

**SHORT RECORD  
NO. 17-1322  
FILED 2/15/17**

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

|                                  |   |                        |
|----------------------------------|---|------------------------|
| MARSHA WETZEL,                   | ) |                        |
|                                  | ) |                        |
| Plaintiff,                       | ) |                        |
| v.                               | ) |                        |
|                                  | ) | Case No. 1:16-cv-07598 |
| GLEN ST. ANDREW LIVING           | ) |                        |
| COMMUNITY, LLC; GLEN ST. ANDREW  | ) |                        |
| LIVING COMMUNITY REAL ESTATE,    | ) |                        |
| LLC; GLEN HEALTH & HOME          | ) |                        |
| MANAGEMENT, INC.; ALYSSA FLAVIN; | ) |                        |
| CAROLYN DRISCOLL; and SANDRA     | ) |                        |
| CUBAS,                           | ) |                        |
|                                  | ) |                        |
| Defendants.                      | ) |                        |

**NOTICE OF APPEAL TO THE SEVENTH CIRCUIT**

Notice is hereby given that Plaintiff Marsha Wetzel appeals to the United States Court of Appeals for the Seventh Circuit from the Order and Opinion dismissing Plaintiff’s Complaint, and accompanying judgment, entered in this action on January 18, 2017 (Docket Nos. 25-27).

Respectfully submitted,

/s/ Karen L. Loewy  
 \_\_\_\_\_  
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Attorneys for Plaintiff Marsha Wetzel

Date: February 15, 2017

### CERTIFICATE OF SERVICE

I certify that on February 15, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Lindsay A. Watson  
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s/ Karen L. Loewy  
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IN THE UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT

|                                  |   |                                  |
|----------------------------------|---|----------------------------------|
| MARSHA WETZEL,                   | ) |                                  |
|                                  | ) |                                  |
| Plaintiff-Appellant,             | ) |                                  |
| v.                               | ) |                                  |
|                                  | ) | Dist. Ct. Case No. 1:16-cv-07598 |
| GLEN ST. ANDREW LIVING           | ) |                                  |
| COMMUNITY, LLC; GLEN ST. ANDREW  | ) |                                  |
| LIVING COMMUNITY REAL ESTATE,    | ) |                                  |
| LLC; GLEN HEALTH & HOME          | ) |                                  |
| MANAGEMENT, INC.; ALYSSA FLAVIN; | ) |                                  |
| CAROLYN DRISCOLL; and SANDRA     | ) |                                  |
| CUBAS,                           | ) |                                  |
|                                  | ) |                                  |
| Defendants-Appellees.            | ) |                                  |

**APPELLANT’S DOCKETING STATEMENT**

In accordance with Circuit Rules 3(c) and 28(a), Plaintiff-Appellant Marsha Wetzel hereby submits this docketing statement.

1. **Statement of Jurisdiction for the United States District Court:** Plaintiff brought this action pursuant to 42 U.S.C. § 3613, alleging sex discrimination and retaliation by Defendants in violation of the Fair Housing Act, 42 U.S.C. §§ 3604 and 3617. Accordingly, the District Court had general federal question jurisdiction under 28 U.S.C. §§ 1331 and 1343. Further, pursuant to 28 U.S.C. § 1367(a), the District Court had supplemental jurisdiction over Plaintiff’s discrimination and retaliation claims under the Illinois Human Rights Act, 775 Ill. Comp. Stat. Ann. 5/1-103, 5/3-102, and 5/3-105.1, because those claims are so related to the Plaintiff’s federal claims that they form part of the same case or controversy.

2. **Statement of Jurisdiction for the United States Court of Appeals:** The United States Court of Appeals for the Seventh Circuit has appellate jurisdiction pursuant to 28 U.S.C. § 1291. Appellant seeks review from the Judgment and the Order and Opinion of the United States

District Court for the Northern District of Illinois dismissing Plaintiff's claims of housing discrimination, entered January 18, 2017. Appellant filed her Notice of Appeal on February 17, 2017. Because appeal is taken from a final judgement, adjudicating all of the claims with respect to all of the parties, no information pursuant to Circuit Rule 28(a)(3) is necessary to determine whether the order is immediately appealable.

3. **Prior or Related Appellate Proceedings:** There have been no prior or related appellate proceedings in this case.

4. **Prior Trial Proceedings:** There has been no prior litigation in the district court.

5. **Parties Appearing in an Official Capacity:** No party to the litigation appears in an official capacity.

Date: February 15, 2017

Respectfully submitted,

/s/ Karen L. Loewy

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Attorneys for Plaintiff Marsha Wetzel

### CERTIFICATE OF SERVICE

I certify that on February 15, 2017, I electronically filed the foregoing with the Clerk of the U.S. District Court for the Northern District of Illinois using the CM/ECF system which sent notification of such filing to the following counsel for Defendants-Appellees:

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**UNITED STATES DISTRICT COURT  
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.1.1  
Eastern Division**

Marsha Wetzel

Plaintiff,

v.

Case No.: 1:16-cv-07598

Honorable Samuel

Der-Yeghiayan

Glen St. Andrew Living Community, LLC,  
et al.

Defendant.

---

**NOTIFICATION OF DOCKET ENTRY**

This docket entry was made by the Clerk on Wednesday, January 18, 2017:

MINUTE entry before the Honorable Samuel Der-Yeghiayan: For the reasons stated in the Court's memorandum opinion date 01/18/17, Defendants' motion to dismiss [15] is granted. All pending dates and motions, if any, are stricken as moot. Civil case terminated. Mailed notice (mw, )

**ATTENTION:** This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at [www.ilnd.uscourts.gov](http://www.ilnd.uscourts.gov).

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

|   |   |                      |
|---|---|----------------------|
| <b>MARSHA WETZEL,</b>                                     | ) |                      |
|   | ) |                      |
| <b>Plaintiff,</b>   | ) |                      |
|   | ) |                      |
| v.  | ) | <b>No. 16 C 7598</b> |
|   | ) |                      |
| <b>GLEN ST. ANDREW LIVING<br/>COMMUNITY, LLC, et al.,</b> | ) |                      |
|   | ) |                      |
| <b>Defendants.</b>  | ) |                      |

**MEMORANDUM OPINION**

SAMUEL DER-YEGHIAYAN, District Judge

This matter is before the court on Defendants Glen St. Andrew Living Community, LLC’s (GSALC), Defendant Glen St. Andrew Living Community Real Estate, LLC’s, Defendant Glen Health & Home Management, Inc.’s, Defendant Alyssa Flavin’s (Flavin), Defendant Carolyn Driscoll’s (Driscoll), and Defendant Sandra Cubas’ (Cubas) motion to dismiss. For the reasons stated below, Defendants’ motion to dismiss is granted.

**BACKGROUND**

Marsha Wetzel (Wetzel) alleges that she moved to GSALC in November 2014. Wetzel alleges that she signed a tenant agreement with GSALC on November 26, 2014 to rent an apartment and in exchange for her rental payment, GSALC would

provide a private room, bathroom, utilities, maintenance, laundry facilities, three meals a day, access to community rooms and other necessities. Wetzel alleges that over fifteen months, she was subjected to a severe and pervasive pattern of discrimination, threats, harassment, and intimidation because of her gender and sexual orientation. Wetzel includes in her complaint claims brought under the Fair Housing Act (FHA) for alleged violations of 42 U.S.C. § 3617 (Section 3617) and 42 U.S.C. § 3604 (Section 3604) (Count I), and claims brought under the Illinois Human Rights Act, 775 ILCS 5/3-102, 5/3-105.1 (Count II). Defendants move to dismiss all claims.

### LEGAL STANDARD

In ruling on a motion to dismiss brought pursuant to Federal Rule of Civil Procedure 12(b)(6) (Rule 12(b)(6)), the court must draw all reasonable inferences that favor the plaintiff, construe the allegations of the complaint in the light most favorable to the plaintiff, and accept as true all well-pleaded facts and allegations in the complaint. *Appert v. Morgan Stanley Dean Witter, Inc.*, 673 F.3d 609, 622 (7<sup>th</sup> Cir. 2012); *Thompson v. Ill. Dep't of Prof'l Regulation*, 300 F.3d 750, 753 (7<sup>th</sup> Cir. 2002). A plaintiff is required to include allegations in the complaint that “plausibly suggest that the plaintiff has a right to relief, raising that possibility above a ‘speculative level’” and “if they do not, the plaintiff pleads itself out of court.” *E.E.O.C. v. Concentra Health Services, Inc.*, 496 F.3d 773, 776 (7<sup>th</sup> Cir. 2007)(quoting in part *Bell Atlantic Corp. v. Twombly*, 127 S.Ct. 1955, 1965 (2007));

see also *Morgan Stanley Dean Witter, Inc.*, 673 F.3d at 622 (stating that “[t]o survive a motion to dismiss, the complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face,” and that “[a] claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged”)(quoting *Ashcroft v. Iqbal*, 556 U.S. 662 (2009))(internal quotations omitted).

## DISCUSSION

### I. Section 3617 Claims

#### A. Discriminatory Intent.

Defendants argue that Wetzel’s FHA Section 3617 claim should be dismissed because Wetzel has failed to plead any intentional discrimination on the part of the Defendants. The FHA prohibits “interfer[ing] with any person in the exercise or enjoyment of, or on account of [her] having exercised or enjoyed, . . . any right granted or protected by Section 3603, 3604, 3605, or 3606 of this title.” 42 U.S.C. § 3617. The Seventh Circuit has established that in order to prevail on a Section 3617 claim, the plaintiff must show that “(1) she is a protected individual under the FHA, (2) she was engaged in the exercise or enjoyment of her fair housing rights, (3) the defendants coerced, threatened, intimidated, or interfered with the plaintiff on account of her protected activity under the FHA, and (4) the defendants were

motivated by an intent to discriminate.” *Bloch v. Frischholz*, 587 F.3d 771, 783 (7th Cir. 2009). The Seventh Circuit has stated that “a showing of intentional discrimination is an essential element of a § 3617 claim.” *East-Miller v. Lake County Highway Dept.*, 421 F.3d 558, 563 (7th Cir. 2005). A plaintiff must show that the defendants “had a discriminatory intent either directly, through direct or circumstantial evidence, or indirectly, through the inferential burden shifting method known as the *McDonnell Douglas* test.” *Kormoczy v. Sec’y, U.S. Dep’t of Hous. & Urban Dev.*, 53 F.3d 821, 823-24 (7th Cir. 1995).

Wetzel argues that she is not required to allege discriminatory intent and cites to *Texas Dep’t. of Hous. & Cmty. Affairs v. Inclusive Communities Project, Inc.*, 135 S. Ct. 2507 (2015). However, in *Inclusive Communities Project*, the Supreme Court found that discriminatory intent is not required to be plead in cases alleging disparate-impact under the FHA. *Id.* at 2518-19. In contrast, a “plaintiff must establish that the defendant had a discriminatory intent or motive” when pleading a disparate-treatment case. *Id.* at 2513. In the instant action, Wetzel alleges a claim of disparate-treatment under the FHA. Thus, Wetzel is required to plead facts alleging discriminatory intent by Defendants.

Defendants argue that Plaintiff has failed to allege any discriminatory motive or intent to discriminate on the part of Defendants due to her sexual orientation and/or gender. Defendants contend that Wetzel’s complaints relate to discriminatory actions by other tenants, for which the Defendants cannot be held liable. Wetzel alleges that she was verbally harassed by tenants. Wetzel also alleges that she was

physically harassed by other tenants due to her sexual orientation and gender.

Wetzel alleges that she complained about the tenant's harassment to Defendants and that the harassment did not end. On April 24, 2016, Wetzel alleges that she was awoken at 5:00 am and was physically confronted by Defendants' employees after they accused her of smoking in the room. Wetzel alleges that she called the police and filed a police report in regards to the incident. Wetzel argues that Defendants actions and failure to intervene constitute an implicit ratification of the other tenants' discrimination.

Wetzel does not allege any discriminatory motive or intent to discriminate on the part of the Defendants. Wetzel does not allege any facts that suggest any actions taken against her by Defendants that were based on her gender or sexual orientation. Wetzel fails to cite any discriminatory animus, motive, or intent. Thus, Wetzel has fails to allege facts that plausibly suggest a right to pursue relief under Section 3617.

Wetzel argues that holding landlords liable for tenant-on-tenant discrimination where the landlord was aware of the discrimination is consistent with the underlying purpose of the FHA. However, Wetzel fails to cite controlling precedent establishing this legal standard and the Seventh Circuit precedent indicates that intent to discriminate should be pled. *See Bloch*, 587 F.3d at 771. Therefore, Defendants' motion to dismiss the Section 3617 claims is granted. To the extent Wetzel references conduct by Defendants after she complained, the court notes that Wetzel has not pled a retaliation claim.

## II. Section 3604(b) Claims

Defendants argue that Wetzel has failed to state a claim under Section 3604(b). Section 3604(b) makes it unlawful “[t]o discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, or national origin.” 42 U.S.C. § 3604(b). Depriving an individual of “the right to inhabit the premises. . . by making the premises uninhabitable violates Section 3604(b).” *Bloch*, 587 F.3d at 779. In post-acquisition cases, Section 3604(b) may apply to bring a claim of constructive eviction. *See Bloch*, 587 F.3d at 779 (7th Cir. 2009)(stating that constructive eviction is an option for post-acquisition cases under Section 3604). In order “[t]o establish a claim for constructive eviction, a tenant need not move out the minute the landlord's conduct begins to render the dwelling uninhabitable.” *Bloch*, 587 F.3d at 778. However, “it is well-understood that constructive eviction requires surrender of possession by the tenant.” *Id.* Also, “[i]f the tenant fails to vacate within a reasonable time, she waives her claim for constructive eviction.” *Id.* Wetzel contends that post-acquisition claims may be alleged under the FHA. Defendants do not dispute that contention. However, Defendants argue that Wetzel’s allegations fail to contain sufficient facts stating a plausible cause of action under Section 3604. Wetzel alleges that she continues to reside at GSALC. Wetzel also fails to allege GSALC is uninhabitable, and, as stated above, does not allege that Defendants acted as they did due to her sexual orientation or gender. Accordingly, Wetzel has failed to state facts that plausibly suggest a right

to pursue relief under Section 3604(b). Therefore, Defendants' motion to dismiss the Section 3604 claims is granted.

### III. Remaining State Law Claims

Having resolved the federal claims in this case, the court must determine whether to continue to exercise supplemental jurisdiction over the remaining state law claims. Once the federal claims in an action no longer remain, a federal court has discretion to decline to exercise supplemental jurisdiction over any remaining state law claims. *See Wright v. Associated Ins. Cos.*, 29 F.3d 1244, 1251-52 (7th Cir. 1994)(stating that “the general rule is that, when all federal-law claims are dismissed before trial,” the pendent claims should be left to the state courts). The Seventh Circuit has indicated that there is no “‘presumption’ in favor of relinquishing supplemental jurisdiction. . . .” *Williams Electronics Games, Inc. v. Garrity*, 479 F.3d 904, 906-07 (7th Cir. 2007). The Seventh Circuit has stated that, In exercising its discretion, the court should consider a number of factors, including “the nature of the state law claims at issue, their ease of resolution, and the actual, and avoidable, expenditure of judicial resources. . . .” *Timm v. Mead Corp.*, 32 F.3d 273, 277 (7th Cir. 1994). The court has considered all of the pertinent factors and, as a matter of discretion, the court declines to exercise supplemental jurisdiction over the remaining state law claims brought under the IHRA. Such claims are therefore dismissed without prejudice.

## CONCLUSION

For the foregoing reasons, Defendants' motion to dismiss is granted.

  
\_\_\_\_\_  
Samuel Der-Yeghiayan  
United States District Court Judge

Dated: January 18, 2017

IN THE UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF ILLINOIS

Marsha Wetzel,

Plaintiff(s),

v.

Glen St. Andrew Living Community, LLC, et al.,

Defendant(s).

Case No. 16 C 7598  
Judge Samuel Der-Yeghiayan

**JUDGMENT IN A CIVIL CASE**

Judgment is hereby entered (check appropriate box):

in favor of plaintiff(s)  
and against defendant(s)  
in the amount of \$ \_\_\_\_\_,

which  includes pre-judgment interest.  
 does not include pre-judgment interest.

Post-judgment interest accrues on that amount at the rate provided by law from the date of this judgment.

Plaintiff(s) shall recover costs from defendant(s).

---

in favor of defendant(s) Glen St. Andrew Living Community, LLC, Glen St. Andrew Living Community Real Estate, LLC, Glen Health & Home Management, Inc. Alyssa Flavin, Carolyn Driscoll, and Sandra Cubas  
and against plaintiff(s) Marsha Wetzel

Defendant(s) shall recover costs from plaintiff(s).

---

other:

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This action was (*check one*):

- tried by a jury with Judge \_\_\_\_\_ presiding, and the jury has rendered a verdict.
- tried by Judge \_\_\_\_\_ without a jury and the above decision was reached.
- decided by Judge Samuel Der-Yeghiayan on a motion to dismiss.

Date: 1/18/2017

Thomas G. Bruton, Clerk of Court

Michael Wing , Deputy Clerk

**United States District Court**  
**Northern District of Illinois - CM/ECF LIVE, Ver 6.1.1 (Chicago)**  
**CIVIL DOCKET FOR CASE #: 1:16-cv-07598**  
**Internal Use Only**

Wetzel v. Glen St. Andrew Living Community, LLC et al  
Assigned to: Honorable Samuel Der-Yeghiayan  
Cause: 42:405 Fair Housing Act

Date Filed: 07/27/2016  
Date Terminated: 01/18/2017  
Jury Demand: None  
Nature of Suit: 443 Civil Rights:  
Accommodations  
Jurisdiction: Federal Question

**Plaintiff**

**Marsha Wetzel**

represented by **Ellen M. Wheeler**  
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V.

**Defendant**

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LLC**

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**Defendant**

**Glen St. Andrew Living Community  
Real Estate, LLC**

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(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Lindsay A. Watson**

**Defendant****Glen Health & Home Management, Inc.**represented by **James H. Ryan**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Lindsay A. Watson**

(See above for address)

*ATTORNEY TO BE NOTICED***Defendant****Alyssa Flavin**represented by **James H. Ryan**

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*ATTORNEY TO BE NOTICED***Defendant****Sandra Cubas**represented by **James H. Ryan**

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(See above for address)

*ATTORNEY TO BE NOTICED***Date Filed****#****Docket Text**

|            |                    |   |
|------------|--------------------|---|
| 07/27/2016 | <a href="#">1</a>  | COMPLAINT filed by Marsha Wetzel; Filing fee \$ 400, receipt number 0752-12188111.(Loewy, Karen) (Entered: 07/27/2016)  |
| 07/27/2016 | <a href="#">2</a>  | CIVIL Cover Sheet (Loewy, Karen) (Entered: 07/27/2016)  |
| 07/27/2016 | <a href="#">3</a>  | ATTORNEY Appearance for Plaintiff Marsha Wetzel by Karen Lee Loewy (Loewy, Karen) (Entered: 07/27/2016)   |
| 07/27/2016 | <a href="#">4</a>  | ATTORNEY Appearance for Plaintiff Marsha Wetzel by Kyle A. Palazzolo (Palazzolo, Kyle) (Entered: 07/27/2016)  |
| 07/27/2016 |                    | CASE ASSIGNED to the Honorable Samuel Der-Yeghiayan. Designated as Magistrate Judge the Honorable Jeffrey T. Gilbert. (daj, ) (Entered: 07/27/2016)   |
| 07/27/2016 | <a href="#">5</a>  | ATTORNEY Appearance for Plaintiff Marsha Wetzel by John Louis Litchfield (Litchfield, John) (Entered: 07/27/2016)   |
| 07/27/2016 | <a href="#">6</a>  | ATTORNEY Appearance for Plaintiff Marsha Wetzel by Ellen M. Wheeler (Wheeler, Ellen) (Entered: 07/27/2016)  |
| 07/29/2016 |                    | SUMMONS Issued as to Defendants Sandra Cubas, Carolyn Driscoll, Alyssa Flavin, Glen Health & Home Management, Inc., Glen St. Andrew Living Community Real Estate, LLC, Glen St. Andrew Living Community, LLC (jp, ) (Entered: 07/29/2016)       |
| 08/03/2016 | <a href="#">7</a>  | ATTORNEY Appearance for Plaintiff Marsha Wetzel by William Mariano Lopez (Lopez, William) (Entered: 08/03/2016)   |
| 08/16/2016 | <a href="#">8</a>  | AFFIDAVIT of Service filed by Plaintiff Marsha Wetzel regarding Summons and Complaint served on Glen St. Andrew Living Community Real Estate, LLC c/o Marilyn Dunn, Registered Agent on August 1, 2016 (Litchfield, John) (Entered: 08/16/2016) |
| 08/16/2016 | <a href="#">9</a>  | AFFIDAVIT of Service filed by Plaintiff Marsha Wetzel regarding Summons and Complaint served on Glen St. Andrew Living Community, LLC c/o Marilyn Dunn, Registered Agent on August 1, 2016 (Litchfield, John) (Entered: 08/16/2016)             |
| 08/16/2016 | <a href="#">10</a> | AFFIDAVIT of Service filed by Plaintiff Marsha Wetzel regarding Summons and Complaint served on Glen Health & Home Management, Inc. on August 1, 2016 (Litchfield, John) (Entered: 08/16/2016)  |
| 08/16/2016 | <a href="#">11</a> | AFFIDAVIT of Service filed by Plaintiff Marsha Wetzel regarding Summons and Complaint served on Alyssa C. Flavin on August 8, 2016 (Litchfield, John) (Entered: 08/16/2016)   |
| 08/16/2016 | <a href="#">12</a> | AFFIDAVIT of Service filed by Plaintiff Marsha Wetzel regarding Summons and Complaint served on Carolyn Driscoll on August 1, 2016 (Litchfield, John) (Entered: 08/16/2016)   |
| 08/16/2016 | <a href="#">13</a> | AFFIDAVIT of Service filed by Plaintiff Marsha Wetzel regarding Summons and Complaint served on Sandra N. Cubas on August 1, 2016 (Litchfield, John) (Entered: 08/16/2016)  |
| 08/22/2016 | <a href="#">14</a> | ATTORNEY Appearance for Defendants Sandra Cubas, Carolyn Driscoll, Alyssa Flavin, Glen Health & Home Management, Inc., Glen St. Andrew Living   |

|            |                    |   |
|------------|--------------------|---|
|            |                    | Community Real Estate, LLC, Glen St. Andrew Living Community, LLC by Lindsay A. Watson (Watson, Lindsay) (Entered: 08/22/2016)  |
| 08/22/2016 | <a href="#">15</a> | MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (Watson, Lindsay) (Entered: 08/22/2016)  |
| 08/22/2016 | <a href="#">16</a> | NOTICE of Motion by Lindsay A. Watson for presentment of Motion to Dismiss for Failure to State a Claim <a href="#">15</a> before Honorable Samuel Der-Yeghiayan on 8/31/2016 at 09:00 AM. (Watson, Lindsay) (Entered: 08/22/2016)  |
| 08/22/2016 | <a href="#">17</a> | ATTORNEY Appearance for Defendants Sandra Cubas, Carolyn Driscoll, Alyssa Flavin, Glen Health & Home Management, Inc., Glen St. Andrew Living Community Real Estate, LLC, Glen St. Andrew Living Community, LLC by James H. Ryan (Ryan, James) (Duplicate filing of entry no. <a href="#">14</a> ) Modified on 8/23/2016 (jjr, ). (Entered: 08/22/2016)   |
| 08/22/2016 | <a href="#">18</a> | ATTORNEY Appearance for Defendants Sandra Cubas, Carolyn Driscoll, Alyssa Flavin, Glen Health & Home Management, Inc., Glen St. Andrew Living Community Real Estate, LLC, Glen St. Andrew Living Community, LLC by James H. Ryan (Ryan, James) (Entered: 08/22/2016)  |
| 08/31/2016 | <a href="#">19</a> | MINUTE entry before the Honorable Samuel Der-Yeghiayan: Motion hearing held. Defendants' motion to dismiss <a href="#">15</a> is entered and continued. Plaintiff's response shall be filed by 10/04/16 and Defendants' reply shall be filed by 10/18/16. Initial status hearing set for 01/19/17 at 9:00 a.m. Mailed notice (mw, ) (Entered: 08/31/2016) |
| 10/04/2016 | <a href="#">20</a> | MEMORANDUM by Marsha Wetzel in Opposition to Motion to Dismiss for Failure to State a Claim <a href="#">15</a> (Loewy, Karen) (Entered: 10/04/2016)   |
| 10/18/2016 | <a href="#">21</a> | REPLY by Defendants Sandra Cubas, Carolyn Driscoll, Alyssa Flavin, Glen Health & Home Management, Inc., Glen St. Andrew Living Community Real Estate, LLC, Glen St. Andrew Living Community, LLC to Motion to Dismiss for Failure to State a Claim <a href="#">15</a> (Attachments: # <a href="#">1</a> Exhibit A)(Watson, Lindsay) (Entered: 10/18/2016) |
| 01/13/2017 | <a href="#">22</a> | STATUS Report <i>Joint Initial</i> by Marsha Wetzel (Loewy, Karen) (Entered: 01/13/2017)  |
| 01/13/2017 | <a href="#">23</a> | STATUS Report <i>Joint Jurisdictional</i> by Marsha Wetzel (Loewy, Karen) (Entered: 01/13/2017)   |
| 01/13/2017 | <a href="#">24</a> | CERTIFICATE of Service of Joint Status Reports (Loewy, Karen) (Entered: 01/13/2017)   |
| 01/18/2017 | <a href="#">25</a> | MINUTE entry before the Honorable Samuel Der-Yeghiayan: For the reasons stated in the Court's memorandum opinion date 01/18/17, Defendants' motion to dismiss <a href="#">15</a> is granted. All pending dates and motions, if any, are stricken as moot. Civil case terminated. Mailed notice (mw, ) (Entered: 01/18/2017)                               |
| 01/18/2017 | <a href="#">26</a> | MEMORANDUM OPINION Signed by the Honorable Samuel Der-Yeghiayan on 1/18/2017: Granting Defendants' motion to dismiss. Mailed notice (mw, ) (Entered: 01/18/2017)  |

|            |                    |   |
|------------|--------------------|---|
| 01/18/2017 | <a href="#">27</a> | ENTERED JUDGMENT Signed by the Courtroom Deputy Michael Wing on 01/18/2017: Mailed notice (mw, ) (Entered: 01/18/2017)  |
| 02/15/2017 | <a href="#">28</a> | NOTICE of appeal by Marsha Wetzel regarding orders <a href="#">26</a> , <a href="#">25</a> , <a href="#">27</a> Filing fee \$ 505, receipt number 0752-12860562. (Loewy, Karen) (Entered: 02/15/2017) |
| 02/15/2017 | <a href="#">29</a> | DOCKETING Statement by Marsha Wetzel regarding notice of appeal <a href="#">28</a> (Loewy, Karen) (Entered: 02/15/2017)   |
| 02/15/2017 | <a href="#">30</a> | NOTICE of Appeal Due letter sent to counsel of record regarding notice of appeal <a href="#">28</a> (ek, ) (Entered: 02/15/2017)  |

## UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse  
Room 2722 - 219 S. Dearborn Street  
Chicago, Illinois 60604



Office of the Clerk  
Phone: (312) 435-5850  
www.ca7.uscourts.gov

### NOTICE OF CASE OPENING

February 15, 2017

|  |  |
|--|--|
| No. 17-1322  | <p>MARSHA WETZEL,<br/>Plaintiff - Appellant</p> <p style="text-align: center;">v.</p> <p>GLEN ST. ANDREW LIVING COMMUNITY, LLC, et al.,<br/>Defendants - Appellees</p> |
| <b>Originating Case Information:</b>   |  |
| <p>District Court No. 1:16-cv-07598<br/>Northern District of Illinois, Eastern Division<br/>District Judge Samuel Der-Yeghiayan<br/>Clerk/Agency Rep Thomas G. Bruton</p> <p>Case filed: 02/15/2017<br/>Case type: cv/pri<br/>Fee status: Paid<br/>Date of Judgment: 01/18/2017<br/>Date NOA filed: 02/15/2017</p> |  |

The above-captioned appeal has been docketed in the United States Court of Appeals for the Seventh Circuit.

**Deadlines:**

| <u>Appeal No.</u> | <u>Filer</u>  | <u>Document</u>              | <u>Due Date</u> |
|-------------------|---------------|------------------------------|-----------------|
| 17-1322           | Marsha Wetzel | Transcript information sheet | 03/01/2017      |
|                   |               |                              |                 |
| 17-1322           | Marsha Wetzel | Appellant's brief            | 03/27/2017      |

**NOTE:** This notice is issued to counsel of record, in furtherance of the revised *Circuit Rule 3(d)*, to provide necessary information regarding this appeal. Please verify this notice for accuracy. Counsel are encouraged to provide a fax and/or e-mail address to the court. If any corrections are necessary, please indicate those corrections on this notice and return it to the Clerk's Office within ten (10) days.

**THIS NOTICE SHALL NOT ACT AS A SUBSTITUTE FOR MOTIONS FOR NON-INVOLVEMENT / SUBSTITUTION OF COUNSEL. COUNSEL ARE STILL REQUIRED TO FILE THE APPROPRIATE MOTIONS.**

**Important Scheduling Notice!**

Notices of hearing for particular appeals are mailed shortly before the date of oral argument. Criminal appeals are scheduled shortly after the filing of the appellant's main brief; civil appeals after the filing of the appellee's brief. If you foresee that you will be unavailable during a period in which your particular appeal might be scheduled, please write the clerk advising him of the time period and the reason for such unavailability. Session data is located at <http://www.ca7.uscourts.gov/cal/calendar.pdf>. Once an appeal is formally scheduled for a certain date, it is very difficult to have the setting changed. See Circuit Rule 34(e).

form name: c7\_Docket\_Notice(form ID: 108)

**UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT**

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**NOTICE OF DOCKETING - Short Form**

February 15, 2017

**To:** Thomas G. Bruton  
Clerk of Court

The below captioned appeal has been docketed in the United States Court of Appeals for the Seventh Circuit:

Appellate Case No: 17-1322

Caption:  
MARSHA WETZEL,  
Plaintiff - Appellant

v.

GLEN ST. ANDREW LIVING COMMUNITY, LLC, et al.,  
Defendants - Appellees

District Court No: 1:16-cv-07598  
District Judge Samuel Der-Yeghiayan  
Clerk/Agency Rep Thomas G. Bruton

Date NOA filed in District Court: 02/15/2017

If you have any questions regarding this appeal, please call this office.