

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Peter Pethtel v. Veterans Roofing PLLC

Pethtel · No. 25-CV-01648-SPM · Decided March 24, 2026

SUMMARY

The United States District Court for the Southern District of Illinois denied Plaintiff Peter Pethtel’s motion for leave to file a second amended complaint adding claims under the Illinois Human Rights Act, concluding that he had not exhausted the required administrative remedies. The court also denied Defendant Veterans Roofing PLLC’s motion to compel because the motion lacked the required certification of a good-faith effort to resolve the discovery dispute informally.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Stephen P. McGlynn
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	March 24, 2026
DOCKET	25-CV-01648-SPM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to file a second amended complaint adding Illinois Human Rights Act claims. Defendant moved to compel Plaintiff to answer a deposition question. The district court denied both motions.
STANDARD OF REVIEW	A motion for leave to amend under Federal Rule of Civil Procedure 15(a)(2) is committed to the district court's sound discretion. A motion to compel under Rule 37 requires compliance with the applicable meet-and-confer certification requirements before court intervention.
PRECEDENTIAL VALUE	unknown
PARTIES	Peter Pethtel v. Veterans Roofing PLLC

TOPICS

- motion to amend
- discovery dispute
- subject matter jurisdiction
- age discrimination
- civil procedure

PRACTICE AREAS

civil procedure

employment law

age discrimination

administrative law

discovery

QUESTIONS PRESENTED

1. Whether Plaintiff should be granted leave under Federal Rule of Civil Procedure 15(a)(2) to amend his complaint to add Illinois Human Rights Act claims.
2. Whether Defendant's motion to compel should be granted when the motion did not show that Defendant had made the required good-faith effort to resolve the discovery dispute without court action.

HOLDINGS

1. Leave to amend was properly denied because Plaintiff did not comply with the Illinois Human Rights Act's statutory procedure for forwarding the EEOC determination to the Illinois Department of Human Rights within the required thirty-day period, and that failure was jurisdictional under the authorities applied by the Court.
2. The motion to compel was denied because Defendant did not demonstrate that it had made the good-faith effort to resolve the discovery dispute informally required by the local rules and the Court's Case Management Procedures.

KEY QUOTATIONS

“The administrative closing of a charge by the IDHR . . . is not a final order, nor does it constitute an exhaustion of administrative remedies.” (Analysis Part I)

“A plaintiff cannot file suit in federal court and then, when the IDHR closes her charge precisely because she filed suit in federal court, argue that she has exhausted all administrative remedies.” (Analysis Part I)

“Plaintiff Peter Pethtel’s Motion for Leave to File Second Amended Complaint (Doc. 26) is DENIED and Defendant Veterans Roofing PLLC’s Motion to Compel (Doc. 27) is DENIED.” (Conclusion)

FACTUAL BACKGROUND

Peter Pethtel, a fifty-four-year-old general laborer and on-site support worker, alleged that Veterans Roofing terminated him on July 18, 2025 because of his age. He asserted claims for discrimination, harassment, and retaliation under the Age Discrimination in Employment Act and sought to add parallel claims under the Illinois Human Rights Act. During Pethtel's deposition, he stated that his wife had been present when he prepared with his attorney, and defense counsel sought to question him about what was discussed.

PROCEDURAL HISTORY

Pethtel filed suit alleging age discrimination, harassment, and retaliation under the Age Discrimination in Employment Act. After Defendant moved to dismiss, the Court permitted Plaintiff to file a first amended complaint and denied the motion to dismiss as moot. Following entry of a scheduling order, Plaintiff sought leave to file a second amended complaint adding Illinois Human Rights Act claims, and Defendant moved to compel a response to a deposition question. The Court denied the amendment motion based on failure to comply

with the statutory administrative-exhaustion procedure and denied the motion to compel because Defendant failed to certify a good-faith meet-and-confer effort.

DISPOSITION

other

CASES CITED

- Bausch v. Stryker Corp., 630 F.3d 546, 562 (7th Cir. 2010)
- Airborne Beepers & Video, Inc. v. AT&T Mobility LLC, 499 F.3d 663, 666 (7th Cir. 2007)
- McDaniel v. Loyola University Medical Center, 317 F.R.D. 72, 76–77 (N.D. Ill. 2016)
- Soltys v. Costello, 520 F.3d 737, 743 (7th Cir. 2008)
- Dubicz v. Commonwealth Edison Co., 377 F.3d 787, 792 (7th Cir. 2004)
- Doherty v. Davy Songer, Inc., 195 F.3d 919, 927 (7th Cir. 1999)
- King v. Cooke, 26 F.3d 720, 723–724 (7th Cir. 1994)
- J.P. Morgan Chase Bank, N.A. v. Drywall Service & Supply Co., 265 F.R.D. 341, 347 (N.D. Ind. 2010)
- Sanders v. Venture Stores, Inc., 56 F.3d 771, 775 (7th Cir. 1995)
- Motorola Solutions, Inc. v. Hytera Communications Corp., 365 F. Supp. 3d 916, 924 (N.D. Ill. 2019)
- Bumphus v. Illinois Human Rights Commission, 2021 IL App (5th) 200037-U, ¶¶ 17–18
- Weatherly v. Human Rights Commission, 788 N.E.2d 1175, 1178 (Ill. App. Ct. 2003)
- Pickering v. Human Rights Commission, 496 N.E.2d 746, 754 (Ill. App. Ct. 1986)
- Donald v. City of Chicago, 539 F. Supp. 3d 912, 921 (N.D. Ill. 2021)
- Prusaczyk v. Hamilton County Coal, LLC, No. 3:20-CV-73-NJR, 2020 WL 5981377, at *3 (S.D. Ill. Oct. 8, 2020)
- Falco v. Office Electronics, Inc., No. 97 C 4170, 1997 WL 587660, at *2 (N.D. Ill. Sept. 17, 1997)
- Ball v. Roeslein & Associates, Inc., No. 20-CV-00045-NJR, 2020 WL 4673136, at *14–15 (S.D. Ill. Aug. 12, 2020)
- Hickman v. Board of Education of Hinsdale Township, No. 1:23-CV-01102, 2023 WL 9050972, at *9 (N.D. Ill. Dec. 29, 2023)