

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

JOHN R. NIXON)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	
FOX RIVER AND COUNTRYSIDE)	
FIRE RESCUE DISTRICT, KRISTIN)	
LEBLANC, JOHN KARR, JASON PARTHUN,)	
NICK MCMANUS, and JAMES WEGMAN)	
)	
Defendants)	

NATURE OF THE ACTION

1. This action is brought under Title I of the Americans with Disabilities Act of 1990, as amended (“ADA”) 42 U.S.C. § 12101 *et seq.*, the Family and Medical Leave Act of 1993 (“FMLA”) 29 U.S.C. § 2601 *et seq.*, and the Fourteenth Amendment to the United States Constitution pursuant to 42 U.S.C § 1983. As alleged with greater particularity in the Statement of Claims below, Defendants, FOX RIVER AND COUNTRYSIDE FIRE RESCUE DISTRICT (“FRCFR”) and KRISTIN LEBLANC (“Trustee LeBlanc”), JOHN KARR (“Trustee Karr”), JASON PARTHUN (“Trustee Parthun”), NICK MCMANUS (“Trustee McManus”) and JAMES WEGMAN (“Trustee Wegman”) (hereinafter collectively “Defendants”) violated Plaintiff, JOHN R. NIXON’S (“Plaintiff”) protected constitutional rights under the ADA, FMLA and the Fourteenth Amendment.

PARTIES

2. Plaintiff is a 71-year-old who currently resides in Fort Meyers, Florida but resided in Algonquin, McHenry County, Illinois at the time of the events detailed below.

3. FRCFR is a municipal corporation organized under the Illinois Fire Protection District, 70 ILCS 705/1 *et seq.*, with its principal offices located at 34W500 Carl Lee Road, St.

Charles, Kane County, Illinois.

4. Trustee LeBlanc is the President and Trustee for the FRCFR Board of Trustees and is a resident of Campton Hills, Kane County, Illinois.

5. Trustee Karr is the Secretary and Trustee for the FRCFR Board of Trustees and is a resident of Wayne, Kane County, Illinois.

6. Trustee Parthun is the Treasurer and Trustee for the FRCFR Board of Trustees and is a resident of St. Charles, Kane County, Illinois.

7. Trustee McManus is a Trustee for the FRCFR Board of Trustees and is a resident of St. Charles, Kane County, Illinois.

8. Trustee Wegman is a Trustee for the FRCFR Board of Trustees and is a resident of St. Charles, Kane County, Illinois.

JURISDICTION AND VENUE

9. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331, as this case bring federal constitutional claims.

10. Venue is proper in the Northern District of Illinois, Eastern Division, under 28 U.S.C. § 1391(a)-(b), as all Defendants are residents of the district in the State of Illinois and Plaintiff's claims arose out of facts occurring in this District.

11. On September 14, 2021, Plaintiff filed a Charge of Discrimination on the basis of disability against Defendant, FRCFR with the Equal Employment Opportunity Commission ("EEOC"). A true and correct copy of that Charge is attached as Exhibit A.

12. On June 17, 2022, the EEOC issued its Notice of Right to Sue stating that the EEOC's investigation of the Charge will not be completed within 180 days of its filing. A true and correct copy of that Notice is attached as Exhibit B.

13. Plaintiff exhausted his administrative remedies under the ADA against Defendants.

14. Plaintiff files this Complaint within 90-days of his receipt of the Notice of Right to Sue from the EEOC.

15. There is no administrative exhaustion requirement for Plaintiff's FMLA claims against Defendants, 29 U.S.C. § 2617(a)(2).

16. There is no administrative exhaustion requirement for the Plaintiff's Fourteenth Amendment claims against Defendants.

FACTS COMMON TO ALL COUNTS

17. On September 6, 2016, Plaintiff signed his first employment agreement with FRCFR to work as the Fire Chief for the District.

18. The term of Plaintiff's first employment agreement was from September 6, 2016 to April 30, 2019 and contained a 1-year auto renewal clause if neither party chose to terminate the agreement at least 90-days prior to April 30, 2019.

19. Attached as Exhibit A to Plaintiff's first employment agreement was the job description for the position of the Fire Chief. The responsibilities of the Fire Chief detailed in the exhibit were primarily administrative.

20. On or about April 1, 2019, Plaintiff lost consciousness while driving his command vehicle to his office at FRCFR station 1 and crashed the vehicle into a fire hydrant and tree. Plaintiff was transported from the scene to the hospital and various tests were performed.

21. Plaintiff remained in the hospital until April 6, 2019. After being discharged, Plaintiff remained on paid medical leave.

22. Later in April 2019, Plaintiff was diagnosed with T Cell Large Granular Lymphocyte Leukemia.

23. While Plaintiff was on medical leave, FRCFR appointed an interim acting Fire Chief, Captain Scott Sutherland Sr., and Plaintiff regularly consulted with Captain Sutherland about department operations during his absence.

24. In early May 2019, Plaintiff was again hospitalized after his pneumonia reoccurred as a result of his compromised immune system from the Leukemia.

25. On or about May 6, 2019, Plaintiff was discharged from the hospital. Plaintiff returned to work later in May 2019 and assumed his duties as the Fire Chief without any restrictions.

26. On May 1, 2020, Plaintiff signed his second employment agreement with FRCFR to continue his role as the Fire Chief for the District.

27. The term of Plaintiff's second employment agreement was from May 1, 2020 to April 30, 2023.

28. Attached as Exhibit A to Plaintiff's second employment agreement was the job description for the position of the Fire Chief. The responsibilities of the Fire Chief detailed in the exhibit were primarily administrative.

29. On or about November 9, 2020, Plaintiff was diagnosed with severe acute respiratory syndrome coronavirus 2 (SARS-Co-V-2) also known as Covid-19. After Plaintiff's Covid-19 diagnosis, he continued to act as the Fire Chief for FRCFR performing his administrative duties from his home.

30. On or about November 11, 2020, Plaintiff's Covid-19 symptoms combined with his Leukemia, required Plaintiff to be hospitalized for 4 days while he received treatment. During this hospitalization, Captain Sutherland assumed the duties of Fire Chief.

31. After recovering from Covid-19, Plaintiff returned to his role as Fire Chief without

any restrictions.

32. On May 17, 2021, Trustee LeBlanc was sworn in as the new FRCFR Board President. On that same night, Trustees McManus and Parthun were also sworn in as FRCFR Board Trustees.

33. On Saturday August 14, 2021, while at his home, Plaintiff began experiencing severe leg pain and had a high fever. Plaintiff went to the hospital for observation and was admitted for further testing.

34. On Sunday August 15, 2021, Plaintiff contacted his Administrative Assistant, Tracy Dunklau to inform her that he would not be in the office on Monday due to his hospitalization.

35. On Monday August 16, 2021, Plaintiff contacted Assistant Fire Chief Bert Lancaster to inform him of his absence and to discuss FRCFR business that needed to be presented at the regularly scheduled Board meeting that was to proceed later that same day.

36. On the morning of Tuesday August 17, 2021, while Plaintiff was still in the hospital, Plaintiff received a text message from Trustee LeBlanc asking to deliver “a time sensitive document” to him.

37. At some time after receiving the text message from Trustee LeBlanc, Plaintiff received a letter from FRCFR informing Plaintiff that he was being temporarily relieved of all Fire Chief duties and was placed on paid medical leave in order for Plaintiff “to focus on [his] health.” The letter went on to state that Assistant Chief Lancaster would remain the acting Fire Chief. Plaintiff was then locked out of his district email and had no access to FRCFR department files.

38. Later in the day on August 17, 2021, Plaintiff was discharged from the hospital. Plaintiff called Trustee LeBlanc to discuss the involuntary medical leave and inform Trustee

LeBlanc that he was going to visit his primary care physician on August 18, 2021 and was expecting to receive the all-clear to return to work without any restrictions. During that same conversation, Plaintiff expressed his desire to return to work after that appointment and Trustee LeBlanc told Plaintiff that he could not return to work. Plaintiff then asked for a special meeting to discuss with the Board of Trustees why he was not being allowed to use his regular sick pay instead of being placed on medical leave.

39. On August 18, 2021, Plaintiff visited his primary care physician and received a return-to-work letter, attached as Exhibit C.

40. On that same day, Plaintiff received a text message from Trustee LeBlanc informing him that he could meet her at the FRCFR station number 1 at 1:00pm on Monday August 23, 2021.

41. On August 23, 2021 around 1pm, Plaintiff met with Trustee LeBlanc and Trustee Parthun along with FRCFR legal counsel Ken Shepro for a recorded meeting to discuss Plaintiff's medical leave. During that meeting Plaintiff presented his return-to-work letter from his primary care physician and requested he be reinstated as the Fire Chief the next day. Plaintiff's request was denied, and he was told that a special meeting of the Board was scheduled for the evening of August 23, 2021 to discuss Plaintiff's medical leave.

42. On August 23, 2021 around 6:50pm, Plaintiff received a telephone call on his cellphone from Trustee LeBlanc and when he answered Trustee LeBlanc informed Plaintiff that she was present with four of the Trustees in executive session. The Trustees present for the executive session included Trustees LeBlanc, Karr, Parthun and McManus. Trustee LeBlanc informed Plaintiff that the Board had voted to terminate Plaintiff as the FRCFR Fire Chief. During that same telephone call, Plaintiff was offered the opportunity to resign in order to "save his

reputation.” Plaintiff informed that Board that he would not resign. Plaintiff was then terminated by FRCFR without explanation.

43. On or about August 24, 2021, Plaintiff contacted Trustee LeBlanc and requested for the personal items in his office at FRCFR station 1, including his personal ASUS laptop, be returned to him.

44. On August 25, 2021, Plaintiff received an email from Trustee LeBlanc seeking login information for various district resources. Plaintiff responded to the email providing Trustee LeBlanc with the information and again requested the return of his personal items, including his ASUS laptop. Plaintiff did not receive the personal items from his office, including his ASUS laptop until sometime after September 10, 2021.

45. At all times relevant, Trustee LeBlanc was a policymaker acting in both her official and individual capacity.

46. At all times relevant, Trustee Karr was a policymaker acting in both his official and individual capacity.

47. At all times relevant, Trustee Parthun was a policymaker acting in both his official and individual capacity.

48. At all times relevant, Trustee McManus was a policymaker acting in both his official and individual capacity.

49. At all times relevant, Trustee Wegman was a policymaker acting in both his official and individual capacity.

COUNT I – VIOLATION OF THE AMERICANS WITH DISABILITIES ACT

50. Plaintiff realleges and incorporates by reference Paragraphs 1-49 of this Complaint.

51. Under the ADA, it is unlawful for a covered employer to “discriminate against a

qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training or other terms, conditions, and privileges of employment.” 42 U.S.C. § 12112(a).

52. FRCFR is a covered employer subject to the ADA, as it employed more than fifteen employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year. 42 U.S.C. § 12111(5).

53. At all times relevant, Plaintiff’s Leukemia diagnosis was, and still is currently, a physiological disorder or condition affecting his immune and hemic systems that substantially limits one or more of Plaintiff’s major life activities, including but not limited to the functioning of his immune system.

54. Plaintiff has a record of disability within the meaning of the ADA.

55. FRCFR was aware of Plaintiff’s disability in or around April 2019.

56. Plaintiff was a qualified individual under the ADA because Plaintiff’s education, training and experience gave him the ability to perform his essential job functions as the FRCFR Fire Chief with or without reasonable accommodations.

57. On or about August 18, 2021, despite being cleared to work by his primary care physician, Plaintiff requested to use his sick pay as a reasonable accommodation for his disability. Trustee LeBlanc, operating in her official capacity, denied Plaintiff’s request for a reasonable accommodation.

58. FRCFR discriminated against Plaintiff on the basis of his disability by not providing reasonable accommodations for him.

59. FRCFR discriminated against Plaintiff on the basis of his disability by terminating his employment due to his disability in violation of Section 102(a) of Title I of the ADA, 42 U.S.C.

§ 12112(a).

60. FRCFR's actions were intentional, willful, and in reckless disregard of Plaintiff's rights under the ADA.

61. Plaintiff has suffered damages as a result of FRCFR's unlawful actions.

COUNT II – VIOLATION OF THE FAMILY AND MEDICAL LEAVE ACT

62. Plaintiff realleges and incorporates by reference Paragraphs 1-49 of this Complaint.

63. At all times relevant to this Complaint, FRCFR was a covered employer under the Family and Medical Leave Act ("FMLA"), as it was a public agency in accordance with 29 C.F.R. § 825.104(a).

64. Plaintiff was covered by the FMLA as an employee with a serious health condition employed by the FRCFR for at least twelve-months, and who had performed at 1,250 hours of service during the previous twelve-month period. 29 U.S.C. § 2611(2).

65. Under the FMLA, "[i]t shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this subchapter." 29 U.S.C. § 2615(a).

66. Employers who violate the FMLA "may be liable for compensation and benefits lost by reason of violation, for other monetary losses sustained as a direct result of the violation..." 29 C.F.R. § 825.220(b).

67. FRCFR discriminated against Plaintiff in violation of the FMLA when FRCFR terminated Plaintiff instead of allowing Plaintiff to exercise his right to FMLA leave time.

68. At all times relevant, Trustees LeBlanc, Karr, Parthun, McManus and Wegman were acting in the interest of FRCFR and are individually liable when they discriminated against Plaintiff in violation of the FMLA when the Trustees terminated Plaintiff instead of allowing

Plaintiff to exercise his right FMLA leave time. 29 C.F.R. § 825.104(d).

69. Defendants' actions were intentional, willful, and in reckless disregard of Plaintiff's rights under FMLA.

70. Plaintiff has suffered damages as a result of Defendants' unlawful actions.

**COUNT III – VIOLATION OF THE FOURTEENTH AMENDMENT TO THE
CONSTITUTION – DUE PROCESS CLAIMS**

71. Plaintiff realleges and incorporates by reference Paragraphs 1-49 of this Complaint.

72. At all times relevant Defendants were acting under color of state law.

73. At all times relevant, the Illinois Fire Protection District Act (70 ILCS §§ 705/0.01 *et seq*) was applicable to FRCFR.

74. The Illinois Fire Protection District Act states that “no officer or member of the fire department of any protection district who has held that position for one year shall be removed or discharged expect for just cause, upon written charges specifying the complainant and the basis for the charges, and after a hearing on those charges...” 70 ILCS § 705/16.13b

75. At all times relevant, the Illinois Fire Protection District Act also granted the Trustees the authority to “appoint and enter into a multi-year contract not exceeding 3 years with a fire chief...” *Id.* § 6(b).

76. At all times relevant, Plaintiff had a property interest in his continued employment with FRCFR based on the Illinois Fire Protection District Act.

77. At all times relevant, Plaintiff had a property interest in his continued employment with FRCFR based on his second employment agreement for the period of May 1, 2020 to April 30, 2023, which was entered into based on the authority provided to the Trustees under the Illinois Fire Protection District Act.

78. On August 23, 2021, Trustee LeBlanc, Trustee Karr, Trustee Parthun and Trustee

McManus had final policymaking authority and were acting in their official capacity when they voted to terminate Plaintiff from his employ with FRCFR District without justification.

79. Prior to August 23, 2021, Plaintiff was not given written charges detailing the basis for his termination, nor was Plaintiff afforded the opportunity of a pretermination hearing as provided by the Illinois Fire Protection District Act.

80. On August 23, 2021, FRCFR, through the actions of Trustees LeBlanc, Parthun, and McManus, deprived Plaintiff of his property interest in his continued employment without due process of law in violation of the Fourteenth Amendment to the Constitution of the United States.

81. Defendants' actions were intentional, willful, and in reckless disregard of Plaintiff's property interest in his continued employment with FRCFR.

82. Plaintiff suffered damages as a result of Defendants' unlawful actions.

JURY DEMAND

Plaintiff demands a jury trial as to all issues triable by jury.

PRAYER FOR RELIEF

Plaintiff respectfully requests that this Court grant him the following relief:

- A. A declaratory judgment that Defendants discriminated against Plaintiff in violation of Title I of the Americans with Disabilities Act;
- B. A declaratory judgment that Defendants intentionally discriminated against Plaintiff in violation of the FMLA;
- C. A declaratory judgment that Defendants violated Plaintiff's Fourteenth Amendment due process rights;
- D. Back pay with interest;
- E. Front pay;

- F. Compensatory and punitive damages;
- G. Attorneys' fees and costs;
- H. Any other relief that the Court deems proper.

Respectfully submitted,

CONNOLLY KRAUSE LLC

By: /s/ Michael D. Krause
One of Attorneys for Plaintiff

Michael D. Krause (mkrause@cktrials.com)
Corinne M. Cundiff (ccundiff@cktrials.com)
CONNOLLY KRAUSE LLC
500 West Madison Street, Suite 3900
Chicago, Illinois 60661
Tel: (312) 253-6200

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

JOHN R. NIXON

Plaintiff,

V.

Case No. 22-cv-03346

FOX RIVER AND COUNTRYSIDE
FIRE RESCUE DISTRICT, KRISTIN
LEBLANC, JOHN KARR, JASON PARTHUN,
NICK MCMANUS, and JAMES WEGMAN

Defendants

EXHIBIT A

EEOC Charge of Discrimination

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 440-2021-06511	
ILLINOIS DEPARTMENT OF HUMAN RIGHTS and EEOC <i>State or local Agency, if any</i>			
Name (indicate Mr., Ms., Mrs.) JOHN NIXON		Home Phone (847) 721-3886	Year of Birth 1951
Street Address City, State and ZIP Code 500 CLOVER DR., ALGONQUIN, IL 60102			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name FOX RIVER AND COUNTRYSIDE FIRE RESCUE DISTRICT		No. Employees, Members 15 - 100	Phone No. (630) 584-3473
Street Address City, State and ZIP Code 34W500 CARL LEE ROAD ST., ST CHARLES, IL 60174			
Name		No. Employees, Members	Phone No.
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input checked="" type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 08-14-2021 08-24-2021 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): I began my employment with Respondent on or about September 16, 2016. My most recent position was Fire Chief. Respondent was aware of my disability. During my employment, I took one day of medical leave. Subsequently, I was subjected to disability based comments and discharged. I believe I have been discriminated against because of my age, 70, (YOB: 1951), in violation of the Age Discrimination in Employment Act of 1967, as amended. I also believe I have been discriminated against because of my disability, in violation of the Americans with Disabilities Act of 1990, as amended.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct. Digitally signed by John Nixon on 11-30-2021 12:08 PM EST		NOTARY - When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

CP Enclosure with EEOC Form 5 (11/09)

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. FORM NUMBER/TITLE/DATE. EEOC Form 5, Charge of Discrimination (11/09).

2. AUTHORITY. 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.

3. PRINCIPAL PURPOSES. The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.

4. ROUTINE USES. This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.

5. WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION. Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an

investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

JOHN R. NIXON

Plaintiff,

v.

Case No. 22-cv-03346

FOX RIVER AND COUNTRYSIDE
FIRE RESCUE DISTRICT, KRISTIN
LEBLANC, JOHN KARR, JASON PARTHUN,
NICK MCMANUS, and JAMES WEGMAN

Defendants

EXHIBIT B

Notice of Right to Sue

EEOC Form 161-B (01/2022)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: John Nixon
c/o Corinne Cundiff
Connolly Krause, LLC
500 W. Madison Street, Suite 3900
Chicago, IL 60661

From: Chicago District Office
230 S Dearborn Street
Chicago, IL 60604

EEOC Charge No.
440-2021-06511

EEOC Representative
Alison Fisher,
Investigator

Telephone No.
312-872-9654

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Less than 180 days have elapsed since the filing date. I certify that the Commission's processing of this charge will not be completed within 180 days from the filing date.

The EEOC is terminating its processing of this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice.** Otherwise, your right to sue based on the above-numbered charge will be lost.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Digitally Signed By: Julianne Bowman
6/17/2022

Enclosures(s)

Julianne Bowman
District Director

cc: FOX RIVER AND COUNTRYSIDE FIRE RESCUE DISTRICT

Enclosure with EEOC
Form 161-B (01/2022)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- *not* 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do **not** relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.