely”; the balance of the statement is not disputed.

92. In his initial written report for SO 18-261, Sergeant Zanzanian was evasive about the reason he failed to send Ms. Linsenmeir to the hospital—he had to be interviewed a second time and was expressly ordered to provide a supplemental statement covering that topic, which he still failed to do. Halstead Decl. Ex. 6 (McCoy Dep. 107:5-109:15, 164:11-167:12).

Response: Disputed to the characterization of Zanzanian’s reports to the Internal Investigative Unit as “evasive”. Not disputed that he was interviewed more than once.

93. In investigation SO 18-261, the IIU conducted multiple interviews, but it did not attempt to speak with Ms. Linsenmeir’s mother, nor a detention attendant who had since resigned, nor anybody at HCSD, nor any other person who was not an active employee of the SPD. Halstead Decl. Ex. 6 (McCoy Dep. 243:1-247:9).

Response: Not disputed.

94. In investigation SO 18-261, the IIU did not investigate whether Sergeant Zanzanian had made false statements during the investigation; whether Sergeant Zanzanian had improperly omitted Ms. Linsenmeir’s symptoms from his prisoner injury report; whether Sergeant Zanzanian had violated the order prohibiting the transfer of sick prisoners to HCSD; whether the SPD failed to convey information about Ms. Linsenmeir’s medical condition to HCSD at the time of transfer; and whether Officer McNabb or Ms. Rodriguez broke any rules by failing to call for medical attention themselves or at least reporting the problem to the Watch Commander. Halstead Decl. Ex. 6 (McCoy Dep. 240:21-241:1, 247:23-248:24, 251:7-253:8, 258:20-259:21).

Response: Disputed as to the characterization of “false statements”. In answering further, disputed as written as it conflicts with the totality of Sgt. McCoy’s testimony and the issues raised that caused the investigation of SO#18-261.

95. In its disciplinary agreement with Sergeant Zanzanian arising out of investigation SO 18-261, the City agreed to drop four of the five pending charges against him, and he admitted the charge that he violated the SPD’s Rule 29. Halstead Decl. Exs. 18; 20 (Mahoney Dep. 28:16- 29:9); 25; 26.

Response: Not disputed.

96. The agreement between Sergeant Zanzanian and the City for SO 18-261 was for discipline consisting of two days’ suspension and some training. Halstead Decl. Ex. 19.

Response: Not disputed.

97. Zanzanian testified that he did not know how he violated department rules, and the only policy he might have violated was “documentation.” Halstead Decl. Ex. 2 (Zanzanian Dep. 172-:2-13, 175:4-176:3).

Response: Not disputed.

98. Superintendent Clapprood testified that Sergeant Zanzanian did not, in fact, violate Rule 29. Halstead Decl. Ex. 5 (Clapprood Dep. at 136:3-137:13).

Response: Not disputed.

99. Superintendent Clapprood testified that Sergeant Zanzanian did not use bad judgment based on what he knew at the time, and that the department determined he violated a rule only based on “the outcome” (*i.e.*, Ms. Linsenmeir actually died). Halstead Decl. Ex. 5 (Clapprood Dep. 136:3-137:13, 138:1-142:14).

Response: Not disputed.

100. Captain Robert Strzempek, Sergeant Zanazanian's supervisor, testified that the procedures for providing medical care were followed in Ms. Linsenmeir's case. Halstead Decl. Ex. 24 (Strzempek Dep. 52:17-52:21).

Response: Not disputed.

101. SPD's Rule 29 states that officers should conduct themselves in a manner that "reflect[s] most favorably on the Department" and to obey and comply with all SPD rules. Halstead Decl. Ex. 40.

Response: Not disputed.

102. Officer Maria Sanchez missed a majority of her cell checks either because of "sleeping or negligence" during her shift as matron from midnight to 8:00 a.m. on September 29, 2018. Halstead Decl. Ex. 35.

Response: Not disputed.

103. Sergeant Zanazanian alleged that he did not believe Ms. Linsenmeir reports of chest pain and difficulty breathing. Halstead Decl. Ex. 2 (Zanazanian Dep. 96:21-97:5); 6 (McCoy Dep. 150:10-151:3).

Response: Not disputed.

104. SPD Detention attendant Shanice Linnehan worked in the booking area from 8 a.m. to 4 p.m. on September 30, 2018. Halstead Decl. Ex. 11. She resigned from the SPD on or about November 9, 2018. Halstead Decl. Ex. 12. The IIU did not attempt to interview Ms. Linnehan as part of SO 18-261. Halstead Decl. Ex. 6 (McCoy Dep. 246-19-247-5).

Response: Not disputed.

Respectfully submitted,

Defendants, City of Springfield and
Sheila Rodriguez, by their attorneys,

Dated: February 12, 2024

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true copy of the within was this day served upon the parties via the Federal Court's ECF Notice and Delivery System. I am not aware of any party who is a non-registered participant, and therefore electronic filing is the sole means of service of this document.

Signed under the pains and penalties of perjury.

Dated: February 12, 2024

/s/ Lisa C. deSousa
Lisa C. deSousa, Esq.