

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SALVATORE ZICCARELLI,

Plaintiff,

V.

**THOMAS J. DART, Sheriff of Cook County,
Illinois and COOK COUNTY, ILLINOIS, a
Municipal Corporation and Body Politic,
WYOLA SHINNAWI,**

Defendants.

Case No. 17 C 3179

Hon. John J. Tharp, Jr.

FINAL PRETRIAL ORDER

This matter having come before the Court at a pretrial conference held pursuant to Fed. R. Civ. P. (“Rule”) 16, and Kenneth Flaxman and Joel Flaxman having appeared as counsel for plaintiff and Kathleen Ori and Nazia Hasan having appeared as counsel for defendants, the following actions were taken:

(1) This is an action for interference under the Family and Medical Leave Act of 1993 (“FMLA”), 29 U.S.C. § 2601 and the jurisdiction of the court is invoked under 28 U.S.C. § 1331. Jurisdiction is not disputed.

(2) The trial attorneys are as follows:

Plaintiff's Attorneys

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Defendants' Attorneys

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C: (312) 953-1313 Hasan

(3) Case Statement (subject to the Court’s ruling on defendants’ motion regarding the role of defendant Cook County in this litigation)

This case involves a federal statute known as the “Family and Medical Leave Act” or “FMLA.” The statute allows employees to take up to 12 weeks of unpaid, job-protected leave in a 12-month period for certain family and medical reasons.

The plaintiff Salvatore Zicarelli was employed by the defendant[s] Sheriff of Cook County [and Cook County] as a Correctional Officer at the Cook County Jail. For several years, the Sheriff’s Office authorized Zicarelli to take FMLA leave. Zicarelli submitted an FMLA leave request each year through 2016 and the Sheriff’s Office approved it. During this time, Wylola Shinnawi was the Cook County Sheriff’s Office’s FMLA Leave Manager

In September 2016, Zicarelli spoke with Wylola Shinnawi on the telephone. Their conversation was not recorded. The parties disagree about the contents of this conversation. Shortly after, on September 20, 2016, Zicarelli resigned from employment as a Correctional Officer.

Zicarelli contends that Shinnawi discouraged him from taking FMLA leave and that this caused him to resign. The Sheriff and [Cook County deny] [denies] this.

(3) Witness Lists:

a. Witnesses who will be called to testify at trial:

- i. Salvatore Zicarelli
- ii. Wylola Shinnawi
- iii. Dr. Danish Hangora
- iv. Rosemarie Nolan
- v. Amar Patel

b. Witnesses who may called to testify at trial:

None.

c. Witnesses whose deposition testimony may be presented at trial:

None.

(4) Exhibit Lists are attached hereto as Schedule A.

(5) Plaintiff's damage itemization is as follows:

Lost Wages (to January 19, 2024) \$556,109.10

Compensation for Lost Health Insurance (\$1000/month) \$87,000

Reinstatement [equitable relief to be decided by the Court]

(6) The parties file their motions in limine as separate docket entries.

(7) The proposed voir dire questions are attached as Schedule B.

(8) The proposed jury instructions are attached as Schedule C with objections noted.

The Court set December 15, 2023 as the date that each party must file responses and/or objections to the motions in limine. Objections to voir dire questions and jury instructions must be filed by December 8, 2023. Objections to motions in limine, jury instructions, and proposed voir dire questions **MAY BE DEEMED WAIVED** if not timely filed.

Entered:

John J. Tharp, Jr.
United States District Judge

Date: _____