

Under established caselaw the transmittal of a right-to-sue letter to a lawyer who represents a complaining employee or ex-employee starts the statutory 90-day clock running (Reschny v. Elk Grove Plating Co., 414 F.3d 821, 823 (7th Cir. 2005) and cases cited there). Here nothing suggests that attorney Julie Herrera ("Herrera"), who represented Sisic before the EEOC so that the agency naturally transmitted the letter to Herrera, was not representing Sisic when the letter was received (see DeTata v. Rollprint Packaging Prods. Inc., 632 F.3d 962, 970 (7th Cir. 2011) for a discussion of that possibility). Because nothing of that nature is even hinted at here -- indeed, the attached affidavit by the lawyer who filed this action certainly appears to negate that possibility -- the record must be treated as reflecting an out-of-time filing of this lawsuit.

Accordingly both the Complaint and this action must be and are dismissed. If despite the current filing by Sisic's counsel there is some explanation that calls for a different result, Fed. R. Civ. P. 59(e) provides a nonextendable 28-day window within which to file a motion to alter or amend this dismissal.



Milton I. Shadur
Senior United States District Judge

Date: October 29, 2015

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

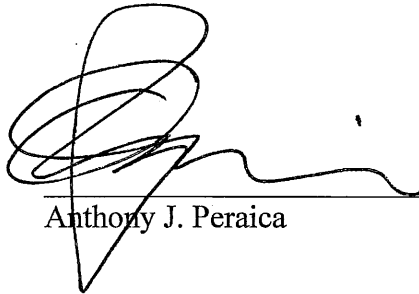
ISMETA SISIC,)
)
 Plaintiff,)
)
 v.) No. 15 cv 8822
)
 THE MILLARD GROUP, INC.,)
)
 Defendant.)

STATEMENT OF RECEIPT OF EEOC RIGHT TO SUE

Pursuant to Judge Milton Shadur's October 26, 2015 order, Anthony J. Peraica, being duly sworn upon under oath, deposes and states as follows:

1. I am lead counsel for the Plaintiff, Ismeta Susic.
2. I had received the EEOC letter from Ismeta Susic on October 3, 2015.
3. The documents provided by Ismeta Susic were unclear as to actual date when her former attorney, Julie O'Herrera, received the Right to Sue Letter.

Further Affiant Sayeth Not.

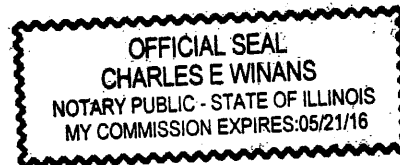


Anthony J. Peraica

Signed and Sworn to before me
this 28th Day of October, 2015



Notary Public



ATTACHMENT