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DOROTHY BROWN
CIRCUIT CLERK
COOK COUNTY, IL
2020L003511

Firm No. 33057

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

8939231

LAURI MAZURKIEWICZ,

Plaintiff,

v.

NORTHWESTERN MEMORIAL
HOSPITAL, an Illinois corporation,
BRIDGET WICHEREK, JAY ANDERSON,
and UNKNOWN EMPLOYEES,

Defendants.

2020L003511

COMPLAINT AT LAW

NOW COMES the Plaintiff, LAURI MAZURKIEWICZ, by and through her attorneys, Blake W. Horwitz, Esq. and Jeffrey C. Grossich, Esq., of The Blake Horwitz Law Firm, Ltd., and complaining of the Defendants, BRIDGET WICHEREK, JAY ANDERSON, and UNKNOWN EMPLOYEES (collectively, “INDIVIDUAL DEFENDANTS”), and NORTHWESTERN MEMORIAL HOSPITAL, and Illinois corporation, states as follows:

I. PARTIES

1. PLAINTIFF, LAURI MAZURKIEWICZ (“PLAINTIFF”), is a resident of the State of Illinois.

2. DEFENDANT, NORTHWESTERN MEMORIAL HOSPITAL (“DEFENDANT HOSPITAL”) is a hospital located in Chicago, Illinois.

3. DEFENDANT HOSPITAL is an Illinois corporation.

4. At all relevant times, DEFENDANT HOSPITAL was subject to the laws of the State of Illinois.

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5. DEFENDANT, BRIDGET WICHEREK (“DEFENDANT WICHEREK”), is an employee of DEFENDANT HOSPITAL.

6. At all times material and relevant to this Complaint, DEFENDANT WICHEREK was PLAINTIFF’S supervisor.

7. At all times material and relevant to this Complaint, DEFENDANT WICHEREK was acting withing the scope of her employment with DEFENDANT HOSPITAL.

8. DEFENDANT, JAY ANDERSON (“DEFENDANT ANDERSON”), is an employee of DEFENDANT HOSPITAL.

9. At all times material and relevant to this Complaint, DEFENDANT ANDERSON was the president of DEFENDANT HOSPITAL.

10. At all times material and relevant to this Complaint, DEFENDANT ANDERSON was acting within the scope of his employment with DEFENDANT HOSPITAL.

11. DEFENDANTS, UNKNOWN EMPLOYEES, are employees of DEFENDANT HOSPITAL, supervisory to the PLAINTIFF and possess the power to employ and/or terminate the PLAINTIFF.

12. At all times material and relevant to this Complaint, DEFENDANT UNKNOWN EMPLOYEES were acting within the scope of their employment with DEFENDANT HOSPITAL.

II. FACTS

13. DEFENDANT HOSPITAL hired PLAINTIFF as a nurse.

14. DEFENDANT HOSPITAL hired PLAINTIFF through the staffing agency TotalMed Healthcare Staffing.

15. DEFENDANT HOSPITAL hired PLAINTIFF on or about August 5, 2019.

16. PLAINTIFF was working as a nurse at DEFENDANT HOSPITAL in March of 2020.

17. In March of 2020, DEFENDANT HOSPITAL was accepting and treating individuals who had been diagnosed with COVID-19.

18. In March of 2020, individuals who had been diagnosed with COVID-19 were present on the premises of DEFENDANT HOSPITAL.

19. As a nurse at DEFENDANT HOSPITAL, PLAINTIFF was exposed to individuals who had been diagnosed with COVID-19.

20. As a nurse at DEFENDANT HOSPITAL, PLAINTIFF had contact with individuals who had been diagnosed with COVID-19.

21. PLAINTIFF was present on the premises of DEFENDANT HOSPITAL while individuals who had been diagnosed with COVID-19 were also present on the premises of DEFENDANT HOSPITAL.

22. As a nurse at DEFENDANT HOSPITAL, PLAINTIFF was at risk of contracting COVID-19.

23. As a nurse at DEFENDANT HOSPITAL, PLAINTIFF was at a greater risk of contracting COVID-19 than the general public.

24. PLAINTIFF was in possession of Particulate Respirator N95 facemasks.

25. Particulate Respirator N95 facemasks, when worn, are more effective at preventing the wearer from contracting COVID-19 than other facemasks, including those masks provided by the DEFENDANT HOSPITAL.

26. In March of 2020, DEFENDANT HOSPITAL, by and through its employees and/or agents, did not give Particulate Respirator N95 facemasks to all staff and/or employees of DEFENDANT HOSPITAL.

27. In March of 2020, DEFENDANT HOSPITAL, by and through its employees and/or agents, distributed less-effective facemasks to staff and/or employees of DEFENDANT HOSPITAL.

28. In March of 2020, DEFENDANT HOSPITAL, by and through its employees and/or agents, gave less-effective facemasks to staff and/or employees of DEFENDANT HOSPITAL.

29. In March of 2020, DEFENDANT HOSPITAL, by and through its employees and/or agents, distributed facemasks that were not Particulate Respirator N95 facemasks.

30. In March of 2020, DEFENDANT HOSPITAL, by and through its employees and/or agents, gave staff and/or employees of DEFENDANT HOSPITAL facemasks that were not Particulate Respirator N95 facemasks.

31. In March of 2020, DEFENDANT HOSPITAL, by and through its employees and/or agents, mandated that staff and/or employees of DEFENDANT HOSPITAL wear facemasks that were not Particulate Respirator N95 facemasks.

32. In March of 2020, DEFENDANT HOSPITAL, by and through its employees and/or agents, mandated that staff and/or employees of DEFENDANT HOSPITAL wear facemasks that were not Particulate Respirator N95 facemasks. The facemasks that were mandated for use by staff and/or employees of DEFENDANT HOSPITAL were less safe and less effective than Particulate Respirator N95 facemasks.

33. In March of 2020, DEFENDANT HOSPITAL, by and through its employees and/or agents, did not permit staff and/or employees of DEFENDANT HOSPITAL to wear Particulate Respirator N95 facemasks.

34. In March of 2020, DEFENDANT HOSPITAL, by and through its employees and/or agents, did not permit staff and/or employees of DEFENDANT HOSPITAL to wear Particulate Respirator N95 facemasks while staff and/or employees were on the premises of DEFENDANT HOSPITAL.

35. In March of 2020, DEFENDANT HOSPITAL, by and through its employees and/or agents, did not permit staff and/or employees of DEFENDANT HOSPITAL to wear Particulate Respirator N95 facemasks while staff and/or employees were working at DEFENDANT HOSPITAL.

36. On March 18, 2020, PLAINTIFF sent an email to employees, agents, and/or supervisors stating that Particulate Respirator N95 facemasks are safer and more effective than the facemasks distributed and mandated by DEFENDANT HOSPITAL.

37. On March 18, 2020, PLAINTIFF sent an email to PLAINTIFF'S coworkers and/or supervisors at DEFENDANT HOSPITAL, warning them that Particulate Respirator N95 masks were safer and more effective than the facemasks distributed and mandated by DEFENDANT HOSPITAL.

38. On March 18, 2020, PLAINTIFF sent an email to employees, agents, and/or supervisors stating that PLAINTIFF would be wearing a Particulate Respirator N95 facemask to work at the hospital.

39. PLAINTIFF sent said email for the purpose of promoting public health.

40. PLAINTIFF sent said email for the purpose of promoting the health of PLAINTIFF'S coworkers at DEFENDANT HOSPITAL.

41. PLAINTIFF sent said email while knowing that PLAINTIFF was accurate in stating that Particulate Respirator N95 facemasks were safer and more effective than the facemasks distributed and mandated by DEFENDANT HOSPITAL.

42. PLAINTIFF'S email exposed DEFENDANT HOSPITAL'S malfeasance.

43. On March 19, 2020, PLAINTIFF wore a Particulate Respirator N95 facemask on the premises of DEFENDANT HOSPITAL.

44. On March 19, 2020, PLAINTIFF wore a Particulate Respirator N95 facemask while PLAINTIFF was working for DEFENDANT HOSPITAL.

45. On March 19, 2020, DEFENDANT HOSPITAL, through the INDIVIDUAL DEFENDANTS, terminated the employment of PLAINTIFF.

46. DEFENDANT HOSPITAL, through the INDIVIDUAL DEFENDANTS, terminated PLAINTIFF in order to prevent PLAINTIFF from speaking out about DEFENDANT HOSPITAL'S malfeasance.

47. DEFENDANT HOSPITAL, through the INDIVIDUAL DEFENDANTS, terminated PLAINTIFF for the purpose of quelling PLAINTIFF'S speech.

48. DEFENDANT HOSPITAL'S termination of PLAINTIFF, through the INDIVIDUAL DEFENDANTS, did in fact quell PLAINTIFF'S speech.

49. Alternatively, DEFENDANT WICHEREK terminated the employment of PLAINTIFF.

50. Alternatively, DEFENDANT ANDERSON terminated the employment of PLAINTIFF.

51. Alternatively, DEFENDANT UNKNOWN EMPLOYEES terminated the employment of PLAINTIFF.

52. PLAINTIFF was terminated for warning employees, agents, and/or supervisors of DEFENDANT HOSPITAL that the distributed and mandated facemasks were unsafe.

53. PLAINTIFF was terminated for warning PLAINTIFF'S coworkers and/or supervisors that the distributed and mandated facemasks were unsafe, and in retaliation.

54. Alternatively, PLAINTIFF was terminated for wearing a Particulate Respirator N95 facemask.

COUNT I
Retaliatory Discharge
**(DEFENDANT HOSPITAL, DEFENDANT WICHEREK, DEFENDANT ANDERSON,
AND DEFENDANT UNKNOWN EMPLOYEES)**

55. PLAINTIFF re-alleges paragraphs 1-54 as though fully set forth herein.

56. PLAINTIFF engaged in a protected activity when PLAINTIFF reported unsafe work conditions to PLAINTIFF'S coworkers and/or supervisors.

57. PLAINTIFF engaged in protected activity when PLAINTIFF reported a public safety and public policy concern to PLAINTIFF'S coworkers and/or supervisors.

58. PLAINTIFF attempted to disclose public corruption and/or wrongdoing.

59. DEFENDANT HOSPITAL, through the INDIVIDUAL DEFENDANTS, terminated PLAINTIFF'S employment because PLAINTIFF engaged in protected activity.

60. Alternatively, DEFENDANT WICHEREK terminated PLAINTIFF'S employment because PLAINTIFF engaged in protected activity.

61. Alternatively, DEFENDANT ANDERSON terminated PLAINTIFF'S employment because PLAINTIFF engaged in protected activity.

62. Alternatively, DEFENDANT UNKNOWN EMPLOYEES terminated PLAINTIFF'S employment because PLAINTIFF engaged in protected activity.

63. As a result of being terminated, PLAINTIFF suffered damages, including emotional and psychological damages, pain and suffering, and lost wages.

WHEREFORE, PLAINTIFF prays for judgment against DEFENDANT HOSPITAL, DEFENDANT WICHEREK, DEFENDANT ANDERSON, and DEFENDANT UNKNOWN EMPLOYEES in an amount in excess of \$50,000, and such other additional relief as this Honorable Court deems just and equitable.

COUNT II
Retaliation in Violation of 740 ILCS 174/20.1
**(DEFENDANT HOSPITAL, DEFENDANT WICHEREK, DEFENDANT ANDERSON,
AND DEFENDANT UNKNOWN EMPLOYEES)**

64. PLAINTIFF re-alleges paragraphs 1-54 as though fully set forth herein.

65. PLAINTIFF attempted to disclose public corruption and/or wrongdoing.

66. In response, DEFENDANT HOSPITAL, through the INDIVIDUAL DEFENDANTS, took an action that was materially adverse to PLAINTIFF.

67. DEFENDANT HOSPITAL terminated PLAINTIFF, through the INDIVIDUAL DEFENDANTS, because PLAINTIFF attempted to disclose public corruption and/or wrongdoing.

68. Alternatively, DEFENDANT WICHEREK terminated PLAINTIFF because PLAINTIFF attempted to disclose public corruption and/or wrongdoing.

69. Alternatively, DEFENDANT ANDERSON terminated PLAINTIFF because PLAINTIFF attempted to disclose public corruption and/or wrongdoing.

70. Alternatively, DEFENDANT UNKNOWN EMPLOYEES terminated PLAINTIFF because PLAINTIFF attempted to disclose public corruption and/or wrongdoing.

71. As a result of being terminated, PLAINTIFF suffered damages, including emotional and psychological damages, pain and suffering, and lost wages.

WHEREFORE, PLAINTIFF prays for judgment against DEFENDANT HOSPITAL, DEFENDANT WICHEREK, DEFENDANT ANDERSON, and DEFENDANT UNKNOWN EMPLOYEES in an amount in excess of \$50,000, attorneys' fees, and such other additional relief as this Honorable Court deems just and equitable.

COUNT III
Respondeat Superior
(DEFENDANT HOSPITAL)

72. PLAINTIFF re-alleges paragraphs 1-71 as though fully set forth herein.

73. DEFENDANT HOSPITAL is the employer of DEFENDANT WICHEREK, DEFENDANT ANDERSON, and DEFENDANT UNKNOWN EMPLOYEES alleged above.

74. The aforesaid acts of DEFENDANT WICHEREK, DEFENDANT ANDERSON, and DEFENDANT UNKNOWN EMPLOYEES were committed in the scope of their employment, and, therefore, DEFENDANT HOSPITAL, as principal, is liable for the actions of its agents under the doctrine of *respondeat superior*.

WHEREFORE, should DEFENDANT WICHEREK, DEFENDANT ANDERSON, and/or DEFENDANT UNKNOWN EMPLOYEES, in their individual capacities, be found liable for any of the alleged counts in this cause, PLAINTIFF demands that, pursuant to the doctrine of *respondeat superior*, DEFENDANT HOSPITAL pay any judgment against DEFENDANT WICHEREK, DEFENDANT ANDERSON, and/or DEFENDANT UNKNOWN EMPLOYEES.

JURY DEMAND

PLAINTIFF demands trial by a twelve-person jury.

Respectfully submitted,

s/Jeffrey C. Grossich

Attorney for Plaintiff

Firm No. 33057

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SUPREME COURT RULE 222 AFFIDAVIT

I, Jeffrey C. Grossich, Esq., attorney for the Plaintiff, state under oath that the total money damages sought in this case are in excess of \$50,000.00.

Further Affiant Sayeth Naught.

s/Jeffrey C. Grossich

Attorney for Plaintiff

March 23, 2020

Date

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