

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

Molly Sexton v. The Board of Education, District 130, Cook County,
Illinois, Carrie Tisch, and Colleen McKay

Sexton · No. 25 cv 344 · Decided December 10, 2025

SUMMARY

The United States District Court for the Northern District of Illinois denied individual defendants’ Rule 12(b)(6) motion to dismiss claims arising from alleged retaliation against a teacher who reported unsafe school conditions to Illinois OSHA. The court held that the First Amended Complaint provided sufficient notice through collective allegations and adequately pleaded potential individual liability under the Illinois Whistleblower Act. The court also rejected the argument that the claims were redundant official-capacity claims, noting that the complaint expressly sued the defendants in their personal capacities.

CASE DETAILS

COURT	United States District Court for the Northern District of Illinois, Eastern Division
WRITING FOR THE COURT	Sunil R. Harjani
JURISDICTION	United States District Court for the Northern District of Illinois, Eastern Division
DECIDED	December 10, 2025
DOCKET	25 cv 344
DISPOSITION	other
PROCEDURAL POSTURE	Defendants Carrie Tisch and Colleen McKay moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the Illinois Whistleblower Act claim asserted against them in their personal capacities. The court denied the motion.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, draws reasonable inferences in the plaintiff’s favor, and asks whether the complaint contains sufficient factual matter to state a plausible claim for relief under Rule 8(a)(2).
PRECEDENTIAL VALUE	unpublished

PARTIES

Molly Sexton v. The Board of Education, District 130, Cook County, Illinois, Carrie Tisch, Colleen McKay

TOPICS

motions to dismiss

whistleblower

retaliation

pleadings

civil procedure

PRACTICE AREAS

civil procedure

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QUESTIONS PRESENTED

1. Whether the First Amended Complaint provided Tisch and McKay fair notice of the Illinois Whistleblower Act claim despite using allegations directed collectively at the defendants.
2. Whether the allegations plausibly stated an Illinois Whistleblower Act retaliation claim against Tisch and McKay individually.
3. Whether the claims against Tisch and McKay were redundant official-capacity claims against the District.

HOLDINGS

1. Collective allegations are not categorically prohibited; allegations directed at all defendants may provide adequate notice when the complaint clearly alleges that all defendants participated in the challenged conduct. Sexton's allegations sufficiently notified Tisch and McKay of the claims against them.
2. The First Amended Complaint plausibly stated a claim under section 15(b) of the Illinois Whistleblower Act against Tisch and McKay individually, and the issue of whether Sexton can ultimately prove their personal involvement must await further factual development.
3. The defendants' argument that the claims should have been brought against Tisch and McKay in their official capacities was waived because the defendants failed to address Sexton's response. In any event, the First Amended Complaint expressly sued them in their personal capacities.

KEY QUOTATIONS

"A motion under Rule 12(b)(6) tests whether the complaint states a claim on which relief may be granted."
(Legal Standard)

"There is no 'group pleading' doctrine, per se, that either permits or forbids allegations against defendants collectively." (Fair Notice)

"The allegations, although alleged as a group, are sufficient to put Tisch and McKay on notice of the claims against them." (Fair Notice)

"For the reasons stated above, Defendants' motion to dismiss [35] is denied." (Conclusion)

FACTUAL BACKGROUND

Molly Sexton worked for the District for more than 18 years and taught eighth-grade mathematics at Veterans Memorial Middle School from 2013 through 2024. After she complained to District officials and the Illinois Department of Labor's Division of Occupational Safety and Health about dangerous heat and water-service conditions, and requested disability accommodations related to her multiple sclerosis, the District transferred her to another school that she alleged was inaccessible to her. Sexton alleged that the defendants subsequently refused to hire her for open teaching positions at Veterans and that Tisch made statements concerning her fitness for duty and removal of her belongings.

PROCEDURAL HISTORY

Sexton filed a First Amended Complaint alleging violations of the Americans with Disabilities Act, the Illinois Human Rights Act, and the Illinois Whistleblower Act arising from her transfer from a middle school and the alleged refusal to rehire her. The District answered, while Tisch and McKay moved to dismiss the Illinois Whistleblower Act claim. The court held that the group allegations and allegations directed specifically at Tisch and McKay provided sufficient notice and plausibly stated a claim, and it rejected or found waived the defendants' redundancy and individual-liability arguments.

DISPOSITION

other

CASES CITED

- Richards v. Mitcheff, 696 F.3d 635, 637 (7th Cir. 2012)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 563, 570 (2007)
- Adams v. City of Indianapolis, 742 F.3d 720, 728 (7th Cir. 2014)
- Heredia v. Capital Management Services, L.P., 942 F.3d 811, 814 (7th Cir. 2019)
- Strzykowski v. Bd. of Educ. of Summit Hill Sch. Dist. No. 161, 2025 WL 1755463, at *6 (N.D. Ill. June 25, 2025)
- Sweeney v. City of Decatur, 2017 IL App (4th) 160492, ¶ 15
- Robles v. Chicago, 354 F. Supp. 3d 873, 875-76 (N.D. Ill. 2019)
- Brooks v. Ross, 578 F.3d 574, 580, 582 (7th Cir. 2009)
- Sloan v. Anker Innovations Ltd., 711 F. Supp. 3d 946, 955-56 (N.D. Ill. 2024)
- Airborne Beepers & Video, Inc. v. AT&T Mobility LLC, 499 F.3d 663, 667 (7th Cir. 2007)
- Gorgas v. Amazon.com, Inc., 2023 WL 4209489, at *3 (N.D. Ill. June 23, 2023)
- Rodriguez v. Plymouth Ambulance Serv., 577 F.3d 816, 821 (7th Cir. 2009)
- Bank of Am., N.A. v. Knight, 725 F.3d 815, 818 (7th Cir. 2013)
- Chapman v. Yellow Cab Coop., 875 F.3d 846, 848 (7th Cir. 2017)
- Thomas v. JBS Green Bay, Inc., 120 F.4th 1335, 1338 (7th Cir. 2024)
- Engel v. Buchan, 710 F.3d 698, 710 (7th Cir. 2013)

- *Carlson v. CSX Transp., Inc.*, 758 F.3d 819, 829 (7th Cir. 2014)
- *Stieglitz v. City of Chicago*, 2025 WL 2084143, at *7 (N.D. Ill. July 23, 2025)
- *Horton v. City of Rockford*, 2019 WL 3573566, at *3-4 (N.D. Ill. Aug. 6, 2019)
- *Savory v. Cannon*, 947 F.3d 409, 412 (7th Cir. 2020)
- *Bonte v. U.S. Bank, N.A.*, 624 F.3d 461, 466 (7th Cir. 2010)
- *Bello v. Village of Skokie*, 151 F. Supp. 3d 849, 865 (N.D. Ill. 2015)
- *Hernandez v. Rhee*, 2021 WL 3408510, at *20 (N.D. Ill. Aug. 4, 2021)
- *Webb v. Frawley*, 906 F.3d 569, 581 (7th Cir. 2018)

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