

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

Cassandra J. Matz

v.

Illinois Senate; Brian E. Hastings

2019L006369

No.

FILED DATE: 6/10/2019 2:05 PM 2019L006369

CIVIL ACTION COVER SHEET - CASE INITIATION

A Civil Action Cover Sheet - Case Initiation shall be filed with the complaint in all civil actions. The information contained herein is for administrative purposes only and cannot be introduced into evidence. Please check the box in front of the appropriate case type which best characterizes your action. Only one (1) case type may be checked with this cover sheet.

Jury Demand [X] Yes [ ] No

PERSONAL INJURY/WRONGFUL DEATH

CASE TYPES:

- [ ] 027 Motor Vehicle
[ ] 040 Medical Malpractice
[ ] 047 Asbestos
[ ] 048 Dram Shop
[ ] 049 Product Liability
[ ] 051 Construction Injuries (including Structural Work Act, Road Construction Injuries Act and negligence)
[ ] 052 Railroad/FELA
[ ] 053 Pediatric Lead Exposure
[ ] 061 Other Personal Injury/Wrongful Death
[ ] 063 Intentional Tort
[ ] 064 Miscellaneous Statutory Action (Please Specify Below\*\*)
[ ] 065 Premises Liability
[ ] 078 Fen-phen/Redux Litigation
[ ] 199 Silicone Implant

TAX & MISCELLANEOUS REMEDIES

CASE TYPES:

- [ ] 007 Confessions of Judgment
[ ] 008 Replevin
[ ] 009 Tax
[ ] 015 Condemnation
[ ] 017 Detinue
[ ] 029 Unemployment Compensation
[ ] 031 Foreign Transcript
[ ] 036 Administrative Review Action
[ ] 085 Petition to Register Foreign Judgment
[ ] 099 All Other Extraordinary Remedies

By: Heidi Karr Sleper, Esq.

(Attorney)

(Pro Se)

FILED
6/10/2019 2:05 PM
DOROTHY BROWN
CIRCUIT CLERK
COOK COUNTY, IL
2019L006369

(FILE STAMP)

COMMERCIAL LITIGATION

CASE TYPES:

- [ ] 002 Breach of Contract
[ ] 070 Professional Malpractice (other than legal or medical)
[ ] 071 Fraud (other than legal or medical)
[ ] 072 Consumer Fraud
[ ] 073 Breach of Warranty
[X] 074 Statutory Action (Please specify below.\*\*\*)
[ ] 075 Other Commercial Litigation (Please specify below.\*\*\*)
[ ] 076 Retaliatory Discharge

OTHER ACTIONS

CASE TYPES:

- [ ] 062 Property Damage
[ ] 066 Legal Malpractice
[ ] 077 Libel/Slander
[ ] 079 Petition for Qualified Orders
[ ] 084 Petition to Issue Subpoena
[ ] 100 Petition for Discovery

\*\* 5 ILCS 430/15

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Pro Se Only: [ ] I have read and agree to the terms of the Clerk's Office Electronic Notice Policy and choose to opt in to electronic notice form the Clerk's Office for this case at this email address:

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT - LAW DIVISION

CASSANDRA J. MATZ,

Plaintiff,

v.

ILLINOIS STATE SENATE, and  
MICHAEL E. HASTINGS, in his  
individual capacity, and the State of  
Illinois,

Defendants.

No. 2019L006369

Plaintiff Demands Trial By Jury

COMPLAINT

Plaintiff CASSANDRA J. MATZ ("Matz"), through her undersigned counsel, complaining against Defendants, ILLINOIS STATE SENATE, and MICHAEL E. HASTINGS, in his individual capacity, and the STATE OF ILLINOIS, states as follows:

1. Plaintiff brings this action to redress violations of the Illinois State Officials and Employees Ethics Act, Article 15, Whistleblower Protection, 5 ILCS 430/15 (Count I).

**Jurisdiction and Venue**

2. The court has jurisdiction over this matter pursuant to 735 ILCS § 5/2-209 in that all parties are citizens of the State of Illinois.

3. Venue is proper in this court pursuant to 735 ILCS § 5/2-101 in that Defendants are residents of Cook County, and all or a substantial part of the events giving rise to the cause of action, occurred within Cook County.

### Administrative Proceedings

4. On or about October 14, 2018, Matz filed a complaint with the Illinois Office of Legislative Inspector General.

5. On or about February 25, 2019, Matz filed a charge of discrimination based on race, color, sex, disability, and retaliation with the Equal Employment Opportunity Commission ("EEOC"), which was cross-filed with the Illinois Department of Human Rights ("IDHR").

### Parties

6. Plaintiff Matz was employed with the Illinois Senate from 2013 to October 3, 2018.

7. Plaintiff is African-American.

8. At all relevant times, Matz satisfactorily fulfilled her assigned duties.

9. Defendant ILLINOIS SENATE ("SENATE") is the upper chamber of the Illinois General Assembly, the legislative branch of the government of the State of Illinois.

10. Defendant MICHAEL E. HASTINGS ("Hastings") is sued in his individual capacity. Defendant Hastings served as an elected Senator for the State of Illinois from the 19th district during the relevant times alleged herein.

11. Defendant Hastings was delegated with final policy making authority with regard to his acts and conduct alleged herein.

12. Defendant Hastings acted under color of law.

13. The State of Illinois is sued as indemnitor and for injunctive and equitable relief for which there is no immunity.

#### Facts Upon Which Claims Are Based

14. Ms. Matz began working for Senator Hastings in 2013 as Outreach Coordinator.

15. Ms. Matz was hired as part-time and paid a salary of approximately \$12-15 per hour.

16. Despite being hired as part-time, Ms. Matz typically worked 60 hours a week, attending events and talking to constituents in the mornings, evenings, and on the weekends.

17. At the time of Ms. Matz's hiring, Senator Hastings's Chief of Staff was Danielle Le Monnier-Kane., Ms. Kane is Caucasian.

18. Senator Hastings paid Ms. Kane, \$45,000 a year as Chief of Staff.

19. In 2015, Ms. Kane left Senator Hastings's office, and Ms. Matz took over the position of Chief of Staff. Ms. Matz also continued her position as Outreach Coordinator.

20. Senator Hastings paid Ms. Matz \$38,000 a year to perform the duties of Chief of Staff that were previously performed by Ms. Kane, as well as the duties of Outreach Coordinator.

21. On August 20, 2017, Ms. Matz severely injured her ankle requiring surgery. Senator Hastings demanded Ms. Matz return to work a week after her injury

even though she had not been released by her physician and was in pain. Ms. Matz's injury prevented her from being able to drive and hindered her ability to care for herself.

22. On October 26, 2017, Senator Hastings imposed a new start and end time for Ms. Matz, requiring her to be in the office from 8:30am to 4:30pm (even though the office did not open until 9:00am) and to clock in and out at the beginning of the day, at lunch, and at the end of the day by emailing the Senator. Senator Hastings also began to criticize Ms. Matz's phone greeting, her response to emails, her letter writing, and scheduling. Additionally, Senator Hastings would not speak to Ms. Matz in the office and would only communicate by email. Senator Hastings also informed Ms. Matz that she could no longer handle constituent contact duties. Senator Hastings refused to provide Ms. Matz with an explanation for why he was imposing these sanctions on Ms. Matz. Senator Hastings did not impose these sanctions on anyone else in his offices.

23. On November 17, 2017, Ms. Matz met with Senator Hastings at Starbucks. Senator Hastings apologized to Ms. Matz for his behavior over the past week. He said he spoke to a couple of people he respected and he was told his treatment of Ms. Matz was unfair. He went on to say, that he was lifting all the sanctions he put in place for Ms. Matz. She would no longer have to clock in and out of the office via email, she did not have to change her phone greeting, and she could attend meetings out of the office and deal with constituents as usual.

24. However, Senator Hastings' change of heart was short lived. On June 6, 2018, Senator Hastings instructed Ms. Matz to attend mandatory software training for the whole staff on June 7, 2018. Ms. Matz returned to the office after a breakfast meeting out of the office only to discover that she was the only employee required to attend. After the training, despite her limited mobility, Senator Hastings required Ms. Matz distribute flyers for an upcoming event, taking pictures to document everywhere she went, and attend another town's event in order to learn information for a similar event Senator Hastings was sponsoring.

25. Later that day, Senator Hastings, berated Ms. Matz on the phone. When Ms. Matz informed Senator Hastings that her ability to distribute flyers was limited by her mobility issues, he said if she couldn't get the job done he would get someone else.

26. On June 11, 2018, when Ms. Matz arrived at work, she noticed that the Senator had installed a surveillance camera pointing at her desk.

27. On June 11, 2018, Senator Hastings harassed Ms. Matz through email. Matz complained to Senator Hastings that his treatment of her was harassment. Senator Hastings referred Ms. Matz's complaint of harassment to the Senate and placed Ms. Matz on administrative leave.

28. On June 11, 2018, August 8, 2018, and September 19, 2018, Ms. Matz provided information to the Senate investigators regarding her complaint that Senator Hastings was harassing her.

29. Not only did Defendant Senate not investigate or remediate Ms. Matz's complaints, but they also falsely accused her of not cooperating with the investigation because she exercised her right to legal counsel.

30. On October 14, 2018, Ms. Matz filed an Ethics Complaint against Senator Hastings with the Illinois Office of Legislative Inspector General.

31. On October 2, 2018, Senator Hastings ordered Ms. Matz to return to work on October 3, 2018.

32. On October 3, 2018, Ms. Matz, through her legal counsel, informed Senator Hastings that she was not cleared to return to work by her doctor because of the continued retaliation and threats by Senator Hastings.

33. Thirty minutes after Ms. Matz reported the continued retaliation and threats by Senator Hastings, Senator Hastings terminated Ms. Matz's employment.

34. On February 25, 2019, Ms. Matz filed a charge of discrimination and retaliation with the Illinois Department of Human Rights and Equal Employment Opportunity Commission complaining of Defendants' discriminatory and retaliatory practices.

35. On May 8, 2019, Ms. Matz provided information to the Illinois Senate Inspector General supporting her complaint against Senator Hastings.

36. From June 2018, through the present, Senator Hastings has continued to contact and threaten Ms. Matz through third parties in an effort to dissuade her from exercising her right to report and seek remedy for his treatment of her.

COUNT I

**(Violation of the State Officials and Employees Ethics Act  
v. All Defendants)**

37. Plaintiff restates and realleges by reference paragraphs 1 through 36 above as though fully set forth herein.

38. The State Officials and Employees Ethics Act ("the Act") states in relevant part:

Protected activity. An officer, a member, a State employee, or a State agency shall not take any retaliatory action against a State employee because the State employee does any of the following:

(1) Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation.

(2) Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency, or other State employee.

5 ILCS 430/15-10.

39. Plaintiff engaged in protected activity in that she disclosed to her supervisor an activity that she reasonably believed is a violation of law, rule, or regulation.

40. Plaintiff also provided information to the Illinois Senate President, the IDHR, the EEOC, and the Office of the Legislative Inspector General, which were conducting an investigation or inquiry into a violation of law, rule, or regulation.



41. Defendants, collectively and individually, violated the Act by retaliating against Plaintiff by, including but not limited to, placing Plaintiff on Administrative Leave, subjecting her to false allegations, and an internal investigation, and terminating her employment.

42. Defendant Senate also failed to take effective remedial action to ensure that Defendant Hastings did not discriminate or retaliate against Plaintiff and other African American employees.

43. Plaintiff's protected activity described above was a contributing factor in Defendants' retaliation against Plaintiff.

44. Defendants cannot prove by clear and convincing evidence that they would have taken the same retaliatory actions against Plaintiff had it not been for her protected activity.

45. As a result of Defendants' unlawful actions, Plaintiff has suffered substantial losses, including, but not limited to, lost wages and benefits, consequential damages as a result of lost income, damage to career prospects and reputation, and emotional distress, embarrassment and humiliation.

**WHEREFORE**, Plaintiff respectfully requests:

- A. All remedies necessary to make Plaintiff whole as provided for in the Act;
- B. All wages and benefits Plaintiff would have received but for the retaliation, including pre-judgment interest;
- C. Compensatory damages in an amount to be determined at trial;