

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

Kevin McCormick v. Chicago Transit Authority

No. 23 C 1998, United States District Court for the Northern District of Illinois, Eastern Division (December 22, 2025)

SUMMARY

The United States District Court for the Northern District of Illinois denies the Chicago Transit Authority's motion for judgment as a matter of law after a jury found that it violated Title VII by terminating Kevin McCormick after he refused COVID-19 vaccination based on religious beliefs. The court grants a new trial, concluding that the jury instruction omitted the burden-shifting language applicable to a mixed-motive theory and that the omission prejudiced the CTA. The court also reserves consideration of the admissibility of testimony from the CTA's expert for a pretrial hearing.

CASE DETAILS

COURT	United States District Court for the Northern District of Illinois, Eastern Division
WRITING FOR THE COURT	Matthew F. Kennelly
JURISDICTION	United States District Court for the Northern District of Illinois, Eastern Division
DECIDED	December 22, 2025
DOCKET	23 C 1998
DISPOSITION	other
PROCEDURAL POSTURE	Following a jury verdict for McCormick on his Title VII religious-accommodation claim, the Chicago Transit Authority moved for judgment as a matter of law under Federal Rule of Civil Procedure 50(b) and, alternatively, for a new trial under Rule 59(a).
STANDARD OF REVIEW	On a Rule 50(b) motion, the court construes the evidence strictly in favor of the prevailing party and overturns the verdict only if no rational jury could have found for that party. On a Rule 59(a) motion, a new trial may be granted when the verdict is against the manifest weight of the evidence or the trial was unfair; an erroneous jury instruction warrants a new trial when it inadequately states Seventh Circuit law and likely confused or misled the jury, causing prejudice.

PRECEDENTIAL VALUE	nonprecedential district court memorandum opinion
PARTIES	Chicago Transit Authority v. Kevin McCormick

TOPICS

religious discrimination title vii employment discrimination motion for new trial evidence

PRACTICE AREAS

employment law civil rights civil procedure evidence

QUESTIONS PRESENTED

1. Whether the CTA was entitled to judgment as a matter of law because no rational jury could find that McCormick's religion was a motivating factor in his termination.
2. Whether the jury's verdict was against the manifest weight of the evidence.
3. Whether alleged misconduct by McCormick's counsel prejudiced the CTA sufficiently to require a new trial.
4. Whether the jury instruction on motivating-factor causation inadequately stated Seventh Circuit law by omitting the employer's mixed-motive burden-shifting defense.
5. Whether limiting the CTA expert's testimony concerning COVID-19, CDC and OSHA guidance, and the purposes of the vaccination policy required a new trial.

HOLDINGS

1. Judgment as a matter of law was not warranted because a reasonable jury could find that McCormick's refusal to receive the COVID-19 vaccine was a religious action and that this action was a motivating factor in, or the but-for cause of, his termination.
2. The verdict was not against the manifest weight of the evidence because the evidence permitted the jury to find that McCormick's religiously based noncompliance with the vaccination policy motivated the CTA's termination decision.
3. The CTA was not entitled to a new trial based on counsel's misconduct because the CTA did not demonstrate sufficient prejudice.
4. The jury instruction was erroneous because it stated that liability could follow from a motivating factor but omitted the employer's burden to prove that it would have made the same decision regardless of the plaintiff's protected characteristic.
5. The court did not finally determine the admissibility issue in the order but directed that the admissibility of Dr. Roberts's testimony be addressed at a pretrial hearing before the new trial.

KEY QUOTATIONS

"In short, a reasonable jury could conclude that McCormick proved, by a preponderance of the evidence, that he had an observance or action that was religious in nature (refusal of the COVID-19 vaccine) and that this

observance or action was a motivating factor in or the but-for cause of his termination.” (8)

“The jury instruction that the Court gave did not include this language, and in particular did not include the burden-shifting part of the instruction. The Court erred; the instruction it gave did not adequately state Seventh Circuit law.” (13)

“The Court will therefore address the admissibility of Dr. Roberts’ testimony at a pretrial hearing in advance of the new trial.” (15)

FACTUAL BACKGROUND

McCormick, a practicing Catholic, refused the CTA's COVID-19 vaccination requirement based on stated religious objections concerning vaccines tested using aborted fetal cell lines and the alteration of the body. He sought a religious exemption, but the CTA's religious accommodation committee denied the request, after which McCormick remained unvaccinated and was terminated for violating the vaccination policy. At trial, CTA witnesses acknowledged that McCormick was terminated for noncompliance with the mandate, while the jury could find that his noncompliance was based on sincerely held religious beliefs.

PROCEDURAL HISTORY

McCormick filed suit alleging religious discrimination arising from the CTA's denial of his request for a religious exemption from its COVID-19 vaccination mandate and his subsequent termination. The court dismissed his section 1983 Equal Protection claim and later granted summary judgment to the CTA on his Illinois Religious Freedom Restoration Act claim. The Title VII claim proceeded to a four-day jury trial, resulting in a verdict for McCormick. The court denied judgment as a matter of law but granted a new trial because the jury instruction omitted the burden-shifting component of the mixed-motive framework and thereby prejudiced the CTA.

DISPOSITION

other

REMAND INSTRUCTIONS

The court ordered a new trial on the Title VII claim, set for February 2, 2026, and directed that the admissibility of Dr. Roberts's testimony be addressed at a pretrial hearing.

CASES CITED

- Thorne v. Member Select Insurance Co., 882 F.3d 642, 644 (7th Cir. 2018)
- Passananti v. Cook County, 689 F.3d 655, 659 (7th Cir. 2012)
- McNabola v. Chicago Transit Authority, 10 F.3d 501, 515 (7th Cir. 1993)
- Stragapede v. City of Evanston, 865 F.3d 861, 865 (7th Cir. 2017)
- Adeyeye v. Heartland Sweeteners, LLC, 721 F.3d 444, 454 (7th Cir. 2013)
- Boyd v. Chicago Transit Authority, No. 24 C 2727, 2025 WL 2765107 (N.D. Ill. Sept. 28, 2025)

- *Martinez v. City of Chicago*, 900 F.3d 838, 844 (7th Cir. 2018)
- *Whitehead v. Bond*, 680 F.3d 919, 928 (7th Cir. 2012)
- *Estate of Burford v. Accounting Practice Sales, Inc.*, 851 F.3d 641, 646 (7th Cir. 2017)
- *Brandt v. Vulcan, Inc.*, 30 F.3d 752, 758 (7th Cir. 1994)
- *Venson v. Altamirano*, 749 F.3d 641, 657 (7th Cir. 2014)
- *O'Donnell v. Caine Weiner Co., LLC*, 935 F.3d 549, 552 (7th Cir. 2019)
- *Kluge v. Brownsburg Community School Corp.*, 150 F.4th 792 (7th Cir. 2025)
- *E.E.O.C. v. Abercrombie & Fitch Stores, Inc.*, 575 U.S. 768, 773 (2015)
- *Rapold v. Baxter International Inc.*, 718 F.3d 602, 609-10 (7th Cir. 2013)
- *Akrabawi v. Carnes Co.*, 152 F.3d 688, 694 (7th Cir. 1998)

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