

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

MARSHA WETZEL,	)	
Plaintiff,	)	
	)	
vs.	)	
	)	Case No. 1:16-cv-07598
GLEN ST. ANDREW LIVING	)	
COMMUNITY, LLC, <i>et al.</i> ,	)	Honorable John Robert Blakey
Defendants.	)	

**JOINT REASSIGNMENT STATUS REPORT**

This case constitutes a pending matter reassigned from Judge Samuel Der-Yeghiayan. All federal counts were dismissed with prejudice on January 18, 2017 and Plaintiff appealed. The Seventh Circuit reversed and remanded on August 27, 2018 and the mandate issued on September 25.

1. **Type of Status Report.**

This is a joint reassignment status report on behalf of all parties.

2. **Service of Process.**

All parties have been served.

3. **Nature of the Case.**

a. Attorneys of record:

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b. Basis for federal jurisdiction:

Plaintiff Marsha Wetzel brought this housing discrimination action pursuant to both the Fair Housing Act, 42 U.S.C. §§ 3604, 3617, and the Illinois Human Rights Act, 775 Ill. Comp. Stat. Ann. 5/3-102, 5/3-105.1, to address Defendants' failure to intervene in the tenant-on-tenant harassment Plaintiff alleges she was experiencing because of her sex and sexual orientation.

c. Nature of the claims and counterclaims:

Plaintiff Marsha Wetzel brought this housing discrimination action pursuant to both the Fair Housing Act, 42 U.S.C. §§ 3604, 3617, and the Illinois Human Rights Act, 775 Ill. Comp. Stat. Ann. 5/3-102, 5/3-105.1, alleging she was subjected to a severe and pervasive pattern of discrimination and harassment because of her sex and sexual orientation at the hands of other residents in the senior living facility owned and operated by the Defendants and that Defendants failed to stop that harassment and retaliated against her in response to her complaints about the harassment.

Defendants deny that they ever discriminated against or harassed Plaintiff in any manner, retaliated against her, or failed to assist Plaintiff in response to her complaints. Defendants further deny all material allegations of wrongdoing.

d. Legal and factual issues:

- 1) Whether Plaintiff was subjected to a hostile housing environment caused by the unwelcome harassment from other tenants based on her sex and sexual orientation ;
- 2) Whether Defendants had actual knowledge of the harassment;
- 3) Whether Defendants failed to intervene to end the harassment;
- 4) Whether Defendants took any adverse action against Plaintiff as a result of her having complained to Defendants about the harassment; and
- 5) Whether Defendants actions were for legitimate, non-pretextual reasons.

e. Type and calculation of damages and other relief sought by Plaintiff:

Plaintiff seeks:

- 1) A declaration that the conduct of Defendants violated the Fair Housing Act, 42 U.S.C. §§ 3601, *et seq.*, and the Illinois Human Rights Act, 775 Ill. Comp. State. Ann 51-101 *et seq.*;
- 2) An injunction requiring Defendants to conform their policies and practices to existing law and to prevent unlawful discrimination in the future, including but not limited to requiring the adoption of policies and practices and completing fair housing training;
- 3) Emotional distress damages and punitive damages in an amount to be determined at trial;
- 4) Attorneys' fees and costs; and
- 5) Such other and further relief in favor of Plaintiff as this Court deems just and proper.

4. **Pending Motions and Case Plan.**

- a. Defendants will be filing a Petition for Certiorari with the United States Supreme Court on November 26, 2018. Plaintiff has agreed to dismiss without prejudice Defendant Glen St. Andrew Living Community Real Estate, LLC and will be filing an amended complaint.

- b. This case is not subject to the “Mandatory Initial Discovery Pilot” Project.
- c. Proposal for traditional discovery and case management plan:
  - 1) Plaintiff proposes October 31, 2018 as the deadline for her to file an amended complaint, if any.
  - 2) Defendants intend to file a responsive pleading to Plaintiff’s Complaint on November 30, 2018.
  - 3) The parties intend to confer to plan discovery pursuant to Fed. R. Civ. P. 26(f) by December 14, 2018.
  - 4) The parties anticipate the need for both written discovery and depositions in this matter. The Plaintiffs and Defendants each anticipate the need for six (6) to ten (10) depositions, for a total of twelve (12) to twenty (20).
  - 5) The parties intend to make initial disclosure pursuant to Fed. R. Civ. P. 26(a)(1) on December 28, 2018.
  - 6) Defendants may seek a confidentiality order depending on the scope of discovery.
  - 7) The parties do not anticipate the need for any Health Insurance Portability and Accountability Act (HIPAA) waivers;
  - 8) Fact discovery to be completed by July 31, 2019.
  - 9) The parties do not anticipate the need for expert discovery.
  - 10) Dispositive motions to be filed 60 days after the close of fact discovery.
  - 11) The parties suggest a trial date of about March 1, 2020.
- d. This case should be ready for trial six months after the deadline for dispositive motions, and the parties anticipate that it will last approximately five (5) days. Plaintiff has not requested a jury trial, but Defendants have indicated that they will request a jury trial.

5. **Consent to Proceed Before a Magistrate Judge.**

The parties agree to refer this matter to Magistrate Judge Jeffrey T. Gilbert.

6. **Status of Settlement Discussions.**

- a. Parties have engaged in settlement discussions both during the prior district court proceedings and through the Seventh Circuit mediation process. To date, the parties have not been able to resolve the matter.
- b. The parties welcome the opportunity for a settlement conference.

Date: October 23, 2018

Respectfully submitted,

/s/ Karen L. Loewy  
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