

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

EMERY J. YOST,)	
)	
Plaintiff,)	
)	
v.)	No. 12 C 1074
)	
CITY OF CHICAGO, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

Emery Yost ("Yost") has just sued the City of Chicago and its Park District, asserting federal claims of asserted employment discrimination and related state law claims. This memorandum order is issued sua sponte because of one problematic aspect of Yost's Complaint.

Complaint ¶12 and EEOC's right-to-sue letter (attached as part of Complaint Ex. 1) both reflect a November 14, 2011 issuance and mailing date, and the letter (as always) sets out the statutory requirement that suit must be filed within 90 days of Yost's receipt of the notice.¹ But Yost's lawyer did not file the Complaint until February 14, 2012--92 days after the letter's issuance.

Because it would seem likely that Yost's receipt (the controlling fact) was indeed within the relevant 90-day time

¹ Indeed, the "WITHIN 90 DAYS" requirement is emphasized in three ways--it is in boldface type, it is underlined and both words (as indicated in this footnote) are printed entirely in capital letters.

frame, this Court is contemporaneously issuing its customary order setting a status hearing date and prescribing the litigants' responsibilities before that status date. But in the meantime Yost's counsel is ordered to file an amendment to Complaint ¶12 (not a full-blown Amended Complaint) on or before February 27, 2012 specifying Yost's date of receipt of the EEOC letter.



Milton I. Shadur
Senior United States District Judge

Date: February 16, 2012