

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:

REDACTED,

Complainant,

v.

HUMBOLDT PARK HEALTH,

Respondent.

IDHR Charge No.: 2024CF0595

EEOC Charge No.: 21BA40256

ALS No.: 25-0010

Administrative Law Judge

Pamela **REDACTED**

OPINION AND ORDER

This cause comes before this administrative court for ruling on a motion for summary decision filed by Humboldt Park Health (“Respondent”). See Respondent’s Motion and Memorandum for Summary Decision (“Mot.”) (filed Nov. 17, 2025). Respondent attached exhibits and affidavits from Respondent’s Human Resources Consultant and HRIS Analyst. See Mot. R. Ex. 2, 5. In response, **REDACTED** (“Complainant”) filed Complainant’s Response and Memorandum in Opposition to Respondent’s Motion for Summary Decision (“Resp.”) (filed Jan. 9, 2026). Complainant attached exhibits and her own affidavit. See Resp. C. Ex. 4. Respondent subsequently filed a reply. See Respondent’s Reply in Support of Its Motion for Summary Decision (“Reply”) (filed Jan. 23, 2026). This matter has been transferred to my docket to rule on Respondent’s motion for summary decision and to manage this litigation to its ultimate disposition. See Order (entered Apr. 23, 2026). As the motion is fully briefed, it is ready for decision.

For the reasons discussed below, Respondent’s motion for summary decision is DENIED, and this matter will be set for trial.

RESPECTIVE CONTENTIONS OF THE PARTIES

On January 21, 2025, Complainant filed a two-count Complaint with the Illinois Human Rights Commission (“Commission”). See Complaint of Civil Rights Action (“Compl.”) (filed Jan. 21, 2025). The complaint alleges that Respondent discharged Complainant because of her pregnancy-related condition (Count I) and in retaliation for requesting reasonable accommodations (Count II), including proper lactation space and the ability to work remotely, in violation of the

Illinois Human Rights Act (“Act”). See *id.*, ¶ 10. Respondent denies the allegations, averring that it terminated Complainant at the end of her 90-day probationary period due to performance issues. See Respondent’s Response to Complaint of Civil Rights Action (“Answer”) (filed Feb. 19, 2025), ¶ 48.

I. Complainant’s Allegations

Respondent is a hospital located in Chicago, Illinois. See Compl., ¶ 5. Complainant was hired by Respondent on November 14, 2022 as an Infection Prevention Manager. *Id.* at ¶ 13. At the time of her employment, Complainant had a pregnancy related condition in that she was expressing milk for her infant. *Id.* at ¶ 4. Accordingly, on November 15, 2022, the day after she started working for Respondent, Complainant claims she made a reasonable accommodation request for a private lactation space. *Id.* at ¶ 21. Thereafter, Complainant contends she made multiple internal complaints from November 2022 to early February 2023, including to Human Resources Karen Gould (“Gould”), of inadequate lactation accommodations (e.g., a shared office space, the bathroom, and a backroom lacking basic amenities). *Id.* at ¶¶ 23-24; see also Resp., 2, 13. Despite her complaints, she asserts that she was forced to express milk in an unsanitary place. See Compl., ¶ 24.

Moreover, Complainant alleges that after she complained to Respondent, she was subjected to adverse employment actions. She claims that her supervisor, Mary Ann Green (“Green”) routinely threw office supplies at her, increased her workload to include responsibilities of the Sepsis Coordinator and expected her to work 60-70 hours per week to keep up with additional duties. *Id.* at ¶¶ 27-28, 33. She also alleges that she was subjected to heightened scrutiny of her work, her pay was changed from salary to hourly, and she was required to keep a log of her hours, which she states was not required for any other employee. *Id.* at ¶¶ 36-37; see also Resp., 3. Additionally, according to Complainant, Green denied or interfered with her access to certain government websites, which prevented her from completing her duties. See Resp., 3; see also Affidavit of **REDACTED** (“**REDACTED** Aff.”) (dated Jan. 10, 2026), ¶ 8(e).

On February 2, 2023, the day Complainant made her final complaint to Respondent regarding Green, she claims that work-related stress caused her to suffer a panic attack requiring emergency medical treatment. See Compl., ¶ 39. She then followed up with Corporate Health at the direction of Gould. *Id.* at ¶ 39; 41-43; see also C Ex. F (**REDACTED** 0342). The doctors at Corporate Health allegedly instructed Complainant to work remotely through February 20, 2023. See Compl., ¶¶ 43-45. However, when she gave the note to Respondent on February 6, 2023, she asserts that Green denied her request to work from home. *Id.*

Two days after she submitted the request to work remotely, on February 8, 2023, Complainant received a negative 90-day performance review and Respondent terminated her employment due to alleged performance issues. *Id.* at ¶ 48. Respondent’s termination letter states that “[a]lthough the termination of your employment during your probationary period is based

solely on poor performance and not related to your request to work remotely, we want to clarify that the Infection Prevention job must be performed on-site, as the nature of the roles requires onsite rounding, monitoring and reporting. Physicians do not have authority to dictate when employees are to work remotely particularly when remote work is not appropriate for the position.” Mot., R. Ex. E. (HPH00047). However, Complainant claims that she performed the duties and responsibilities of her position in a satisfactory manner and met all legitimate expectations throughout her employment, including a positive 30-day review around December 13, 2022. Id. at ¶¶ 19, 49; see also **REDACTED** Aff., ¶ 6. Therefore, Complainant asserts that Respondent’s proffered reasons for its actions were pretextual and motivated by her accommodations requests, giving rise to the instant Complaint.

II. Respondent’s Motion for Summary Decision

Following the close of discovery, Respondent moved for summary decision, asserting that there are no genuine issues of material fact in dispute and that it is entitled to judgment as a matter of law. See Respondent’s Motion and Memorandum for Summary Decision (“Mot.”) (filed Nov. 17, 2025). Respondent contends that the evidence fails to support Complainant’s allegations of pregnancy-related discrimination and retaliation. Id., 1.

As to the discrimination claim, Respondent advances two principal arguments. First, Respondent maintains that the evidence supports the conclusion that Complainant did not meet Respondent’s legitimate performance expectations. See id., 8. Respondent points to employment records showing that Complainant arrived late to work during her first three days of employment, missed meetings and filing deadlines, and failed to complete assigned projects. Id. Respondent also relies on its Probationary Policy, which provides that the first three months of employment are a probationary period and an employee “may be terminated for poor performance, failure to perform job duties satisfactorily or for violation of Hospital rules or policies without the prior utilization progressive disciplinary action.” Id. at 5; see also R Ex. 2, Aff. of Kelsea Hughes (“Hughes Aff.”) (dated Nov. 17, 2025), ¶ 3. Respondent maintains that Complainant was terminated at the conclusion of her 90-day probationary period on February 8, 2023, due to poor performance. See Mot., 5-6.

Second, Respondent argues that Complainant has not identified any similarly situated employee outside her protected class who was treated more favorably. See id., 8. Respondent contends that this failure prevents Complainant from establishing the final element of her prima facie case of pregnancy-related discrimination. Respondent further asserts that, even if Complainant could establish a prima facie case, the evidence demonstrates that she was discharged for poor performance during her 90-day probationary period, which Respondent contends constitutes a legitimate, nondiscriminatory reason for the termination. Id. As such, Respondent argues that Complainant’s discrimination claim cannot survive summary decision.

Likewise, Respondent moves for summary decision as to Complainant's retaliation claim because it alleges that Complainant failed to establish a causal nexus between any alleged protected activity and her termination on February 8, 2023. See *id.*, 9. Respondent asserts that it did not deny Complainant access to a lactation room or subject her to adverse treatment for requesting one. *Id.* Respondent further maintains that Complainant never reported any discriminatory conduct by Green. *Id.*, 10. Moreover, Respondent argues the evidence does not support Complainant's claim that Green denied her request to work from home, noting that she continued to work remotely until her termination. *Id.* Accordingly, Respondent contends that Complainant cannot establish her retaliation claim sufficient to survive summary decision.

III. Complainant's Opposition to Summary Decision

Complainant opposes Respondent's motion for summary decision, arguing that genuine disputes of material fact exist concerning the reasons for her termination and whether those reasons were pretextual. She maintains that the disputed facts create triable issues that preclude summary decision. As an initial matter, Complainant argues that the affidavits submitted by Respondent in support of its motion should be stricken because they fail to comply with Illinois Supreme Court Rule 191(a), as they are not based on personal knowledge and contain impermissible conclusions.

Respondent submits two affidavits in support of its motion for summary decision. Affiant Kelsea Hughes, Human Resources Consultant, attests that she reviewed Complainant's personnel file and related documents and confirms based upon that review that the hospital terminated Complainant's employment for poor performance. See R Ex. 2, Aff. of Kelsea Hughes ("Hughes Aff.") (dated Nov. 17, 2025). Affiant Desiree Guzman, HRIS Analyst, attests that she reviewed the Job History for Complainant, is familiar with payroll records for Respondent, and provides verification of Complainant's salary designation, which was assigned as "hourly" on November 14, 2022 and reclassified to "salaried" on November 18, 2022. See R Ex. 5, Aff. of Desiree Guzman ("Guzman Aff.") (dated Nov. 17, 2025). Complainant argues the affidavits are merely statements based on a records review as opposed to personal knowledge and should be stricken.

As to her pregnancy-related discrimination claim, Complainant contends there are disputed issues of material fact concerning her performance and the treatment of similarly situated employees that preclude summary decision and warrant a trial. See *Resp.*, 6-10. She alleges that, before her termination, she was not informed of the purported performance deficiencies nor was she disciplined. See *id.*, 8. She further asserts that the timing of her termination was suspicious and supports a reasonable inference that Respondent's stated concerns regarding her poor performance were pretextual and motivated by discrimination. See *id.*, 9. Complainant also contends that she identified similarly situated employees in her discovery response, contrary to Respondent's assertion that she failed to identify an appropriate comparator. See *id.*, 9-10. In evaluating this evidence, Complainant urges this administrative court to follow the "holistic approach" analysis in accordance with *Ortiz v. Werner Enters., Inc.*, 834 F.3d 760, 764 (7th Cir. 2016), rather than applying a burden-shifting *prima facie* framework. See *id.*, 7.

Turning to the retaliation claim, Complainant contends that the evidence establishes a prima facie case and raises disputed issues of material fact precluding summary decision. She identifies three instances of protected activity: requesting a private and sanitary space to express breast milk; complaining about her supervisor's conduct after she requested a place to express milk; and requesting to work from home following a panic attack and pursuant to a doctor's recommendation to reduce stress and increase her milk supply. She asserts that her termination was an adverse employment action causally connected to her protected activities, citing her repeated requests for an adequate lactation space and the fact that she was terminated two days after requesting to work from home. Complainant maintains that these facts could permit a fact finder to conclude that Respondent engaged in pregnancy-related discrimination and retaliation.

LEGAL STANDARD: SUMMARY DECISION

Section 8-106.1 of the Illinois Human Rights Act (the "Act") authorizes any party to move for summary decision "as to all or any part of the relief sought." 775 ILCS 5/8-106.1. Summary decision is the "procedural analogue" to a motion for summary judgment filed under the Illinois Code of Civil Procedure. *Cano v. Vill. of Dolton*, 250 Ill. App. 3d 130, 138, 620 N.E.2d 1200 (1st Dist. 1993). As such, summary decision (or summary judgment) is only granted where the pleadings, depositions, admissions, and affidavits on file—when viewed in the light most favorable to the non-moving party—demonstrate that there is no genuine issue as to any material fact, and that the moving party is entitled to judgment as a matter of law. *Adams v. N. Ill. Gas Co.*, 211 Ill. 2d 32, 43 809 N.E.2d 1248 (2004). "Material" facts are those that might affect the outcome of the case under the applicable substantive law. *GreenPoint Mortgage Funding, Inc. v. Hirt*, 2018 IL App (1st) 170921, ¶ 17, 97 N.E.2d 66, citing *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248, 106 S. Ct. 2505, 2510 (1986).

Although a party is not required to prove their case as if at a hearing to survive summary judgment, the non-moving party must provide some factual basis for denying the motion. *Birck v. City of Quincy*, 241 Ill. App. 3d 119, 121, 608 N.E.2d 920, 922 (4th Dist. 1993). Only facts supported by evidence, and not mere conclusions of law, should be considered. *Chevrie v. Gruesen*, 208 Ill. App. 3d 881, 883-84, 567 N.E.2d 629, 630-31 (2d Dist. 1991). If a respondent supplies sworn facts that, if uncontroverted, warrant judgment in its favor as a matter of law, a complainant may not rest on his pleadings to create a genuine issue of material fact. *Fitzpatrick v. Ill. Human Rights Comm'n*, 267 Ill. App. 3d 386, 392, 642 N.E.2d 486, 490 (4th Dist. 1994).

Summary decision is not granted where material facts are in dispute, or where reasonable persons might draw different inferences from undisputed facts in the record. *Adams*, 211 Ill. 2d at 43. At the same time, a court may not weigh the evidence or assess the credibility of a witness when ruling on a motion for summary judgment. *Hollenbeck v. City of Tuscola*, 2017 IL App (4th) 160266, ¶ 34, citing *Coole v. Central Area Recycling*, 384 Ill. App. 3d 390, 396, 893 N.E.2d 303 (2008). This is because the purpose of summary decision is not to try a question of fact, but rather to determine if one exists. *Happel v. Wal-Mart Stores, Inc.*, 199 Ill. 2d 179, 186, 766 N.E.2d 1118

(2002). Because summary judgment is a “drastic” method of resolving litigation, it is generally granted only where the right of the moving party is “clear and free from doubt.” *Gilbert v. Sycamore Mun. Hosp.*, 156 Ill. 2d 511, 518, 622 N.E.2d 788 (1993) (citations omitted).

DISCUSSION AND FINDINGS

In analyzing Complainant’s pregnancy-related discrimination and retaliation claims brought under the Illinois Human Rights Act, the Commission and the Illinois Supreme Court have adopted the analytical framework set forth by the United States Supreme Court in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 93 S. Ct. 1817, 36 L. Ed. 2d 668 (1973); see also *Zaderaka v. Ill. Human Rights Comm’n*, 131 Ill. 2d 172, 178, 545 N.E.2d 684, 687 (1989). Under this framework, complainant can prove her case through either direct evidence or the indirect burden-shifting analysis pursuant to *McDonnell*. Here, because there is no direct evidence, the indirect method applies. First, Complainant must establish a *prima facie* case. *Owens v. Dep’t of Human Rights*, 403 Ill. App. 3d 899, 919 (1st Dist. 2010) (citing *Zaderaka*, 131 Ill. 2d at 179-80). If she does, then the burden shifts to Respondent to articulate a legitimate, non-discriminatory or non-retaliatory reason for its actions. *Zaderaka*, 131 Ill. 2d at 179. If Respondent meets that burden, then Complainant must prove that Respondent’s articulated reason was not its true reason, but instead a mere pretext for discrimination or retaliation. *Id.* Regardless, the ultimate burden of persuading the trier of fact that Respondent engaged in discrimination or retaliation remains always with Complainant. *Id.* at 178-79.

Illinois courts have recognized that the Seventh Circuit cautions courts to consider the evidence “as a whole” rather than conducting “overly narrow inquiries that distinguish direct from indirect evidence of discriminatory intent.” *Thai v. Triumvera 600 Naples Court Condo. Ass’n*, 2020 IL App (1st) 192408, P45, 161 N.E.3d 1080, 2020, Ill. App. LEXIS 407, 443 Ill. Dec. 428 (2020), citing *Ortiz v. Werner Enterprises, Inc.*, 834 F.3d 760, 765 (7th Cir. 2016) (“Evidence must be considered as a whole, rather than asking whether any particular piece of evidence proves the case by itself.”). Complainant advocates for this approach. However, although the *McDonnell* burden-shifting analysis provides a framework to organize, present, and assess circumstantial evidence (see *Lau v. Abbott Laboratories*, 2019 IL App (2d) 180456, ¶ 41, 431 Ill. Dec. 523, 127 N.E.3d 1056), even applying *McDonnell*’s approach, viewing the evidence in the light most favorable to Complainant, this administrative court finds that Complainant has submitted at least some evidence to support her pregnancy-related discrimination and retaliation claims. There are material disputes of fact that must be resolved at trial and therefore preclude summary decision.

I. The Sufficiency of Respondent’s Affidavits

Before addressing the merits of the Motion for Summary Decision, Complainant requests that the affidavits attached to Respondent’s motion be stricken for failure to comply with Illinois Supreme Court Rule 191(a), which states in pertinent part:

Affidavits . . . shall be made on the personal knowledge of the affiants; shall set forth with particularity the facts upon which the claim, counterclaim, or defense is based; shall have attached thereto sworn or certified copies of all documents upon which the affiant relies; shall [*29] not consist of conclusions but of facts admissible in evidence; and shall affirmatively show that the affiant, if sworn as a witness, can testify competently thereto.

However, “[u]nsupported assertions, opinions, and self-serving or conclusory statements do not comply with Supreme Court Rule 191(a)” and are not accepted. In *re Gaffney v. Dovenmuehle Mortgage Corp.*, ALS No. 23-0022, 2024 ILHUM LEXIS 227, *28-29 (Oct. 16, 2024), citing *MC Baldwin Fin. Co. v. DiMaggio, Rosario & Veraja, LLC*, 364 Ill. App. 3d 6, 21, 845 N.E.2d 22, 35 (1st Dist. 2006); *Geary v. Telular Corp.*, 341 Ill. App. 3d 694, 699, 793 N.E.2d 128, 133 (1st Dist. 2003).

Respondent’s affidavits submitted in support of its motion for summary decision are based upon a review of records conducted by the Affiants. Hughes attests that she reviewed Complainant’s personnel file and is familiar with its contents, summarizing the date of hire, offer letter, job description, Probationary Period Policy, Complainant’s acknowledgement of the job description, and the termination letter for “poor performance.” See Hughes Aff., ¶¶ 1-8. Likewise, Guzman attests that she reviewed the Job History for Complainant, is familiar with payroll records for Respondent, and can provide verification of Complainant’s salary designation, which was assigned as “hourly” on November 14, 2022 and reclassified as “salaried” on November 18, 2022. See Guzman Aff., ¶¶ 1-7.

This administrative court finds that both affidavits comply with Supreme Court Rule 191(a). The affiants possess sufficient personal knowledge of the facts to which they attest based upon their review of the records. The matters set forth therein are facts admissible in evidence to which the affiants can competently testify based upon their review. Accordingly, the affidavits will not be stricken under Rule 191(a).

However, the affidavits do not sufficiently address or establish the underlying events necessary to resolve the material factual disputes presented by the claims. As such, while the affidavits comply with Rule 191(a), they are given limited evidentiary weight because they do not resolve the genuine issues of material fact necessary to warrant summary decision.

II. Count I – Pregnancy-Related Discrimination Claim Survives Summary Decision

Complainant alleges that Respondent discriminated against her because of a pregnancy-related condition. To establish a *prima facie* case of unlawful employment discrimination, a complainant must prove, by a preponderance of the evidence, that: (1) she is a member of a protected class; (2) she was meeting her employer’s legitimate business expectations; (3) she suffered an adverse employment action; and (4) her employer treated similarly situated employees outside her protected class more favorably. *Owens*, 403 Ill. App. 3d at 919 (1st Dist. 2010).

It is undisputed that Complainant was expressing milk for her infant, which is a condition related to pregnancy or childbirth. See Mot., 8. It is also undisputed that Respondent terminated Complainant's employment on February 8, 2023. Thus, Complainant satisfies the first and third prongs of a prima facie case. Consequently, Respondent's contentions in moving for summary decision are based on the second and fourth prongs. Respondent argues that Complainant's discrimination claim fails because she was not meeting legitimate performance expectations and she failed to identify any similarly situated employees outside of her protected class who were treated more favorably. *Id.* For the reasons set forth below, this administrative court finds that Complainant has presented at least some evidence raising material factual disputes concerning her performance and has identified potential comparators sufficient to preclude summary decision.

A. Genuine Issues of Material Fact Exist Regarding Complainant's Performance

Respondent contends that Complainant was terminated due to poor performance, citing her 90-day performance review in support of its position, and asserts that Complainant has presented no evidence to refute that explanation. See Reply, 5. Respondent alleges that Complainant was late for her first three days of employment, arriving at 11:00 a.m. on November 14, 2022, 10:30 a.m. on November 15, 2022, and 10:20 a.m. on November 16, 2022. See Mot., 2-3. Conversely, Complainant attests in her affidavit that she arrived at approximately 8:35 a.m. on November 14, 2022 and 8:24 a.m. on November 15, 2022. See C Ex. 4, **REDACTED** Aff., ¶ 8(a)(i) and (ii). She includes text messages with Green bearing date and time stamps in support of her affidavit statements. See C Ex. D-E. Complainant further claims she was not initially provided a set schedule and Green did not tell her to come at 7:30 a.m. during the first week. See **REDACTED** Aff., ¶ 8(a).

Upon a review of Respondent's offer letter to Complainant, dated November 1, 2022, signed by Vice President of HR, Wilmi Schmidt ("Schmidt"), the exhibit only states "AM Shifts" and includes a schedule for orientation on December 5, 2022, from 8 a.m. to 4:30 p.m. It does not indicate a 7:30 a.m. start time for the first week of work. See R Ex. B, HPH00001-00002. Likewise, the job description does not appear to state the position's hours with specificity. See R. Ex. C, HPH00009-00016. Respondent also chose not to include affidavits from either Green or Schmidt to support Respondent's assertion. The conflicting evidence regarding Complainant's start times presents a credibility issue that must be resolved at trial.

As to Complainant's performance, Respondent asserts that she failed to perform the job as required. Respondent claims that during Complainant's first week, Green assigned her to certain prevention programs, followed up with her on November 30, 2022, and then again on December 20, 2022 in a meeting with Green, Dr. Tahseen Siddiqui, Gould and Complainant to address her role and responsibilities. See Mot., 3. Green purportedly followed up with an email to Complainant on December 27, 2022, which Complainant claims she does not recall because she was "out on PTO on this date." See *id.* at 4; see also **REDACTED** Aff., ¶ 8(g). It is unclear whether

Complainant received the email after she returned from PTO, but Respondent also did not attach this alleged email from Green (or an affidavit from Green) in support of this contention.

Additionally, Respondent claims that Complainant failed to comply with mandatory reporting deadlines and requirements. *Id.* at 4. In response, Complainant attests in her affidavit that any tasks that she did not complete were due to not having access to login to fulfill the task. **REDACTED** Aff., ¶ 8(e). She further states that “Green denied or interfered with [Complainant’s] access to INEDS, ICARE, and IDPH, preventing [Complainant] from completing some of [her] job duties.” *Id.* Complainant attaches a copy of her correspondence to Human Resources on January 6, 2023 regarding this issue. *Id.*, see also C Ex. C. Respondent does not include an affidavit from Green or Gould to address this factual dispute.

Ultimately, it appears that Respondent relies on the 90-Day Performance Review of Complainant to support its contention that she failed to meet performance expectations. See R. Ex. HPH00048-HPH00051. The first page of the performance review includes a signature box for both employee and manager. However, the performance review is not signed by either the employee or the supervisor, as neither signature appears in the designated signature box. *Id.* at HPH00048. Moreover, the signature page for the alleged details attached to the performance review purports to be submitted by Green but does not include a signature. *Id.* at HPH00051. Thus, the attached 90-Day Performance Review is neither sworn nor authenticated.

Although Respondent argues that Complainant cannot rely on the allegations in her complaint or her affidavit to create a genuine issue of material fact, Respondent has not submitted affidavits establishing uncontradicted facts sufficient to warrant summary decision. See Reply, 4. Affiant Hughes reviewed Complainant’s personnel file and notes that she was terminated for poor performance, but the affidavit does not establish that she had personal knowledge of Complainant’s day-to-day job performance. Her statements regarding Complainant’s performance are based on her review of documentary records rather than firsthand knowledge to confirm that the statements in the performance review are factually accurate. Guzman’s affidavit does not provide personal knowledge of Complainant’s job performance, instead attesting to Complainant’s payroll status as a “salaried” employee. See Guzman Aff. Therefore, affording the affidavits appropriate weight, Respondent has not established through supporting affidavits that there is no genuine issue of material fact as to Complainant’s performance.

B. Complainant has Identified Comparators Sufficient to Raise a Genuine Issue of Material Fact

The “similarly-situated analysis” calls for a flexible, common-sense examination of all relevant factors. *Lau v. Abbott Laboratories*, 2019 IL App (2d) 180456, ¶ 46, 127 N.E.3d 1056, 1068. “There must be enough common factors...to allow for a meaningful comparison in order to divine whether intentional discrimination was at play.” *Id.* (internal citations omitted). Complainant “must at least show that the comparators (1) dealt with the same supervisor, (2) were

subject to the same standards, and (3) engaged in similar conduct without such differentiating or mitigating circumstances as would distinguish their conduct or the employer's treatment of them." Id. (internal citations omitted). "This is not a magic formula, however, and the similarly-situated inquiry should not devolve into a mechanical, one-to-one mapping between employees." Id. (internal citations omitted). So long as the distinctions are not "so significant that they render the comparison effectively useless," the similarly situated requirement is satisfied. *Coleman v. Donahoe*, 667 F.3d 835, 846 (7th Cir. 2012). Whether a comparator is similarly situated is "usually a question for the fact-finder," and summary decision is appropriate only when "no reasonable fact-finder could find that plaintiffs have met their burden on the issue." Id. at 846-47.

In the instant case, Complainant identifies in discovery at least three individuals as proposed comparators. One of the alleged comparators outside of Complainant's protected class previously served in Complainant's position and purportedly violated a hospital rule or policy, but was not terminated. See Resp., 10; see also C Ex. 1, Interrog. No. 5. At the summary decision stage, when viewed in the light most favorable to the non-moving party, this identification is sufficient to raise a factual dispute as to whether similarly situated comparators existed. Whether these individuals are, in fact, appropriately similarly situated to Complainant remains a factual determination inappropriate for resolution at summary decision. Complainant will ultimately bear the burden of establishing that the proposed comparators satisfy the requirements for comparator evidence.

As Complainant presented at least some evidence to establish a prima facie case under the burden-shifting approach, it is not necessary to consider the suggested "holistic" approach. See In re Request for Review by: Dorothy M. Flisk, IHRC, ALS No. 23-0117, 2023 ILHUM LEXIS 167, *4 (Sep. 26, 2023) (finding petitioner's failure to present comparator not fatal to discrimination claim when considering Ortiz holistic approach).

III. Count II – Retaliation: Genuine Issues of Material Fact Preclude Summary Decision

Section 6-101(A) of the Illinois Human Rights Act prohibits an employer from retaliating against an employee for opposing conduct that the employee reasonably and in good faith believes to be unlawful discrimination. 775 ILCS 5/6-101(A). To maintain a prima facie cause of action for retaliation, Complainant must show: (1) that she engaged in a protected activity; (2) that she suffered an adverse employment action; and (3) that there is evidence of a causal connection between the protected activity and the adverse employment action. *Welch v. Hoeh*, 314 Ill. App. 3d 1027, 1035 (3rd Dist. 2000).

With respect to the first element, Complainant asserts that she engaged in at least three protected activities, as follows: an email on December 1, 2022 to Gould that Green prohibited her from pumping breast milk in her office (see **REDACTED** Aff., ¶ 3; see also C Ex. A); an email on December 2, 2022 to Gould alleging that Schmidt confronted her about a misunderstanding regarding being told to pump in the bathroom, which made Complainant feel scared and threatened

(see **REDACTED** Aff., ¶ 5; see also C. Ex. B); and on February 6, 2023, she requested to work remotely through February 20, 2023 after an alleged panic attack so as to help reduce her stress and regain her milk supply. See Compl., ¶¶ 43-44. Respondent does not appear to dispute that Complainant's alleged protected activities occurred or that Respondent terminated Complainant's employment on February 8, 2023, which constitutes a materially adverse action in the retaliation context. Instead, Respondent challenges the third element of Complainant's retaliation claim, asserting that there is no evidence of a causal connection between Complainant's protected activities and her termination.

A short time span between the protected activity and the adverse action may give rise to an inference of unlawful retaliation. See *Crawford v. Ill. Human Rights Comm'n*, 2020 IL App (3d) 180728-U, P29, 2020 Ill. App. Unpub. LEXIS 1412 (2020). Additionally, a causal nexus can be established by direct, indirect or circumstantial evidence. See *Baines v. Walgreen Co.*, 863 F.3d 656, 661. If a complainant "can assemble from various scraps of circumstantial evidence enough to allow the trier of fact to conclude that it is more likely than not that discrimination lay behind the adverse action, then summary judgment for the defendant is not appropriate." *Id.* at 661-662 (internal citations omitted).

Respondent argues that no evidence exists to support a causal connection between Complainant's protected activities and an adverse action. As to Complainant's protected activity concerning lactation space, Respondent asserts that her email on December 1, 2022 was the last communication with Respondent requesting space, which was more than two months before her termination. See Mot., 11. Respondent similarly argues that there is no evidence of a causal link between Complainant's request to work remotely on February 6, 2023 and her termination on February 8, 2023. *Id.* at 12.

Both the Illinois courts and this administrative court have consistently held that an adverse employment action must follow the protected activity in temporal sequence to raise the necessary inference of a causal connection. See *In re Diaz*, ALS No. 20-0189, 2020 ILHUM 241, at *7 (Oct. 30, 2020). The Seventh Circuit has articulated that "no bright-line timing rule can be used to decide whether a retaliation claim is plausible or whether it should go to a jury." *Carlson v. CSX Transp., Inc.* 758 F.3d 819, 829 (7th Cir. 2014). "The facts and circumstances of each case necessarily must be evaluated to determine whether an interval is too long to permit a jury to determine rationally that an adverse employment action is linked to an employee's earlier complaint." *Id.* (internal citations omitted). As such, this fact-specific inquiry is often not appropriately resolved by summary decision. Consistent with that premise, this administrative court finds that Complainant has successfully shown that a causal nexus may exist between her protected activity and her termination, such that she has sufficiently demonstrated a prima facie case of retaliation to survive summary decision.

IV. Pretext

The analysis then turns on whether the record contains evidence from which a reasonable factfinder could conclude that Respondent's stated reason for termination – poor performance – was pretextual. Respondent maintains that Complainant was terminated solely because of poor performance and that the termination was unrelated to her request to work remotely. See Reply, 12. The termination letter states that Complainant's employment was terminated during her probationary period solely due to poor performance and not because of her request to work remotely. See R. Ex. E (termination letter). However, the letter further explains that the nature of Complainant's Infection Prevention position must be performed on-site and that physicians do not have authority to dictate when employees are permitted to work remotely. *Id.* Accordingly, the record presents a genuine dispute of material fact regarding the reason for the termination and whether Respondent's stated reason was pretextual. Therefore, summary decision is not appropriate, and a trial date will need to be scheduled.

CONCLUSION

Based upon conflicting factual assertions as to Count I, genuine disputes of fact exist regarding whether Complainant was meeting Respondent's legitimate business expectations, whether the proposed comparators were, in fact, similarly situated, and whether Respondent's reason for terminating her employment was motivated by a discriminatory animus. Thus, summary decision is not suitable at this stage of the proceeding. As to Count II, the evidence raises a genuine disputed issue of material fact as to whether a causal connection exists between Complainant's protected activities and her termination. These material factual disputes preclude summary decision and this matter must proceed to trial to resolve these contested issues. For the reasons discussed above, Respondent's motion for summary decision is DENIED.

ACCORDINGLY, IT IS HEREBY ORDERED:

1. A status hearing in this matter is scheduled for OCTOBER 15, 2026 at 11:00 a.m.
2. At that time, the matter will be set for trial. Please come prepared to participate in scheduling the public hearing date(s) and pre-trial deadlines. To appear at the status hearing, which will be conducted by WebEx, please use the following information:

URL: <https://illinois.webex.com/meet/pamela>. **REDACTED**
Meeting Number: 2633 443 6070
Join by Phone: 1-312-535-8110 United States Toll (Chicago)
1-415-655-0002 U.S. Toll
Access Code: 2633 443 6070
Join by Video System: Dial: pamela. **REDACTED** @illinois.webex.com
Or: 173.243.2.68 and Enter Mtg. No. (2633 443 6070)

The parties are advised that this case may not be the first on the call, as is true for any other court's status hearings (whether in-person or virtual). As such, litigants and/or counsel are

expected to be on the line, muted, and prepared to proceed when their case is called, which may or may not occur promptly at the designated time.

3. The parties are encouraged to consider a judicial settlement conference in this matter. In support of this effort, the parties are invited to visit the Commission's website for further information on judicial settlement conferences. There, they will find both the Standing Order for Judicial Settlement Conferences and the Checklist for Judicial Settlement Conferences, both of which may be helpful to the parties in deciding whether a judicial settlement conference may be an effective means of resolving this dispute: <https://hrc.illinois.gov/als.html>.

HUMAN RIGHTS COMMISSION

BY:

SIGNATURE REDACTED

PAMELA **REDACTED**

ADMINISTRATIVE LAW JUDGE

ADMINISTRATIVE LAW SECTION

ENTERED: September 18, 2026

Case Name: **REDACTED** v. Humboldt Park Health
Charge No.: 2024CF0595
EEOC No.: 21BA40256
ALS No.: 25-0010

PROOF OF SERVICE

The undersigned mailed or emailed a copy of the attached Order to each person named below on September 18, 2026.

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Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters, the undersigned certifies as aforesaid that he verily believes the same to be true.

Illinois Human Rights Commission
160 North LaSalle Street, Suite N-1000
Chicago, Illinois 60601