

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

JENNIFER LIVINGSTON, KIRSTEN
BAIN, TAVI BURROUGHS, KENIA
CHAVEZ, CHRISTINA GUARINO,
KATHARINE LAZZARA, JESSICA
MAPLES, SHANNON MARKEY,
DONNA RUCH, JAMIE SNEVELY,
LISETTE VENEGAS, and MARY
YOUNGREN,

Plaintiffs,

vs.

CITY OF CHICAGO, a municipal
corporation

Defendant.

Case No.

JURY DEMANDED

COMPLAINT

Plaintiffs Jennifer Livingston, Kirsten Bain, Tavi Burroughs, Kenia Chavez, Christina Guarino, Katharine Lazzara, Jessica Maples, Shannon Markey, Donna Ruch, Jamie Snevely, Lisette Venegas, and Mary Youngren complain against Defendant the City of Chicago as follows:

NATURE OF THE ACTION

1. This is an action to enforce the provisions of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, as amended, alleging that the City of Chicago has engaged, and continues to engage, in sex discrimination against female candidate Fire Paramedics in the Chicago Fire Department.

2. The principal focus of this complaint is the City's discriminatory use of physical testing of candidate Fire Paramedics that is not job related and operates as a barrier to employment for women, including the Plaintiffs. This testing has no legally defensible justification and eliminates a significant number of women, but virtually no men. Its discriminatory effect has not been accidental. For the past fifteen years, the City has relied on physical testing to screen out candidates for Fire Paramedic positions not merely in spite of its adverse impact on women but because of it—for the purpose of limiting the number of women employed in uniformed positions in the Chicago Fire Department ("CFD"). And the strategy has been successful: as a result of discriminatory physical testing, from 1996 through 2014, the ratio of men to women in the Fire Paramedic rank in the CFD remained virtually static. In 1996, Fire Paramedics in the CFD were more than 70% male. In 2014, Fire Paramedics were still more than 70% male. Precious little, if any, progress was made.

3. For decades, before 2000, the City hired both men and women as Fire Paramedics without physical testing—and with no demonstrated adverse consequences. Then, in 2000, the City abruptly reversed course and, for the first time, instituted required physical testing for new Fire Paramedic hires. This new testing requirement was a textbook violation of Title VII. As the Seventh Circuit recently held, the physical testing was, from day one, neither job related nor consistent with business necessity. See *Ernst v. City of Chicago*, -- F.3d --, 2016 WL

4978377 (7th Cir. Sept. 19, 2016). Its only proven effect was its disproportionate exclusion of women.

4. This lawsuit picks up where *Ernst* left off.

5. The City has now finally abandoned the physical test the Seventh Circuit condemned in *Ernst*. The focus of this case is new, replacement physical testing requirements, which the City has adopted in place of the test in *Ernst*. In *Ernst*, the City kept women out of Fire Paramedic jobs by devising a test that many of them could not pass, in order to bar their entry to the Training Academy. Because that barrier to employment proved legally problematic, now the City is allowing more women to enter the Academy—but is flunking them before they can graduate. In both cases the mechanism is the same. The new tests are as ill-matched to the requirements of the job as the test was in *Ernst*. And, like the earlier test in *Ernst*, the new tests once again unjustifiably exclude women, but virtually no men—as if the City has learned nothing from *Ernst*. Like the testing the Seventh Circuit condemned in *Ernst*, the new testing serves only one demonstrable purpose—to continue to disproportionately deny employment to women, without any job-related justification, in violation of Title VII.

6. The City's discrimination against women in the CFD is stubborn and purposeful. It reflects a deep-seated hostility within the CFD to allowing women to serve. Unequal treatment and hostility to the presence of women in the uniformed ranks of the CFD are standard practice within the CFD, and they are too pervasive

to be unintended. The intentionality of the hostility is unmistakable given how often it manifests itself, not only in the City's perversely persistent use of discriminatory physical testing that bears no demonstrable relationship to job requirements, but also in so many other contexts, including, among others:

- (a) The City's failure to accommodate nursing mothers in the CFD.
- (b) The City's failure to provide female Fire Paramedics and firefighters with adequate bathrooms and locker room facilities at the Training Academy. Thirteen women hired into the CFD as firefighters as the result of litigation in *Godfrey v. City of Chicago*, No. 12 C 8601 (N.D. Ill. May 28, 2015), were assigned to a single locker room with one restroom and one shower—despite the availability of a vacant, adjacent locker room.
- (c) The City's systemic failure to provide female Fire Paramedics and firefighters separate or adequate sleeping quarters, showers and dressing and restroom facilities, in firehouses across the City.
- (d) The repeated verbal and physical harassment and intimidation to which female Fire Paramedics and firefighters are subjected, without appropriate corrective action being taken by the City.
- (e) The sexually discriminatory treatment of women by the CFD's Medical Division.

JURISDICTION

7. This Court has jurisdiction over this action pursuant to 42 U.S.C. § 2000e-(5)(f)(3) and 28 U.S.C. §§ 1331 and 1343.

VENUE

8. Venue is proper in this district under 28 U.S.C. § 1391 because the events and omissions giving rise to the claims alleged in this complaint took place in this district.

CONDITIONS PRECEDENT

9. All required conditions precedent to the filing of this suit have been performed or occurred.

10. The following Plaintiffs filed timely charges of classwide sex discrimination with the Equal Employment Opportunity Commission (“EEOC”), received Notices of Right to sue from the EEOC, and have filed this complaint within 90 days of their receipt of those notices: Jennifer Livingston, Jamie Snevely, Christina Guarino, Tavi Burroughs, Shannon Markey, and Kenia Chavez.

11. Plaintiffs Katharine Lazzara, Kirsten Bain, Jessica Maples, Donna Ruch, Lisette Venegas, and Mary Youngren did not file EEOC charges but are entitled to rely on the charges filed by the others because they are suing over the same discriminatory acts, policies and practices.

PARTIES

12. Each Plaintiff is a woman, a licensed and experienced paramedic, was hired by Defendant City of Chicago as a candidate Fire Paramedic for the Chicago Fire Department, and was subsequently discharged by the City, or placed on suspended assignment and denied employment as a Fire Paramedic, due to sex discrimination.

13. Defendant City of Chicago (“the City”) is a unit of government, a municipal corporation, and a “person” within the meaning of 42 U.S.C. § 2000e(a), as well as an “employer” within the meaning of 42 U.S.C. § 2000e(b).

FACTUAL ALLEGATIONS

14. The City maintains a Fire Department (“the CFD”), which employs several hundred paramedics in a position the City calls “Fire Paramedic.” Fire Paramedics provide services, including emergency medical services, to residents of the City. Unlike “dual-role” or “cross-trained” *Firefighter* Paramedics, Fire Paramedics are not responsible for fire suppression activities.

15. The City establishes the terms, conditions and other practices that bear on the selection and employment of Fire Paramedics.

Sex Discrimination in Hiring: 2000-2012

16. For decades, the City hired Fire Paramedics through a selection process that included, with minor variations, the following steps: (a) screening applicants for a valid, current paramedic license issued by the Illinois Department of Health; (b) drug screening; (c) a background check; (d) a fit-for-duty certification by a CFD medical officer; and (e) upon satisfactory completion of those first four steps, a multi-week course of training and instruction at the City’s Fire Training Academy.

17. In 2000, the City changed the process for hiring Fire Paramedics—by, for the first time, adding a requirement that candidates for Fire Paramedic positions pass a Physical Performance Test (or “PPT”) before starting the Training Academy. (The test developer who devised the PPT characterizes it as a physical *performance* test. For rhetorical reasons, the City, rejecting its own test developer’s

usage, has historically preferred to describe the PPT as a Physical *Abilities* Test—or “PAT”—hoping to foster the misconception that the test measures native physical abilities without which no candidate can succeed as a Fire Paramedic. As the Seventh Circuit has held, the test does not in fact assess a candidate’s ability to succeed as a Fire Paramedic. See *Ernst*, 2016 WL 4978377. For these reasons, Plaintiffs use the terminology used by the test developer. The PPT was always, at best, a snapshot measure of a candidate’s trainable, adaptable “performance” at a particular moment in time and never a test of native or static “ability.”)

18. Tellingly, when the City introduced the PPT in 2000, it imposed this new physical testing requirement only for new hires. The City does not, and has never, required physical testing of incumbent Fire Paramedics. The City also has no mandatory retirement age for paramedics, who often continue working into their 50s or 60s, despite the declines that many of them experience in their physical fitness and performance as they age.

19. During the more than a decade, starting in 2000, that the City used the PPT, the PPT had only one demonstrated effect—its disproportionate exclusion of women. It had no demonstrable effect on paramedic job performance.

20. The PPT’s impact was known, severe, and undisputed. Between 2000 and 2009, only 2% of men applying for Fire Paramedic positions with the CFD were denied employment because of their scores on the PPT. By contrast, 40% of women taking the PPT were. Women who took the PPT—all of them already licensed

paramedics, and most of them already working paramedics, demonstrably qualified—scored on average 300 points lower than men on the test. Women “failed” the PPT at a rate twenty times higher than men.

21. The adverse impact of the PPT was clear from day one. And so was the absence of any correlation between test performance and job performance. As the Seventh Circuit has held, the PPT was not reliable and not job related. *Ernst*, 2016 WL 4978377. In addition, while alternatives to the PPT—with both greater validity and less disparate impact—always existed, for more than a decade the City refused to adopt them.

22. Throughout litigation in *Ernst*, the City struggled to contrive a neutral explanation for its use of the PPT and came up with only one: that the purpose of the PPT was, allegedly, to reduce workplace injuries. That explanation was transparently pretextual. A test that 98% of men pass cannot affect injury rates unless only female paramedics suffer injuries—which the City knew all along was not the case.

23. The City’s adoption, and then continued use, of the PPT for more than a decade defies any sex-neutral explanation.

Continuing Sex Discrimination in Hiring: 2012 to the Present

24. In 2014, the City finally abandoned the PPT, replacing it with what appears to be an improved test of candidates’ physical skills, which the City is calling “the PPAT.”

25. The test developer consultants who devised the PPAT for the City claim that it “measure[s] applicants’ ability to perform the essential functions of the Chicago Fire Department’s paramedic position that are physically demanding.”

26. Plaintiffs are twelve women who applied for Fire Paramedic positions with the CFD after 2012. Each holds a paramedic license issued by the Illinois Department of Health. Each successfully completed drug screening, a background check, and a pre-employment medical examination. Each Plaintiff also took and passed the new PPAT, thereby demonstrating the adequacy of her physical skills for the CFD’s Fire Paramedic position.

27. Each Plaintiff, after passing the PPAT and being certified as fit-for-duty by the CFD’s medical officer, was hired by the CFD and matriculated to the CFD’s Training Academy. However, none of the Plaintiffs graduated from the Academy. Instead, all of them were terminated by the City, or placed on Suspended Assignment and prevented from returning to active duty, as the result of new, additional, discriminatory physical testing requirements. These new requirements, which are the focus of this complaint, were instituted by the City in 2014, above and beyond the PPAT, and in reaction to the increasing number of women passing the PPAT compared to the old PPT.

28. From 2000-2012, the City kept women out of Fire Paramedic jobs by devising a test that many of them could not pass, in order to bar their entry to the Training Academy. Once that barrier to employment proved legally problematic, the

City erected a new one. Since 2014, the City has resorted to driving women out of the Training Academy before they can graduate.

29. The City does this, principally though not exclusively, through the use of two new physical tests administered during Academy training. Like the *Ernst* test, these tests also disproportionately eliminate women and bear no demonstrable relationship to Fire Paramedic job requirements.

30. The City refers to these tests as a “Lifting and Moving Sequence” and a “Step Test.” On information and belief, neither of these tests was professionally developed; instead, both are the CFD’s own DIY inventions. Since approximately 2014, the City has required Fire Paramedic candidates at the Training Academy to take and pass both these new tests as a condition of graduating from the Training Academy and continuing employment as CFD Fire Paramedics.

31. During 2014 and 2015, the City administered its new-fangled “Lifting and Moving Sequence” and “Step Test” to approximately 179 men and 56 women. One hundred percent of the men passed and were allowed to complete the Academy training. By contrast, approximately twenty-one percent of the women, including the 12 Plaintiffs in this case, did not pass and were terminated or placed on unpaid Suspended Assignment and never allowed to return. This level of adverse impact is statistically significant. A 100% pass rate for men is approximately six standard deviations higher than a 79% pass rate for women. (Two standard deviations of

difference is a common threshold for statistical significance. The disparity here is three times that large.)

32. Neither the “Lifting and Moving Sequence” nor the “Step Test” is job related. They do not predict ability to perform the job of a CFD Fire Paramedic. They do not distinguish between qualified and unqualified candidates. They do not provide a measure or test of the minimum qualifications necessary for successful performance of the Fire Paramedic job. The City’s use of these new tests to screen candidates at the Training Academy, who have already passed the PPAT, is not consistent with business necessity. Tellingly, the “Lifting and Moving Sequence” and the “Step Test” are more strenuous than the return-to-work and fit-for-duty standards used by the City to assess incumbent paramedics’ physical fitness or preparedness after medical layup.

33. The “Lifting and Moving Sequence” is an extended exercise which includes, among other maneuvers, lifting and carrying a mannequin, weighing 250 pounds or more, up and down six flights of stairs, with a partner, using a stair chair and “without allowing the stair chair to touch any surface, except for the landing.” The candidate Fire Paramedic being tested must take the position at the top of the stair chair on the ascent and at the bottom of the stair chair on the descent. This test does not simulate actual Fire Paramedic job performance and does not measure or predict minimum qualifications for the Fire Paramedic position. The current Fire Commissioner of the Chicago Fire Department, José Santiago, has admitted that the “Lifting and Moving Sequence” is “not realistic.”

34. The “Step Test” is, likewise, unrealistic. It involves stepping up onto and down from a box eighteen inches in height, continuously for not less than 2 minutes, in cadence with a metronome beating at 112 beats per minute, without breaking cadence for two consecutive beats, while holding two 25-pound weights. It does not simulate actual Fire Paramedic job performance. It does not measure or predict minimum qualifications for the Fire Paramedic position.

35. Plaintiff Jennifer Livingston took and did not pass the “Lifting and Moving Sequence” and the “Step Test” as a candidate Fire Paramedic in the CFD Training Academy. The City terminated her employment on November 20, 2014, because of her sex.

36. Plaintiff Jamie Snevely took and did not pass the “Lifting and Moving Sequence” and the “Step Test” as a candidate Fire Paramedic in the CFD Training Academy. The City terminated her employment on November 12, 2014, because of her sex.

37. Plaintiff Christina Guarino took and did not pass the “Lifting and Moving Sequence” and the “Step Test” as a candidate Fire Paramedic in the CFD Training Academy. The City terminated her employment on September 16, 2014, because of her sex.

38. Plaintiff Tavi Burroughs took and did not pass the “Lifting and Moving Sequence” and the “Step Test” as a candidate Fire Paramedic in the CFD Training Academy. The City terminated her employment on October 9, 2014, because of her

sex. In July 2015, Burroughs re-applied for employment as a CFD Fire Paramedic. The City accepted her application and has placed her name on the referral list currently being used to hire candidate Fire Paramedics. She will re-enroll in the Academy when called.

39. Plaintiff Kirsten Bain took and did not pass the “Step Test” as a candidate Fire Paramedic in the CFD Training Academy. In October 2014, the City’s medical officer, Dr. William Wong, threatened to permanently disqualify her from the CFD if she did not quit. The City constructively discharged her from her employment, because of her sex.

40. Plaintiff Katharine Lazzara took and did not pass the “Lifting and Moving Sequence” and the “Step Test” as a candidate Fire Paramedic in the CFD Training Academy. The City terminated her employment on June 17, 2015, because of her sex.

41. Plaintiff Shannon Markey took and did not pass the “Lifting and Moving Sequence” and the “Step Test” as a candidate Fire Paramedic in the CFD Training Academy. The City terminated her employment on May 26, 2015, because of her sex. In July 2015, Markey re-applied for employment as a Fire Paramedic with the CFD. The City accepted her application and has placed her name on the referral list currently being used to hire candidate Fire Paramedics. She will re-enroll in the Academy when called.

42. Plaintiff Jessica Maples took and did not pass the “Lifting and Moving Sequence” and the “Step Test” as a candidate Fire Paramedic in the CFD Training Academy. The City terminated her employment on or around July 22, 2015, because of her sex. In July 2015, Maples re-applied for employment as a Fire Paramedic with the CFD. The City accepted her application and has placed her name on the referral list currently being used to hire candidate Fire Paramedics. She will re-enroll in the Academy when called.

43. Plaintiff Kenia Chavez took and did not pass the “Lifting and Moving Sequence” and the “Step Test” as a candidate Fire Paramedic in the CFD Training Academy. The City terminated her employment on September 15, 2015, because of her sex.

44. The City terminated Plaintiff Lisette Venegas’ employment as a candidate Firefighter Paramedic with the CFD in June or July 2015, because of her sex, after her performance on an ad hoc “lunge” test concocted by CFD’s director of training and staff physician. In July 2015, Venegas re-applied for employment as a Fire Paramedic with the CFD. The City accepted her application and has placed her name on the referral list currently being used to hire candidate Fire Paramedics. She will re-enroll in the Academy when called.

45. Plaintiff Donna Ruch took and did not pass the “Lifting and Moving Sequence” and the “Step Test” as a candidate Fire Paramedic in the CFD Training

Academy. Plaintiff was injured while performing the “Lifting and Moving Sequence” and was terminated on August 3, 2016, because of her sex.

46. Plaintiff Mary Youngren was injured in the CFD Training Academy while performing the “Step Test.” The City has placed her on unpaid Suspended Assignment. On Suspended Assignment, she is entitled to complete Academy training following her receipt of medical clearance. Youngren has obtained medical clearance and is awaiting the opportunity to re-take the “Step Test.” She is not on active duty, because of her sex.

The City’s Motive and Intent

47. The City’s use of physical testing, bearing no relationship to job performance, has reduced the number of women available to serve as CFD Fire Paramedics and maintained the over-representation of men in that position. The elimination of women is intended, not accidental. The City’s hostility to the presence of women within the uniformed ranks of the CFD is too pervasive to be unintended. The intentionality of the hostility is unmistakable given how often it manifests itself. Both alone and together, the following examples lead almost inexorably to the conclusion that the City is now, and has for years been, intentionally deterring and preventing fully qualified women from enjoying equal employment opportunities as uniformed members of the CFD. These acts and omissions cannot plausibly be explained except as a pattern of intentional discrimination:

a. The City has a long history of using physical testing that has no demonstrated effect except to exclude qualified women from Fire Paramedic positions. The City's current use of the "Lifting and Moving Sequence" and the "Step Test" take up where the PPT left off. In violation of Title VII, the City used the PPT to exclude qualified women for more than a decade. See *Ernst*.

b. Using the same *modus operandi*, the City also has a long history of using invalid physical testing to deny employment to qualified women applying for *firefighter* positions in the CFD. See *Vasich v. City of Chicago*, No. 11 C 4843 (N.D. Ill.), and *Godfrey v. City of Chicago*, No. 12 C 8601 (N.D. Ill.). For close to twenty years, the City knowingly set the passing score on the physical test it administered to applicants for firefighter positions at a level so high that it would have denied employment to 75% of *incumbent* female firefighters in the CFD—incumbents who presumptively (and in fact) were competent. For close to two decades, the City's use of that cut score, bearing no relationship to job qualifications, disqualified more than 90% of the women who applied to be firefighters. Meanwhile, as the City intended, the firefighter rank remained overwhelmingly—more than 97%—male.

c. The City's intent to discriminate against women in the CFD is also evidenced by the City's failure to accommodate nursing mothers in the uniformed ranks of the CFD. In one case, an incumbent CFD paramedic returning from medical layup after giving birth was assigned to the Training Academy to review CFD general orders. She repeatedly requested, and was repeatedly denied,

access to her breast pump, resulting in excruciating physical pain and the humiliation of leaking breast milk through her uniform. Plaintiff Snevely, knowing that CFD had no policy of accommodating nursing mothers, stopped breastfeeding her newborn when she entered the Training Academy.

d. The City's intent to discriminate against women in the CFD is also evident from its failure to provide female Fire Paramedics and firefighters with adequate bathrooms and locker room facilities during training. In one instance, thirteen women hired into the CFD as firefighters as the result of litigation in *Godfrey v. City of Chicago* were assigned to a single locker room with one restroom and one shower. These women requested, but CFD Training instructors refused, to unlock a vacant, adjacent locker room for their use. The City unlocked the second locker room only after these women were subjected to the egregious incident of harassment (involving feces) described below.

e. The City's intent to discriminate against women in the CFD is further evidenced by the City's failure to provide female Fire Paramedics and firefighters with separate or adequate sleeping quarters, showers and dressing and restroom facilities at most firehouses across the City. The City has persistently ignored complaints from female uniformed personnel about the lack of adequate facilities.

f. The City's intent to discriminate against women in the CFD is likewise evidenced by the City's repeated failures to take appropriate corrective

actions to deter or punish the verbal and physical harassment and intimidation that female CFD Fire Paramedics and firefighters are subjected to. For example:

(i) The City recently failed to take appropriate actions to investigate and respond to harassment claims triggered by an incident involving feces smeared on a female candidate's training uniform in the changing area used by female candidate firefighters at the Training Academy.

(ii) A Training Academy instructor peered down Plaintiff Snevely's shorts while she performed a "bicycle" exercise in training, violating her privacy and humiliating her in front of other candidates. Another Training Academy Instructor, Aref Abdellatif, ridiculed Plaintiff Markey in front of her class, remarking on her physique, ordered her to write a "Form 2" explaining what she had done to prepare for Academy training, and then ordered her to re-write it four more times. Men in the class were not subjected to comparable harassment. A third Academy instructor discouraged male candidate Fire Paramedics from partnering with women for the "Lifting and Moving Sequence," warning that, "It could ruin your careers." An Academy instructor berated Plaintiff Ruch not to "try any of your female tricks with me!"

(iii) The Medical Division of the Fire Department consistently engages in pervasive disparate treatment of women in uniformed ranks. The Division claimed Plaintiff Ruch's on-duty injury, suffered while she performed the "Lifting and Moving Sequence," was gynecological. The Division directed 40% of the

female applicants hired under the court order in *Vasich v. City of Chicago*—young, fit women who had passed the rigorous Candidate Physical Abilities Test—to undergo further medical review. The Division applies disparate standards to men and women returning from medical leave, requiring women to undergo excessive, irrelevant, and unwarranted medical examinations and tests before returning them to duty. The Medical Director even interrogates women about whether they “really want” to be Fire Paramedics or firefighters and encourages them to “just quit.”

48. Unless restrained by this Court, the City will continue to pursue policies, practices, and physical testing that have no legally defensible job-related justification and discriminate against women, including by using practices either the same as or similar to those alleged in this complaint.

**FIRST CLAIM FOR RELIEF
(Disparate Treatment)
(Title VII)**

49. Plaintiffs repeat and re-allege paragraphs 1 - 47, above.

50. As a direct result of the acts and omissions described above, the City has violated, and is continuing to violate Title VII, and has caused and is causing injury to each Plaintiff, by intentionally discriminating against her because of her sex.

**SECOND CLAIM FOR RELIEF
(Disparate Impact)
(Title VII)**

51. Plaintiffs repeat and re-allege paragraphs 1 - 47, above.

52. As a direct result of the acts and omissions described above, the City has violated, and is continuing to violate Title VII, and has and is causing injury to Plaintiffs Livingston, Snevely, Guarino, Burroughs, Lazzara, Maples, Markey, Chavez, Ruch, and Youngren, by conditioning their continued employment on successful completion of the “Lifting and Moving Sequence” and “Step Test,” which are neither job related nor consistent with business necessity and have an adverse impact against women, and despite the availability of valid, less discriminatory alternatives.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for the following relief:

A. An award to each Plaintiff of complete make-whole relief, including reinstatement, constructive seniority, back pay with prejudgment interest, front pay, pension and fringe benefits, and compensatory damages.

B. An order or judgment preliminarily and permanently enjoining the City, its officers, agents, employees and all persons in active concert or participation with the City, from:

i. Using any physical abilities test to screen or select Fire Paramedics unless the test or screen either has no disparate impact on the basis of sex or it has been demonstrated, before its use, that it is job related and consistent with business necessity and that no substantially equally valid, lesser discriminatory alternative(s) exist(s).

ii. Using any physical abilities test to screen or select Fire Paramedics with an intent to discriminate against female candidates, whether that intent is based upon explicit sex-based animus or negative stereotypes about the physical capabilities of women.

iii. Discharging, or refusing to reinstate to active duty, female candidate Fire Paramedics on the basis of any physical fitness exercise which is not properly normed and job related.

iv. Discriminating against female candidate Fire Paramedics through the actions of the Medical Division, in threatening to discharge or refusing to reinstate to active duty, female candidate Fire Paramedics who are able to meet non-discriminatory and job-related standards that apply to incumbent Fire Paramedics returning to duty after medical layup.

v. Retaliating against or otherwise adversely affecting any person because he or she opposed the alleged discrimination at issue here, in any way participated or cooperated in the investigation or litigation of the alleged discrimination at issue here, or receives relief as a result of or otherwise benefits from this lawsuit.

C. Reasonable attorneys' fees, expert fees, and the costs and expenses of this litigation.

D. All other and further relief as may be appropriate.

JURY DEMAND

Plaintiffs demand trial by jury on all issues for which a jury trial is allowed.

Dated: October 28, 2016

Respectfully submitted,

/s Marni Willenson

MARNI WILLENSON

marni@willensonlaw.com

SAMANTHA KRONK

skronk@willensonlaw.com

WILLENSON LAW, LLC

542 S. Dearborn Street, Suite 610

Chicago, IL 60605

(312) 508-5380

(312) 508-5382 (Fax)

JOSHUA KARSH

jkarsh@hsplegal.com

CARYN LEDERER

clederer@hsplegal.com

HUGHES, SOCOL, PIERS

RESNICK & DYM, LTD.

70 W. Madison Street, Suite 4000

Chicago, IL 60602

(312) 580-0100

(312) 580-1994 (Fax)

Attorneys for the Plaintiffs