

FILED DATE: 6/17/2020 1:26 PM 2020L006482

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

FILED
6/17/2020 1:26 PM
DOROTHY BROWN
CIRCUIT CLERK
COOK COUNTY, IL
9509074

Lizabeth Reglewski)	
)	
)	
Plaintiff(s),)	
)	Court No. 2020L006482
vs.)	
)	
)	
Landmark of DesPlaines)	
Rehabilitation and Nursing Center)	
LLC)	
)	
Defendant(s).)	

COMPLAINT AT LAW

Now Comes the PLAINTIFF, Lizabeth Reglewski, by and through her attorneys, The Burdelik Law Group, LLC, and complains of the DEFENDANT, Landmark of Des Plaines Rehabilitation and Nursing Center, LLC, "LOD," as follows:

FACTS COMMON TO ALL COUNTS

1. That on and before April 15, 2020, Plaintiff Lizabeth Reglewski, was an employee of LOD located at 9300 Ballard Road, Des Plaines, County of Cook, State of Illinois;
2. That at said time and place, LOD is a licensed long term nursing care facility for long term elderly and rehabilitation patients.
3. That at said place and time, Lizabeth Reglewski, was a Licensed Registered Nurse and the Director of Nursing;
4. That at said time and place, the defendant, LOD employed an agent, Jim Kouzios, the supervisor;
5. That as Director of Nursing, Plaintiff, reported the number of COVID 19 patients to her supervisor, Jim Kouzios, who then reported the same to the Illinois Department of Public Health;
6. That at all times, Jim Kouzios was an agent of LOD;

COUNT I WHISTLEBLOWER ACT 740 ILCS 174/15 (b)

7. Plaintiff realleges Paragraphs 1-6 as if fully set forth herein;
8. That on or about April 15, 2020, the defendant, LOD, by Jim Kouzios, wrongfully discharged Plaintiff and was guilty of one or more of the following acts or omissions in derogation of the Whistleblower Act 740 ILCS 174/15 (b) which states:

Sec, 15 Retaliation for certain disclosures prohibited.

(b) employer may not retaliate against employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of state or federal law, Rule, or regulation.

9. That LOD discharged Plaintiff after LOD reported a lesser number of Covid 19 patients to the Illinois Department of Public Health than the accurate higher number of cases.

10. That said discharge was in retaliation of Plaintiff's accurate reporting of Covid 19 patients;

11. That Plaintiff has reasonable cause to believe that Kouzios's underreporting violates state or federal law, Rule or regulation.

12. That as a direct and proximate result of defendant's said negligent acts or omissions at said time and place, the plaintiff sustained injury both personal and pecuniary in nature and will continue to experience emotional distress as a result of the injuries;

13. That as a direct and proximate result of defendant's said intentional acts or omissions at said time and place, the plaintiff sustained injury both personal and pecuniary in nature and will continue to experience emotional distress as a result of the injuries;

Wherefore, Plaintiff Prays this Honorable Court enter a judgment against the Defendant for Back Pay, Emotional Pain & suffering, Attorneys Fees in excess of \$50,000.00 and for other relief this Court deems just.

COUNT II WHISTLEBLOWER ACT 740 ILCS 174/20

12. Plaintiff realleges Paragraphs 1-6 as if fully set forth herein;

13. That on or about April 15, 2020, the defendant, LOD, by Jim Kouzios, wrongfully discharged Plaintiff and was guilty of one or more of the following acts or omissions in derogation of the Whistleblower Act 740 ILCS 174/20 which states:

Sec. 20. Retaliation for certain refusals prohibited. The employer may not retaliate against an employee for refusing to participate in an activity that would result in a violation of a State or federal law, rule, or regulation, including, but not limited to, violations of the freedom of information act.

14. That LOD discharged Plaintiff after she reported a greater number of Covid 19 patients to her LOD supervisor, Jim Kouzios Reported to the Illinois Department of Public Health;

15. That said discharge was in retaliation of her accurate reporting;

16. That Plaintiff has reasonable cause to believe that Kouzios's/LOD underreporting of Covid 19 cases to the Illinois Department of Public Health violates state or federal law, Rule or regulation.

17. That as a direct and proximate result of defendant's said negligent acts or omissions at said time and place, the plaintiff sustained injury both personal and pecuniary in nature and will continue to experience emotional distress as a result of the injuries;

18. That as a direct and proximate result of defendant's said intentional acts or omissions at said time and place, the plaintiff sustained injury both personal and pecuniary in nature and will continue to experience emotional distress as a result of the injuries;

Wherefore, Plaintiff Prays this Honorable Court enter a judgment against the Defendant for Back Pay, Emotional Distress, Attorneys Fees in excess of \$50,000.00 and for whatever other relief this Court deems just.

COUNT III WHISTLEBLOWER ACT 740 ILCS 174/15 20.1

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18. Plaintiff realleges Paragraphs 1-6 as if fully set forth herein;

19. That on or about April 15, 2020, the defendant, LOD, by Jim Kouzios, wrongfully discharged Plaintiff and was guilty of one or more of the following acts or omissions in derogation of the Whistleblower Act 740 ILCS 174/20.1 which states:

Other retaliation. Any other act or omission not otherwise specifically set forth in this act, whether within or without the workplace, also constitutes retaliation by an employer under this act if the act or omission would be materially adverse to a reasonable employee and is because of the employee disclosing or attempting to disclose public corruption or wrongdoing.

20. That LOD discharged Plaintiff after she reported a greater number of Covid 19 patients to her supervisor, Jim Kouzios, than he reported to the Illinois Department of Public Health;

21. That said discharge was in retaliation of her accurate reporting;

22. That Plaintiff has reasonable cause to believe that Kouzios's/LOD's underreporting violates state or federal law, Rule or regulation.

a. Failed to report the true number of COVID 19 cases to the Illinois Department of Public Health;

b. Intentionally underreported the cases of COVID 19 cases to the Illinois Department of Public Health;

c. Was otherwise acting against specific public policy.

23. That as a direct and proximate result of defendant's acts or omissions at said time and place, the defendant violated its obligation to report the true number of cases to the Illinois Department of Public Health.

23. That defendant retaliated against Plaintiff and wrongfully terminated her from employment and defendant chose to report a lesser number of COVID 19 patients to the Illinois Department of Public Health.

24. That as a direct and proximate result of defendant's said negligent acts or omissions at said time and place, the plaintiff sustained injury both personal and pecuniary in nature

and will continue to experience emotional distress as a result of the injuries;

12. That as a direct and proximate result of defendant's said intentional acts or omissions at said time and place, the plaintiff sustained injury both personal and pecuniary in nature and will continue to experience emotional distress as a result of the injuries;

Wherefore, Plaintiff Prays this Honorable Court enter a judgment against the Defendant for emotional distress, back pay, Attorneys Fees in excess of \$50,000.00 and for whatever other relief this Court deems just.

COUNT IV RETALIATORY DISCHARGE

25. Plaintiff realleges Paragraphs 1-6 as if fully set forth herein;

26. That LOD discharged Plaintiff;

27. That the discharge was in retaliation and in derogation of several clear mandates of public policy:

a) The Public Policy to maintain accurate reporting of the number of nursing home facilities' residents' infections with the highly contagious virus, Covid 19, to the Illinois Department of Public Health per guidelines 77 Ill. Adm. Code 690.1405 690.1405. Responsibilities and Duties of Health Care Providers; 77 Ill. Adm. Code 690.1405 690.1405. Information Sharing;

b) Impeded the Illinois Department of Public Health's ability to do its job mandated by 690.1315, Responsibilities and Duties of the Certified Local Health Department which states:

Currentness

a) The certified local health department shall, in coordination with the Department, administer and enforce the standards set forth in this Subpart.

b) The certified local health department shall have the authority to:

- 1) Investigate any case or suspected case of a reportable communicable disease or condition; and
- 2) Institute disease control and contamination control measures, including physical examination, testing,

counseling, treatment, vaccination, decontamination of persons, isolation, quarantine, inspection and closure of buildings and facilities, or other measures considered necessary.

c) The certified local health department shall be responsible for the surveillance and investigation of any dangerously contagious or infectious disease that occurs in its jurisdiction and shall report all surveillance and investigations to the Department.

(See Section 690.200.) In cooperation with the Department, the

certified local health department is responsible for instituting measures for disease control, which may include implementing the isolation, quarantine and closure orders of the Department.

d) For each reported case or suspected case of a reportable condition, the certified local health department shall assess the situation and, in consultation with the Department, identify the least restrictive means of controlling the transmission of the disease.

e) The certified local health department shall notify the Department upon issuing any order for isolation, quarantine or closure. The notification shall be made telephonically within 3 hours after issuance of the order unless 77 Ill. Adm. Code 690.1315 otherwise directed by the Department.

f) In consultation with local health care providers, health facilities, emergency management personnel, law enforcement agencies, animal control, schools, the local judicial system, and any other entity that the certified local health department considers necessary, the certified local health department shall establish plans, policies, and procedures for instituting and maintaining emergency measures necessary to prevent the spread of a dangerously contagious or infectious disease or contamination.

g) The certified local health department shall notify health care providers that are within the certified local health department's jurisdiction regarding the requirements of this Subpart.

c) Disregarded the Public Policy to adequately staff LOD:
Plaintiff warned LOD and Kouzios that they would be

lacking a sufficient number of nurses to adequately staff LOD in the coming days:

i. Kouzios' inaction to increase the nursing supply after Plaintiff specifically notified that his signature was needed on the contract with Maxim (nurse staffing) Agency and he failed to supply the same;

ii. Kouzios' cancelling a contract with a Nurse Staffing Agency after naming that Agency as backup nursing to assure the Federal Inspectors that LOD had a back up plan for a possible nursing shortage.

- d) The Public Policy to prevent sick health care workers from spreading the Covid 19 virus and other illnesses to the frail LOD residents/patients;
- e) Firing plaintiff for being sick: Plaintiff had a medically documented fever of 101 with Covid 19 symptoms that prohibited her from working;
- f) Failed to follow 77 Ill. Adm. Code 690.1320. (b) 1 and 2 because LOD was severely underreporting the Covid 19 cases of its staff and residents to the Illinois Department of Public Health. That Code states:

690.1320. Responsibilities and Duties of Health Care Providers

Currentness

- a) Every health care provider shall provide adequate, understandable instruction to the following persons in control measures designed to prevent the spread of disease:
 - 1) Each patient with a dangerously contagious or infectious disease who is under his or her care; and
 - 2) Other persons as appropriate to prevent the spread of disease.
- b) Every health care provider shall cooperate with the Department and the certified local health department during the investigation of:
 - 1) A case or suspected case of a dangerously contagious or infectious disease; and
 - 2) An outbreak or suspected outbreak of a dangerously contagious or infectious disease.
- g) Failed to follow 77 Ill. Adm. Code 690.1405. (a) and (b) because LOD was severely underreported the Covid 19 cases of its staff and residents to the Illinois Department of Public Health,

not staying current with the reports made by Plaintiff. That Code states:

77 Ill. Adm. Code 690.1405 690.1405. Information Sharing
Currentness

a) Whenever a certified local health department learns of a case of a reportable illness or health condition, an unusual cluster, or a suspicious event that may be the cause of a public health emergency as that term is defined in Section 4 of the Illinois Emergency Management Agency Act, it shall immediately notify the Department, the Illinois Emergency Management Agency, and the appropriate State and local law enforcement authorities.

b) Sharing of medical information on persons with reportable illnesses or health conditions, unusual disease or symptom clusters, or suspicious events between the Department, certified local health departments and law enforcement authorities shall be restricted to information necessary for the treatment, control of, investigation of, containment of, and prevention of a public health emergency, as that term is defined in Section 4 of the Illinois Emergency Management Act, or for criminal investigation or criminal prosecution of or arising out of that matter.

Wherefore, Plaintiff Prays this Honorable Court enter a judgment against the Defendant for emotional distress, Back Pay, Attorneys Fees in excess of \$50,000.00 and for whatever other relief this Court deems just.

COUNT V- LIBEL

28. That on April 15, 2020 and for some time prior thereto, Plaintiff was an employee with the title "Director of Nursing", of the Defendant, LOD;

29. That on April 15, 2020, LOD terminated Plaintiff and wrote an "Employee Disciplinary Action Form" attached hereto as exhibit A;

30. That in exhibit A, there are numerous false statements regarding the work ethic and character of Plaintiff that show her in a bad light and are defamatory;

a) That Plaintiff was never counseled several times previously on the importance of maintaining an accurate/updated nurse schedule;

b) That Plaintiff did not put out an inaccurate master schedule that was not updated with the actual nurses that were to be scheduled that day;

- b) That Plaintiff was never counseled about the ADON covering a shift;
- c) That Plaintiff was never reminded about leaving the second floor of LOD unattended;
- d) That Plaintiff was never insubordinate;
- e) That Plaintiff was never irresponsible in her actions regarding LOD.

31. That LOD published exhibit A to 3rd persons;

32. That Plaintiff's co-workers are aware of her termination for unjust and untrue reasons;

33. That such false statements put Plaintiff, as a person and as a professional, in a false and defamatory light, and cause her mental anguish, emotional distress and irreparable harm.

WHEREFORE, Plaintiff prays this Honorable Court enter a judgment against the defendant in a sum exceeding \$50,000.00 for compensatory damages and Punitive damages and for other damages as this court sees fit.

Respectfully Submitted,

s/ Mary Kay Burdelik

Mary Kay Burdelik
Attorney for Plaintiff

The Burdelik Law Group, LLC
166 West Washington Suite 200
Chicago, Illinois 60602
(312)263-4411
notices@burdeiklaw.com
Cook County No.42206