

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DAVID OLABAYO OLANIYI,

Plaintiff,

-against-

DISTRICT OF COLUMBIA, ET AL.,

Defendants.

Civil No. 05-00455 (RBW)

PLAINTIFF'S STATEMENT OF MATERIAL ISSUES IN DISPUTE

Pursuant to Local Rule 7(h), Plaintiff David Olabayo Olaniyi ("Olaniyi") hereby submits the following statement of material facts as to which Olaniyi contends there exist genuine disputes, to accompany Olaniyi's Opposition to the Defendant District of Columbia's Motion to Dismiss, or Alternatively, for Summary Judgment (the Defendant's "Motion").

1. Olaniyi disputes Paragraph 3 of the Defendant's Statement of Material Facts as to which there is no Genuine Dispute (the "Defendant's Statement") to the extent that it claims Olaniyi had "delusions of grandeur." Olaniyi does not suffer from delusions of grandeur, nor has he ever been diagnosed with any psychological condition, much less a condition known to cause delusions of grandeur. See Brief Ex. A, Declaration of David Olabay Olaniyi ("Olaniyi Decl.") ¶6. That one clinician, whose credentials are yet unverified, thought Olaniyi suffered from "delusions of grandeur," does not establish that Olaniyi actually had such delusions, or any disorder that would have justified his transfer to the Mental Health Unit of the D.C. Jail.

2. Olaniyi disputes Paragraphs 4, 5, 6, and 8 of the Defendant's Statement to the extent that they assert that Olaniyi did not receive any medication while housed in the D.C.

Jail. While in the Mental Health Unit of the D.C. Jail, Olaniyi was forcibly given a shot against his will in his upper arm that caused him to lose consciousness. Olaniyi Decl. ¶7; Second Amended Complaint (“2d Amend. Compl.”) ¶75. Moreover, Olaniyi disputes that the records of the D.C. Jail do not show that he was administered any medication, since he has not yet received sufficient discovery to determine the accuracy or completeness of the records provided by the Defendant.

3. Olaniyi disputes Paragraph 5 of the Defendant’s Statement. Olaniyi does assert that he was injured by the acts and omissions of the Defendant. 2d Amend. Compl. ¶114, Olaniyi Decl. ¶¶9-10. Specifically, the Defendant caused Olaniyi to suffer fear, anxiety, stress, embarrassment, humiliation, mental anguish, severe emotional distress, and physical pain and suffering. Id. The Defendant’s actions also caused sleep disorder, depression, and paranoia. Id.

4. Olaniyi disputes Paragraph 8 of the Defendant’s Statement to the extent it insinuates that Olaniyi was “confused” during his confinement in the Mental Health Unit of the D.C. Jail. Though frightened by his unjustified incarceration and subsequent transfer to the Mental Health Unit of the D.C. Jail, Olaniyi was fully capable of understanding his surroundings. Olaniyi Decl. ¶6.

5. Olaniyi disputes Paragraph 12 to the extent it suggests that CCHPS personnel operate independently from the Defendant. Although the relationship between CCHPS and the Defendant is contractual, CCHPS employees are subject to the provisions of District of Columbia Department of Correction’s oversight and policies. See Brief Ex. F, District of Columbia Department of Corrections Program Manual; Defendant’s Statement, Attachment B, Contract with CCHPS.

6. It is disputed whether the Defendant had a policy of failing to train or supervise D.C. Jail personnel. The Defendant asserts that Olaniyi “cannot point to either a

formal or informal policy of the District of Columbia” that resulted in the violation of his constitutional rights. Defendant’s Memorandum In Support of Motion To Dismiss, or Alternatively, For Summary Judgment, at 14. Olaniyi, however, alleges that the Defendant maintains a policy of, *inter alia*, failing to adequately train and supervise D.C. Jail Personnel. 2d Amend. Compl. ¶¶86-92. Olaniyi notes that he has not had sufficient opportunity for discovery on this issue. See generally, Brief Ex. G, Affidavit of Jennafer B. Neufeld (“Neufeld Aff.”).

7. It is disputed whether the Defendant’s policy of failing to adequately train or supervise D.C. Jail personnel caused the physical harms and constitutional deprivations that Olaniyi suffered in the D.C. Jail. The Defendant argues that Olaniyi “cannot demonstrate that a custom and policy of the District of Columbia was a moving force behind” his injury. Defendant’s Memorandum In Support of Motion To Dismiss, or Alternatively, For Summary Judgment, at 14. Olaniyi, however, alleges that the Defendant’s customs were a “moving force” behind the injuries he suffered, but has not yet had sufficient opportunity for discovery. 2d Amend. Compl. ¶91; see also generally Neufeld Aff.

Dated: August 21, 2007

Respectfully submitted,

/s/ Jennafer B. Neufeld

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