

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DAVID BOURKE, )  
Plaintiff, )  
v. ) No. 22 C 3164  
DENIS McDONOUGH, Secretary, U.S. ) Judge Kennelly  
Department of Veterans Affairs, )  
Defendant. )

**JOINT STIPULATION**

Plaintiff, David Bourke, and defendant Denis McDonough, Secretary, U.S. Department of Veterans Affairs, through their undersigned attorneys, jointly stipulate and agree to the following:

1. Bourke alleges in paragraph 14 of his complaint, that the VA “provided plaintiff with a reasonable accommodation for his disability in July of 2020 when it provided plaintiff with a lift that allowed him to ride on his electric scooter between his car and workplace.” Dkt. 1.
2. Bourke does not claim that any failure or delay relating to the installation of the lift was a violation of the Rehabilitation Act.
3. Bourke’s Rehabilitation Act claim turns on his alleged inability to access his reasonable accommodation parking space during COVID-19-related door access restrictions at the Hines VA facility. The core of Bourke’s claim is that the VA did not engage in an appropriate interactive process in choosing which doors to close and in evaluating ways to accommodate Bourke’s disability in connection with the door closures.
4. Insofar as the complaint may be read to state a claim under the Rehabilitation Act relating to the installation of the lift, Bourke hereby knowingly and intentionally withdraws and waives any such claim.

Respectfully submitted,

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