

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ADRIANNE HARKLESS,)	
)	
Plaintiff,)	
)	
v.)	No.
)	
PLANNED PARENTHOOD OF ILLINOIS,)	
PLANNED PARENTHOOD FEDERATION OF)	
AMERICA, INC., and KAI TAO,)	<u>Jury Demand</u>
)	
Defendants.)	

COMPLAINT

NOW COMES Plaintiff, ADRIANNE HARKLESS, by and through her attorneys, ABRAHAMSON VORACHEK & LEVINSON, and complains of Defendants, PLANNED PARENTHOOD OF ILLINOIS, PLANNED PARENTHOOD FEDERATION OF AMERICA, INC., and KAI TAO, as follows:

PARTIES AND JURISDICTION

1. Count I is brought to remedy a violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, *et seq.* Counts II, III, IV and V of Plaintiff's complaint are brought to remedy violations of the Family & Medical Leave Act of 1993 ("FMLA"), as amended, 29 U.S.C. §2601, *et seq.* Counts VI, VII and VIII are brought to remedy violations under the Americans With Disabilities Act of 1990 (ADA), as amended, 42 U.S.C. §12101, *et seq.* Count IX alleges negligence under Illinois common law.

2. Plaintiff Adrienne Harkless is a resident of Chicago, Illinois.

3. Defendant Planned Parenthood of Illinois (“Defendant PPIL”) is a health care provider which delivers reproductive health care, sex education, and sexual health information throughout Illinois. Each of Defendant PPIL’s 17 health centers also provides preventive services, including cancer screenings, breast health care, well-woman exams, contraceptive services, and sexually transmitted infection prevention and treatment, to men, women, and teens. PPIL identifies its mission as providing and promoting compassionate comprehensive reproductive healthcare, education and rights. It is an affiliate of Defendant Planned Parenthood Federation of America (“Defendant PPFA”).

4. Defendant PPIL was Plaintiff’s employer.

5. Defendant PPIL was Plaintiff’s health care provider.

6. Defendant Planned Parenthood Federation of America, Inc. is the umbrella organization of the Planned Parenthood affiliates. PPFA establishes the standards and guidelines used to run the organization and all of its affiliates, including Defendant PPIL. The organization standards provided by PPFA to PPIL include, *inter alia*, standards for patient care, Board membership (diversity), employee retention, employee records, and revenue and operational costs. To insure that Defendant PPIL maintains the aforesaid standards and guidelines, it is audited by Defendant PPFA, which insures that those standards and guidelines are met and makes recommendations for improvement. In August 2013, Defendant PPFA conducted an organizational assessment of PPIL entitled “Move the Dot,” which reviewed Defendant PPIL’s senior management, including Defendant Tao.

7. Defendant Kai Tao was Vice President of Clinical Operations and Associate Medical Director of PPIL and Plaintiff’s direct supervisor. Defendant Tao was a member of PPIL’s senior

management team reporting to the Medical Director, Caroline Hoke, and the CEO, Carol Brite. As Vice President of Clinical Operations, Defendant Tao provided strategic leadership and oversaw daily operations for all PPIL health centers. Defendant Tao's duties entailed managing and implementing PPIL's overall mission, goals and objectives, including developing and implementing operational changes and insuring compliance with Defendant PPFA's standards and guidelines. Her responsibilities also included developing, maintaining, and implementing Defendant PPIL's adherence to federal, state, and local regulations. In her role as Associate Medical Director, Defendant Tao supervised Defendant PPIL's nurse practitioners in the clinics statewide.

8. This Court has jurisdiction over Count I under Title VII, as amended, 42 U.S.C. §2000e, *et seq.*; Counts II -V under the FMLA, as amended, 29 U.S.C. §2601, *et seq.*; over Counts VI-VIII under the ADA, as amended, 42 U.S.C. §12101, *et seq.*; and pursuant to 28 U.S.C. §1331. This Court has jurisdiction over Count IX pursuant to 28 U.S.C. §1367. Venue of this action lies in the Northern District of Illinois pursuant to 28 U.S.C. §1391.

9. All conditions precedent to jurisdiction have occurred. On January 28, 2013, Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission ("EEOC") alleging violations of the ADA and retaliation under Title VII. Plaintiff amended her Charge of Discrimination on March 29, 2013.

10. The EEOC mailed Plaintiff her Notice of Right to Sue dated February 14, 2014, and it was received February 19, 2014. Copies of Plaintiff's Charges of Discrimination and Notice of Right to Sue are attached hereto.

BACKGROUND FACTS

A. Plaintiff's Hire, Promotions, and More Than Satisfactory Performance

11. In March 2006, Plaintiff became an employee of Defendant PPIL as a Reproductive Health Assistant in PPIL's Naperville Express Health Center.

12. Plaintiff's performance was satisfactory, as recognized, in part, by multiple promotions. She was promoted to be the Orland Park Clinic Manager within her first seven months with PPIL. In this role, Plaintiff managed the daily operations of Defendant PPIL's Orland Park office.

13. As a result of her more than satisfactory performance, less than a year later, Plaintiff was promoted again. In her new role as Manager of the Aurora Health Center, Plaintiff was responsible for launching and managing PPIL's significantly larger flagship site in Aurora. As Manager of the Aurora Health Center, Plaintiff managed a staff of 30-35 people and was responsible for the launch and success of the flagship site, including operations, hiring, implementation of operational goals and budgets, and implementation of strategic plans and operational goals.

14. In 2010, Plaintiff was promoted again, this time to the position of Regional Director of Clinical Operations in the Medical Services Department of PPIL. Initially, Plaintiff was responsible for operational oversight of two health centers and the creation of the call center and the training department. In 2011, Plaintiff's role expanded when she was promoted to also oversee five health centers and two departments.

15. During Plaintiff's employment, her performance reviews were more than satisfactory. In recognition of her excellent performance, Defendant PPIL awarded Plaintiff regular pay increases and bonuses. Plaintiff also received positive verbal feedback on her performance from her managers.

16. When Plaintiff was promoted to Regional Director in September 2010, she began reporting to senior management of Defendant PPIL — specifically, Defendant Tao.

B. PPIL’s Failure to Notify Plaintiff of Her Rights Under the FMLA After Notification of Her Serious Health Conditions

17. During her employment with Defendant PPIL, Plaintiff was provided with a copy of PPIL’s Employment Handbook and, later, its April 2011 update, which included Defendant PPIL’s family and medical leave policy.

18. Defendant PPIL’s FMLA policy identifies Defendant PPIL as an employer implementing the FMLA in compliance with the Family & Medical Leave Act (FMLA).

19. Defendant PPIL’s FMLA policy informs all of its employees that, under the FMLA, they are eligible to take time off work “when the employee is unable to work because of a serious health condition.”

20. Defendant PPIL’s FMLA policy confirms that “PPIL’s family and medical leave policy and practices comply with the Federal Family and Medical Leave Act.” Defendant PPIL’s FMLA policy also states that employees are eligible for FMLA leave if they have been employed by Defendant PPIL for at least 12 months and have worked at least 1,250 hours during that time.

21. Defendant PPIL’s FMLA policy confirms that the “FMLA makes it unlawful for any employer to: Interfere with, restrain, or deny the exercise of any right provided under the FMLA”; or “Discharge or discriminate against any person for opposing any practice made unlawful by FMLA”

22. At the time of her leaves and days off work (described further herein), Plaintiff had been employed by Defendant PPIL for over 12 months and had worked at least 1,250 hours during the prior 12-month period.

23. At no time during her employment was Plaintiff notified that Defendant PPIL had revoked or withdrawn its FMLA policy.

24. Plaintiff has serious health conditions, as defined by the FMLA, which require continuing treatment by a health care provider.

25. Plaintiff gave Defendant PPIL notice of her serious health conditions — vulvar intraepithelial neoplasia (VIN) and cervical intraepithelial neoplasia (CIN) — and informed Defendant PPIL's Human Resources Department of her need to take time off work for treatment of her serious health conditions, including surgery in August 2008.

26. After her surgery and until her termination, Plaintiff took days off work for continued monitoring and treatment of her continuing chronic serious health conditions, including the day before her termination — July 31, 2012.

27. Defendant PPIL did not provide Plaintiff with any notice of her rights under the FMLA. To wit, Plaintiff was not advised of her obligations and expectations under the FMLA and the consequences of any failure to meet her obligations; that her leave could be designated and counted against her annual leave entitlement; that she could be obligated to provide certification; that she had the right to substitute paid leave; and that she had a right to maintenance and benefits during leave.

28. Defendant PPIL also failed to designate Plaintiff's time off for treatment and care of her medical conditions as leave under the FMLA.

29. As a result of Defendant PPIL's failure to comply with the FMLA, Plaintiff was denied her FMLA rights and knowledge of those rights.

30. Plaintiff's need for medical leave was viewed negatively by Defendant PPIL and Tao. On several occasions — including July 31, 2012, the day Plaintiff took off right before her termina-

tion — Defendant Tao questioned Plaintiff’s need for time off for the treatment of her serious health conditions.

C. Violation of the Confidentiality of Plaintiff’s Medical Records by Defendants PPIL and Tao

31. As noted above, Plaintiff has chronic health issues of the vaginal region — vulvar intraepithelial neoplasia (VIN), a skin condition that affects the vulva and could develop into cancer; and cervical intraepithelial neoplasia (CIN), a transformation and abnormal growth of cells on the surface of the cervix which could lead to cervical cancer. Plaintiff was treated for these conditions at PPIL, and information about her conditions was contained in her PPIL medical file.

32. Plaintiff did not share her medical conditions with Defendant Tao.

33. Plaintiff’s need for medical leave to treat and monitor her conditions continued after she began reporting to Defendant Tao. When Plaintiff needed time off work due to her medical conditions, she did not specify what her conditions were, but informed Defendant Tao only of her need to be absent due to her medical conditions. Plaintiff was careful to never share the details of her medical issues with Defendant Tao because Plaintiff was aware that Defendant Tao had misused personal information about employees.

34. Despite Plaintiff’s efforts to keep her chronic medical conditions confidential from her supervisor, Defendant Tao became aware of Plaintiff’s conditions.

35. In August 2011, Plaintiff informed Defendant Tao that she had a doctor’s appointment.

36. Defendant Tao asked Plaintiff if the appointment was related to her “vagina.”

37. Defendant Tao's question about Plaintiff's conditions demonstrated that she had obtained information from Plaintiff's PPIL medical records without Plaintiff's knowledge or permission.

38. Defendant Tao, acting in the scope and course of her employment, accessed Plaintiff's confidential, private patient information contained in Defendant PPIL's medical records of Plaintiff. In so doing, Defendant Tao reviewed Plaintiff's medical history without Plaintiff's knowledge or permission.

39. Defendant Tao, acting in the scope and course of her employment, improperly questioned Plaintiff about her disabilities.

D. Defendant Tao's Inappropriate and Discriminatory Comments and Behavior Toward Plaintiff and Other PPIL Employees

40. During her employment, Plaintiff was subjected to and repeatedly witnessed the inappropriate and discriminatory comments and behavior of Defendant Tao.

41. It was clear that Defendant Tao held biased views about PPIL employees and candidates for employment because she characterized individuals by their groups — i.e., sexual orientation, race and gender.

42. Defendant Tao repeatedly discussed sexual behavior and sexual orientation in the PPIL workplace. For example, Defendant Tao referenced the sexual orientation of another PPIL employee during conversations, including asking her when she was going to get married to her same-sex partner or asking when they were going to "have babies." On another occasion, Defendant Tao asked a PPIL employee, who is lesbian, how she and her partner got pregnant — "Was it insemination or the old-fashioned way?"

43. During a fact-finding conference at the Illinois Department of Human Rights (IDHR) regarding another discrimination complaint made against Defendant PPIL, Defendant Tao stated that she felt it was acceptable to discuss an individual's sexual orientation, male and female sexual organs, or sexual behavior with staff members because PPIL provided reproductive health services.

44. Defendant Tao also made inappropriate comments about race. For example, she stated that because she is Chinese, she should be better at math, or because she is Chinese, she is a terrible driver.

45. Plaintiff witnessed other examples of biased behavior by Defendant Tao. During interviews to fill an open PPIL position, Defendant Tao asked a candidate how old her children were and whether they were in school or day care. After the interview, Defendant Tao commented to Plaintiff about how clever she [Tao] had been since the purpose of her questions was to determine if the candidate was more dedicated to her family or to work because she was looking for someone who felt work was more important.

46. After an interview with another candidate, Defendant Tao asked Plaintiff if she thought the candidate was "gay," stating that she thought he was "completely homosexual."

E. PPIL Had Notice of Defendant Tao's Discriminatory Behavior and Comments

47. In late 2011, Plaintiff complained to PPIL's Director of Human Resources, Megan Loutfi, about Defendant Tao's discriminatory and inappropriate statements and behavior.

48. Plaintiff also told Ms. Loutfi that Defendant Tao had accessed her medical information without her permission or knowledge.

49. No investigation was conducted and Defendant PPIL did not discipline Defendant Tao in 2011.

50. In June 2012, Plaintiff again complained about Defendant's Tao discriminatory statements and behavior. Once again, PPIL took no action against Defendant Tao.

51. After Plaintiff's second complaint, Ms. Loutfi's response was to encourage Plaintiff's departure from PPIL. Ms. Loutfi suggested to Plaintiff that she find a new job, telling her that "moving on is sometimes for the best."

52. Defendant PPIL did not discipline Defendant Tao in 2012.

53. After Plaintiff complained to PPIL, her working relationship with Defendant Tao declined, and Defendant Tao refused to interact with Plaintiff.

54. Defendant PPIL was aware of the multiple complaints about Defendant Tao's discriminatory conduct. Several employees complained to Defendant PPIL about Ms. Tao's discriminatory behavior on more than one occasion.

55. Defendant PPFA was also aware of the multiple complaints about Defendant Tao's discriminatory conduct. Several employees complained to Defendant PPFA about Ms. Tao's discriminatory behavior on more than one occasion.

56. In August 2011, another employee complained to PPIL about Defendant Tao's discriminatory conduct. Several months later, that complaining employee was fired.

57. Defendant PPIL did not discipline Defendant Tao after this complaint.

58. In early Fall 2011, two other employees, Rachel Senecal and Brandi Steck, complained to PPIL about Defendant Tao's discriminatory behavior.

59. Defendant PPIL did not discipline Defendant Tao after their complaints.

60. In September 2011, Defendant PPIL's management had a meeting with PPIL's employees to chill complaints against Defendant PPIL's senior management. The employees were instructed that complaints about Defendant PPIL's senior management were not to be presented to

PPIL's Human Resources Department. At the meeting, the employees were asked repeatedly for complaints against management while those same managers sat in the meeting. Management warned the employees that, in the future, any issues related to Defendant Tao had to go through the business "chain of command."

61. In August 2013, during an IDHR fact-finding conference, Ms. Loutfi stated that while Defendant Tao had engaged in behavior with staff that "would not be tolerated," she had never been disciplined.

62. In August 2013, Defendant PPFA did an organizational audit of Defendant PPIL's compliance with PPFA's organizational standards and guidelines.

63. By August 2013, Defendant PPFA had been aware for more than a year that multiple employees had complained about Defendant Tao engaging in inappropriate and discriminatory actions and comments.

64. Upon information and belief, PPFA's assessment criticized Defendant PPIL and its senior management, including Defendant Tao. In its report entitled "Move the Dot," Defendant PPFA confirmed that Defendant Tao's conduct regarding the management of employees was improper.

F. Plaintiff's Termination and PPIL's Changing Reasons Given to Support It

65. On July 27, 2012, Plaintiff received an email from Defendant Tao setting up an August 1, 2012 meeting to discuss Plaintiff's performance review.

66. At the August 1, 2012 meeting, Defendant Tao, Ms. Loutfi, and Ms. Brite were present. Plaintiff was told by Defendant Tao that she was fired.

67. Plaintiff's termination came less than two months after her last complaint to PPIL about Defendant Tao's discriminatory behavior.

68. Plaintiff's termination occurred just days after Defendant Tao again questioned her need for medical leave.

69. Defendant PPIL has given different and shifting reasons for Plaintiff's firing.

70. During the August 1, 2012 meeting, Plaintiff was given several reasons for her discharge. She was told that she was fired for "exhibiting an ongoing pattern of unprofessional behavior." When Plaintiff asked what Defendant meant, she was told that there had been "multiple instances of insubordination." When she asked for specific examples of the insubordinate behavior, none were given. The only response was that there had been "multiple instances." Ms. Brite then claimed there was "evidence that Plaintiff shared confidential salary information with another employee" inappropriately. Again, although Plaintiff asked, no details were provided. Then, in a third statement, Ms. Loutfi accused Plaintiff of "side-stepping projects in the hope they would fail." No side-stepped projects were identified.

71. None of PPIL's allegations had been raised previously to Plaintiff.

72. In August 2012, after Plaintiff was fired, she obtained her personnel file. In the file, there was a note from Ms. Loutfi stating that a "sampling" of emails used during the "investigation of Plaintiff's professionalism" that resulted in her discharge was included. Three emails were included.

73. The three emails were communications between Plaintiff and PPIL employees. One email dated July 16, 2012 was from Plaintiff to Amber Frykman, Aurora Health Center Manager. A second email dated July 18, 2012, was an email string that began with Ms. Loutfi and included Dr. Hoke and June Gupta (Clinical Services Manager), and ended with Plaintiff and Ms. Senecal. A third email dated July 24, 2012, was between Plaintiff and Ms. Senecal.

74. Defendant PPIL never said anything negative to Plaintiff about her communications before her firing.

75. None of the emails referenced the accusations made in the August 1, 2012 termination meeting.

76. Months later, after Plaintiff engaged counsel, Defendant PPIL raised a new reason for her discharge. In November 2012, Defendant PPIL alleged that Plaintiff was fired for instructing staff not to participate in a meeting with management.

77. At or about the time of the meeting and alleged improper instruction, an employee of Defendant PPIL, Stacy Greco, was questioned by PPIL's senior management. Ms. Greco denied Defendant PPIL's allegation that Plaintiff had instructed staff not to participate in a meeting with management, stating that Plaintiff gave no such instruction.

G. Defendant PPIL's Intimidation of a Witness Who Did Not Support Its Defense for Terminating Plaintiff

78. Defendant PPIL attempted to intimidate an employee who supported Plaintiff. When Defendant PPIL's management interviewed Ms. Greco, she told them that the alleged instruction not to participate in the management meeting had never occurred.

79. Ms. Greco was then berated and harassed by PPIL management. When Ms. Greco told PPIL that its allegation against Plaintiff was false, she was called a "liar." Her denial was ignored and she was told that the allegation was true.

80. After being interviewed by PPIL, Ms. Greco's employment was threatened. PPIL management, including Defendant Tao, told Ms. Greco that management was looking through her computer and phone to "get proof that she was also involved" in Plaintiff's alleged malfeasance.

81. As a result of Defendants' actions in Paragraphs 11-80, Plaintiff has suffered humiliation, embarrassment, emotional distress, loss of enjoyment of life, and lost income, benefits, and other compensation.

COUNT I
TITLE VII – RETALIATION (PPIL)

82. Plaintiff repeats and realleges Paragraphs 1-81 as though fully set forth herein.

83. Plaintiff complained to Defendant PPIL that she was subjected to and witnessed inappropriate and discriminatory statements and behavior by Defendant Tao.

84. Following Plaintiff's complaint to Defendant PPIL, and continuing through her termination, Defendant PPIL's management engaged in a pattern of adverse and retaliatory conduct, including creating a negative work environment for Plaintiff; damaging Plaintiff's reputation with false allegations of misconduct; negatively characterizing Plaintiff as a problem employee; refusing to communicate with Plaintiff during work hours; failing to investigate Plaintiff's complaint of discrimination; attempting to chill complaints of discrimination by requiring that employees only complain through the "chain of command"; and terminating Plaintiff.

85. By engaging in the foregoing conduct, Defendant PPIL intentionally retaliated against Plaintiff because of her complaints about discrimination and interfered in Plaintiff's enjoyment of all the benefits, privileges, terms and conditions of her employment with Defendant PPIL, in violation of 42 U.S.C. §2000e, *et seq.*

86. By engaging in the foregoing conduct, Defendant PPIL acted with malice and/or with reckless indifference to Plaintiff's federally protected rights, in violation of 42 U.S.C. §2000e, *et seq.*

WHEREFORE, Plaintiff prays for judgment in her favor and against Defendant PPIL as follows:

- a) that a finding be entered that Defendant PPIL intentionally retaliated against Plaintiff on the basis of her complaints about discrimination and harassment with malice and/or with reckless indifference to Plaintiff's federally protected rights;
- b) that Plaintiff be awarded all wages, benefits, and other compensation lost due to Defendant PPIL's discriminatory conduct;
- c) that Plaintiff be awarded in excess of \$300,000 in compensatory and punitive damages;
- d) that Plaintiff be awarded her attorneys' fees and costs;
- e) that Plaintiff be awarded prejudgment interest; and
- f) that Plaintiff be awarded such other relief as this Court may deem just and proper.

COUNT II – FAILURE TO NOTIFY PLAINTIFF OF FMLA RIGHTS (PPIL)

87. Plaintiff repeats and realleges Paragraphs 11-81 as though fully set forth herein.

88. In 2004, Plaintiff was diagnosed with vulvar intraepithelial neoplasia (VIN) and cervical intraepithelial neoplasia (CIN), chronic conditions which require continuous examination, testing, monitoring, and treatment from health care providers, including, but not limited to, multiple visits to health care providers to insure that the conditions do not flare up and/or become cancerous.

89. On multiple occasions, Plaintiff notified Defendant PPIL of her serious health conditions and her need to take time off work for surgery and to receive treatment. After giving such notices, Plaintiff took time off work for treatment of her serious health conditions, including multiple follow-up visits with her health care providers for additional testing and treatment and continued

monitoring of her conditions for the complications and symptoms that could develop, including cancer.

90. Following Plaintiff's notices of her need to take time off work for her serious health conditions, Defendant PPIL failed to provide Plaintiff with any notice of her rights under the FMLA.

91. By failing to provide Plaintiff with notice of her rights under the FMLA, Defendant PPIL violated the FMLA's notice requirements. 29 C.F.R. §825.300(b) and (c).

92. As a result of Defendant PPIL's failure to comply with the FMLA and its clearly articulated promises to its employees, Plaintiff was denied her FMLA rights.

93. As a result of Defendant PPIL's actions, Plaintiff has suffered humiliation, embarrassment, emotional distress, loss of enjoyment of life, and lost income, benefits, and other compensation.

WHEREFORE, Plaintiff prays for judgment in her favor and against Defendant PPIL as follows:

- a) that a finding be entered that Defendant PPIL violated the FMLA by failing to provide Plaintiff with notice of her FMLA rights after receiving notice of FMLA-qualifying conditions;
- b) that a finding be entered that Defendant PPIL's failure to provide Plaintiff with notice of her FMLA rights constitutes interference with, restraint, or denial of the exercise of Plaintiff's FMLA rights;
- c) that Plaintiff be awarded all compensation and benefits lost due to Defendant PPIL's interference with her FMLA rights;
- d) that Plaintiff be awarded all monetary losses sustained as a direct result of Defendant PPIL's violation of her FMLA rights;

- e) that Plaintiff be awarded equitable or other relief, including, but not limited to, reinstatement;
- f) that Plaintiff be awarded interest on all monetary sums awarded and/or liquidated damages;
- g) that Plaintiff be awarded her attorneys' fees and costs; and
- h) that Plaintiff be awarded such other relief as this Court may deem just and proper.

COUNT III – FAILURE TO DESIGNATE TIME OFF UNDER FMLA (PPIL)

94. Plaintiff repeats and realleges Paragraphs 11-81 and 87-93 as though fully set forth herein.

95. In 2004, Plaintiff was diagnosed with vulvar intraepithelial neoplasia (VIN) and cervical intraepithelial neoplasia (CIN), chronic conditions which require continuous treatment from health care providers, including, but not limited to, multiple visits to health care providers to insure that the conditions do not become cancerous.

96. After her hire, Plaintiff notified Defendant PPIL of her serious health conditions and her need to take time off work to receive treatment for her conditions. After giving such notice, Plaintiff took time off work for treatment of her serious health conditions, including multiple follow-up visits with her health care providers for additional testing, treatment, and monitoring of her conditions for the complications and symptoms that can develop, including cancer.

97. Following Plaintiff's notice of her need to take time off work for her serious health conditions, Defendant PPIL failed to designate Plaintiff's time off work as leave under the FMLA.

98. By failing to designate Plaintiff's time off for her serious health conditions as FMLA leave time, Defendant PPIL violated the FMLA's designation requirements. 29 C.F.R. §825.301(a).

99. As a result of Defendant PPIL's failure to comply with the FMLA, Plaintiff was denied her FMLA rights.

100. As a result of Defendant PPIL's actions, Plaintiff has suffered humiliation, embarrassment, emotional distress, loss of enjoyment of life, and lost income, benefits, and other compensation.

WHEREFORE, Plaintiff prays for judgment in her favor and against Defendant PPIL as follows:

- a) that a finding be entered that Defendant PPIL violated the FMLA by failing to designate Plaintiff's time off in 2012 for her serious health conditions as leave under the FMLA;
- b) that a finding be entered that Defendant PPIL's failure to designate Plaintiff's time off in 2012 as FMLA leave constitutes interference with, restraint, or denial of the exercise of Plaintiff's FMLA rights;
- c) that Plaintiff be awarded all compensation and benefits lost due to Defendant PPIL's interference with her FMLA rights;
- d) that Plaintiff be awarded all monetary losses sustained as a direct result of Defendant's violation of her FMLA rights;
- e) that Plaintiff be awarded equitable or other relief, including, but not limited to, reinstatement;
- f) that Plaintiff be awarded interest on all monetary sums awarded and/or liquidated damages;
- g) that Plaintiff be awarded her attorneys' fees and costs; and
- h) that Plaintiff be awarded such other relief as this Court may deem just and proper.

COUNT IV
RETALIATION FOR ATTEMPTING TO
EXERCISE RIGHTS UNDER THE FMLA (PPIL)

101. Plaintiff repeats and realleges Paragraphs 11-81, 87-93, and 94-100 as though fully set forth herein.

102. In 2004, Plaintiff was diagnosed with vulvar intraepithelial neoplasia (VIN) and cervical intraepithelial neoplasia (CIN), chronic conditions which require continuing treatment from health care providers, including, but not limited to, multiple visits to health care providers for examination, testing, treatment, and monitoring to insure that the conditions do not become cancerous.

103. After her hire, Plaintiff notified Defendant PPIL of her serious health conditions and her need to take time off work to receive treatment. After giving such notice, Plaintiff took time off work for treatment of her serious health conditions, including multiple follow-up visits with her health care providers for additional testing and treatment and continued monitoring of her conditions for the complications and symptoms that can develop, including cancer.

104. In July 2012, after Plaintiff took time off work for her serious health conditions, Defendant Tao questioned Plaintiff's need for time off. Just days before Plaintiff's termination, she questioned whether Plaintiff needed to take a full day off for a medical appointment for her chronic conditions. This was not her first inquiry regarding Plaintiff's need to take time off work for her serious health conditions.

105. On August 1, 2012, Defendant terminated Plaintiff's employment.

106. At the time she was fired, Plaintiff was given several reasons for her discharge. After her firing, she was given at least two new and different reasons for her termination.

107. Defendant PPIL's actions toward Plaintiff in ending her employment were in retaliation for Plaintiff's attempt to exercise her rights under the FMLA.

108. As a result of Defendant PPIL's failure to comply with the FMLA, Plaintiff was denied her FMLA rights.

109. As a result of Defendant PPIL's actions, Plaintiff has suffered humiliation, embarrassment, emotional distress, loss of enjoyment of life, and lost income, benefits, and other compensation.

WHEREFORE, Plaintiff prays for judgment in her favor and against Defendant PPIL as follows:

- a) that a finding be entered that Defendant PPIL violated the FMLA by terminating Plaintiff's employment in retaliation for her attempt to exercise her rights under the FMLA;
- b) that a finding be entered that Defendant PPIL's actions toward Plaintiff constitute unlawful retaliation for Plaintiff's attempt to exercise her rights under the FMLA;
- c) that Plaintiff be awarded all compensation and benefits lost due to Defendant PPIL's retaliation for her attempt to exercise her FMLA rights;
- d) that Plaintiff be awarded all monetary losses sustained as a direct result of Defendant's violation of the FMLA;
- e) that Plaintiff be awarded equitable or other relief, including, but not limited to, reinstatement;
- f) that the Plaintiff be awarded interest on all monetary sums awarded and/or liquidated damages;
- g) that Plaintiff be awarded her attorneys' fees and costs; and
- h) that Plaintiff be awarded such other relief as this Court may deem just and proper.

COUNT V
RETALIATION FOR ATTEMPTING TO
EXERCISE RIGHTS UNDER THE FMLA (TAO)

110. Plaintiff repeats and realleges Paragraphs 11-81, 87-93, 94-100, and 101-109 as though fully set forth herein.

111. In or around 2004, Plaintiff was diagnosed with vulvar intraepithelial neoplasia (VIN) and cervical intraepithelial neoplasia (CIN), chronic conditions which require continuous treatment from health care providers, including, but not limited to, multiple visits to health care providers for examination, testing, treatment, and monitoring to insure that the conditions do not become cancerous.

112. Plaintiff notified Defendant Tao of her need to take time off work to receive treatment for her serious health conditions. After giving such notice, Plaintiff took time off work for treatment of her serious health conditions, including multiple follow-up visits with her health care providers for additional testing and treatment and continued monitoring of her conditions for the complications and symptoms that can develop, including cancer.

113. After Plaintiff took time off work for her serious health conditions, Defendant Tao questioned Plaintiff's need for time off. Just days before Plaintiff's termination, Defendant Tao questioned whether Plaintiff needed to take a full day off for a previously approved medical appointment for her chronic conditions.

114. On August 1, 2012, Defendant Tao participated in the decision and the meeting to terminate Plaintiff's employment.

115. At the time she was fired, Plaintiff was given a number of different explanations for her firing. After her termination, she was given at least two other reasons for her discharge.

116. Defendant Tao's actions toward Plaintiff in ending her employment with PPIL were in retaliation for Plaintiff's attempt to exercise her rights under the FMLA.

117. As a result of Defendant Tao's failure to comply with the FMLA, Plaintiff was denied her FMLA rights.

118. As a result of Defendant Tao's actions, Plaintiff has suffered humiliation, embarrassment, emotional distress, loss of enjoyment of life, and lost income, benefits, and other compensation.

WHEREFORE, Plaintiff prays for judgment in her favor and against Defendant Tao as follows:

- a) that a finding be entered that Defendant Tao violated the FMLA by terminating Plaintiff's employment in retaliation for her attempt to exercise her rights under the FMLA;
- b) that a finding be entered that Defendant Tao's actions toward Plaintiff constitute unlawful retaliation for Plaintiff's attempt to exercise her rights under the FMLA;
- c) that Plaintiff be awarded all compensation and benefits lost due to Defendant Tao's retaliation against Plaintiff for her attempt to exercise her FMLA rights;
- d) that Plaintiff be awarded all monetary losses sustained as a direct result of Defendant Tao's violation of the FMLA;
- e) that Plaintiff be awarded equitable or other relief, including, but not limited to, reinstatement;
- f) that Plaintiff be awarded interest on all monetary sums awarded and/or liquidated damages;
- g) that Plaintiff be awarded her attorneys' fees and costs; and
- h) that Plaintiff be awarded such other relief as this Court may deem just and proper.

COUNT VI
TITLE I OF THE ADA — DISCRIMINATION (PPIL)

119. Plaintiff repeats and realleges Paragraphs 11-81 as though fully set forth herein.

120. Plaintiff is an individual with disabilities within the meaning of the ADA in that she has, *inter alia*, vulvar intraepithelial neoplasia (VIN) and cervical intraepithelial neoplasia (CIN). Her disabilities limit her in the major bodily functions of reproduction and cellular regeneration.

121. Defendant PPIL is an employer subject to the requirements of the ADA and was aware of Plaintiff's disabilities.

122. Defendant PPIL intentionally subjected Plaintiff to adverse employment actions, including, but not limited to, terminating Plaintiff's employment.

123. Defendant PPIL acted with malice and/or with reckless indifference to Plaintiff's federally protected rights.

124. As a proximate result of the actions complained of herein, Plaintiff has suffered loss of wages, compensation, and benefits, as well as emotional distress.

WHEREFORE, Plaintiff prays for judgment in her favor and against Defendant PPIL as follows:

- a) that a finding be entered that Defendant PPIL intentionally discriminated against Plaintiff, in violation of the ADA;
- b) that a finding be entered that Defendant PPIL acted with malice and/or with reckless indifference to Plaintiff's federally protected rights, in violation of the ADA;
- c) that Plaintiff be awarded all wages, benefits, and other compensation due to her as a result of Defendant's discriminatory conduct;

- d) that Plaintiff be reinstated to her former position, but if reinstatement is not feasible, that Plaintiff be awarded front pay in lieu thereof;
- e) that Plaintiff be awarded compensatory damages;
- f) that Plaintiff be awarded her attorneys' fees and costs;
- g) that Plaintiff be awarded prejudgment interest; and
- h) that Plaintiff be awarded such other relief as this Court may deem just and proper.

COUNT VII
TITLE I OF THE ADA — PROHIBITED INQUIRY (PPIL)

125. Plaintiff repeats and realleges Paragraphs 11-81 and 119-124 as though fully set forth herein.

126. Plaintiff is an individual with disabilities within the meaning of the ADA in that she has, *inter alia*, vulvar intraepithelial neoplasia (VIN) and cervical intraepithelial neoplasia (CIN). Her disabilities limit her in the major bodily functions of reproduction and cellular regeneration.

127. Defendant PPIL is an employer subject to the requirements of the ADA and was aware of Plaintiff's disabilities.

128. Defendant Tao was a senior management employee of PPIL when she questioned Plaintiff about the nature and severity of her disability.

129. Defendant Tao's inquiry was not job-related or consistent with business necessity.

130. Defendant PPIL intentionally subjected Plaintiff to adverse employment actions, including, but not limited to, making an illegal inquiry into the nature and severity of Plaintiff's disability.

131. Defendant PPIL acted with malice and/or with reckless indifference to Plaintiff's federally protected rights.

132. As a proximate result of the actions complained of herein, Plaintiff has suffered damages, including emotional distress.

WHEREFORE, Plaintiff prays for judgment in her favor and against Defendant PPIL as follows:

a) that a finding be entered that Defendant PPIL intentionally discriminated against Plaintiff, in violation of the ADA;

b) that a finding be entered that Defendant PPIL acted with malice and/or with reckless indifference to Plaintiff's federally protected rights, in violation of the ADA;

c) that Plaintiff be awarded all wages, benefits, and other compensation due to her as a result of Defendant PPIL's discriminatory conduct;

d) that Plaintiff be reinstated to her former position, but if reinstatement is not feasible, Plaintiff prays for front pay in lieu thereof;

e) that Plaintiff be awarded compensatory damages;

f) that Plaintiff be awarded her attorneys' fees and costs;

g) that Plaintiff be awarded prejudgment interest; and

h) that Plaintiff be awarded such other relief as this Court may deem just and proper.

COUNT VIII
TITLE I OF THE ADA — CONFIDENTIAL MEDICAL RECORD BREACH (PPIL)

133. Plaintiff repeats and realleges Paragraphs 11-81, 119-124, and 125-132 as though fully set forth herein.

134. Plaintiff is an individual with disabilities within the meaning of the ADA in that she has, *inter alia*, vulvar intraepithelial neoplasia (VIN) and cervical intraepithelial neoplasia (CIN). Her disabilities limit her in the major bodily functions of reproduction and cellular regeneration.

135. Defendant PPIL is an employer subject to the requirements of the ADA and was aware of Plaintiff's disabilities.

136. Defendant Tao, as a senior management employee of PPIL, accessed Plaintiff's confidential patient information and records.

137. By accessing Plaintiff's confidential medical records, Defendant Tao violated the confidentiality of Plaintiff's medical information and records kept by Defendant PPIL.

138. Defendant Tao did not need knowledge of Plaintiff's disability in order to perform her duties as Plaintiff's manager.

139. By allowing Defendant Tao access to Plaintiff's confidential medical information and records, Defendant PPIL failed in its duty to protect that confidential medical information and records.

140. Defendant PPIL intentionally subjected Plaintiff to adverse employment actions, including, but not limited to, failing to protect Plaintiff's confidential medical information and records regarding her disability.

141. Defendant PPIL acted with malice and/or with reckless indifference to Plaintiff's federally protected rights.

142. As a proximate result of the actions complained of herein, Plaintiff has suffered damages, including emotional distress.

WHEREFORE, Plaintiff prays for judgment in her favor and against Defendant PPIL as follows:

- a) that a finding be entered that Defendant PPIL intentionally discriminated against Plaintiff, in violation of the ADA;
- b) that a finding be entered that Defendant PPIL acted with malice and/or with reckless indifference to Plaintiff's federally protected rights, in violation of the ADA;
- c) that Plaintiff be awarded all wages, benefits, and other compensation due to her as a result of Defendant's discriminatory conduct;
- d) that Plaintiff be reinstated to her former position, but if reinstatement is not feasible, Plaintiff prays for front pay in lieu thereof;
- e) that Plaintiff be awarded compensatory damages;
- f) that Plaintiff be awarded her attorneys' fees and costs;
- g) that Plaintiff be awarded prejudgment interest; and
- h) that Plaintiff be awarded such other relief as the Court may deem just and proper.

COUNT IX
NEGLIGENT TRAINING, SUPERVISION, AND RETENTION (PPFA and PPIL)

143. Plaintiff repeats and realleges Paragraphs 11-81 as though fully set forth herein.

144. As a provider of health care, Defendant PPIL owes a duty to its patients to properly train its medical staff, including training and instruction in the protection of patient confidentiality.

145. As a provider of health care, Defendant PPFA owes a duty to its patients to properly train its medical staff, including training and instruction in the protection of patient confidentiality.

146. Defendant PPIL breached its duty to Plaintiff in the training and instruction of its employee, Defendant Tao, in the protection of patient confidentiality.

147. Defendant PPFA breached its duty to Plaintiff in the training and instruction of its employee, Defendant Tao, in the protection of patient confidentiality.

148. As a provider of health care, Defendant PPIL owes a duty to its patients to properly supervise its medical staff in the performance of their job duties and responsibilities.

149. As a provider of health care, Defendant PPFA owes a duty to its patients to properly supervise its medical staff in the performance of their job duties and responsibilities.

150. Defendant PPIL breached its duty to Plaintiff in the supervision of its employee, Defendant Tao.

151. Defendant PPFA breached its duty to Plaintiff in the supervision of its affiliate, Defendant PPIL.

152. As a provider of health care, Defendant PPIL owes a duty to its patients to take appropriate steps and implement appropriate measures for the protection of its patients after learning of an employee's misuse or abuse of authority granted in the course and scope of employment.

153. As a provider of health care, Defendant PPFA owes a duty to its patients to implement appropriate standards and guidelines for the protection of its patients after learning of the misuse or abuse of authority granted in the course and scope of employment.

154. Defendant Tao continued to be employed as Associate Medical Director and Vice President of Clinical Operations and continued to have access to Plaintiff's confidential medical information after Plaintiff complained to Defendant PPIL about Defendant Tao's intrusion into Plaintiff's confidential medical file.

155. Defendant PPIL breached its duty to Plaintiff to take appropriate steps and implement appropriate measures for the protection of Plaintiff's confidentiality after learning of Defendant Tao's conduct.

156. Defendant PFFA breached its duty to Plaintiff to take appropriate steps and implement appropriate measures for the protection of Plaintiff's confidentiality after learning of Defendant Tao's conduct.

157. As a direct and proximate result of Defendant PPIL's negligence, Plaintiff has suffered damages.

158. As a direct and proximate result of Defendant PFFA's negligence, Plaintiff has suffered damages.

WHEREFORE, Plaintiff prays that this Court enter judgment in her favor and against Defendant PPIL as follows:

a) that a finding be entered that Defendants PPIL and PFFA acted negligently, leading to a breach of duty to Plaintiff in the training and instruction of its employees in the protection of patient confidentiality; in the supervision of its employees; and in its failure to take appropriate steps and implement appropriate measures for the protection of Plaintiff's confidentiality after learning of the improper conduct of its employees;

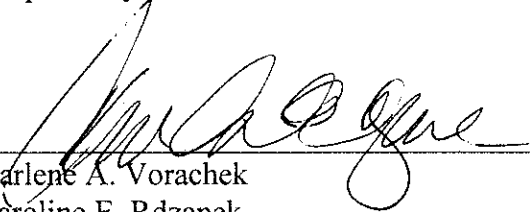
b) that Plaintiff be awarded all compensation and benefits lost due to Defendants' negligence that led to the breach of duty; and

c) that this Court order such other relief as it may deem just and proper.

JURY DEMAND

Plaintiff demands trial by jury on all counts of her Complaint.

Respectfully submitted,



Darlene A. Vorachek

Caroline E. Rdzanek

ABRAHAMSON VORACHEK & LEVINSON

120 North LaSalle Street, Suite 1050

Chicago, Illinois 60602

312/263-2698

Attorneys for Plaintiff

DATED: May 20, 2014

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

FEPA

EEOC

Illinois Department of Human Rights and EEOC
State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)
 Ms. Adrienne Harkless

JAN 28 2013

Date of Birth
 11/8/1978

Street Address
 3249 West Hirsch Street, #401
 City, State and ZIP Code
 Chicago, IL 60651

CHICAGO DISTRICT OFFICE

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two are named, list under PARTICULARS below.)

Name
 Planned Parenthood of Illinois

No. Employees, Members
 over 15

Phone No. with Area Code
 312/592-6800

Street Address
 18 South Michigan Avenue, 6th Floor
 City, State and ZIP Code
 Chicago, IL 60603

Name
 No. Employees, Members
 Phone No. with Area Code

Street Address
 City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

RACE COLOR SEX RELIGION NATIONAL ORIGIN
 RETALIATION AGE DISABILITY OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE
 Earliest Latest

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

1. I have a physical disability.
2. I was hired by Respondent, Planned Parenthood of Illinois, in 2006. In January 2010, after several promotions, I was named Regional Director of Clinical Operations, which was my last position with Respondent.
3. I was a more than satisfactory employee, as evidenced by my numerous promotions, excellent performance reviews, and regular pay increases and bonuses.
4. In September 2010, my reporting relationship changed and I began reporting to Kai Tao, Vice President of Clinical Operations.
5. After I began reporting to Ms. Tao, I was subjected to and witnessed Ms. Tao make inappropriate and discriminatory comments regarding gender, pregnancy, sexual orientation

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State or Local Agency Requirements


I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
 (month, day, year)

1/28/13
 Date


 Charging Party Signature

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION

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Agency(ies) Charge No(s):

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- EEOC

Illinois Department of Human Rights

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (Continued from previous page):

Page 2 of 4

and race. In addition, Ms. Tao made it clear that she considered gender and sexual orientation when making hiring decisions. For example, on one occasion, she inquired whether a candidate was "gay." With respect to another candidate, Ms. Tao commented how clever she was to determine how dedicated a female candidate would be to her job by asking about children and child care arrangements.

6. I was also a patient who received health care at Respondent. Remarks by Ms. Tao made it clear that she had violated the confidentiality of my medical records. Her role at Respondent did not require her to have my confidential health information.
7. In 2012, I complained to Megan Loutfi, Director of Human Resources, about Ms. Tao's inappropriate conduct and comments. Ms. Loutfi responded that my "moving on" might be for the best.
8. After my discussion with Ms. Loutfi, my work situation with Ms. Tao deteriorated further, and she refused to interact with me.
9. On July 27, 2012, Ms. Tao emailed me to arrange a meeting, ostensibly to discuss my performance review. During this email exchange, she also questioned whether I needed a full day off work for a scheduled doctor's appointment for my chronic medical condition. (Also, Respondent never informed me of my rights under the Family & Medical Leave Act to take intermittent leave for my condition.) The performance review meeting was set for August 1.
10. On August 1, 2012, after I had complained to Ms. Loutfi, I was fired. Present at the meeting were Ms. Tao, Ms. Loutfi, and Carole Brite, CEO. I was told that I was being fired for "exhibiting an ongoing pattern of unprofessional behavior." When I asked for examples, I was informed only that there had been "multiple instances of insubordination." No specific

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

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I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

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(month, day, year)

1/28/13
Date



Charging Party Signature

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- EEOC

Illinois Department of Human Rights

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (Continued from previous page):

Page 3 of 4

examples were given. I was then told there was evidence I had inappropriately shared confidential salary information, and I was accused of "side-stepping projects in the hope they would fail."

11. Prior to my termination meeting, I had not been accused of improper conduct or insubordination.
12. In addition, I discussed an employee's salary only as part of my job duties. Moreover, federal and state law makes it illegal to punish employees for disclosing employee wage information.
13. After receiving my personnel file, I noted Ms. Loutfi had included a note stating that she had included a sampling of the emails used during the "investigation of your [my] professionalism" that resulted in my firing. None of the emails related to the accusations made at my termination meeting.
14. Later, it was alleged by Respondent that I was terminated for instructing staff not to participate in a meeting with management.
15. I have been retaliated against for my complaints of discrimination, in violation of Title VII of the Civil Rights Act of 1964, in that:
 - (a) I complained to Respondent that I was being subjected to and witnessed inappropriate and discriminatory statements made by my supervisor.
 - (b) After raising my complaints, I was subjected to adverse and retaliatory treatment, including, but not limited to, having my reputation damaged; being negatively

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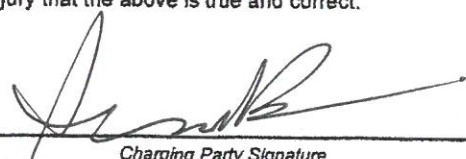
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I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

1/28/13



SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

Date

Charging Party Signature

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EEOC

Illinois Department of Human Rights

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (Continued from previous page):

Page 4 of 4

characterized as a problem employee; being isolated by my supervisor; suffering continuing and escalating discriminatory conduct; and being fired.

16. I have been discriminated against on the basis of my disability — vulvar intraepithelial neoplasia (VIN) and cervical intraepithelial neoplasia (CIN) — or because I am regarded as having a disability, in violation of the Americans With Disabilities Act, in that:

- (a) I suffer from chronic medical conditions which require ongoing treatment.
- (b) I performed my job satisfactorily, as evidenced by, among other things, my promotions, raises, bonuses, and exemplary reviews.
- (c) Respondent was aware of my chronic health condition since I was a patient who received health care at Respondent, and the confidentiality of my health information was compromised in violation of the ADA and HIPAA.
- (d) I was subjected to adverse treatment, including, but not limited to, Respondent's violation of the confidentiality of my health information, negative reaction to my need for time off for treatment, and my termination.

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SIGNATURE OF COMPLAINANT

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(month, day, year)

1/28/13

Date



Charging Party Signature

EEOC Form 5 (5/01)

AMENDED CHARGE OF DISCRIMINATION

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Charge Presented To:

Agency(ies) Charge No(s):

FEPA
 EEOC

440-2013-01834

Illinois Department of Human Rights

State or local Agency, if any

and EEOC

Name (Indicate Mr., Ms., Mrs.)

Ms. Adrienne Harkless

Date of Birth

11/8/1978

Street Address

3249 West Hirsch Street, #401

City, State and ZIP Code

Chicago, IL 60651

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two are named, list under PARTICULARS below.)

Name

Planned Parenthood of Illinois

No. Employees, Members

over 15

Phone No. with Area Code

312/592-6800

Street Address

18 South Michigan Avenue, 6th Floor

City, State and ZIP Code

Chicago, IL 60603

Name

No. Employees, Members

Phone No. with Area Code

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

RACE COLOR SEX RELIGION NATIONAL ORIGIN
 RETALIATION AGE DISABILITY OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

8/1/2012

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

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5. After I began reporting to Ms. Tao, I was subjected to and witnessed Ms. Tao make inappropriate and discriminatory comments regarding gender, pregnancy, sexual orientation

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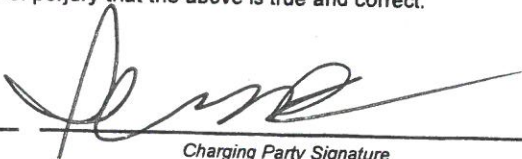
CHICAGO DISTRICT OFFICE

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I declare under penalty of perjury that the above is true and correct.

3-29-13

Date



Charging Party Signature

NOTARY - When necessary for State or Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

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and EEOC

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THE PARTICULARS ARE (Continued from previous page):

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10. On August 1, 2012, after I had complained to Ms. Loutfi, I was fired. Present at the meeting were Ms. Tao, Ms. Loutfi, and Carole Brite, CEO. I was told that I was being fired for "exhibiting an ongoing pattern of unprofessional behavior." When I asked for examples, I was informed only that there had been "multiple instances of insubordination." No specific

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State or Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

3-29-13



Date

Charging Party Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

EEOC Form 5 (5/01)

AMENDED

CHARGE OF DISCRIMINATION

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Agency(ies) Charge No(s):

- FEPA
- EEOC

440-2013-01834

Illinois Department of Human Rights

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (Continued from previous page):

Page 3 of 4

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13. After receiving my personnel file, I noted Ms. Loutfi had included a note stating that she had included a sampling of the emails used during the "investigation of your [my] professionalism" that resulted in my firing. None of the emails related to the accusations made at my termination meeting.
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SIGNATURE OF COMPLAINANT

3-29-13



Date

Charging Party Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

EEOC Form 5 (5/01)

AMENDED CHARGE OF DISCRIMINATION

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Charge Presented To:

Agency(ies) Charge No(s):

- FEPA
- EEOC

440-2013-01834

Illinois Department of Human Rights

and EEOC

State or local Agency, if any

THE PARTICULARS ARE *(Continued from previous page):*

Page 4 of 4

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16. I have been discriminated against on the basis of my disability — vulvar intraepithelial neoplasia (VIN) and cervical intraepithelial neoplasia (CIN) — or because I am regarded as having a disability, in violation of the Americans With Disabilities Act, in that:

- (a) I suffer from chronic medical conditions which require ongoing treatment.
- (b) I performed my job satisfactorily, as evidenced by, among other things, my promotions, raises, bonuses, and exemplary reviews.
- (c) Respondent was aware of my chronic health condition since I was a patient who received health care at Respondent, and the confidentiality of my health information was compromised in violation of the ADA and HIPAA.
- (d) I was subjected to adverse treatment, including, but not limited to, Respondent's violation of the confidentiality of my health information, negative reaction to my need for time off for treatment, and my termination.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY – *When necessary for State or Local Agency Requirements*

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I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

3-29-13



SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

Date

Charging Party Signature

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Adrienne Harkless**
c/o Caroline Rdzanek
Abrahamson Vorachek & Levinson
120 N. LaSalle St., Ste. 1050
Chicago, IL 60602

From: **Chicago District Office**
500 West Madison St
Suite 2000
Chicago, IL 60661

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.	EEOC Representative	Telephone No.
440-2013-01834 AMENDED	Brandi Kraft, Investigator	(312) 869-8153

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

- More than 180 days have passed since the filing of this charge.
- Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.
- The EEOC is terminating its processing of this charge.
- The EEOC will continue to process this charge.

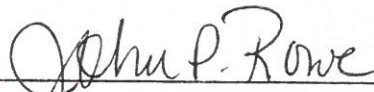
Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

- The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.
- The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission



John P. Rowe,
District Director

2-14-14
(Date Mailed)

Enclosures(s)

cc: **PLANNED PARENTHOOD OF ILLINOIS**
c/o Heather Bailey
SmithAmundsen LLC
150 N. Michigan Ave., Ste. 3300
Chicago, IL 60601

