

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

Kathy Dunn v. Cook County et al.

Dunn · No. No. 25 C 9521 · Decided January 21, 2026

SUMMARY

The United States District Court for the Northern District of Illinois addressed defendants’ motions to dismiss and strike in Kathy Dunn’s employment-discrimination and retaliation action against Cook County entities. The court dismissed most claims for failure to exhaust administrative remedies or failure to state a claim, allowed the Illinois workers’ compensation retaliatory-discharge claim to proceed, and struck requests for punitive damages. The court entered the order on January 21, 2026.

CASE DETAILS

COURT	United States District Court for the Northern District of Illinois, Eastern Division
WRITING FOR THE COURT	Elaine E. Bucklo
JURISDICTION	United States District Court for the Northern District of Illinois, Eastern Division
DECIDED	January 21, 2026
DOCKET	No. 25 C 9521
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought twelve claims under Title VII, the ADA, the ADEA, the FMLA, and Illinois common law. Defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(6) and to strike punitive-damages requests under Rule 12(f).
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 determines whether the complaint states a facially plausible claim. The court need not accept legal conclusions or threadbare recitals of the elements.
PRECEDENTIAL VALUE	Unknown
PARTIES	Kathy Dunn v. Cook County, Cook County Department of Public Health, Cook County Health and Hospital System

TOPICS

motions to dismiss employment discrimination title vii retaliation family and medical leave act

PRACTICE AREAS

employment law civil rights civil procedure torts remedies

QUESTIONS PRESENTED

1. Whether Dunn exhausted administrative remedies for the discrimination and retaliation claims asserted in the complaint.
2. Whether Dunn plausibly stated a Title VII race-discriminatory-discharge claim.
3. Whether Dunn plausibly stated an ADEA age-discriminatory-discharge claim.
4. Whether Dunn plausibly stated an FMLA claim based on denial of leave or retaliation for taking leave.
5. Whether Dunn plausibly stated an Illinois retaliatory-discharge claim based on exercising or anticipating exercise of workers' compensation rights.
6. Whether Dunn's Illinois intentional-infliction-of-emotional-distress claim was barred by the Tort Immunity Act's statute of limitations.
7. Whether Dunn could recover punitive damages against the municipal defendants.

HOLDINGS

1. Dunn exhausted administrative remedies only for a Title VII race-discriminatory-discharge claim and an ADEA age-discriminatory-discharge claim that could reasonably be expected to grow out of her EEOC charge. She did not exhaust claims based on disability, non-FMLA retaliation, hostile work environment, national origin, religion, sex, or adverse employment actions other than termination.
2. Dunn plausibly stated a Title VII claim that she was discharged because of her race.
3. Dunn failed to plausibly state an ADEA age-discriminatory-discharge claim because she offered only conclusory allegations concerning younger employees and did not plead facts showing that they were similarly situated.
4. Dunn failed to state an FMLA claim. Her denial-of-leave theory failed because she alleged that leave was granted, and her retaliation theory failed because she did not plead facts showing that her condition qualified as a serious health condition or rendered her unable to perform her job.
5. Dunn plausibly stated an Illinois retaliatory-discharge claim based on her workers' compensation rights, including a theory that she was discharged in anticipation of filing a claim.
6. Dunn's Illinois intentional-infliction-of-emotional-distress claim was barred by the one-year statute of limitations in the Illinois Tort Immunity Act.
7. Dunn could not recover punitive damages against the municipal defendants, so the court struck her requests for punitive damages.

KEY QUOTATIONS

“Dismissal for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6) is proper “when the allegations in a complaint, however true, could not raise a claim of entitlement to relief.”” (4)

“As such, a plaintiff may sue on the claims that she makes out in her EEOC charge and those claims that are “like or reasonably related to the allegations of the charge and growing out of such allegations.”” (6-7)

“And though she will need to develop these facts moving forward, she has alleged that similarly situated non-white employees—an associate administrator and the employees with which she was replaced—were treated more favorably than her.” (12)

“It is sufficient for a plaintiff to plead that she “was discharged in anticipation of [her] filing a worker’s compensation claim.”” (17)

FACTUAL BACKGROUND

Kathy Dunn worked for the Cook County Department of Public Health for nearly forty years and taught nursing at local universities during non-County work hours with supervisory approval. After an investigation into alleged violations of dual-employment restrictions, she was given the choice of retiring or being terminated and chose termination so she could appeal. Dunn alleged that the investigation and termination were pretextual and resulted from discrimination, retaliation for reporting workplace harassment and taking FMLA leave, and her exercise of workers' compensation rights. She also alleged that she had bursitis, requested full-time remote work, and was denied that accommodation.

PROCEDURAL HISTORY

Dunn filed an EEOC charge on April 7, 2024, received a right-to-sue letter on May 15, 2025, and filed this action on August 11, 2025. Defendants moved to dismiss most or all claims and to strike the punitive-damages requests. The court granted the motion to dismiss in part, denied it in part as to the Illinois retaliatory-discharge claim, dismissed Counts II-XI and XIII, dismissed portions of Count I, and struck the punitive-damages requests.

DISPOSITION

other

CASES CITED

- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 558, 570 (2007)
- Killingsworth v. HSBC Bank Nevada, N.A., 507 F.3d 614, 618 (7th Cir. 2007)
- McCauley v. City of Chicago, 671 F.3d 611, 616 (7th Cir. 2011)
- Brooks v. Ross, 578 F.3d 574, 581 (7th Cir. 2009)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Gibson v. City of Chicago, 910 F.2d 1510, 1520 (7th Cir. 1990)
- Chaidez v. Ford Motor Co., 937 F.3d 998, 1004-06 (7th Cir. 2019)
- Riley v. City of Kokomo, 909 F.3d 182, 189 (7th Cir. 2018)

- *Flannery v. Recording Industry Association of America*, 354 F.3d 632, 637 (7th Cir. 2004)
- *McKenzie v. Illinois Department of Transportation*, 92 F.3d 473, 481 (7th Cir. 1996)
- *Cheek v. Western and Southern Life Insurance Co.*, 31 F.3d 497, 500-02 (7th Cir. 1994)
- *Taylor v. Western & Southern Life Insurance Co.*, 966 F.2d 1188, 1195 (7th Cir. 1992)
- *Geldon v. South Milwaukee School District*, 414 F.3d 817, 819 (7th Cir. 2005)
- *Martino v. Western & Southern Financial Group*, 715 F.3d 195, 202 (7th Cir. 2013)
- *McDonald v. Santa Fe Trail Transportation Co.*, 427 U.S. 273, 279-80 (1976)
- *Radue v. Kimberly-Clark Corp.*, 219 F.3d 612, 617-18 (7th Cir. 2000)
- *Ortiz v. Werner Enterprises, Inc.*, 834 F.3d 760, 765-66 (7th Cir. 2016)
- *Lutes v. United Trailers, Inc.*, 950 F.3d 359, 363 (7th Cir. 2020)
- *Guzman v. Brown County*, 884 F.3d 633, 638 (7th Cir. 2018)
- *Clemons v. Mechanical Devices Co.*, 704 N.E.2d 403, 335-36 (Ill. 1998)
- *Planell v. Whitehall North, LLC*, 2015 IL App (1st) 140799, at *1, *14 (2015)
- *Reinneck v. Taco Bell Corp.*, 696 N.E.2d 839, 842 (Ill. App. Ct. 1998)
- *Fuentes v. Lear Siegler, Inc.*, 529 N.E.2d 40, 42 (Ill. App. Ct. 1988)