

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

OLANDREIA WALTON,)	
)	
Plaintiff,)	Case No.
)	
v.)	
)	Trial by Jury Demanded
THE UNIVERSITY OF CHICAGO,)	
JOEL SCHRIEVER, and JAY CHESSLO,)	
)	
Defendants.)	

COMPLAINT

COMES NOW the Plaintiff, through her counsel of record Michael J. Merrick and Jessica Fayerman, and for her complaint against Defendants states as follows:

INTRODUCTION

1. Plaintiff Olandreia Walton left a solid position with a large corporation to join Defendant University of Chicago as its Senior Facilities Manager. It immediately became apparent to her that Caucasian men she worked with were treating her differently because she is an African-American woman. They ignored her, they excluded her from business communications, and they were openly hostile toward her, all of which made her job much more difficult. She had never before experienced any similar mistreatment during her entire career. Ms. Walton complained about the discrimination to Human Resources, but the University chose not to investigate or take any corrective action despite the fact that one of Ms. Walton's African-American female colleagues had previously complained to central Human Resources about the race and sex discrimination she was experiencing. Instead, Defendants retaliated by terminating Ms. Walton's employment the very day she told her local Human Resources representative that she wanted her complaints investigated by central Human Resources.

JURISDICTION & VENUE

2. Subject matter jurisdiction is premised on the federal question jurisdiction, 28 U.S.C. § 1331, as Plaintiff's claims under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§2000e *et seq.*, and 42 U.S.C. §1981, arise under federal law. This Court has supplemental subject matter jurisdiction over Plaintiff's Illinois Human Rights Act (IHRA) claims under 28 U.S.C. §1367.

3. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) and 42 U.S.C. § 2000e-5(f)(3) as one or more Defendants reside and do business in this judicial district, a substantial part of the events or omissions giving rise to these claims occurred in this judicial district, and Plaintiff would have remained employed in this judicial district but for the unlawful employment practices alleged herein.

THE PARTIES

4. Plaintiff Olandreia Walton is an African-American female citizen of the United States and resident of the State of Illinois.

5. Defendant University of Chicago ("University") is a private research and teaching university in Chicago, Illinois.

6. Defendant Joel Schriever is a Caucasian male and was at all relevant times herein Assistant Vice President of Facilities Operations for the University.

7. Defendant Jay Chesslo is a Caucasian male and was at all relevant times herein the Director of Human Resources of the Facilities Services department of the University.

COMMON ALLEGATIONS

8. The University's Facilities Services department is responsible for the maintenance of the buildings and grounds on the University's campus.

9. The Facilities Operations Team within the Facilities Services department is responsible for campus, building and residential services.

10. Mr. Schriever headed the Facilities Operations Team and reported directly to the head of the Facilities Services department, Senior Associate Vice President for Facilities and University Architect Steve Wiesenthal, a Caucasian male.

11. On or about October 28, 2013, Ms. Walton commenced employment with the University as Senior Facilities Manager on the Facilities Operations Team.

12. Mr. Schriever was Ms. Walton's direct supervisor.

13. Kevin Austin is a Caucasian male and was the University's Director of Building Services.

14. From the start of Ms. Walton's employment, Mr. Austin was hostile towards her.

15. Mr. Austin told Ms. Walton she was not his choice for the Senior Facilities Manager position she was hired into.

16. Mr. Austin usually ignored Ms. Walton and would not even extend the common courtesy of saying hello when they saw each other.

17. Mr. Austin frequently usurped Ms. Walton's authority by going around her and communicating with her team members, excluding her from business communications, and otherwise interfering with her ability to successfully perform her job.

18. Mr. Austin did not treat Caucasian men the way he mistreated Ms. Walton.

19. Ms. Walton repeatedly complained to her supervisor, Mr. Schriever, and to local Human Resources Director Jay Chesslo, that Mr. Austin was discriminating against her.

20. Mr. Schriever and Mr. Chesslo ignored Ms. Walton's complaints of disparate treatment and made excuses for Mr. Austin's behavior.

21. Mr. Austin subsequently confronted Ms. Walton regarding the complaints she had made about him to Mr. Shriever and Mr. Chesslo. Mr. Austin appeared irritated and told her that he did not think he had done anything wrong.

22. Mr. Schriever provided Ms. Walton with little support as she transitioned into her new role.

23. Mr. Shriever provided substantially more support to other employees who were not African-American females.

24. In or about March 2014, Ms. Walton was working on a matter with the University's Director of Maintenance who is also an African-American female and was a member of the Facilities Operations Team supervised by Mr. Shriever.

25. Ms. Walton and the Director of Maintenance discussed their work environment at the University. The Director of Maintenance told Ms. Walton that the mistreatment she (Ms. Walton) described to her was very similar to the race and sex discrimination she (the Director of Maintenance) was experiencing herself.

26. The Director of Maintenance told Ms. Walton that she (the Director of Maintenance) had previously complained about the discrimination she was experiencing to the University's central Human Resources Department.

27. The Director of Maintenance warned Ms. Walton that she should not be seen associating with her because it could subject Ms. Walton to retaliation.

28. Around this time in or about March 2014, Mr. Schriever began asking Ms. Walton why she was communicating with the Director of Maintenance.

29. On or about April 24, 2014, Mr. Schriever gave Ms. Walton a letter of work performance deficiency. The letter states that Ms. Walton's initial six-month probationary period which was scheduled to end on April 28, 2014 was being extended to July 28, 2014.

30. At no time during Ms. Walton's one-on-one meetings with Mr. Schriever had he ever indicated that there were any deficiencies in her work performance.

31. To the contrary, whenever Ms. Walton asked Mr. Schriever how she was performing, he always told her she was doing just fine.

32. On or about April 25, 2014, Ms. Walton met with local Human Resources Director Chesslo. She told him she believed she was being discriminated against and that there were no indications that there were any problems with her work performance.

33. Ms. Walton went through the work performance deficiency letter with Mr. Chesslo pointing out all of the inaccuracies.

34. Mr. Chesslo replied that Ms. Walton was "lucky to have a job" and that Mr. Schriever could have fired her the day before.

35. Later that day on or about April 25, 2014, Ms. Walton met with Mr. Schriever and pointed out the inaccuracies in work performance deficiency letter in the to him.

36. Mr. Schriever replied that he would not change the letter.

37. In or about May 2014, the University announced that Mr. Schriever's employment would end by the end of August, 2014. Despite Ms. Walton's complaints about Mr. Austin, the University also announced that he would be her new supervisor.

38. In June 2014, Ms. Walton asked local Human Resources Director Chesslo for a meeting to discuss Mr. Austin's and Mr. Schriever's continuing discriminatory treatment of her.

The meeting was initially scheduled for July 8, but that day Mr. Chesslo rescheduled the meeting for the morning of July 9, 2014.

39. Ms. Walton met with Mr. Chesslo the morning of July 9, 2014. She complained to him that she was being treated differently because she is an African-American woman and requested that the University's central Human Resources department conduct a neutral investigation of her complaints.

40. Mr. Chesslo told Ms. Walton that he could handle her complaints within their group.

41. Ms. Walton repeated that she wanted her complaints investigated by central Human Resources.

42. Mr. Chesslo replied that he had taken notes during their meeting and would speak with Mr. Schriever and Mr. Schriever's boss, Steve Wiesenthal. Mr. Chesslo told her it would probably be several days before he would be able to get back to her with an answer.

43. Later that day on or about July 9, 2014, Ms. Walton was called into a meeting with Mr. Schriever and Mr. Chesslo during which they told her that her employment was terminated effective immediately.

44. Mr. Schriever told Ms. Walton that she had not successfully completed her probationary period.

45. Ms. Walton asked which item in the performance deficiency letter had she failed to successfully complete.

46. Mr. Schriever replied that she did not "act with a sense of urgency."

47. Ms. Walton then asked for some specific examples, at which point Mr. Chesslo interrupted and told Mr. Schriever not to answer her.

48. Mr. Chesslo offered Ms. Walton four weeks of severance pay if she would sign a release of claims agreement.

49. Mr. Chesslo told Ms. Walton that her if she got a lawyer and sued the University they would revoke the severance offer and contest her application for unemployment benefits.

50. Mr. Chesslo also told Ms. Walton that in light of their meeting earlier that day, “I really didn’t think it was fair to keep you hanging around; this is best.”

51. Ms. Walton had successfully completed her initial probationary period and complied with all requirements listed in the performance deficiency letter. Ms. Walton met Defendants’ legitimate performance expectations.

52. Defendants chose not to investigate Ms. Walton’s complaints of discrimination.

COUNT I

TITLE VII RACE DISCRIMINATION AGAINST DEFENDANT UNIVERSITY

53. The University subjected Ms. Walton to different terms and conditions of employment on account of her race including, but not limited to, by: failing to provide her with the necessary support to perform her job duties; interfering with her ability to perform her job duties; refusing to certify that she had successfully completed her initial six-month probationary period; issuing her a performance deficiency letter; and refusing to acknowledge that she had complied with all requirements listed in the performance deficiency letter.

54. The University’s stated reason for terminating Ms. Walton’s employment is pretext to cover up unlawful race discrimination.

55. The University violated Title VII by subjecting Ms. Walton to different terms and conditions of employment and terminating her employment because of her race.

56. The University acted with malice and reckless indifference to Ms. Walton's federally-protected rights.

57. As a direct and proximate result of the University's unlawful conduct, Ms. Walton suffered damages.

58. Ms. Walton has exhausted her administrative remedies.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays for judgment in her favor and against Defendant and for the following relief:

- A. Lost wages and benefits in an amount to be proven at trial;
- B. Compensatory damages in an amount to be proven at trial;
- C. Interest;
- D. Punitive damages in an amount to be proven at trial;
- E. Appropriate equitable relief including back pay, reinstatement and/or front pay;
- F. A declaratory judgment that Defendant violated Plaintiff's rights as alleged herein;
- G. An injunction enjoining Defendant from engaging in any future acts of discrimination or retaliation against Plaintiff;
- H. Plaintiff's reasonable attorneys' fees and costs incurred herein; and
- I. For such further relief that the Court may deem just and equitable.

COUNT II

SECTION 1981 RACE DISCRIMINATION AGAINST ALL DEFENDANTS

59. Ms. Walton incorporates by reference paragraphs 1 through 58 as though fully set forth in this Count II.

60. Defendants' conduct described herein violates 42 U.S.C. §1981.

61. As a direct and proximate result of Defendants' unlawful conduct, Ms. Walton suffered damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays for judgment in her favor and against Defendants and for the following relief:

- A. Lost wages and benefits in an amount to be proven at trial;
- B. Compensatory damages in an amount to be proven at trial;
- C. Interest;
- D. Punitive damages in an amount to be proven at trial;
- E. Appropriate equitable relief including back pay, reinstatement and/or front pay;
- F. A declaratory judgment that Defendants violated Plaintiff's rights as alleged herein;
- G. An injunction enjoining Defendants from engaging in any future acts of discrimination or retaliation against Plaintiff;
- H. Plaintiff's reasonable attorneys' fees and costs incurred herein; and
- I. For such further relief that the Court may deem just and equitable.

COUNT III

IHRA RACE DISCRIMINATION AGAINST DEFENDANT UNIVERSITY

62. Ms. Walton incorporates by reference paragraphs 1 through 58 as though fully set forth in this Count III.

63. The University's conduct described herein violates the Illinois Human Rights Act (IHRA).

64. As a direct and proximate result of the University's unlawful conduct, Ms. Walton suffered damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays for judgment in her favor and against Defendant and for the following relief:

- A. Lost wages and benefits in an amount to be proven at trial;
- B. Compensatory damages in an amount to be proven at trial;
- C. Interest;
- D. Appropriate equitable relief including back pay, reinstatement and/or front pay;
- E. A declaratory judgment that Defendant violated Plaintiff's rights as alleged herein;
- F. An injunction enjoining Defendant from engaging in any future acts of discrimination or retaliation against Plaintiff;
- G. Plaintiff's reasonable attorneys' fees and costs incurred herein; and
- H. For such further relief that the Court may deem just and equitable.

COUNT IV

TITLE VII SEX DISCRIMINATION AGAINST DEFENDANT UNIVERSITY

65. Ms. Walton incorporates by reference paragraphs 1 through 58 as though fully set forth in this Count IV.

66. The University subjected Ms. Walton to different terms and conditions of employment on account of her sex including, but not limited to, by: failing to provide her with the necessary support to perform her job duties; interfering with her ability to perform her job duties; refusing to certify that she had successfully completed her initial six-month probationary

period; issuing her a performance deficiency letter; and refusing to acknowledge that she had complied with all requirements listed in the performance deficiency letter.

67. The University's stated reason for terminating Ms. Walton's employment is pretext to cover up unlawful sex discrimination.

68. The University violated Title VII by subjecting Ms. Walton to different terms and conditions of employment and terminating her employment because of her sex.

69. The University acted with malice and reckless indifference to Ms. Walton's federally-protected rights.

70. As a direct and proximate result of the University's unlawful conduct, Ms. Walton suffered damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays for judgment in her favor and against Defendant and for the following relief:

- A. Lost wages and benefits in an amount to be proven at trial;
- B. Compensatory damages in an amount to be proven at trial;
- C. Interest;
- D. Punitive damages in an amount to be proven at trial;
- E. Appropriate equitable relief including back pay, reinstatement and/or front pay;
- F. A declaratory judgment that Defendant violated Plaintiff's rights as alleged herein;
- G. An injunction enjoining Defendant from engaging in any future acts of discrimination or retaliation against Plaintiff;
- H. Plaintiff's reasonable attorneys' fees and costs incurred herein; and

- I. For such further relief that the Court may deem just and equitable.

COUNT V

IHRA SEX DISCRIMINATION AGAINST DEFENDANT UNIVERSITY

71. Ms. Walton incorporates by reference paragraphs 1 through 58 and 66 through 70 as though fully set forth in this Count V.

72. The University's conduct described herein violates the IHRA.

73. As a direct and proximate result of the University's unlawful conduct, Ms. Walton suffered damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays for judgment in her favor and against Defendant and for the following relief:

- A. Lost wages and benefits in an amount to be proven at trial;
- B. Compensatory damages in an amount to be proven at trial;
- C. Interest;
- D. Appropriate equitable relief including back pay, reinstatement and/or front pay;
- E. A declaratory judgment that Defendant violated Plaintiff's rights as alleged herein;
- F. An injunction enjoining Defendant from engaging in any future acts of discrimination or retaliation against Plaintiff;
- G. Plaintiff's reasonable attorneys' fees and costs incurred herein; and
- H. For such further relief that the Court may deem just and equitable.

COUNT VI

TITLE VII RETALIATION AGAINST DEFENDANT UNIVERSITY

74. Ms. Walton incorporates by reference paragraphs 1 through 58 and 66 through 70 as though fully set forth in this Count VI.

75. The University subjected Ms. Walton to different terms and conditions of employment in retaliation for her complaints of race and sex discrimination and her association with the African-American female Director of Maintenance who had also previously complained to the University about race and sex discrimination.

76. The University's stated reason for terminating Ms. Walton's employment is pretext to cover up unlawful retaliation.

77. The University violated Title VII by terminating Ms. Walton's employment because she complained about unlawful discrimination and associated with another employee who had also complained about unlawful discrimination.

78. The University acted with malice and reckless indifference to Ms. Walton's federally-protected rights.

79. As a direct and proximate result of the University's unlawful conduct, Ms. Walton suffered damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays for judgment in her favor and against Defendant and for the following relief:

- A. Lost wages and benefits in an amount to be proven at trial;
- B. Compensatory damages in an amount to be proven at trial;
- C. Interest;

- D. Punitive damages in an amount to be proven at trial;
- E. Appropriate equitable relief including back pay, reinstatement and/or front pay;
- F. A declaratory judgment that Defendant violated Plaintiff's rights as alleged herein;
- G. An injunction enjoining Defendant from engaging in any future acts of discrimination or retaliation against Plaintiff;
- H. Plaintiff's reasonable attorneys' fees and costs incurred herein; and
- I. For such further relief that the Court may deem just and equitable.

COUNT VII

SECTION 1981 RETALIATION AGAINST ALL DEFENDANTS

80. Ms. Walton incorporates by reference paragraphs 1 through 61 as though fully set forth in this Count VII.

81. The University subjected Ms. Walton to different terms and conditions of employment in retaliation for her complaints of race discrimination and her association with the African-American female Director of Maintenance who had also previously complained to the University about race discrimination.

82. Defendants' conduct described herein violates 42 U.S.C. §1981.

83. As a direct and proximate result of Defendants' unlawful conduct, Ms. Walton suffered damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays for judgment in her favor and against Defendants and for the following relief:

- A. Lost wages and benefits in an amount to be proven at trial;

- B. Compensatory damages in an amount to be proven at trial;
- C. Interest;
- D. Punitive damages in an amount to be proven at trial;
- E. Appropriate equitable relief including back pay, reinstatement and/or front pay;
- F. A declaratory judgment that Defendants violated Plaintiff's rights as alleged herein;
- G. An injunction enjoining Defendants from engaging in any future acts of discrimination or retaliation against Plaintiff;
- H. Plaintiff's reasonable attorneys' fees and costs incurred herein; and
- I. For such further relief that the Court may deem just and equitable.

COUNT VIII

IHRA RETALIATION AGAINST DEFENDANT UNIVERSITY

84. Ms. Walton incorporates by reference paragraphs 1 through 58 and 65 through 70 as though fully set forth in this Count VIII.

85. The University subjected Ms. Walton to different terms and conditions of employment in retaliation for her complaints of race and sex discrimination and her association with the African-American female Director of Maintenance who had also previously complained to the University about race and sex discrimination.

86. Defendant's conduct described herein violates the Illinois Human Rights Act (IHRA).

87. As a direct and proximate result of Defendant's unlawful conduct, Ms. Walton suffered damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays for judgment in her favor and against Defendant and for the following relief:

- A. Lost wages and benefits in an amount to be proven at trial;
- B. Compensatory damages in an amount to be proven at trial;
- C. Interest;
- D. Appropriate equitable relief including back pay, reinstatement and/or front pay;
- E. A declaratory judgment that Defendant violated Plaintiff's rights as alleged herein;
- F. An injunction enjoining Defendant from engaging in any future acts of discrimination or retaliation against Plaintiff;
- G. Plaintiff's reasonable attorneys' fees and costs incurred herein; and
- H. For such further relief that the Court may deem just and equitable.

JURY DEMAND

Plaintiff demands trial by jury on all issues herein.

OLANDREIA WALTON

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