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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS

Lynnette Gherna, Plaintiff, v. Rodney Pennington, in his individual capacity; Melinda Eddy, in her individual capacity; Michael Long, in his individual capacity; Luke Fairless, in his individual capacity; Cammi Pierce, in her individual capacity; Chad McGinnis, in his individual capacity; David Brainard, in his individual capacity; Sarah Taapken, in her individual capacity; Shelbi Russell, in her individual capacity; Janeen Wright, in her individual capacity; Abbey Venturini, in her individual capacity; Tasha Young, in her individual capacity; Elaine Worth, in her individual capacity; John Sokol, in his individual capacity; Benjamin Estes, in his individual capacity; William Chambers, in his individual capacity; Justin Russell, in his individual capacity; Margarita Mendoza, in her individual capacity; Ms. Harris, in her individual capacity; Lieutenant Cox, in his individual capacity; Vincent Shockley, in his individual capacity Fox Valley Individuals Nos. 1–12; and other as-yet-unidentified employees of the Illinois Department of Corrections, Defendants.	Case No.

COMPLAINT

Plaintiff Lynnette[1] Gherna ("Lynnette") complains of Defendants as follows:

[1] Lynnette's name was misspelled with one "n" by the Illinois Department of Corrections ("IDOC") when she was booked into prison. When she requested the spelling of her name be

NATURE OF THE CASE

1. In 2019, while incarcerated at Logan Correctional Center ("Logan"), Plaintiff Lynnette Gherna was sexually assaulted by Defendant Rodney Pennington ("Defendant Pennington"), a Correctional Officer in Logan's Internal Affairs Unit ("IA") responsible for, among other things, investigating allegations of sexual misconduct perpetrated against women incarcerated at Logan.

2. Lynnette did not report the assault at the time, fearing retaliation because Defendant Pennington had warned her—over years of grooming—that his position in IA vested him with the power to help or hurt her.

3. To avoid whatever further harm Defendant Pennington might cause her, Lynnette planned to report the assault after she was released on parole in 2026.

4. But in or around June 2024, another woman incarcerated at Logan ("Jane Doe 1") reported that Defendant Pennington had sexually assaulted Lynnette, and Lynnette corroborated the report, despite her fear that reporting Defendant Pennington's misconduct might affect her participation in IDOC's work release program at Fox Valley Adult Transition Center ("Fox Valley").

5. Lynnette's fears came to fruition. Her work release at Fox Valley was revoked early without legitimate cause when Lynnette's report against Defendant Pennington became known to Fox Valley's correctional staff. Rather than being transferred back to Decatur Correctional Center ("Decatur"), where Lynnette had been housed immediately prior to being placed on work release at Fox Valley, Lynnette was transferred back to Logan where she was again subject to Defendant

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corrected, she was told that "Lynette" fit better on her ID and that she was a ward of the state now, so it did not matter.

Pennington's oversight.

6. Following her transfer back to Logan, Lynnette requested on multiple occasions to be separated from her abuser so that she would be insulated from retaliation. But her requests for protection fell on deaf ears. Defendant Pennington continued to work in IA until approximately mid-2025, at which point he was reassigned to supervise the women who work in Logan's kitchen.

7. Unfortunately, Lynnette is not Defendant Pennington's only victim. Two other women incarcerated at Logan have now sued him in this district for sexual misconduct and retaliation, describing how he abused his position of authority in IA to intimidate his victims, and the victims of his colleagues, into not filing grievances regarding their rapes and retaliating against them if they did.[2]

8. Lynnette prays this Court enters judgment in her favor and against Defendants, awarding: compensatory and punitive damages and attorneys' fees and costs against each of the Defendants in their individual and official capacities; injunctive relief, including but not limited to immediate transfer to a facility in which Defendant Pennington is not, and will not be, present; and for such further additional relief as the Court deems just and proper.

JURISDICTION AND VENUE

9. This action is brought pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3)–(4), as this case arises under 28 U.S.C. § 1983 and the First and Fourteenth Amendments to the United States Constitution. Jurisdiction over Lynnette's state law claim is based on supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a).

10. Venue is appropriate in the Central District of Illinois pursuant to 28 U.S.C.

[2] *See Jane Doe v. Rodney Pennington et al.*, filed Sept. 9, 2025, in the Central District of Illinois; *Mary Zumwalt Jophlin v. Omotola Salami & Rodney Pennington*, No. 1:25-cv-01066-SEM-DJQ (C.D. Ill. Feb. 18, 2025) (ECF 1).

§ 1391(b), as the events complained of occurred exclusively in this district.

PARTIES

11. Plaintiff Lynnette Gherna is a 60-year-old woman and a citizen of the United States. Lynnette has been in the custody of IDOC since 2001. During her incarceration, she has been housed at Logan from March 2013 to October 2021, and from November 2024 to present. She was also housed at Decatur from October 2021 to July 2024, and at Fox Valley from July 2024 to November 2024.

12. Defendant Rodney Pennington has been employed by IDOC at all times relevant to this complaint. Defendant Pennington was employed as a Correctional Officer at Logan until 2025. From approximately 2018 to 2025, Defendant Pennington was assigned to IA at Logan, which was the unit tasked with, among other things, investigating rule violations and reports of sexual misconduct. Defendant Pennington remained in that position until 2025, when he was reassigned to the role of Corrections Food Service Supervisor[3] following IDOC's investigation into allegations of sexual misconduct levied against him by multiple incarcerated women, including Lynnette.

13. Defendant William Chambers ("Defendant Chambers") has been a Correctional Officer at Logan at all times relevant to this complaint and, like Defendant Pennington, was assigned to work in IA at Logan until mid- to late-2024. On information and belief, Defendant Chambers was friends with Defendant Pennington and knew of Defendant Pennington's sexual misconduct with incarcerated women, including Ms. Gherna.

14. At times relevant to this complaint, Defendant Justin Russell ("Defendant Justin

[3] Ironically, Defendant Pennington was appointed to this position to fill a vacancy created after the previous Corrections Food Service Supervisor resigned following an allegation of sexual assault by a different woman in custody.

Russell") supervised Defendant Pennington in Logan's IA Unit. Later Defendant Justin Russell became an external investigator for IDOC, based in Springfield. On information and belief, Defendant Justin Russell interviewed Jane Doe 1 when she reported that Defendant Pennington had sexually assaulted Lynnette and later claimed to have been unaware of that report.

15. At times relevant to this complaint, Defendants Melinda Eddy ("Defendant Eddy"), Michael Long ("Defendant Long"), Luke Fairless ("Defendant Fairless"), Cammi Pierce ("Defendant Pierce"), Chad McGinnis ("Defendant McGinnis"), David Brainard ("Defendant Brainard"), Sarah Taapken ("Defendant Taapken"), Shelbi Russell ("Defendant Shelbi Russell"), Janeen Wright ("Defendant Wright"), Abbey Venturini ("Defendant Venturini"), Tasha Young ("Defendant Young"), Elaine Worth ("Defendant Worth"), John Sokol ("Defendant Sokol"), and Benjamin Estes ("Defendant Estes") were members of the PREA incident review team at Logan. In this role, these Defendants were responsible for reviewing investigations into allegations of sexual assault at Logan and for evaluating and recommending policy changes to prison administrators to address the problem of sexual assault at the facility.

16. At times relevant to this complaint, Defendants Michael Long and Melinda Eddy held the position of Warden and/or Acting Warden of Logan. As wardens, Defendants Long and Eddy were responsible for overseeing Logan's day-to-day operations, including PREA compliance; promulgating rules, regulations, policies, and procedures to ensure reasonable safety of people in custody at Logan; and supervising, training, assigning, and disciplining counselors, correctional officers, and internal affairs offers at Logan, including Defendants Pennington and Chambers. Additionally, Defendants Long and Eddy facilitated or approved the unwarranted retaliatory action taken in response to Lynnette's reports that Defendant Pennington had sexually assaulted her.

17. At times relevant to this complaint, Defendant Sarah Taapken held the position of PREA Compliance Manager for Logan. In this position, Defendant Taapken was responsible for developing, planning, and overseeing efforts to address the problem of custodial sexual assault at Logan and for ensuring compliance with PREA regulations and standards.

18. At times relevant to this complaint, Defendant Janeen Wright held the position of PREA Retaliation Monitor at Logan. In that position, Defendant Wright was responsible for: monitoring the conduct and treatment of individuals in custody who reported sexual abuse or who were reported to have suffered sexual abuse; observing if there were changes that might suggest possible retaliation by individuals in custody; and acting promptly to remedy any such retaliation. As PREA Retaliation Monitor at Logan, Defendant Wright was also responsible for taking appropriate measures to protect an individual against retaliation if the individual expresses a fear of retaliation.

19. At times relevant to this complaint, Defendants Fox Valley Individuals 1–11[4] were members of the PREA incident review team at Fox Valley. In this role, these Defendants were responsible for reviewing investigations into allegations of sexual assault at Fox Valley and for evaluating and recommending policy changes to prison administrators to address the problem of sexual assault and related retaliation at the facility.

20. Defendant Margarita Mendoza ("Defendant Mendoza") was the Supervisor of Fox Valley at all times relevant to the complaint. As Supervisor, Defendant Mendoza has final decision-making authority regarding discipline, including the decision to revoke work release for an individual in custody. Defendant Mendoza is also responsible for: overseeing day-to-day

[4] Lynnette has a pending Freedom of Information Act request that is likely to identify these individuals. Once they are identified, Lynnette will seek leave to amend the Complaint.

operations at Fox Valley, including compliance with PREA; monitoring for and protecting any individuals in custody who reported sexual misconduct from retaliation; and for supervising, training, assigning, and disciplining counselors, correctional officers, and internal affairs investigators at Fox Valley, including Defendant Lieutenant Vincent Shockley and Defendant Cox. Additionally, Defendant Mendoza facilitated and/or approved the unwarranted retaliatory action taken in response to reports that Lynnette had been sexually abused and harassed her.

21. At times relevant to this complaint, Defendant Harris held the position of PREA Compliance Manager at Fox Valley. In this position, Defendant Harris was responsible for developing, planning, and overseeing efforts to address the problem of custodial sexual assault at Fox Valley and for ensuring compliance with PREA regulations and standards.

22. At times relevant to this complaint, Defendant Fox Valley Individual 12[5] also held the position of PREA Retaliation Monitor at Fox Valley. In that position, Defendant Fox Valley Individual 12 was responsible for monitoring the conduct and treatment of individuals in custody who reported sexual abuse or who were reported to have suffered sexual abuse; observing if there were changes that might suggest possible retaliation by individuals in custody; and acting promptly to remedy any such retaliation. As PREA Retaliation Monitor at Fox Valley, Defendant Fox Valley Individual 12 was also responsible for taking appropriate measures to protect individuals against retaliation if they express a fear of retaliation.

23. At times relevant to this complaint, Defendant Cox was a Shift Commander at Fox Valley. Upon information and belief, Defendant Cox knew that Lynnette had filed a grievance against Defendant Pennington for sexual assault and retaliated against her by issuing her frivolous disciplinary tickets and ultimately recommending the early termination of her work release and

[5] *See supra* n.4.

transfer back to Logan.

24. At times relevant to this complaint, Defendant Vincent Shockley ("Defendant Shockley") was a Correctional Counselor at Fox Valley assigned to work with Lynnette. On information and belief, Defendant Shockley knew that Lynnette had filed a grievance against Defendant Pennington for sexual assault and retaliated against her by, among other things, demanding that Lynnette write a statement that she was not "sexually intimidated" by Defendant Shockley.

FACTUAL ALLEGATIONS

People in Custody Have the Right to Be Free from Sexual Harassment and Abuse

25. It is a felony for an IDOC employee to engage in sexual conduct with a person in custody. 720 ILCS 5/11-9.2.

26. IDOC defines "sexual abuse" to include abuse of an "individual in custody by a staff member, with or without consent of the individual in custody, including . . . contact between the mouth and any body part where the staff member has the intent to abuse, arouse, or gratify sexual desire" and "[a]ny display by staff of his or her uncovered genitalia, buttocks, or breast in the presence of an individual in custody." IDOC Admin. Directive 04.01.301(E)(2)(b).

27. IDOC defines "sexual harassment" to include "repeated verbal comments or gestures of a sexual nature to an individual in custody by staff, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures." *Id.* 04.01.301(E)(3).

28. As a matter of law, a person in custody cannot consent to sexual contact with a correctional officer. *See* 18 U.S.C. § 2243(c); *see also* IDOC Admin. Directive 04.01.301(E)(2)(b) (defining "sexual abuse" to include sexual contact between an "individual in custody by a staff member, *with or without consent of the individual in custody*" (emphasis added)).

29. IDOC staff must "accept reports made verbally, in writing, anonymously, and from third parties" and must "promptly document any verbal reports." 28 C.F.R. § 115.51.

30. The IDOC PREA trainings require IDOC to accept reports of sexual abuse and sexual harassment made on the behalf of people in custody.

31. Once an incarcerated person makes a sexual abuse or harassment-related report, IDOC must "ensure that an administrative or criminal investigation is completed." *Id.* § 115.22(a).

32. Internal investigations must be completed "promptly, thoroughly, and objectively[.]" 28 C.F.R. § 115.71(a). When an incarcerated person submits a grievance related to sexual abuse, IDOC must investigate and must generally "issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse" within 90 or, at the most, 160 days of the grievance. *Id.* §§ 115.52(d)(1), (2).

33. If IDOC receives "an allegation that an inmate was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred" within 72 hours of receiving the allegation. 28 C.F.R. §§ 115.63(a)–(b). And the facility head or agency office of the facility where the abuse allegedly occurred "shall ensure that the allegation is investigated in accordance with [PREA] standards." *Id.* § 115.63(d).

34. Persons in custody who report sexual abuse or harassment have the right to be "free from retaliation for reporting sexual abuse and sexual harassment." 28 C.F.R. § 115.31(a)(4). To that end, PREA requires that staff members or departments be assigned to monitor for retaliation following an incarcerated person's report. *Id.* §§ 115.67(a), (c)–(f). The assigned staff is to monitor the conduct and treatment of offenders who reported sexual abuse "to observe if there are any changes that may suggest possible retaliation by offenders or staff" and the "review shall include,

but not be limited to, disciplinary reports, housing or program changes and facility transfers." IDOC Admin. Directive 04.01.301(G)(9)(b).

35. IDOC also must "employ multiple protection measures, such as housing changes or transfers for inmate victims . . . , removal of alleged staff . . . abusers from contact with victims, and emotional support services for inmates . . . who fear retaliation for reporting sexual abuse or sexual harassment[.]" 28 C.F.R § 115.67(b). IDOC staff who have knowledge, suspicion, or information that an incarcerated person who reported sexual abuse or harassment was retaliated against or that a staff member neglected or violated his or her responsibilities in a manner that may have contributed to an incident of sexual abuse or harassment or retaliation must report it immediately. *Id.* § 115.61(a).

36. Following a report, the IDOC official must: (1) separate the individuals and offer protection; (2) treat the area as a crime scene; (3) make a report to the shift supervisor/zone lieutenant; and (4) fill out the required documentation (DOC 0507 and DOC 0508).

37. IDOC staff who violate an IDOC sexual abuse or harassment policy must be sanctioned, and termination is the presumptive disciplinary sanction for staff who have engaged in sexual abuse. 28 C.F.R. § 115.76.

38. PREA requires that "all employees who may have contact with inmates" be trained on PREA's requirements. 28 C.F.R. § 115.31.

Logan Fails to Protect People in Custody from Sexual Misconduct and Retaliation

39. Although Logan and other IDOC facilities purport to maintain a "zero tolerance" policy for sexual abuse and sexual harassment, sexual misconduct is a pervasive problem within IDOC correctional facilities in general, and Logan in particular.

40. Across IDOC, the numbers are staggering. Between 2021 and 2024, there were

between 680 and 847 reported allegations of sexual abuse and harassment per year.[6]

a. Of those reported allegations, an average of 52.3% of them involved staff-on-prisoner sexual assault or harassment.

b. Of that 52.3%, IDOC admits that 19 of those staff-on-prisoner incidents actually occurred.

c. For an average of 47% of the staff-on-prisoner allegations, the investigations that followed were insufficient to develop the evidence needed to determine whether or not the incidents occurred. As a result, that 47% were deemed "unsubstantiated" (i.e., maybe it happened, maybe it didn't).

41. Sexual assault and harassment are a pervasive problem at Logan in particular.

a. Between 2021 and 2024, there were between 35 and 69 reported allegations of sexual abuse and harassment per year.[7]

b. Of those reported allegations, an average of 44% of them involved staff-on-prisoner sexual assault or harassment.

c. Of that 44%, Logan IA determined an average of 25.7% to be "unfounded" (i.e., it did not happen or could not have happened), six of the incidents actually occurred, and an average of 40.3% were unsubstantiated.

d. For the remaining staff-on-prisoner allegations (on average 40%), Logan IA had not determined the outcomes of those allegations at the time the IDOC PREA Reports were published.

e. As of June 2025, the number of reported allegations of sexual abuse or

[6] IDOC PREA Audit Reports are available at https://idoc.illinois.gov/programs/prisonrapeeliminationactof2003.html (last visited Aug. 14, 2025).
[7] *See supra* n.6.

harassment at Logan already totaled at least 33. Among them are two allegations of sexual abuse against Defendant Pennington made by other women incarcerated at Logan.

42. Staff-on-prisoner sexual assaults at Logan also have been referred routinely to the Illinois State Police ("ISP") for investigation.

43. IDOC is required by federal regulation to maintain "accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions" and "aggregate the incident-based sexual abuse data at least annually." 28 C.F.R. § 115.87. But it has failed to do so. In response to a FOIA request, IDOC produced "PREA Tracking Spreadsheets" for the years 2021 through 2025, listing reported incidents of sexual abuse that occurred at Logan. Despite the fact that Lynnette and Jane Doe 1 reported in 2024 that Defendant Pennington had sexually abused Lynnette, Lynnette's name appears nowhere in the PREA Tracking Spreadsheets in question. It is unknown how many other sexual abuse victims are unaccounted for in IDOC's records.

Lynnette's Background

44. Lynnette has been in IDOC custody since 2001.

45. While incarcerated at Dwight Correctional Center, a correctional officer sexually abused Lynnette. When Lynnette reported the sexual abuse in 2007, she was written a disciplinary ticket for "sexual misconduct" and placed in solitary confinement for three months.

46. Lynnette was transferred to Logan in 2013.

47. Upon information and belief, no one at Logan assessed Lynnette for risk of sexual victimization upon her transfer, despite the fact that she carries numerous risk factors for sexual victimization, as outlined by the PREA regulations.

Defendant Pennington Grooms Lynnette

48. Lynnette first encountered Defendant Pennington when he was assigned to work in her housing unit as a Correctional Officer in or around 2017.

49. Initially, Defendant Pennington was friendly with Lynnette, socializing and checking in on her well-being. He would instruct other women in custody to convey messages to Lynnette, letting her know when he would be on shift and reminding her to take her medications.

50. As time went on, Defendant Pennington began complimenting Lynnette's feet, requesting that she paint her toenails certain colors, and giving her gifts.

51. Eventually, Defendant Pennington told Lynnette she needed to spray his cologne on her pillow. Lynnette did not refuse because she feared being sent to segregation or other retaliation. Despite cologne being a contraband substance, Defendant Pennington brought his own cologne to Logan and took Lynnette into a staff-only bathroom to give her his cologne, and then pressed his body up against her in a sexual manner. Lynnette felt uncomfortable but was scared she would be sent to segregation if she resisted.

52. On a separate occasion, Defendant Pennington again brought Lynnette to a staff bathroom and told her to go inside and clean it. When she did, he followed her inside and kissed her on the mouth while rubbing his erect penis against her thigh. On information and belief, Defendant Pennington had the intent to abuse, arouse, or gratify sexual desire.

53. On information and belief, surveillance cameras were installed outside of the staff bathroom and would have captured Defendant Pennington taking Lynnette into this bathroom.

54. Other women in custody and, on information and belief, Logan staff were aware that Defendant Pennington was grooming Lynnette.

Defendant Pennington Is Promoted to Internal Affairs

55. In or around 2018, Defendant Pennington was promoted to work as a Correctional

Officer in Logan's IA Unit—the unit tasked with, among other things, identifying and investigating rule violations and allegations of sexual harassment and abuse perpetrated against women in custody.

56. After his promotion, Defendant Pennington continued monitoring Lynnette and doing her "favors." For example, shortly after his promotion, Defendant Pennington had Lynnette transferred to Housing Unit 1, which had a reputation for being safer and gave her access to participating in Logan's service dog training program. Housing Unit 1 was also the closest housing unit to IA and gave Defendant Pennington greater access to Lynnette as he could see Housing Unit 1's yard from his office window.

57. As an IA Officer, Defendant Pennington did not encounter Lynnette on a daily basis in the ordinary course of his duties. Instead, he instructed Lynnette to visit him in his office in IA, which was, at the time, located adjacent to Housing Unit 1. Lynnette did not have a choice as to whether she attended these meetings; if she refused to go to IA when Defendant Pennington called her, she would receive a disciplinary ticket.

58. During those meetings, Defendant Pennington socialized with Lynnette and inquired about her health. He also told Lynnette repeatedly, in words or substance, that using his new authority as an IA Officer, he could "help her a lot" or "hurt her a lot." He could "seg her" (i.e., place her in segregation) or "have her shook" (i.e., have officers search her belongings). Defendant Pennington also indicated that if Lynnette received a disciplinary ticket, he could get it dropped for her.

59. On no occasion did Defendant Pennington call Lynnette to his office to discuss any IA-related concerns.

60. Lynnette's visits to Defendant Pennington's office in IA were well-known both to

other women in custody and other IA Officers, including Defendant Pennington's supervisor, Defendant Justin Russell, who was working in his office next to Defendant Pennington's office on one or more occasion when Lynnette met with Defendant Pennington.

Defendant Pennington Sexually Assaults Lynnette

61. In or around the spring or summer of 2019, Defendant Pennington instructed Lynnette to visit him in his IA office at night.

62. When Lynnette arrived at the housing unit where IA was located, no one was present in the building but Defendant Pennington.

63. When she entered the building, Defendant Pennington called Lynnette into a back room where he was sitting with his genitals exposed.

64. Lynnette shook her head "no," but Defendant Pennington told her, in words or substance, "Don't play with me."

65. He kissed her and told her to touch his genitals. When Lynnette did not do so, Defendant Pennington grabbed Lynnette's shoulders, pushed her head down, and forced her to perform oral sex.

Lynnette Did Not Report the Sexual Assault for Fear of Retaliation

66. Lynnette feared that Defendant Pennington would use his power as an IA Officer to hurt her if she reported that he had sexually assaulted her.

67. The last time Lynnette reported that a Corrections Officer had sexually abused her, Lynnette was placed in solitary confinement.

68. And, at the time Defendant Pennington sexually assaulted Lynnette, Lynnette had not been informed that someone at Logan was responsible for monitoring for retaliation if she reported Defendant Pennington's sexual misconduct.

69. Accordingly, at that time, Lynnette decided to wait until she was released from

IDOC's custody to report the sexual assault.

Another Incarcerated Person Reports That Defendant Pennington Sexually Assaulted Lynnette

70. Shortly after the assault, Lynnette confided in a friend ("Jane Doe 2")—another woman incarcerated at Logan—that Defendant Pennington had sexually assaulted her.

71. On information and belief, Jane Doe 2 did not maintain Lynnette's confidence and told her roommate ("Jane Doe 1") what had happened to Lynnette.

72. On information and belief, in or around 2023, Jane Doe 1 asked Defendant Pennington to have her girlfriend transferred to her housing unit.

73. On information and belief, Defendant Pennington informed Jane Doe 1 that he would only facilitate the transfer if Jane Doe 1 performed oral sex on him.

74. On information and belief, Defendant Pennington exposed himself to Jane Doe 1 and put his penis in her hand, but the sexual encounter was cut short when they heard a voice.

75. On information and belief, when Defendant Pennington approached Jane Doe 1 to reschedule their sexual encounter, Jane Doe 1 refused.

76. On information and belief, following Jane Doe 1's refusal, correctional officers began subjecting her to discipline that was not warranted by her conduct, including placing her in segregation.

77. On information and belief, in early to mid-2024, Jane Doe 1 reported that Defendant Pennington had abused Lynnette to Defendant Eddy, who was Acting Warden at the time. She was interviewed by Defendant McGinnis, a Correctional Officer in Logan's IA Unit, and Defendant Justin Russell—an external investigator from Springfield who previously served as Defendant Pennington's supervisor in IA at the time Pennington sexually assaulted Lynnette.

Lynnette Substantiates the Report That Defendant Pennington Had Abused Her

78. At the time Jane Doe 1 reported that Defendant Pennington had abused Lynnette, Lynnette had been transferred to Decatur and was awaiting her transfer to Fox Valley so that she could participate in Fox Valley's work release program.

79. In or around June 2024, Correctional Lieutenant Michael Toomey met with Lynnette at Decatur and asked Lynnette if she had been abused.

80. Lynnette began crying and asked if it would affect her transfer to Fox Valley for work release.

81. When Lieutenant Toomey reassured her that it would not, Lynnette confirmed the details of how Defendant Pennington had sexually abused her.

82. On information and belief, Lieutenant Toomey notified Logan's warden and/or other Logan staff of Lynnette's report that Defendant Pennington had sexually abused her. *See* 28 C.F.R. § 115.63.

Lynnette's Work Release Is Prematurely Terminated Without Legitimate Cause

83. On or about July 10, 2024, Lynnette was transferred to Fox Valley to begin participation in IDOC's work release program.

84. During Lynnette's intake process at Fox Valley, she reported to Defendant Harris—Fox Valley's PREA Compliance Manager—that Defendant Pennington had sexually assaulted her while she had been incarcerated at Logan and that she had reported the incident while incarcerated at Decatur.

85. On information and belief, Defendant Harris shared this information with Defendants Shockley (Lynnette's Correctional Counselor), Shift Commander Cox, and other Fox Valley staff.

86. Defendant Shockley was hostile to Lynnette from day one, yelling at her so

frequently that Correctional Counselor Sarah Smith intervened on at least one occasion to check on Lynnette's well-being.

87. Defendant Cox also assigned Lynnette to clean Fox Valley's library late at night, outside of Fox Valley's designated chore times. While Lynnette cleaned the library, Defendant Cox would check on her work. Being alone around a man in a position of authority at night made Lynnette uncomfortable following her sexual abuse by Defendant Pennington.

88. In October 2024, Lynnette asked Defendant Cox, while he was distributing her medications to her, why she was required to clean the library outside of Fox Valley's designated chore times. Defendant Cox responded with hostility, making Lynnette anxious. Lynnette realized only after ingesting her medication that Officer Cox had administered double the dose of one of her medications that she had been prescribed.

89. Lynnette was concerned how the overdose of medications might interact with her seizure medication and insisted that Defendant Cox fill out a medical error report and verify that the dosage she had received was safe.

90. He refused to do so and instead issued her a ticket for "insolence"—defined as "talking, touching, gesturing or other behavior that harasses, annoys or shows disrespect"—on or about October 29, 2024.

91. Following this interaction, Lynnette went to Correctional Counselor Sarah Smith and told Counselor Smith that she had an open PREA investigation, that she was intimidated by large male correctional officers based on her experience being sexually abused by Defendant Pennington, and that she did not feel safe when Defendant Shockley yelled at her and when Defendant Cox forced her to clean the library alone late at night.

92. Following Lynnette's conversation with Counselor Smith, Defendant Shockley

demanded that Lynnette write a statement that she was not sexually intimidated by him.

93. Shortly thereafter, Lynnette's work release was terminated prematurely, and she was transferred back to Logan on November 7, 2024.

94. At the time, Lynnette had an interview scheduled for a new job as a dietician's assistant. She was not permitted to attend the interview due to the premature termination of her work release.

95. Lynnette was devastated when she was not able to interview for this role, especially because she was uniquely qualified for it, having studied culinary arts during her incarceration and having worked as a medical-surgical and cardiac telemetry nurse for years prior to her incarceration.

Lynnette Is Given Inconsistent Reasons for the Termination of Her Work Release

96. When Lynnette asked why her work release had been terminated before she could complete scheduled interviews, she received conflicting answers.

97. Logan Correctional Officer Kayla Nein and Logan Correctional Counselor Steven Green (one of the Counselors involved in Lynnette's intake when she was transferred back to Logan) told her that she had been transferred back to Logan for unidentified "mental health reasons."

98. But Lynnette was not involved in a mental health incident while incarcerated at Fox Valley.

99. Fox Valley Correctional Counselor Sarah Smith and Logan Correctional Counselor David Goff told Lynnette that her early transfer was disciplinary in nature.

100. But Lynnette received only four disciplinary "tickets" while at Fox Valley—all for "minor" infractions.

101. Residents of Adult Transition Centers ("ATC"), such as Lynnette, are typically

given more than one opportunity to explain or change their behavior if they are not meeting ATC standards.

102. There are no strict guidelines governing the number of tickets a person in custody must receive to justify revocation of their removal from an ATC, but common reasons for the revocation of work release status are use of illegal substances, failure to return to the ATC by a scheduled time, and commission of violent offenses. None of the four tickets Lynnette received while housed at Fox Valley were for major offenses of this nature. To the contrary, each of her four tickets was categorized as a "minor" violation.

103. Disciplinary decisions are assessed on a case-by-case basis with the ATC supervisors/directors—in this case, Defendant Mendoza—having ultimate decision-making authority over the discipline an incarcerated person is subject to following a violation.

104. On information and belief, other incarcerated persons housed at Fox Valley have been issued far more tickets than Lynnette and have not had their work release terminated.

Lynnette Is Transferred Back to Logan—The Workplace of Her Abuser

105. Despite the fact that Lynnette had been housed at Decatur immediately prior to her work release at Fox Valley, Lynnette was transferred back to Logan, where Defendant Pennington still worked in IA.

106. During the intake process at Logan, Lynnette told, among others, Defendants Taapken (Logan's PREA Compliance Manager), Correctional Counselor Steven Green, Defendant Worth (a member of Logan's PREA Review Committee), and Defendant Justin Russell that she had reported that Defendant Pennington had sexually abused her, that she feared retaliation, and that she was experiencing severe anxiety as a consequence of her transfer back to Logan where her abuser remained an IA Officer.

107. Each of these individuals claimed to have no knowledge that Lynnette had reported

a PREA violation against Defendant Pennington in mid-2024 despite Lieutenant Toomey having contacted someone at Logan to notify them of Lynnette's report.

108. Lynnette requested several times during her intake that she be transferred back to Decatur to avoid encountering Defendant Pennington. Later, she asked to be placed in protective custody for the same reason.

109. Not only did her requests fall on multiple sets of deaf ears, but Defendant Worth interviewed Lynnette about being sexually abused by Defendant Pennington in an office directly adjacent to Defendant Pennington's office and shushed Lynnette so that Defendant Pennington would not overhear.

110. In January 2025, Lynnette filed a grievance describing how she had been retaliated against for reporting that Defendant Pennington had sexually assaulted her.

111. After she filed the grievance, she was placed in a housing unit and assigned a roommate ("Jane Doe 3") who is an "IA inmate"—an incarcerated person known to inform to IA—who is specifically known to report to Defendant Pennington. On information and belief, Defendant Pennington caused Lynnette to be housed with Jane Doe 3 so that he could monitor and threaten her.

112. On at least one occasion since Lynnette's return to Logan and filing of her grievance, her roommate, Jane Doe 3, has announced to Lynnette and others, in words or substance, that Defendant Pennington "put the word out that he's not going anywhere" and is "going to stay behind that desk" even with "all this shit that's going on."

Lynnette Grieves Her Retaliatory Transfer

113. On January 7, 2025, Lynnette sent a grievance on an emergency basis to Logan's warden, Defendant Long, explaining that her transfer back to Logan from Fox Valley was retaliation for her reporting Defendant Pennington's sexual misconduct. She also described how

staff had gossiped about her report that Defendant Pennington had sexually abused her to other people in custody, at least one of whom has called Lynnette a "cum sucker" since her return to Logan.

114. Lynnette also explained in her grievance that she has been "riddled w[ith] fear & anxiety" since her return to Logan because she is afraid of encountering Defendant Pennington, that she fears retaliation, and expressly requested that she be transferred to another facility or placed in protective custody.

115. Defendant Long returned Lynnette's grievance to her, having found that it was not "non-emergent."

116. Lynnette immediately refiled her grievance on January 21, 2025.

117. On May 23, 2025, Lynnette's counsel contacted IDOC's Chief Legal Counsel, requesting an update on the status of Lynnette's grievance. IDOC's Chief Legal Counsel informed Lynnette's counsel that IDOC had no record of Lynnette's grievance ever having been received.

118. IDOC has concluded upon investigation of various claims made by incarcerated women that Defendant Pennington has misused the state's computer system. On information and belief, Defendant Pennington misused his access to the state's computer system to hide evidence and reports of misconduct.

119. Only after Lynnette's counsel contacted IDOC's Chief Legal Counsel was Lynnette's January grievance located and assigned a grievance number.

Defendant Chambers' Demotion from Internal Affairs

120. Defendant Chambers has been a Correctional Officer at Logan at all times relevant to this complaint and, like Defendant Pennington, was assigned to work in IA at Logan until mid- to late-2024. On information and belief, Defendant Chambers was friends with Defendant Pennington and knew of Defendant Pennington's sexual misconduct with incarcerated women,

including Lynnette.

121. After Lynnette filed her grievance in January 2025, Defendant Chambers approached Lynnette, told her that he had noticed her meeting with attorneys, and told her that he thought he remembered "what this is about."

122. Defendant Chambers reminded Lynnette that he previously been assigned to IA and that he thought he handled a grievance involving Lynnette.

123. He asked her, in words or substance, "It's about Pennington, right?"

124. Lynnette asked Defendant Chambers how he knew it was related to Defendant Pennington, to which Defendant Chambers replied, in words or substance, that Jane Doe 1 had filed a PREA report and that Defendant Chambers had "gotten in trouble" over it because "they" were trying to accuse Defendant Chambers of helping Defendant Pennington "cover it up."

125. Defendant Chambers grinned throughout the conversation.

126. On information and belief, Defendant Chambers was demoted from IA in late 2024.

127. On information and belief, Defendant Chambers and Defendant Pennington are friends.

128. On information and belief, Defendant Chambers' demotion from IA was the result of his improper handling of Jane Doe 1's report that Defendant Pennington sexually abused Lynnette and reports against other IDOC staff.

Lynnette Receives Education on Her Rights Under PREA in March 2025

129. In or around March 2025, Defendant Taapken showed Lynnette an educational video about her rights under PREA, which stated, "Once you make a report, you have the right to be protected, and you will be kept separate from your abuser."

130. This was the first time Lynnette had ever been appraised of her right to be separated from her abuser under PREA.

131. Lynnette asked Defendant Taapken why she had not been separated from Defendant Pennington, and Defendant Taapken—despite her position as PREA Compliance Manager—told Lynnette that she would have to discuss the issue with her Correctional Counselor, Josh Perkins.

132. When Lynnette asked Perkins why she had not been separated from Defendant Pennington following her report, Perkins told Lynnette, in words or substance, that he was unaware of her report of sexual misconduct against Defendant Pennington and that if her claims were true, Defendant Pennington would not be at Logan and would be "locked out"—i.e., removed from the premises pending the outcome of the investigation.

133. Despite Lynnette's explanation that she had already reported the rape while housed at Decatur, Counselor Perkins insisted, in words or substance, that he had to report that Lynnette was "calling a PREA" to "cover his ass."

134. Despite learning that she had the right to be separated from her abuser and Defendant Taapken directing her to ask Perkins about this, Perkins told Lynnette that he did not have any document that said he could separate Lynnette from her abuser.

Logan's Investigation into Defendant Pennington's Misconduct

135. On information and belief, Logan's IA Unit did not investigate Lynnette's report of sexual abuse against Defendant Pennington until 2025—more than six months after Lynnette reported his misconduct.

136. On information and belief, Logan's IA Unit investigated reports of sexual abuse filed by three separate incarcerated women against Defendant Pennington and removed Defendant Pennington from his position in IA, despite determining that each of the three reports were "unsubstantiated."

137. Following Defendant Pennington's removal from IA, he was reassigned first to work as a general corrections officer—at times manning the desk where women in custody must

check in for legal calls and visits with their attorneys and mental healthcare providers—and then to work as a Corrections Food Service Supervisor at Logan.

138. Because Lynnette's requests to be separated from Defendant Pennington were ignored, Lynnette avoids going to the cafeteria for meals to avoid having to encounter her abuser.

Count I – 42 U.S.C. § 1983 – First Amendment Retaliation – Defendant Pennington

139. Plaintiff repeats and realleges Paragraphs 1–138 of this complaint as if fully set forth in this count.

140. As described above, Defendant Pennington retaliated against Lynnette for reporting that he had sexually abused her, which is protected First Amendment speech.

141. Lynnette engaged in protected activity when she reported that she was sexually abused and assaulted by Defendant Pennington.

142. On information and belief, Defendant Pennington retaliated against Lynnette by placing an IA inmate in Lynnette's cell and instructing that woman to threaten Lynnette for reporting his misconduct.

143. On information and belief, Defendant Pennington also retaliated against Lynnette by impeding the review and investigation of her grievances against him.

144. Defendant Pennington only took these actions when he discovered that Lynnette had reported that he had raped and retaliated against her, and he took these actions in further retaliation.

145. Defendant Pennington's retaliation was objectively unreasonable, intentional, with malice, and with knowing disregard for Lynnette's clearly established constitutional rights, and not for a legitimate penological purpose.

Count II – 42 U.S.C. § 1983 – First Amendment Retaliation – Defendants Eddy, Long, Pierce, McGinnis, Brainard, Taapken, Fairless, Sokol, Shelbi Russell, Wright, Venturini, Young, Worth, and Estes

146. Plaintiff repeats and realleges Paragraphs 1–145 of this complaint as if fully set forth in this count.

147. In the manner described more fully above, Defendants Eddy, Long, Pierce, McGinnis, Brainard, Taapken, Fairless, Sokol, Shelbi Russell, Wright, Venturini, Young, Worth, and Estes retaliated against Lynnette for engaging in protected First Amendment activity when she reported Defendant Pennington had sexually assaulted her.

148. The Defendants listed in this count had knowledge that Lynnette reported that Defendant Pennington had sexually abused her because of their positions on Logan's PREA Review Committee and/or because Lynnette reported that she had been abused while housed at Decatur, and Decatur was obligated to notify the head of the facility or appropriate office of the agency where the alleged abuse occurred. *See* 28 C.F.R. §§ 115.63(a)–(b).

149. The Defendants listed in this count had knowledge of at least one other allegation that Defendant Pennington had engaged in retaliatory conduct against another incarcerated individual by the time Lynnette was returned to Logan in November 2024.

150. Despite knowledge of potential retaliation and a substantial risk of serious harm to Lynnette, the Defendants named in this count acted with deliberate reckless indifference by approving Lynnette's transfer back to Logan and taking no actions to monitor for or prevent further retaliation.

151. This retaliation described in this count was objectively unreasonable, intentional, with malice, and with knowing disregard for Lynnette's clearly established constitutional rights, and not for a legitimate penological purpose.

Count III – 42 U.S.C. § 1983 – First Amendment Retaliation – Defendants Mendoza, Harris, and Fox Valley Individuals 1–12[8]

152. Plaintiff repeats and realleges Paragraphs 1–151 of this complaint as if fully set forth in this count.

153. In the manner described more fully above, Defendants Mendoza, Defendant Harris, and Fox Valley Individuals 1–12 retaliated against Lynnette for engaging in protected First Amendment activity when she reported Defendant Pennington had sexually assaulted her.

154. The Defendants listed in this count had knowledge that Lynnette reported that Defendant Pennington had sexually abused her because of their positions on Fox Valley's PREA Review Committee and as Supervisor of Fox Valley and/or Lynnette's reports to Fox Valley staff, including Defendant Harris and Counselor Smith.

155. Despite knowledge of potential retaliation and a substantial risk of serious harm to Lynnette, the Defendants named in this count acted with deliberate reckless indifference by instigating Lynnette's transfer back to Logan and taking no actions to monitor for or prevent further retaliation.

156. This retaliation described in this count was objectively unreasonable, intentional, with malice, and with knowing disregard for Lynnette's clearly established constitutional rights, and not for a legitimate penological purpose.

Count IV – 42 U.S.C. § 1983 – First Amendment Retaliation – Defendant Shockley

157. Plaintiff repeats and realleges Paragraphs 1–156 of this complaint as if fully set forth in this count.

158. As described above, Defendant Shockley retaliated against Lynnette for reporting that Defendant Pennington had sexually abused her, which is protected First Amendment speech.

[8] *See supra* n.4.

159. Lynnette engaged in protected activity when she reported that she was sexually abused and assaulted by Defendant Pennington.

160. Defendant Shockley retaliated against Lynnette by harassing her and mandating that she write and sign a statement stating that she was not sexually intimidated by Defendant Shockley.

161. Defendant Shockley only asked Lynnette to write this statement after learning that she had reported that Defendant Pennington had sexually abused her, and it was a motivating factor in Defendant Shockley's decision to retaliate against her.

162. Notwithstanding the fact that Defendant Shockley was Lynnette's correctional counselor, the retaliation was objectively unreasonable, intentional, with malice, and with knowing disregard for Lynnette's clearly established constitutional rights, and not for a legitimate penological purpose.

Count V – 42 U.S.C. § 1983 – First Amendment Retaliation – Defendant Cox

163. Plaintiff repeats and realleges Paragraphs 1–162 of this complaint as if fully set forth in this count.

164. As described above, Defendant Cox retaliated against Lynnette for reporting that Defendant Pennington had sexually abused her, which is protected First Amendment speech.

165. Lynnette engaged in protected activity when she reported that she was sexually abused and assaulted by Defendant Pennington.

166. Defendant Cox retaliated against Lynnette by forcing her to clean the Fox Valley library outside of Fox Valley's designated chores hours, alone and late at night, despite Lynnette having early work shifts the next morning.

167. Defendant Cox also retaliated against Lynnette by issuing her a disciplinary ticket

for "insolence" when she asked him to submit a medical error report after he had issued her an overdose of her medication, and recommended that her work release be terminated early based on the incident.

168. Defendant Cox assigned Lynnette to after-hour chores, issued her a frivolous ticket, and recommended the early termination of her work release after learning that she had reported that Defendant Pennington had sexually abused her, and it was a motivating factor in Defendant Cox's decision to retaliate against her.

169. The retaliation was objectively unreasonable, intentional, with malice, and with knowing disregard for Lynnette's clearly established constitutional rights, and not for a legitimate penological purpose, especially where there is a designated chore time for all incarcerated persons to complete their assigned tasks.

Count VI – 42 U.S.C. § 1983 – First Amendment Retaliation – Defendants William Chambers and Justin Russell

170. Plaintiff repeats and realleges Paragraphs 1–169 of this complaint as if fully set forth in this count.

171. As described above, Defendants William Chambers and Justin Russell retaliated against Lynnette for reporting that he had sexually abused her, which is protected First Amendment speech.

172. Lynnette engaged in protected activity when she reported that she was sexually abused and assaulted by Defendant Pennington.

173. On information and belief, Defendants Chambers and Justin Russell retaliated against Lynnette by impeding the review and investigation of and/or failing to review and investigate her grievances against Defendant Pennington.

174. Defendants Chambers and Justin Russell only took these actions when he

discovered that Lynnette had reported that Defendant Pennington had sexually abused and/or retaliated against her, and they took these actions in further retaliation.

175. Defendants Chambers and Justin Russell's retaliation was objectively unreasonable, intentional, with malice, and with knowing disregard for Lynnette's clearly established constitutional rights, and not for a legitimate penological purpose.

Count VII – Illinois Gender Violence Act, 740 ILCS 82/1 *et seq.* – Defendant Pennington

176. Lynnette repeats and realleges Paragraphs 1–175 of the complaint as if fully set forth in this count.

177. The Illinois Gender Violence Act provides a civil cause of action for any person subject to "gender-related violence," which includes, in relevant part, "a physical intrusion or physical invasion of a sexual nature under coercive conditions satisfying the elements of battery under the laws of Illinois[.]" 740 ILCS 82/5.

178. The elements of civil battery under Illinois law are "(1) an intentional act on the part of the defendant, (2) resulting in offensive contact with the plaintiff's person, and (3) lack of consent to the defendant's conduct." *Obermeier v. N.W. Meml. Hosp.*, 134 N.E.3d 316, 333–34 (Ill. App. 1st Dist. 2019). "Offensive contact" occurs when such contact "offends a reasonable sense of personal dignity." RESTATEMENT (SECOND) OF TORTS § 19 (Am. L. Inst. 1965).

179. Defendant Pennington committed civil battery against Lynnette by intentionally forcing her perform oral sex without her consent—an act that offends a reasonable sense of personal dignity.

180. This contact was of an insulting and provoking nature to Lynnette and has caused her extreme mental and emotional distress.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Lynnette Gherna prays this Court enter judgment in her favor and

against Defendants as follows:

a) Compensatory and punitive damages in an amount to be determined at trial;

b) Injunctive relief, including, but not limited to, immediate transfer to a facility in which Defendant Pennington is not, and will not be, present;

c) Attorneys' fees and costs; and

d) Such other and further relief in either law or equity as this Court deems just and proper.

JURY DEMAND

Plaintiff Lynnette Gherna demands trial by jury.

[Signature on Following Page]

Dated: September 17, 2025

Respectfully submitted,

/s/ Scott Schutte

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