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Judge allows suit vs. clerk to continue

Wednesday, June 22, 2016
 Chicago Daily Law Bulletin
 by Patricia Munson

A federal judge has cleared the way for two employees to pursue a lawsuit against the Cook County circuit clerk over the clerk's hiring practices.

U.S. Magistrate Judge Maria G. Valdez did not rule on the merits of a lawsuit filed by Maria Milbrandt and Esther Zepeda. But she rejected the clerk's argument that the women waited too long to sue.

Milbrandt and Zepeda allege that Circuit Clerk Dorothy A. Brown was providing jobs and promotions to people of Indian or Pakistani descent in return for cash payments.

Valdez acknowledged that a two-year deadline applies to bringing a claim under the Civil Rights Act, 42 U.S.C. Section 1983.

And she acknowledged that Milbrandt and Zepeda's allegations extend back as early as 2001 — 14 years before they filed their lawsuit.

But the women maintain they were not aware of the alleged system until recently, Valdez wrote.

The women's first amended complaint alleges Zepeda was told by a "reliable source" — a co-worker of Indian descent — that money was being paid for employment and advancement.

The complaint also alleges a "reliable source" told Milbrandt in July 2014 that a former chief deputy clerk was given his position in return for a relative's \$50,000 payment to Brown.

Construed in the light most favorable to the plaintiffs, Valdez wrote, citing *Savory v. Lyons*, 469 F.3d 667 (7th Cir. 2006), "the claim accrued within the two-year statute of limitations period."

Valdez also declined to dismiss a Section 1983 claim against Cook County based on the purported system of hiring and promotion.

Milbrandt and Zepeda adequately allege the existence of a pattern or practice of paying Brown for career opportunities, Valdez wrote.

"While the complaint relates only two incidents in which plaintiffs were told about the 'pay to play' system," she wrote, "that is not the same as alleging that the system was only implemented on two occasions."

The lead attorney for Milbrandt and Zepeda is Nejla K. Lane of Lane Keyfli Law Ltd.

In an e-mail, Lane said Valdez "did the right thing."

Her clients continue to face discrimination and harassment and to be denied the chance to advance, Lane contended.

"Too much discrimination and human rights, quality of life violations exist even to this date," she wrote.

She contended pay-to-play in Brown's office was "the norm" until the FBI began an investigation within the past two years.

The lead attorneys for Brown and the county are Cook County Assistant State's Attorneys John E. Murray and Kevin W. Frey.

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In an e-mail statement, Brown spokeswoman Jalyne R. Strong said the clerk “finds these allegations baseless.”

Brown, Strong continues, “has nothing further to add regarding this ongoing litigation, which is being handled by our attorney.”

Milbrandt and Zepeda still work in the clerk’s office at the 3rd Municipal District courthouse in Rolling Meadows. Milbrandt is from Mexico and Zepeda is from El Salvador.

They allege they were denied promotions and cross-training and subjected to a hostile work environment because of their national origin.

They also allege their supervisors targeted them with emotionally distressing scrutiny and harassing remarks.

And they allege they were denied equal protection of the law because of the purported pay-to-play scheme.

In her opinion Monday, Valdez dismissed some of their claims, included counts accusing the clerk of intentional infliction of emotional distress.

Valdez held that such claims based solely on the discrimination allegations are pre-empted by the Illinois Human Rights Act.

But the claims based on the insults and constant scrutiny the women allegedly endured may move forward, she held.

The case is *Maria Milbrandt, et al., v. Dorothy Brown, et al.*, No. 15 C 7050.

This week’s ruling came two months after a former Brown employee pleaded guilty to lying to a federal grand jury investigating pay-to-play allegations in the office.

The perjury charge against Sivasubramani Rajaram of Glenview alleged that he made a \$15,000 loan to a company run by Brown’s husband in return for a job as a level-four senior clerk. In his plea agreement, Rajaram admitted to offering false testimony regarding personal contact with Brown after his hiring in 2014. *United States v. Sivasubramani Rajaram*, No. 15 CR 692.

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