

**COOK COUNTY COMMISSION ON HUMAN RIGHTS**  
69 West Washington Street, Suite 3040  
Chicago, Illinois 60602

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Nanette LIEGEOIS, Complainant	)	
	)	
v.	)	Case No. 2013E006
	)	
NORTHWEST DERMATOLOGY, S.C.,	)	Entered: November 6, 2014
SUSAN LIEBOVITZ & JEAN	)	
BACARELLA, Respondents	)	

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**ORDER**

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On June 28, 2013, Complainant Nanette Liegeois (“Liegeois”) filed a complaint against her former employer, Respondent Northwest Dermatology, S.C. (“Northwest”), as well as Northwest’s President and Office Manager, Respondents Susan Liebovitz and Jean Bacarella, respectively (collectively, “Respondents”). Liegeois alleges retaliatory discharge after she supposedly discovered and thwarted Respondents’ attempt to unlawfully discriminate against another employee. The Cook County Commission on Human Rights (“Commission”) has not yet made an evidence determination with respect to this matter, but on August 27, 2014, Liegeois’s attorney, Kevin O’Connor (“O’Connor”), represented to Commission staff that Liegeois no longer wishes to pursue her claim before the Commission.

To effect Liegeois’s wishes, Commission staff emailed a Withdrawal Request Form to O’Connor on August 27, 2014. Commission staff did not receive an executed Withdrawal Request Form, and called O’Connor on September 8, 2014 to obtain an updated status. When O’Connor did not return the voicemail, Commission staff emailed him. On September 22, 2014, Liegeois’s attorney returned that email with an apology that Liegeois was out of the country, but promised to obtain her signature on the Withdrawal Request Form shortly. After not hearing from O’Connor again for several weeks, Commission staff once more followed up with an email on October 10, 2014 requesting the executed Withdrawal Request Form. Nearly a month later, Liegeois’s attorney has yet to respond to that email, revoke his client’s request to withdraw or independently provide the Commission with an executed Withdrawal Request Form.

The Commission’s Procedural Rules state that “[a] Complainant may request to withdraw a Complaint or any part thereof at any time.” CCHR Pro. R. 420.160. If the request is knowingly and voluntarily made, the Commission approves the request and enters an order dismissing the complaint. *Id.* The Commission’s Procedural Rules typically require that a complainant’s request to withdraw be in writing and signed by the complainant or his or her attorney of record, *see id.*, however, the Commission waives this requirement of a written withdrawal in cases where a complainant confirms his or her oral representation of a desire to withdraw with a voluntary action. *See, e.g., Austin v. Sears, Roebuck & Co.*, 2010PA001

(CCHRC Feb. 5, 2014); *Carter v. Cook County Sheriff's Office*, 2011E020 (CCHRC Oct. 21, 2013); *Mallette v. Cook County Health & Hospitals System*, 2012E012 (CCHRC Jan. 6, 2014). Such voluntary action can include failing to return a Withdrawal Request Form after being provided ample opportunity to do so. *Uzokwe v. Historic Manor Condominium Assoc., et al.*, 2006H008, \*1 (CCHRC Mar. 27, 2014); *Sleper v. Maduff & Maduff*, 2007E001 (CCHRC June 23, 2014). Moreover, the Commission presumes that requests to withdraw advanced by counsel for the complainant are made with legal advice and, as such, are knowing and voluntary. *See Melzer v. Lyman & Nielsen, LLC*, 2008E054 (CCHRC June 19, 2014) (legal advice is a sufficient condition for a knowing and voluntary withdrawal).

For the foregoing reasons, the Commission hereby grants Liegeois's request to withdraw and orders that complaint 2013E006 be DISMISSED pursuant to a VOLUNTARY WITHDRAWAL.

November 6, 2014

By delegation:

A handwritten signature in black ink, appearing to read "R. Hakim", written in a cursive style.

Ranjit Hakim  
Executive Director of the Cook County  
Commission on Human Rights