

EXHIBIT A

DEFENDANT'S OBJECTIONS TO PLAINTIFFS' PROPOSED JURY INSTRUCTIONS

1. Defendant objects to Plaintiffs' proposed jury instruction number 1 as it fails to list the Sheriff of Cook County as a defendant.
2. Defendant objects to Plaintiffs' proposed jury instruction number 7 as it misses portions of the language from the 7th Circuit's model instruction and as such Defendant offers its instruction that defines direct and circumstantial evidence.
3. Defendant objects to Plaintiffs' proposed jury instruction number 9 in that it omits the names of the expert witnesses that will testify.
4. Defendant objects to Plaintiffs' proposed jury instruction number 13 as it incorrectly sets forth the nature of each constitutional claim.
5. Defendant objects to Plaintiffs' proposed jury instruction number 14 in that it incorrectly sets forth the elements of proof for an equal protection claim. Defendant offers its instruction number 20.

The equal protection clause does not prevent gender as a basis for classification when the situations of men and women differ. *Michael M. v. Superior Court of Sonoma County*, 450 U.S. 464, 469 (1981).

"In the prison context, the Equal Protection Clause of the Fourteenth Amendment requires inmates to be treated equally, unless unequal treatment bears a rational relation to a legitimate penal interest." *May v. Sheahan*, 226 F.3d 876, 882 (7th Cir. 2000). *Hudson v. Palmer*, 468 U.S. 517, 523 (1984) (citing *Lee v. Washington*, 390 U.S. 333 (1968) (per curiam)); *Williams v. Lane*, 851 F.2d 867, 881 (7th Cir. 1988).

Differences in jail population sizes are a rational basis to treat male and female detainees differently. Courts have endorsed this principle. In considering an equal protection claim, the Ninth Circuit observed differences between female and male prison populations were relevant. *Jeldness v. Pearce*, 30 F.3d 1220, 1228 (9th Cir. 1994). The Eighth Circuit ruled similarly in *Klinger v. Department of Corrections*, 107 F.3d 609 (8th Cir. 1998).

6. Defendant objects to Plaintiffs' proposed jury instruction number 15 in that it incorrectly sets forth the elements of proof for a due process claim. Defendant offers its instruction number 21. See *Bell v. Wolfish*, 441 U.S. 520, 558-559 (1979); *Pell v. Procunier*, 417 U.S. 817, 822-23 (1974).
7. Defendant objects to Plaintiffs' proposed jury instruction number 16 in that it incorrectly sets forth the elements of proof for a Fourth Amendment unreasonable

search claim. Defendant offers its instruction number 22. *See Bell v. Wolfish*, 441 U.S. 520, 558-559 (1979); *Pell v. Procunier*, 417 U.S. 817, 822-23 (1974).

8. Defendant objects to Plaintiffs' proposed jury instruction number 17 in that it impermissibly highlights only one element for a jury's determination of what constitutes an unreasonable search. This instruction is also duplicative. Defendant offers its instruction number 24, which includes all of the elements for determination in one instruction.
9. Defendant objects to Plaintiffs' proposed jury instruction number 19 in that it incorrectly sets forth the definition of "Deliberate Indifference" and strays from the Seventh Circuit's model instruction. Defendant offers its instruction number 26.
10. Defendant objects to Plaintiffs' proposed jury instruction 19A as it impermissibly attempts to shift the burden of proof onto Defendant and is conclusory, argumentative and presumptive in nature. This instruction would serve to confuse the jury as it combines elements from two separate claims. In addition, this instruction has not been promulgated by the Seventh Circuit or contain reference to binding precedent.