



IN THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF ILLINOIS ROCK ISLAND DIVISION

AMBER DUNLAP,

Plaintiff,

v.

WEXFORD HEALTH
SOURCES, INC.,

Defendants.

Case No.: 4:25-cv-04163

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, AMBER DUNLAP, by and through her attorneys, CONSUMER ATTORNEYS PLLC, hereby complains of the Defendant, WEXFORD HEALTH SOURCES, INC., upon information and belief, as follows:

NATURE OF THE ACTION

1. Plaintiff brings this action alleging that Defendant has violated the Family and Medical Leave Act ("FMLA") (42 U.S.C. §§ 12101 to 12213), the Americans with Disabilities Act ("ADA"), as amended by the ADA Amendments Act ("ADAAA") (42 U.S.C. §§ 12101 to 12213), Illinois Human Rights Act ("IHRA") (775 ILCS 5/1-101, et seq.), and the Illinois Wage Payment and Collection Act ("IWPCA"), and seeks damages to redress the injuries Plaintiff has suffered as a result of being discriminated against on the basis of her actual and/or perceived disability and retaliated against following her request for a reasonable accommodation.



JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. § 1331, in that this is a civil action arising under numerous federal laws, including the FMLA and the ADA, giving rise to federal questions.

3. This Court also has subject matter jurisdiction based on diversity pursuant to 28 U.S.C. § 1332 because Plaintiff is a citizen of the State of Illinois and Defendant is a citizen of the State of Florida, where it was incorporated, and in the Commonwealth of Pennsylvania, where it maintains its principal place of business.

4. This Court has supplemental jurisdiction over related state claims of the IHRA and the IWPCA against Defendant under 28 U.S.C. § 1367 because they arise out of the same common nucleus of operative facts, namely, Plaintiff's employment with Defendant.

5. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) as a substantial part of the events or omissions giving rise to the claim occurred within the Central District of Illinois.

PROCEDURAL REQUIREMENTS

6. Plaintiff filed a charge of discrimination upon which this Complaint is based with the United States Equal Employment Opportunity Commission ("EEOC").

7. Plaintiff received a Notice of Right to Sue from the EEOC on June 17, 2025, with respect to the herein charges of discrimination and retaliation.

8. A copy of the Notice of Right to Sue is annexed hereto as **Exhibit "A."**

9. This Action is being commenced within ninety (90) days of



receipt of said Right to Sue.

10. Plaintiff therefore exhausted her administrative remedies as is required by the ADA.

PARTIES

11. At all relevant times, Plaintiff was and is a resident of the State of Illinois, within the city of East Moline, Rock Island County.

12. Upon information and belief, Defendant is a corporation duly existing pursuant to, and by virtue of, laws of the State of Florida, with its principal place of business in the Commonwealth of Pennsylvania, and that is authorized as a foreign entity to do business in the State of Illinois, including in this district.

13. Upon information and belief, Defendant employs more than fifty (50) employees and is thus subject to all statutes upon which Plaintiff is proceeding herein.

14. At all relevant times, Plaintiff was an employee of Defendant, located at 100 Hillcrest Road, East Moline, Rock Island, Illinois.

STATEMENT OF FACTS

15. Plaintiff suffers from Ehlers Danlos syndrome, which results in flareups and pain in her skin, joints, and connective tissue.

16. Plaintiff commenced employment with Defendant on July 5, 2022, wherein she served as a Certified Nursing Assistant (“CNA”), and began working with her manager, who was made aware of her serious health condition.

17. Plaintiff steadfastly performed her job duties in a loyal, efficient, and reliable manner.



18. In 2022, Plaintiff was subjected to a hostile and unprofessional outburst by her site manager, who yelled at her in front of colleagues, although she was visibly suffering from pain due to her serious health condition.

19. The severity of the incident prompted a coworker to independently submit a formal incident report against the manager.

20. Plaintiff was also encouraged to document the event, as she was the direct target of her manager's discriminatory animus.

21. Following this, Plaintiff experienced a noticeable escalation in workplace hostility, including repeated bullying and antagonistic behavior from the same manager.

22. On or about March 12, 2023, Plaintiff submitted a formal request for paid time off.

23. On or about September 7, 2023, in response to another request for time off, the site manager filed an incident report questioning the delay in Plaintiff's COVID-19 test results.

24. Despite Plaintiff explaining that the delay was due to her doctor's office, the manager suggested her call-off might be denied without immediate documentation.

25. On or about September 12, 2023, Plaintiff was denied vacation leave on the basis of "lack of coverage."

26. This decision was formally documented.

27. Upon information and belief, other employees who did not suffer from Plaintiff's disability and serious health condition were not denied vacation leave when they requested same.



28. An additional incident report was filed related to Plaintiff's sick leave, contributing to a pattern of disproportionate disciplinary focus.

29. The manager again documented a conversation with Plaintiff regarding her pending COVID-19 test results.

30. Plaintiff was told her call-off would not be approved without test confirmation, despite delays from her doctor's office.

31. The report emphasized an unreasonable demand for medical documentation under threat of discipline.

32. Plaintiff was summoned to a disciplinary meeting, further reinforcing a pattern of punitive actions following valid medical-related absences.

33. On or about October 10, 2023, Plaintiff requested additional sick leave and underwent COVID-19 testing.

34. This event echoed earlier patterns of scrutiny regarding her medical leave.

35. Despite following proper leave procedures, Plaintiff was accused of an "unauthorized absence."

36. On or about October 16, 2023, another incident report was filed, likely connected to attendance or documentation issues.

37. A second disciplinary meeting took place, continuing the pattern of heightened oversight.

38. Plaintiff submitted valid medical documentation on three separate occasions, further substantiating the legitimacy of her absences.



39. Under the guidance of her physician, Plaintiff began a formal medical leave for her serious health condition scheduled to run from May 31, 2024 through July 1, 2024, a period of four (4) weeks.

40. Plaintiff promptly submitted all required medical paperwork.

41. An updated medical excuse was submitted in alignment with her leave status.

42. Plaintiff was on crutches as a result of her symptoms arising from her serious medical condition during this time such that she was unable to walk, rendering her disabled within the meaning of the law.

43. Plaintiff submitted a formal certification detailing her medical condition, as required.

44. Unbeknownst to Plaintiff, her leave request was denied by the site manager due to “institutional need.”

45. However, this decision was not communicated to Plaintiff at any point during her time away.

46. On or about June 24, 2024, while she was complying with all medical documentation requirements, Plaintiff received a disciplinary notice.

47. A separation notification later followed, stating: “On Monday, June 24, 2024, you were notified that the operational needs of the facility would not allow Wexford to provide you any additional time off and that we needed to post and fill your full-time position. Because we needed to fill your position, you were separated from Wexford Health, effective Monday, June 24, 2024.”

48. Indeed, on June 28, 2024, Plaintiff was officially informed of her termination.



49. This marked the first time Plaintiff learned that her leave had not been approved, despite being under the impression it was authorized.

50. Plaintiff believes the decision to terminate her employment was retaliatory, rooted in the ongoing pattern of harassment and disciplinary targeting relating to her disability and need for leave to take care of her serious health condition.

51. Despite Plaintiff's requests for leave, Defendant refused to acknowledge her request and failed to inform Plaintiff of her eligibility for leave under the FMLA.

52. Instead, the Defendant summarily terminated Plaintiff just days later, in violation of her civil rights and in contravention of Plaintiff's rights to job protection under the FMLA.

53. Accordingly, as a result of Defendant's blatant and willful violations of multiple federal and state employment laws, including her protected rights against FMLA interference and retaliation, Defendant's actions have collectively detrimentally affected Plaintiff's emotional state of mind and caused her financial harm, as well.

54. It is clear from the extremely short temporal proximity of Plaintiff's request for accommodations and Defendant's decision to terminate her that the reason to terminate Plaintiff was discriminatory and retaliatory in nature.

55. Rather than engaging in a meaningful interactive dialogue, Defendant terminated Plaintiff in order to avoid providing a reasonable accommodation as is required by law.

56. Accordingly, Plaintiff has been unlawfully discriminated against on the basis of her actual and/or perceived disabilities and for requesting an accommodation.



57. Defendant acted intentionally and intended to harm Plaintiff.

58. Defendant treated Plaintiff this way solely due to her disability, whether actual and/or perceived, and for requesting an accommodation and/or leave for her serious health condition.

59. Alternatively, Defendant's decision to terminate Plaintiff was at least in part substantially motivated by the advent of her disability and need for leave.

60. Defendant retaliated against Plaintiff solely because she requested leave to care for her disability.

61. As a result of the acts and conduct complained of herein, Plaintiff has suffered a loss of employment, income, other compensation which such employment entails, and emotional distress.

62. Plaintiff has also suffered future pecuniary losses, emotional pain, suffering, inconvenience, loss of enjoyment of life, and other non-pecuniary losses.

63. Plaintiff was and is disabled and has a serious health condition within the meaning of the FMLA, ADA, and the IHRA and/or Defendant perceived Plaintiff to be disabled.

64. Plaintiff is a qualified individual by virtue of her prior experience acting as a Certified Nursing Assistant who can perform the essential functions of her employment with or without a reasonable accommodation as defined by §12111(8) of the ADA.

65. At all times relevant, Plaintiff's disability was a physical impairment which substantially limits one or more major life activities within the meaning of § 12102(1)(A) of the ADA.



66. Defendant unlawfully discriminated against, humiliated, degraded, and belittled Plaintiff and retaliated against her for seeking to permit her to seek leave as is her right under the law.

67. Defendant had no legitimate reason to deny Plaintiff leave, as the reason it provided – that she was not entitled to any more leave – is improper given she was entitled to approximately eight (8) more weeks of leave under the FMLA.

68. The above are just some of the ways the Defendant discriminated and retaliated against the Plaintiff while employing her.

69. Plaintiff was offended, disturbed, and humiliated, by the blatantly unlawful, discriminatory, and retaliatory termination.

70. Defendant conduct has been malicious, willful, outrageous, and conducted with full knowledge of the law given the existence of its employment law practice.

71. As such, Plaintiff demands punitive damages as against Defendant.

CAUSES OF ACTION

AS A FIRST CAUSE OF ACTION FOR INTERFERENCE UNDER THE FAMILY AND MEDICAL LEAVE ACT

72. Plaintiff repeats, reiterates, and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set herein at length.

73. Plaintiff was eligible for the FMLA's protections and entitled to leave under the FMLA.

74. Defendant is covered by the FMLA.



75. Defendant interfered with Plaintiff's FMLA benefits to which she was entitled.

76. Defendant's interference has caused Plaintiff harm.

77. Defendant willfully and unlawfully interfered with, restrained, and/or denied Plaintiff's exercise of, or attempted exercise of, her rights under the FMLA, in violation of 29 U.S.C. § 2615(a)(1) and 29 C.F.R. §825.220

78. Defendant violated the FMLA and several regulations promulgated under the FMLA, and pursuant to 29 C.F.R. §825.220, each such violation constitutes interfering with, restraining, and/or denying Plaintiff exercise of or attempted exercise of her rights under the FMLA.

79. Defendant's violations of the FMLA included, without limitation, discouraging and intimidating Plaintiff from using FMLA leave, pressuring and preventing Plaintiff from using her FMLA leave, denying Plaintiff the right to exercise her FMLA leave and treating Plaintiff differently than other similarly situated employees because of her requests for FMLA leave.

80. Defendant willfully and unlawfully discharged Plaintiff and interfered with Plaintiff's use of an entitlement to FMLA leave because she exercised or attempted to exercise her rights under the FMLA, in violation of 29 U.S.C. § 2615(a) and 29 CFR § 825.220.

81. Defendant terminated Plaintiff's employment in order to prevent her from exercising her rights provided by the FMLA and the termination effectively denied Plaintiff her FMLA protected leave.

82. The actions of Defendant were taken willfully and with intentional disregard of the rights of the Plaintiff under the FMLA.



83. Under the FMLA, Plaintiff is entitled to the reinstatement to her position.

84. As a result of the actions of Defendant as described above, Plaintiff has suffered compensatory damages, including but not limited to back pay, front pay, lost wages, lost medical coverage, lost retirement benefits, and other lost benefits of her employment.

85. The actions of Defendant as described above were not taken in good faith and were taken without reasonable grounds to believe they were not in violation of 29 U.S.C. § 2615, thereby entitling Plaintiff to recover from Defendant liquidated damages pursuant to 29 U.S.C. § 2617(a)(t)(A).

86. As a result of the actions of Defendant, Plaintiff is entitled to reasonable attorney's fees, reasonable expert witness fees, and other costs pursuant to 29 U.S.C. § 2617(a)(3).

AS A SECOND CAUSE OF ACTION FOR RETALIATION UNDER THE FAMILY AND MEDICAL LEAVE ACT

87. Plaintiff repeats, reiterates, and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set herein at length.

88. Plaintiff exercised her FMLA rights by taking FMLA leave from her job from May 31, 2024 through July 1, 2024.

89. Plaintiff was qualified for her position and had performed her job duties effectively prior to the acts complained of here.

90. Plaintiff suffered an adverse employment action when she was wrongfully terminated.



91. Defendant's disparate treatment of Plaintiff began immediately when she sought leave and culminated in her June 24, 2024 termination as soon as her FMLA leave ended.

92. Defendant's alleged reason for terminating Plaintiff's employment is pretextual and baseless. They fired Plaintiff because she complained about Defendant's violation of FMLA.

93. Defendant's conduct constitutes unlawful retaliation against Plaintiff in violation of her rights under the FMLA, 29 U.S.C. § 2615(a).

94. As a direct and proximate result of Defendant's wrongful acts and omissions, Plaintiff has suffered and continues to suffer substantial losses, including expenses related to additional medical treatment and past and future lost wages and benefits.

95. Plaintiff is also entitled liquidated damages and attorneys' fees and costs, and other damages as recoverable by law.

AS A THIRD CAUSE OF ACTION FOR DISCRIMINATION UNDER THE AMERICANS WITH DISABILITIES ACT

96. Plaintiff repeats, reiterates, and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set herein at length.

97. Section 12112 of the ADA, titled "Discrimination," provides:

- a. General rule. - No covered entity shall discriminate against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.

98. Defendant violated this section as set herein.



AS A FOURTH CAUSE OF ACTION FOR RETALIATION UNDER THE AMERICANS WITH DISABILITIES ACT

99. Plaintiff repeats, reiterates, and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.

100. The ADA prohibits retaliation, interference, coercion, or intimidation.

101. Section 12203 of the ADA provides:

- a. Retaliation. No person shall discriminate against any individual because such individual has opposed any act or practice made unlawful by this chapter or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this chapter.
- b. Interference, coercion, or intimidation. It shall be unlawful to coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of her or her having exercised or enjoyed, or on account of her or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by this chapter.

102. Defendant violated this section as set forth herein.

AS A FIFTH CAUSE OF ACTION FOR DISCRIMINATION UNDER THE ILLINOIS HUMAN RIGHTS ACT

103. Plaintiff repeats, reiterates, and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set herein at length.

104. The IHRA prohibits discrimination in the hiring, promotions,



terminations, and other employment practices on the basis of an individual's disability.

105. Plaintiff is qualified and performed job duties satisfactorily.

106. Plaintiff faced adverse employment action from the Defendant when she requested medical leave as required by her doctors.

107. Defendant's action occurred under circumstances giving rise to an inference of discrimination.

108. Noticeably, similarly situated individuals not in Plaintiff's protected class were treated more favorably.

AS A SIXTH CAUSE OF ACTION FOR RETALIATION UNDER THE ILLINOIS HUMAN RIGHTS ACT

109. Plaintiff repeats, reiterates, and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.

110. Under 775 ILCS 5/6-101(A), it is unlawful to retaliate against any person who has opposed practices believed to be unlawful or participated in protected proceeding.

111. Defendant retaliated against Plaintiff in view of the temporal proximity of the adverse action of the Defendant and the availment by the Plaintiff of a medical leave authorized under the FMLA and ADA.

112. Defendant violated this section of the IHRA.

AS A SEVENTH CAUSE OF ACTION FOR VIOLATION OF THE ILLINOIS WAGE PAYMENT AND COLLECTION ACT

113. Plaintiff was employed by Defendant in Rock Island County,



Illinois, within the Central District of Illinois.

114. Defendant was an “employer” and Plaintiff was an “employee” within the meaning of the IWPCA, 820 ILCS 115/2.

115. Upon information and belief, pursuant to Defendant’s policies, practices, and/or agreements with Plaintiff, Plaintiff was entitled to accrue and use paid leave as part of her compensation.

116. Plaintiff duly requested paid leave in accordance with Defendant’s policies and applicable law.

117. Defendant denied Plaintiff’s use of paid leave and/or failed to compensate Plaintiff for accrued paid leave, in violation of 820 ILCS 115/3 and 820 ILCS 115/5.

118. As a direct and proximate result, Plaintiff has suffered damages including lost wages, lost wage supplements, lost benefits, and other actual damages.

119. Pursuant to 820 ILCS 115/14, Plaintiff is entitled to recover all amounts due, plus a statutory penalty of 2% of the amount of any such underpayment for each month following the date of payment during which such underpayment remains unpaid, together with costs and reasonable attorney’s fees.

JURY DEMAND AND PRAYER FOR RELIEF

120. Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff respectfully requests a jury trial on all issues to be tried.

WHEREFORE, Plaintiff respectfully requests a judgment against the Defendant:

A. Declaring that Defendant engaged in unlawful employment practices prohibited by the FMLA, the ADA, the IHRA, and the



IWPCA, in that Defendant discriminated and retaliated against Plaintiff on the basis of her actual and/or perceived disability and requesting an accommodation.

- B. Awarding damages to Plaintiff for all lost wages and benefits resulting from Defendant' unlawful discrimination and retaliation and to otherwise make her whole for any losses suffered as a result of such unlawful employment practices;
- C. Awarding Plaintiff compensatory damages for mental, emotional and physical injury, distress, pain and suffering and injury to her reputation in an amount to be proven;
- D. Awarding Plaintiff punitive damages;
- E. Awarding Plaintiff attorneys' fees, costs, disbursements, and expenses incurred in the prosecution of the action;
- F. Awarding Plaintiff such other and further relief as the Court may deem equitable, just and proper to remedy the Defendant' unlawful employment practices.

Respectfully submitted this 15th day of September, 2025.

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