

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,

MORRIS PASQUAL
Acting United States Attorney

By: s/ Nicole Flores
NICOLE FLORES
Assistant United States Attorney
219 South Dearborn Street
Chicago, Illinois 60604
(312) 886-9082
nicole.flores3@usdoj.gov

s/ Kenneth N. Flaxman (with consent)
KENNETH N. FLAXMAN
ARDC No. 830399
Joel A. Flaxman
200 S. Michigan Ave., Ste. 201
Chicago, Illinois 60604
(312) 427-3200
Attorneys for plaintiff