

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Frisse v. Geodis Logistics, LLC

Frisse · No. 25-cv-1189-SMY · Decided June 3, 2026

SUMMARY

The United States District Court for the Southern District of Illinois granted Geodis Logistics, LLC’s motion for judgment on the pleadings as to Count III of Sarah E. Frisse’s complaint. The court held that Frisse had not exhausted the Illinois Human Rights Act’s administrative remedies before filing suit and dismissed the IHRA claim without prejudice.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Staci M. Yandle
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	June 3, 2026
DOCKET	25-cv-1189-SMY
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved for judgment on the pleadings under Federal Rule of Civil Procedure 12(c), seeking dismissal of Count III, the Illinois Human Rights Act claims.
STANDARD OF REVIEW	A Rule 12(c) motion is reviewed under the same standard as a Rule 12(b)(6) motion for failure to state a claim. The court may consider the pleadings, attached exhibits, and matters of public record not subject to reasonable dispute.
PRECEDENTIAL VALUE	nonprecedential district court memorandum order

TOPICS

- motion for judgment on the pleadings
- employment discrimination
- civil procedure
- affirmative defenses
- civil rights

PRACTICE AREAS

- employment law
- civil procedure
- civil rights
- employment discrimination

QUESTIONS PRESENTED

1. Whether Frisse's Illinois Human Rights Act claims should be dismissed because she had not filed an administrative charge with the Illinois Department of Human Rights or the Equal Employment Opportunity Commission before filing suit.
2. Whether the later filing of an IDHR charge could cure the failure to satisfy the IHRA's pre-suit administrative-exhaustion requirements.
3. Whether an IDHR complainant information sheet constitutes a formal charge sufficient to begin the statutory administrative process.

HOLDINGS

1. A plaintiff may not bring an Illinois Human Rights Act civil action unless the statutory administrative prerequisites have been satisfied, including filing a charge with the IDHR or EEOC and receiving a right-to-sue notice, or proceeding after the applicable statutory period without an IDHR report.
2. The later filing of an administrative charge did not cure Frisse's failure to satisfy the IHRA's pre-suit requirements, and Count III was properly dismissed without prejudice.
3. An IDHR complainant information sheet is not a formal charge and does not initiate IHRA administrative proceedings.

KEY QUOTATIONS

“No suit may be brought under the Act unless these procedural requirements are satisfied.” (Page 4)

“[A] CIS is just a pre-charge screening form, which does not prompt IDHR to notify the employer, launch an investigation, or sponsor mediation between the parties—filing a charge form does.” (Page 4)

“This is not a “gotcha” rule – it is the law.” (Page 4)

FACTUAL BACKGROUND

Sarah E. Frisse, a former Geodis Logistics employee, asserted Illinois Human Rights Act claims among other employment-related claims. She filed an Illinois Department of Human Rights charge on October 10, 2025, approximately five months after filing suit, and the IDHR proceedings remained ongoing without a right-to-sue letter. An earlier April 9, 2025 document was only a complainant information sheet expressly stating that it was not a formal charge.

PROCEDURAL HISTORY

Plaintiff filed suit in Illinois state court on April 25, 2025, asserting Illinois Whistleblower Act, retaliatory-discharge or wrongful-termination, and Illinois Human Rights Act claims. Defendant removed the action to the Southern District of Illinois on June 5, 2025. The district court granted Defendant's Rule 12(c) motion and dismissed Count III without prejudice.

DISPOSITION

dismissed

CASES CITED

- Buchanan-Moore v. County of Milwaukee, 570 F.3d 824, 827 (7th Cir. 2009)
- Wolf v. Riverport Insurance Co., 132 F.4th 515, 518 (7th Cir. 2025)
- South Branch LLC v. Commonwealth Edison Co., 46 F.4th 646, 648 (7th Cir. 2022)
- Garcia v. Village of Mount Prospect, 360 F.3d 630, 640 (7th Cir. 2004)
- Hill v. Potter, 352 F.3d 1142, 1145 (7th Cir. 2003)
- Perkins v. Silverstein, 939 F.2d 463, 471 (7th Cir. 1991)
- Cora v. Tootsie Roll Industries, LLC, 2024 U.S. Dist. LEXIS 57785, at *26 (N.D. Ill. Mar. 29, 2024)
- Carlson v. Christian Brothers Services, 840 F.3d 466, 467 (7th Cir. 2016)

OPINION

Frisse

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF ILLINOIS

SARAH E. FRISSE,)

) Plaintiff,)) vs.) Case No. 25-cv-1189-SMY)

GEODIS LOGISTICS, LLC,)

) Defendant.)

MEMORANDUM AND ORDER

YANDLE, Chief Judge: Now before the Court is Defendant's Motion for Judgment on the Pleadings or to Stay Discovery (Doc. 21), in which Defendant seeks an order dismissing Count III of Plaintiff's Complaint. For the following reasons, Defendant's motion is GRANTED. Discussion Plaintiff Sarah E. Frisse, a former employee of Defendant Geodis Logistics, initiated this lawsuit in the Third Judicial Circuit Court of Illinois on April 25, 2025, asserting claims for violation of the Illinois Whistleblower Act, retaliatory discharge/wrongful termination in violation of public policy, and violations of the Illinois Human Rights Act ("IHRA"). Defendant timely removed the case to this court on June 5, 2025 (Doc. 1). Motions for judgment on the pleadings pursuant to Federal Rule of Civil Procedure ("FRCP") 12(c) may be brought after the complaint and answer have been filed. *Buchanan-Moore v. Cnty. of Milwaukee*, 570 F.3d 824, 827 (7th Cir. 2009). Rule 12(c) motions are reviewed under the same standard as motions to dismiss for failure to state a claim under Rule 12(b)(6). *Wolf v. Riverport Ins. Co.*, 132 F.4th 515, 518 (7th Cir. 2025). In reviewing a Rule 12(c) motion, a court may consider the pleadings, any attached exhibits, and matters of public record not subject to reasonable dispute. *South Branch LLC v. Commonwealth Edison Co.*, 46 F.4th 646, 648 (7th Cir. 2022). Before suit may be brought under the IHRA,

potential plaintiffs must file a charge with either the Illinois Department of Human Rights (“IDHR”) or the U.S. Equal Employment Opportunity Commission (“EEOC”) within two years of any alleged civil rights violation. 775 ILCS 5/7A-102. Only upon receiving notice of right to sue (or, alternatively, if the IDHR fails to issue a report within 365 days) may a complainant commence a civil action for violations of the IHRA. *Id.* No suit may be brought under the Act unless these procedural requirements are satisfied. 775 ILCS 5/8-111(D) (“[N]o court of this state shall have jurisdiction over the subject of an alleged civil rights violation other than as set forth in this Act.”); see also *Garcia v. Vill. of Mount Prospect*, 360 F.3d 630, 640 (7th Cir. 2004). Here, Defendant argues Plaintiff’s IHRA claims should be dismissed for failure to exhaust administrative remedies because Plaintiff did not file a charge with the IDHR before suing in state court. The administrative charge attached to Plaintiff’s response is dated October 10, 2025, approximately five months after this lawsuit was filed (Doc 24-7). However, Plaintiff argues that failure to exhaust administrative remedies is a non-jurisdictional affirmative defense in federal court, citing *Hill v. Potter*, 352 F.3d 1142, 1145 (7th Cir. 2003). In the alternative, Plaintiff argues that because she has since filed a discrimination charge with the IDHR, she should be allowed to cure her Complaint by filing a right to sue letter once one is issued, citing *Perkins v. Silverstein*, 939 F.2d 463, 471 (7th Cir. 1991). Plaintiff’s arguments are unavailing. Each of the cases cited by Plaintiff involve Title VII claims, not claims brought pursuant to the IHRA. Although both apply the same substantive analytical standards, the procedural requirements of the two laws are not interchangeable. See *Cora v. Tootsie Roll Indus., LLC*, 2024 U.S. Dist. LEXIS 57785, at *26 (N.D. Ill. Mar. 29, 2024) (“The IHRA’s exhaustion requirement for state-law claims brought under the act is distinct from the exhaustion requirement imposed by Title VII.”) Thus, the cases cited by Plaintiff do not apply to this case. Moreover, Plaintiff would be in the same position whether exhaustion of administrative remedies was a jurisdictional requirement under the IHRA or an affirmative defense that must be established by the defendant. If Plaintiff was required to plead exhaustion to establish subject-matter jurisdiction, it is clear from the face of her Complaint she failed to do so. If, instead, exhaustion is an affirmative defense, Defendant timely raised the defense in its Answer (Doc. 14 at 9), and Plaintiff has conceded to the elements of the defense by acknowledging that the IDHR proceedings are ongoing and no right to sue letter has been issued. Plaintiff suggests the 365-day period after which a civil action may be commenced in the absence of a right to sue letter may have already passed because she filed her “IDHR Complaint” on April 9, 2025. However, the exhibit Plaintiff refers to is a complainant information sheet (“CIS”) that states in boldface type “THIS IS NOT A FORMAL CHARGE” (Doc. 24-6). Proceedings under the IHRA do not begin until a charge is filed. See *Carlson v. Christian Bros. Servs.*, 840 F.3d 466, 467 (7th Cir. 2016) (“[A] CIS is just a pre-charge screening form, which does not prompt IDHR to notify the employer, launch an investigation, or sponsor mediation between the parties—filing a charge form does.”) Finally, Plaintiff argues Defendant’s position would impose an unfair “gotcha” rule wherein a plaintiff would have to file a charge with the IDHR before filing suit in

court or else face dismissal (Doc 24 at 7-8). This is not a “gotcha” rule – it is the law. See 775 ILCS 5/8- 111(D). Conclusion For the foregoing reasons, Defendant’s Motion for Judgment on the Pleadings (Doc. 21) is GRANTED. Count III of Plaintiff’s Complaint is DISMISSED without prejudice. IT IS SO ORDERED. DATED: June 3, 2026.

STACI M. YANDLE

Chief U.S. District Judge Page 4 of 4