

FILED

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

OCT 31 2023 SMB

**THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT**

JERICO MATIAS CRUZ,)	
)	
)	Case No.: 1:22-cv-01858
Plaintiff,)	
)	
v.)	Judge Matthew F. Kennelly
)	
CITY COLLEGES OF CHICAGO et al.,)	
)	
Defendant(s).)	
)	

PRO SE PLAINTIFF JERICO MATIAS CRUZ'S RESPONSE TO DEFENDANTS CITY COLLEGES OF CHICAGO et al.'s MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM PURSUANT TO FED. R. CIV. P. 7(a)(7) AND SECTION 504 OF THE REHABILITATION ACT OF 1973

NOW COMES pro se Plaintiff Jerico Matias Cruz moves this district court with response to Defendants City Colleges of Chicago et al.'s motion to dismiss for failure to state a claim pursuant to Fed. R. Civ. P. 7(a)(7) and Section 504 of the Rehabilitation Act of 1973, in support thereof, and states as follows:

BACKGROUND

1. Pro Se Plaintiff Jerico Matias Cruz's scheduled appointments from January 2021 to December 2021 are canceled and rescheduled appointments from 2019 and 2020 scheduled appointments, while he is under the Compensated Work Therapy ("CWT") program at the Jesse Brown Veterans Affairs Medical Center, which is

located at 810 S Damen Ave, Chicago, Illinois 60612, during the COVID-19 Pandemic; however, the definition of compensated does not mean pro se Plaintiff Jerico Matias Cruz is being compensated whenever pro se Plaintiff Jerico Matias Cruz has a scheduled appointment at the Jesse Brown Veterans Affairs Medical Center between January 2021 and December 2021; *Jesse Brown Veterans Affairs Medical Center reimburses all travel expenses and meal expenses of pro se Plaintiff Jerico Matias Cruz per scheduled appointment in courtesy of his military service to the United States Army Special Operations, United States Army, United States Army Reserve, and the Illinois Army National Guard for more than 10 years. See Exhibit D.*

2. Prior to 2021 Fall Semester, pro se Plaintiff Jerico Matias Cruz has completed the prerequisites courses for Engineering Physics II, such as Calculus I and II, and Engineering Physics I with Laboratory. *See Dkt.1, Original Complaint's Exhibit F.*
3. On or about May 2009, pro se Plaintiff Jerico Matias Cruz completes his Bachelor of Arts in Economics from Northeastern Illinois University.
4. On or about August 2011, pro se Plaintiff Jerico Matias Cruz completes his post-baccalaureate studies or graduate studies of 40-semester credit hours from University of Illinois at Urbana-Champaign, specializing in Master of Science in Policy Economics.
5. On or about May 2015, pro se Plaintiff Jerico Matias Cruz is a non-degree seeking

student but has been awarded by Harry S. Truman College - City Colleges of Chicago, with Associate Degree.

6. On or about February 5, 2021 at 1:00 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with mental health clinic - biofeedback at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*
7. On or about February 19, 2021 at 9:00 AM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with dental clinic at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*
8. On or about February 22, 2021 at 9:00 AM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with neuropsychology clinic at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*
9. On or about March 5, 2021 at 10:00 AM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with dental clinic at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*
10. On or about March 9, 2021 at 9:00 AM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with ear, nose and throat clinic at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*
11. On or about March 10, 2021 at 10:20 AM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with specialty clinic - sleep at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*

12. On or about May 7, 2021 at 1:00 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with mental health clinic - biofeedback at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*
13. On or about May 12, 2021 at 1:00 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with mental health clinic - individual psychotherapy session at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*
14. On or about May 12, 2021 at 2:00 PM CST, pro se Plaintiff Jerico Matias Cruz has an emergency with red clinic at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*
15. On or about May 13, 2021 at 11:00 AM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with neuropsychology clinic at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*
16. On or about May 17, 2021, the Illinois Governor's Executive Order 2021-10 reiterates and enumerates the requirements for places of public accommodation, such as, schools, libraries, hospitals and other publicly-funded governmental entities in the State of Illinois. *See Exhibit E.*
17. On or about May 19, 2021 at 9:00 AM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with ear, nose and throat clinic at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*
18. On or about June 11, 2021 at 12:30 AM CST, pro se Plaintiff Jerico Matias Cruz

has a scheduled appointment with dental clinic at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*

19. On or about June 16, 2021 at 1:00 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with mental health clinic - individual psychotherapy session at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*

20. On or about June 25, 2021 at 2:00 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with dermatology clinic at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*

21. On or about June 30, 2021 at 11:00 AM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with audiology clinic at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*

22. On or about July 6, 2021 at 10:00 AM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with specialty clinic - sleep at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*

23. On or about July 14, 2021 at 1:00 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with mental health clinic - individual psychotherapy session at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*

24. On or about July 16, 2021 at 12:30 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with dental clinic at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*

25. On or about July 27, 2021 at 11:00 AM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with specialty clinic - sleep at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*
26. On or about July 31, 2021 at 1:00 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with his primary provider or doctor at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*
27. On or about August 17, 2021 at 8:00 AM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with audiology clinic at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*
28. On or about August 30, 2021, Defendants City Colleges of Chicago et al. have listed Defendant Jeffrey Schmitz's Engineering Physics II, Physics 236, Catalog Nos. 30094 and 30095 , Sections OQS & OQSX - Engineering Physics II: Electricity & Magnetism plus Laboratory for 2021 Fall Semester, as "Off-Campus Buildings Zoom" for the location of the class and as the "Class Notes" states, "This class will be held remotely as the scheduled class time. Students should plan to participate in live (synchronous) Zoom class meetings and instructional activities during each scheduled class day at the times listed in the schedule. Students are expected to participate regularly in the course based on the requirements outlined in the course syllabus." *See Exhibit F.*
29. On or about August 30, 2021 at 6:00 PM CST, pro se Plaintiff Jerico Matias Cruz

has a scheduled Zoom class for Engineering Physics II with Defendant Jeffrey Schmitz as specifically stated in Engineering Physics II's Syllabus for 2021 Fall Semester; Defendant Jeffrey Schmitz's Zoom class for Engineering Physics II is video-recorded between August 30, 2021 and December 13, 2021. *See Exhibit C.*

30. On or about August 31, 2021 at 8:00 AM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with mental health clinic - individual therapy session at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*

31. On or about September 10, 2021 at approximately 7:00 PM CST, pro se Plaintiff Jerico Matias Cruz is physically and medically transported by the City of Chicago Department of Fire EMS or Paramedics to the Department of Emergency of the Jesse Brown Veterans Affairs Medical Center. *See Exhibit B.*

32. On or about September 14, 2021 at 12:52 PM CST, the United States Department of Veterans Affairs, Benefits Veterans Administration, Education Benefits-Post 9/11 GI Bill, automatically emails (via va-once@vba.va.gov) pro se Jerico Matias Cruz about the certification of Engineering Physics II on behalf of the certifying official or financial aid officer at the Defendant City Colleges of Chicago - Wilbur Wright College. *See Dkt.1, Original Complaint's Exhibit G.*

33. On or about September 21, 2021 at 1:00 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment mental health clinic - individual therapy session at the Jesse Brown Veterans Affairs Medical Center. *See Exhibit A.*

34. On or about September 22, 2021, pro se Plaintiff Jerico Matias Cruz sends an electronic mail (“Email”) to Mrs. Sophie Levandowski, the Director of Disability Access Center at the Defendant City Colleges of Chicago - Wilbur Wright College, about request for academic accommodation due to “unexpected legal and medical events”. See Dkt.1, Original Complaint’s Exhibit B.
35. On or about September 29, 2021 at 6:05 PM CST with Submission ID: 1827377, pro se Plaintiff Jerico Matias Cruz completes his first virtual laboratory entitled “Electrostatics Lab” and timely submits it to the Defendant City Colleges of Chicago’s BrightSpace in particular with Engineering Physics II on behalf of Defendant Jeffrey Schmitz as the named and assigned instructor; pro se Plaintiff Jerico Matias Cruz has no access to class materials and WebAssign from www.cengage.com between August 30, 2021 and October 3, 2021. See Dkt.1, Original Complaint’s Exhibit D.
36. On or about October 1, 2021 at 2:00 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with physical therapy clinic at the Jesse Brown Veterans Affairs Medical Center. See Exhibit A.
37. On or about October 3, 2021, pro se Plaintiff Jerico Matias Cruz has accessed to Cengage WebAssign upon purchasing the required textbook entitled “Webassign Instant Access for Serway/Jewett’s Physics for Scientists and Engineers,” Single-Term, 10th Edition, with ISBN-13: 978-1-337-69928-0, Digital, with Order

No. 2569856708486, and with a total cost of \$100.00 from www.cengage.com. *See* Dkt.1, Original Complaint's Exhibit D.

38. On or about October 3, 2021 at 2:44 PM CST with Submission ID: 1838067, pro se Plaintiff Jerico Matias Cruz completes Engineering Physics II's Examination No. 1 and timely submits it to Defendant City Colleges of Chicago's BrightSpace in particular with Engineering Physics II on behalf of Defendant Jeffrey Schmitz as the named and assigned instructor; pro se Plaintiff Jerico Matias Cruz has no access to class materials and WebAssign from www.cengage.com upon completion of his Engineering Physics II's Examination No. 1. *See* Dkt.1, Original Complaint's Exhibit D.

39. On or about October 8, 2021 at 8:30 AM CST, pro se Plaintiff Jerico Matias Cruz has an emergency with red clinic by phone at the Jesse Brown Veterans Affairs Medical Center. *See* Exhibit A.

40. On or about October 8, 2021 at 1:00 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with physical therapy clinic at the Jesse Brown Veterans Affairs Medical Center. *See* Exhibit A.

41. On or about October 8, 2021 at 2:00 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with chiropractor clinic at the Jesse Brown Veterans Affairs Medical Center. *See* Exhibit A.

42. On or about October 8, 2021 at 4:41 PM CST, pro se Plaintiff Jerico Matias Cruz

has an emergency at the Jesse Brown Veterans Affairs Medical Center. *See* Exhibit A.

43. On or about October 12, 2021, Ms. Leilani Mota, the Coordinator of the Disability Access Center at the Defendant City Colleges of Chicago - Wilbur Wright College, emails and attaches the approved Letter of Accommodation for 2021 Fall Semester to pro se Plaintiff Jerico Matias Cruz's CCC Student Email, jacruz156@student.ccc.edu, on behalf of Mrs. Sophie Levandowski, cc' to her email. *See* Dkt.1, Original Complaint's Exhibit B.
44. On or about October 19, 2021 at 1:00 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with physical therapy clinic at the Jesse Brown Veterans Affairs Medical Center. *See* Exhibit A.
45. On or about October 27, 2021 at 1:00 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with mental health clinic - individual psychotherapy session at the Jesse Brown Veterans Affairs Medical Center. *See* Exhibit A.
46. On or about October 28, 2021 at 1:30 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with chiropractor clinic at the Jesse Brown Veterans Affairs Medical Center. *See* Exhibit A.
47. On or about October 29, 2021 at 3:00 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with physical therapy clinic at the Jesse Brown

Veterans Affairs Medical Center. *See* Exhibit A.

48. On or about October 30, 2021 at 1:06 AM CST with Submission ID:1937690, pro se Plaintiff Jerico Matias Cruz completes his second virtual laboratory entitled “Charges and Field Lab” and timely submits it to the Defendant City Colleges of Chicago’s BrightSpace in particular with Engineering Physics II on behalf of Defendant Jeffrey Schmitz as the named and assigned instructor; pro se Plaintiff Jerico Matias Cruz has no access to class materials and WebAssign from www.cengage.com between August 30, 2021 and October 3, 2021. *See* Dkt.1, Original Complaint’s Exhibit D.

49. On or about October 30, 2021 at 1:14 PM CST with Submission ID: 1937697, pro se Plaintiff Jerico Matias Cruz completes his third virtual laboratory entitled “Parallel and Series Lab” and timely submits it to the Defendant City Colleges of Chicago’s BrightSpace in particular with Engineering Physics II on behalf of Defendant Jeffrey Schmitz as the named and assigned instructor; pro se Plaintiff Jerico Matias Cruz has no access to class materials and WebAssign from www.cengage.com between August 30, 2021 and October 3, 2021. *See* Dkt.1, Original Complaint’s Exhibit D.

50. On or about October 31, 2021 at 9:57 PM CST with Submission ID: 1941576, pro se Plaintiff Jerico Matias Cruz completes Engineering Physics II’s Examination No. 2 and timely submits it to Defendant City Colleges of Chicago’s BrightSpace

in particular with Engineering Physics II on behalf of Defendant Jeffrey Schmitz as the named and assigned instructor; pro se Plaintiff Jerico Matias Cruz has no access to class materials and WebAssign from www.cengage.com between August 30, 2021 and October 3, 2021. See Dkt.1, Original Complaint's Exhibit D.

51. On or about November 2, 2021 at 3:00 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with mental health clinic - individual psychotherapy session at the Jesse Brown Veterans Affairs Medical Center. See Exhibit A.

52. On or about November 3, 2021 at 1:00 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with chiropractor clinic at the Jesse Brown Veterans Affairs Medical Center. See Exhibit A.

53. On or about November 12, 2021 at 1:00 PM CST, pro se Plaintiff Jerico Matias Cruz has missed his scheduled appointment with physical therapy clinic at the Jesse Brown Veterans Affairs Medical Center and needs to reschedule it. See Exhibit A.

54. On or about November 24, 2021 at 7:12 PM CST with Submission ID: 2028187, pro se Plaintiff Jerico Matias Cruz completes Engineering Physics II's Examination No. 3, which is a final comprehensive exam, and timely submits it to Defendant City Colleges of Chicago's BrightSpace in particular with Engineering Physics II on behalf of Defendant Jeffrey Schmitz as the named and

assigned instructor; pro se Plaintiff Jerico Matias Cruz has no access to class materials and WebAssign from www.cengage.com between August 30, 2021 and October 3, 2021. See Dkt.1, Original Complaint's Exhibit D.

55. On or about December 2, 2021 at 1:00 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment with chiropractor clinic at the Jesse Brown Veterans Affairs Medical Center. See Exhibit A.

56. On or about December 8, 2021 at 2:00 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment mental health clinic - individual therapy session at the Jesse Brown Veterans Affairs Medical Center. See Exhibit A.

57. On or about December 13, 2021, pro se Plaintiff Jerico Matias Cruz and his classmates takes Defendant Jeffrey Schmitz's Departmental Final Exam on setup on Defendant City Colleges of Chicago - Wilbur Wright College's BrightSpace Departmental Final Exam, which is a comprehensive examination of Engineering Physics II between Chapters 22 and 32 of Cengage WebAssign's textbook: Physics for Scientists and Engineers with Modern Physics, 10th Edition by Serway & Jewett with ISBN-13: 978-1-337-69928-0. Defendant Jeffrey Schmitz's Engineering Physics II Syllabus for 2021 Fall Semester has the same edition but different ISBN number. See Dkt.1, Original Complaint's Exhibit D; Exhibit C.

58. On or about December 20, 2021 at 12:20 PM CST, pro se Plaintiff Jerico Matias Cruz has a scheduled appointment dermatology clinic at the Jesse Brown

Veterans Affairs Medical Center. *See* Exhibit A.

59. On or about January 16, 2022, pro se Plaintiff Jerico Matias Cruz submits the final grade appeal to Defendant City Colleges of Chicago - Wilbur Wright College, Department of Physical Science and Engineering for Engineering Physics II, Physics 236, Catalog Nos. 30094 and 30095 , Sections OQS & OQSX - Engineering Physics II: Electricity & Magnetism plus Laboratory, and for 2021 Fall Semester. *See* Dkt.1, Original Complaint, Exhibit A.
60. On or about February 8, 2022, Defendant Jeffrey Schmitz denies pro se Plaintiff Jerico Matias Cruz's final grade appeal with misspelled First Name, which is questionable, whether this signature is enforceable, voidable, or void under civil contract law. *See* Dkt.1, Original Complaint's Exhibit A.
61. On or about February 11, 2022, Defendant Soma Dey neither denies nor approves pro se Plaintiff Jerico Matias Cruz's final grade appeal, and no signature is visible on pro se Plaintiff Jerico Matias Cruz's final grade appeal form. *See* Dkt.1, Original Complaint's Exhibit A.
62. On or about February 11, 2022, Defendant Gabe Estill signs pro se Plaintiff Jerico Matias Cruz's final grade appeal form, but Defendant Gabe Estill includes "on behalf of Soma Dey," which is not true; Defendant Gabe Estill can sign pro se Plaintiff Jerico Matias Cruz's final grade appeal form with or without Defendant Soma Dey. *See* Dkt.1, Original Complaint's Exhibit A.

63. On or about February 25, 2022, Defendant Pamela Monaco denies pro se Plaintiff Jerico Matias Cruz's final grade appeal. See Dkt.1, Original Complaint's Exhibit A.
64. On or about April 8, 2022, pro se Plaintiff Jerico Matias Cruz electronically files his complaint for violation of constitutional rights in particular with educational opportunities discrimination against Defendants City Colleges of Chicago et al. to the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division via email. Dkt.1.
65. On or about April 8, 2022, pro se Plaintiff Jerico Matias Cruz electronically files his application to proceed in forma pauperis to the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, via Email. Dkt.3.
66. On or about April 11, 2022, the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, assigns this federal civil rights case to the Honorable Matthew F. Kennelly, Judge, Presiding. Dkt.5.
67. On or about September 26, 2022, Honorable Matthew F. Kennelly, Judge, Presiding, grants pro se Plaintiff Jerico Matias Cruz's application to proceed in forma pauperis, and dismisses Defendants Jeffrey Schmitz, Soma Dey, Gabe Estill, and Pamela Monaco; the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, is directed to serve the summons to Juan Salgado, Chancellor of City Colleges of Chicago; the United States

Marshals Service is appointed to serve the summons and complaint; and pro se Plaintiff Jerico Matias Cruz is directed to return a signed and dated USM-285 form sent by the United States Marshals Service. Dkt.5.

68. On or about September 26, 2022, the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, has formally filed pro se Plaintiff Jerico Matias Cruz's complaint for violation of constitutional rights in particular with educational opportunities discrimination. Dkt.7.

69. On or about September 27, 2022, the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, issues summons and certified copy of the court order to serve the summons and complaint to Defendant City Colleges of Chicago. Dkt.7.

70. On or about October 14, 2022, pro se Plaintiff Jerico Matias Cruz electronically files a motion to vacate the dismissal judgment of Defendants Jeffrey Schmitz, Soma Dey, Gabe Estill, and Pamela Monaco entered on September 27, 2022. Dkt.8.

71. On or about October 15, 2022, Honorable Matthew F. Kennelly denies pro se Plaintiff Jerico Matias Cruz's motion to vacate against individual Defendants Jeffrey Schmitz, Soma Dey, Gabe Estill, and Pamela Monaco entered on September 27, 2022, but the claim against Defendant City Colleges of Chicago remains. Dkt.10.

72. On or about November 23, 2022, Honorable Matthew F. Kennelly enters a court order to cancel the telephonic hearing set for November 29, 2022 and to dismiss the entire federal civil rights case due to the denial of motion to reconsider.

Dkt.11.

73. On or about December 2, 2022, pro se Plaintiff Jerico Matias Cruz files a notice of appeal in-person to the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division. Dkt.12.

74. On or about December 2, 2022, the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, transmit the short record on appeal on notice of appeal to the Clerk of the United States Court of Appeals for the Seventh Circuit. Dkt.14.

75. On or about December 6, 2022, the Clerk of the United States Court of Appeal for the Seventh Circuit has acknowledged the short record on appeal on notice of appeal, with USCA Case No. 22-3186. Dkt.15.

76. On or about December 7, 2022, the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division receives a copy of the court order from the Clerk of the United States Court of Appeals for the Seventh Circuit for the following: "Pro Se Plaintiff Jerico Matias Cruz shall file a brief of memorandum before or on December 21, 2022, stating why this appeal should not be dismissed for lack of jurisdiction. A motion for voluntary dismissal

pursuant to Fed. R. App. P. 42(b) will satisfy the requirement. Briefing shall be suspended pending further court order. The Clerk is further ordered to provide a copy of this order to District Court Judge Kennelly in light of the District Court Docket entry no. 11. Dkt.16.

77. On or about December 9, 2022, Honorable Matthew F. Kennelly enters a court order, admitting that this federal civil rights case has been erroneously closed even though pro se Plaintiff Jerico Matias Cruz's claims against Defendant City Colleges of Chicago are still pending; the Clerk of the United States District Court for the Northern District Court, Eastern Division, is hereby directed to reopen the case; the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, is directed to issue alias summons to Juan Salgado - Chancellor of City Colleges of Chicago; the United States Marshals Service is appointed to serve Defendant Juan Salgado -Chancellor of City Colleges of Chicago; pro se Plaintiff Jerico Matias Cruz is directed to return any signed and dated USM-285 form sent by the United States Marshals Service; and the case is set for telephonic status hearing on February 8, 2023 at 8:50 CST, with call-in number: 1-888-684-8852, and access code: 746-1053. Dkt.17.

78. On or about December 13, 2022, the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, issues an alias summons to Defendant City Colleges of Chicago. Dkt.17.

79. On or about December 29, 2022, the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, issues an annual reminder to any governmental party, other than an individual or sole proprietorship, must file a statement identifying all its affiliates known to the party after diligent review, or if the party has identified no affiliates, then a statement reflecting that fact must be filed pursuant to L.R. 3.2. Dkt.18.
80. On or about February 8, 2023, Honorable Matthew F. Kennelly enters a court order and directs pro se Plaintiff Jerico Matias Cruz to show cause why the case should not be dismissed for want of prosecution; pro se Plaintiff Jerico Matias Cruz has a scheduling conflict of why he fails to appear during the telephonic hearing status; and the case is set for telephonic hearing on the order to show cause on February 21, 2021 at 9:00 AM CST, with call-in number 1-888-684-8852 and access code 746-1053. Dkt.19.
81. On or about February 21, 2023, the telephonic hearing status is held at 9:00 AM CST; pro se Plaintiff Jerico Matias Cruz appears during the telephonic hearing status and informs the Honorable Matthew F. Kennelly about the completion of USM-285 form, signed and dated; Honorable Matthew F. Kennelly enters a court order to vacate the order to show cause; the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, is directed to forward the completed USM-285 form and alias summons to the United States Marshals

Service; and the case is set for telephonic status hearing on April 6, 2023 at 8:45 AM CST, with call-in number 1-888-684-8852 and access code 746-1053. Dkt.23.

82. On or about April 7, 2023, the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, electronically mails a copy of the court order, dated April 6, 2023, to the United States Marshals Service. Dkt.23.

83. On or about May 1, 2023, Honorable Matthew F. Kennelly, Judge, Presiding, enters a court order to direct the United States Marshals Service to report to the Honorable Matthew F. Kennelly, Judge, Presiding, regarding the service of summons before or on May 8, 2023; the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, is directed to forward the completed USM-285 form, signed and dated, for Defendant City Colleges of Chicago to the Office of the United States Marshals Service; and the telephonic status hearing is set for May 16, 2023 at 8:45 AM CST, with call-in number 1-888-684-8852 and access code 746-1053. Dkt.24.

84. On or about May 16, 2023, Honorable Matthew F. Kennelly, Judge, Presiding, enters a court order to continue the telephonic status hearing on June 16, 2023 at 8:50 AM CST; and pro se Plaintiff Jerico Matias Cruz appears at the telephonic status hearing, which is held on May 16, 2023 at 8:45 AM CST, with call-in number 1-888-684-8852 and access code 746-1053. Dkt.25.

85. On or about June 12, 2023, Honorable Matthew F. Kennelly, Judge, Presiding,

enters a court order to change the time of telephonic hearing status, which will be held on June 16, 2023 at 9:15 AM CST. Dkt.26.

86. On or about June 16, 2023, Honorable Matthew F. Kennelly, Judge, Presiding, enters a court order to inform the United States Marshals Service about the status of the service of summons that has not been served, but the service of summons is being processed; the telephonic status hearing is set for July 24, 2023 at 8:45 AM CST, with call-in number 1-888-684-8852 and access code 746-1053. Dkt.27.

87. On or about July 24, 2023, Honorable Matthew F. Kennelly, Judge, Presiding, enters a court order to direct the United States Marshals Service to file a written report about the service of summons before or on August 7, 2023; and pro se Plaintiff Jerico Matias Cruz appears in the telephonic hearing status, which is held on July 24, 2023 at 8:45 AM CST. Dkt.28.

88. On or about August 24, 2023, Honorable Matthew F. Kennelly enters a court order and continues the telephonic status hearing today until September 26, 2023 at 8:50 AM CST, with call-in number 1-888-684-8852 and access code 746-1053; and pro se Plaintiff Jerico Matias Cruz appears to the telephonic status hearing on August 24, 2023. Dkt.29.

89. On or about September 9, 2023, the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, has docketed the summons

returned executed by the United States Marshals Service as to the Defendant City Colleges of Chicago. Dkt.30.

90. On or about September 13, 2023, Atty. Heather R.M. Becker appears on behalf of Defendant City Colleges of Chicago. Dkt.31.

91. On or about September 13, 2023, Atty. Marron Ann Mahoney appears on behalf of Defendant City Colleges of Chicago. Dkt.32.

92. On or about September 20, 2023, Honorable Matthew F. Kennely, Judge, Presiding, has vacated the telephonic status hearing, which will be held on September 26, 2023 at 8:50 AM CST, and resets date and time to October 4, 2023 at 9:10 AM CST, with call-in number 1-888-684-8852 and access code 746-1053, due to the fact that Defendant City Colleges of Chicago's answer to pro se Plaintiff Jerico Matias Cruz's complaint for violation of constitutional rights in particular with educational opportunities discrimination is not due until September 27, 2023. Dkt.33.

93. On or about September 27, 2023, Defendant City Colleges of Chicago electronically files a motion to dismiss for failure to state a claim. Dkt.34.

94. On or about September 27, 2023, Defendant City Colleges of Chicago electronically files a law of memorandum in support of motion to dismiss. Dkt.35.

ARGUMENT

I. Pursuant to Fed. R. Civ. P. 7(a)(7), pro se Plaintiff Jerico Matias Cruz’s response to Defendants City Colleges of Chicago et al.’s motion to dismiss for failure to state a claim deems properly filed to the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division.

95. Pro Se Plaintiff Jerico Matias Cruz’s response to Defendants City Colleges of Chicago et al.’s motion to dismiss for failure to state a claim deems properly filed to the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division pursuant to Fed. R. Civ. P. 7(a)(7). *See* Defendants City Colleges of Chicago et al.’s Law of Memorandum In Support of Motion to Dismiss for Failure to State a Claim.

“Only these pleadings are allowed: if the court orders one, a reply to an answer.” Fed. R. Civ. P. 7(a)(7) .

II. Pursuant to Section 504 of the Rehabilitation Act of 1973, pro se Plaintiff Jerico Matias Cruz specifically delineates the main idea of his first claim in his argument that Section 504 of the Rehabilitation Act “protects higher education students who are qualified disabled and/or have hidden disabilities that are not physically or mentally visible to naked eyes and/or who receive federal financial assistance” in contrary to the defense of Defendants City Colleges of Chicago et al.’s motion to dismiss for failure to state a claim under the provisions of Fed. R. Civ. P. 12(b)(6), (e), and (f).

96. Pro Se Plaintiff Jerico Matias Cruz meets at least one of the three elements of Section 504 of the Rehabilitation Act of 1973, (*See* Dkt.1, Original Complaint):

(1) pro se Plaintiff Jerico Matias Cruz is a student with qualified disability (*See* Dkt.1, Original Complaint); or

(2) pro se Plaintiff Jerico Matias Cruz has hidden disabilities that are not physically visible to naked eyes; mentally visible to naked eyes (*See* Dkt.1, Original Complaint) ; and/or

(3) pro se Plaintiff Jerico Matias Cruz has hidden disabilities that are not mentally visible to naked eyes. *See* Dkt.1, Original Complaint.

In addition, pro se Plaintiff Jerico Matias Cruz uses his Post 9/11 GI Bill or military education benefits to pay-off his tuition and fees and other miscellaneous expenses, which is considered receiving a federal financial assistance. *See* Dkt.1, Original Complaint. Therefore, pro se Plaintiff Jerico Matias Cruz has a legitimate claim under the provisions of Section 504 of the Rehabilitation Act of 1973. *See* Dkt.1, Original Complaint, Paragraph 54, Lines 1-8.

“No otherwise qualified individual with a disability in the United States...shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” Rehab. Act 1973 Section 504.

A. Defendants City Colleges of Chicago et al.’s motion to dismiss for failure to state a claim under the provisions of Fed. R. Civ. P. 12(b)(6) is merely a speculation and an assumption of material facts of the law with reasoning flaw and irrelevant common laws citation.

97. Pro Se Plaintiff Jerico Matias Cruz’s background of his original complaint has chronologically created a timeline of all historical facts or events of 2021 Fall Semester for Engineering Physics II or Physics 236 as named and assigned instructor, Defendant Jeffrey Schmitz, except for scheduled appointments at the Jesse Brown Veterans Affairs Medical Center between January 2021 and December 2021 due to confidentiality issues. See Dkt.1, Original Complaint’s Exhibits A-H; Exhibits A and B. Pro Se Plaintiff Jerico Matias Cruz cannot directly cite diagnoses, treatments, emergencies, and other medical procedures from his original complaint under CWT because of confidentiality issues under the provisions of Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), as amended, in support of Exhibits A, B and D, and states as follows:

1. Honorable Matthew F. Kennelly can compel or subpoena pro se Plaintiff Jerico Matias Cruz’s medical and mental health records both during his military service from the United States National Archives and Records Administration and post-military service from the United States Department of Veterans Affairs *only if* Defendants City Colleges of

Chicago et al. file a motion to compel or request pro se Plaintiff Jerico Matias Cruz before the Honorable Matthew F. Kennelly to subpoena pro se Plaintiff Jerico Matias Cruz's medical and mental health records both during his military service and post-military service. See Exhibits A, B, and D. Pro Se Plaintiff Jerico Matias Cruz is a "qualified disabled individual" and/or has "hidden disabilities that are not physically or mentally visible to naked eyes" *only if* the Honorable Matthew F. Kennelly compels and/or subpoenas pro se Plaintiff Jerico Matias Cruz's medical and mental health records both during his military service and post-military service, so that pro se Plaintiff Jerico Matias Cruz can properly disclose his medical and mental records thru confidential electronic or in-person filing with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division. See Dkt.1, Original Complaint, Paragraph 54, Lines 1-3.

2. Pro Se Plaintiff Jerico Matias Cruz uses his Post-9/11 GI Bill to fund his Engineering Physics II during 2021 Fall Semester. See Dkt.1, Original Complaint, Exhibit G. Although pro se Plaintiff Jerico Matias Cruz's Post 9/11 GI Bill is part of his first federal military contract, his military education benefits in particular with Post-9/11 GI Bill is considered "receiving federal financial assistance". See Dkt.1, Original Complaint,

Paragraph 54, Lines 3-5.

3. Pro Se Plaintiff Jerico Matias Cruz's main argument is supported with direct citation of prima facie evidence that are chronologically ordered and enumerated in the background of his original complaint, such as "qualified disabled," "hidden disabilities that are not physically or mentally visible to naked eyes," and "receiving federal financial assistance like Post-9/11 GI Bill or military benefits". See Dkt.1, Original Complaint, Paragraph 54, Lines 1-5.
4. In contrast, pro se Plaintiff Jerico Matias Cruz denies the logical reasoning of Defendants City Colleges of Chicago et al.'s motion to dismiss for failure to state a claim under the provisions of Fed. R. Civ. P. 12(b)(6) as to "test the sufficiency of the complaint and not merits of the case"; pro se Plaintiff Jerico Matias Cruz's original complaint "...must be sufficient to raise the possibility of relief above the speculative level," by making assumptions; pro se Plaintiff Jerico Matias Cruz "must plead particularized factual content, not conclusory allegations, that allows the court to plausibly infer..." that Defendants City Colleges of Chicago et al. are liable for educational opportunities discrimination; and pro se Plaintiff Jerico Matias Cruz's original complaint has a cause of action, as specifically stated in the civil cover sheet under the provisions of 42 U.S.

Code Section 2000c-9, also known as public education discrimination. *See* Dkt.35, Defendants City Colleges of Chicago et al.'s Law of Memorandum In Support of Motion to Dismiss, Paragraph 1, Lines 1-13.

5. Pro Se Plaintiff Jerico Matias Cruz denies Defendants City Colleges of Chicago et al.'s motion to dismiss for failure to state a claim under the provisions of Section 504 of the Rehabilitation Act of 1973 because his disability excludes him from participating in Engineering Physics II course, while receiving federal financial assistance to pay-off his tuition and fees and other miscellaneous expenses during the 2021 Fall Semester. *See* Dkt.35, Defendants City Colleges of Chicago et al.'s Law of Memorandum In Support of Motion to Dismiss, Paragraph 2, Subparagraph 1, Lines 1-5. On or about October 12, 2021, pro se Plaintiff Jerico Matias Cruz receives the Letter of Accommodation from Ms. Leilani Mota on behalf of Mrs. Sophie Levandowski. *See* Dkt.1, Original Complaint's Exhibit B. Mrs. Levandowski's approved Letter of Accommodation enumerates all remedies that should or must be implemented by Defendant Jeffrey Schmitz upon returning of pro se Plaintiff Jerico Matias Cruz from "unexpected legal and medical circumstances" between August 30, 2021 and October 12, 2021. *See* Dkt.1, Original Complaint's Exhibit B. Defendant Jeffrey Schmitz fails to

implement all enumerated remedies, which are approved by Defendant City Colleges of Chicago - Wilbur Wright College's Disability Access Center and Mrs. Levandowski. *See* Dkt.1, Original Complaint's Exhibit B. Pro Se Plaintiff Jerico Matias Cruz timely completes and submits "Electrostatics Lab" and "Exam or Test No. 1" into Defendant City Colleges of Chicago's BrightSpace, dated September 29, 2021 and October 3, 2021, without a full access to class materials. *See* Dkt.1, Original Complaint's Exhibit D.

6. Pro Se Plaintiff Jerico Matias Cruz admits Defendants City Colleges of Chicago et al.'s logical reasoning about the three elements plus receiving federal financial assistance are valid to file a legitimate claim under the provisions of Section 504 of the Rehabilitation Act of 1973 in which pro se Plaintiff Jerico Matias Cruz argues in his original complaint by stating a main idea and supporting ideas and prima facie evidence in a paragraph. *See* Dkt.1, Original Complaint, Paragraph 54, Lines 1-8; Dkt.35, Defendants City Colleges of Chicago et al.'s Law of Memorandum In Support of Motion to Dismiss, Paragraph 2, Subparagraph 2, Lines 1-6.
7. Pro Se Plaintiff Jerico Matias Cruz partially admits Defendants City Colleges of Chicago et al.'s legal citations or paraphrases about the three types of disability discrimination under the provisions of Section 504 of

the Rehabilitation Act of 1973. Dkt.35, Defendants City Colleges of Chicago et al.'s Law of Memorandum In Support of Motion to Dismiss, Paragraph 2, Subparagraph 3, Lines 1-4. However, pro se Plaintiff Jerico Matias Cruz partially denies Defendants City Colleges of Chicago et al.'s legal reasoning that pro se Plaintiff Jerico Matias Cruz has "failed to state a claim under either a failure-to-accommodate or intentional discrimination theory" under the provisions of the Fed. R. Civ. P. 12(b)(6). Dkt.35, Defendants City Colleges of Chicago et al.'s Law of Memorandum In Support of Motion to Dismiss, Paragraph 2, Subparagraph 3, Lines 5-9. For instance, Defendant Jeffrey Schmitz fails to implement and provide a reasonable accommodation upon receiving the approved Letter of Accommodation from Defendant City Colleges of Chicago - Wilbur Wright College's Disability Access Center via Email, dated October 12, 2021, as Defendant Jeffrey Schmitz's Engineering Physics II Syllabus for 2021 Fall Semester specifically states, "Homework due date: Homework is due on the date assigned in class. After one week pass of the due date the homework will NOT be accepted," and "Any student with a disability (or temporary disability), who is eligible for reasonable accommodations, should contact the Disability Access Center as soon as possible." See Exhibit C. None of the remedies listed and enumerated in the Letter of

Accommodation approved by Defendant City Colleges of Chicago - Wilbur Wright College's Disability Access Center, are followed and implemented by Defendant Jeffrey Schmitz. Pro Se Plaintiff Jerico Matias Cruz has accessed to Cengage WebAssign, dated October 3, 2021, and Defendant Jeffrey Schmitz fails to implement and provide remedies to all missing assignments and homeworks, and extend time to complete the Test No. 1 in spite of the fact that the request for a reasonable accommodation from Defendant City Colleges of Chicago - Wilbur Wright College's Disability Access Center, is communicated and submitted to Mrs. Sophie Levandowski, dated September 22, 2021. *See* Dkt.1, Original Complaint's Exhibit B. Pro Se Plaintiff Jerico Matias Cruz's virtual Electrostatic Lab and Exam or Test No. 1 are timely completed and submitted to Defendant City Colleges of Chicago's BrightSpace, dated September 29, 2021 and October 3, 2021, without a full access to class materials in particular with Cengage WebAssign in which all contents and design of Engineering Physics II's Final Exam are originated compared to Tests or Examinations No. 1-3. *See* Dkt.1, Original Complaint's Exhibit D. The design of Tests or Examinations No. 1-3 are based on the fundamental of mathematical proofing in order to show the process of finding the correct answer compared to the Departmental Final Exam, which is similarly designed to

Cengage WebAssign's assignments that include choosing a correct answer from multiple choices per question. *See* Dkt.1, Original Complaint's Exhibit D. Defendant City Colleges of Chicago - Wilbur Wright College's BrightSpace Departmental Final Exam for Engineering Physics II consists of 25 questions, which is equivalent to 200 points, a portion of the Total Score or Points of the Final Letter Grade. *See* Dkt.1, Original Complaint's Exhibit D; Exhibit C. However, Defendant Jeffrey Schmitz's Engineering Physics II Syllabus for 2021 Fall Semester does not illustrate and state the design and contents of the Departmental Final Exam, such as 25 questions and multiple choices per question. *See* Exhibit C. Pro Se Plaintiff Jerico Matias Cruz's Total Score or Points of Final Letter Grade consists of or divided into multiple categories in accordance to Defendant Jeffrey Schmitz's Engineering Physics II Syllabus for 2021 Fall Semester, whether each category is weighted or otherwise, because there is a section in the syllabus labeled "Definition / Statement of Active Pursuit of the Court" in which it enumerates or itemizes each student's active participation in the course between August 2021 and December 2021, (*See* Exhibit C):

- a. Pro Se Plaintiff Jerico Matias Cruz completes all three Independent Exams (I, II, and III) with 100-point each throughout the 2021 Fall

Semester, (See Exhibit C);

- b. Pro Se Plaintiff Jerico Matias Cruz partially completes all quizzes (11 or 12) with 5-point each throughout the 2021 Fall Semester;
- c. Pro Se Plaintiff Jerico Matias Cruz completes all three independent virtual laboratories (I, II, and III) with 20-point each throughout the 2021 Fall Semester, (See Exhibit C);
- d. Pro Se Plaintiff Jerico Matias Cruz completes all independent chapter Cengage WebAssign's assignments (Chapters 26-32, except 22-25) with twenty (20) to twenty-five (25) point each throughout the 2021 Fall Semester, as the quantity of questions per chapter varies, because Defendant Jeffrey Schmitz fails to implement the approved accommodation request, dated October 12, 2021, from the Disability Access Center of Defendant City Colleges of Chicago, Wilbur Wright College on behalf of Mrs. Sophie Levandowski, and pro se Plaintiff Jerico Matias Cruz misses quizzes and Cengage WebAssign's assignments between August 30, 2021 and October 3, 2021, while pro se Plaintiff Jerico Matias is undergoing CWT, including medical and mental health procedure or treatment at the Jesse Brown Veterans Affairs Medical Center between January 2021 and December 2021, (See Exhibits A and C);

- e. Pro Se Plaintiff Jerico Matias Cruz completes the Departmental Final Exam with 200-point throughout the 2021 Fall Semester in which he receives twenty-four (24) percent (%), and so, he exempts to receive zero (0) point in order to pass the Engineering Physics II as the syllabus strictly delineates the rules for Departmental Final Exam, (See Exhibit C);
- f. Pro Se Plaintiff Jerico Matias Cruz's virtual participation (percentage point does not specifically show and say the total percentage and/or point, but Defendant Jeffrey Schmitz' syllabus indicates "50% of Lectures" for active participation in the course throughout the 2021 Fall Semester) are graded as the City Colleges of Chicago recommend to all departments of the seven (7) colleges as no in-person class policy under the Illinois Governor's Executive Order, also known as, the Stay-At-Home Order, during the COVID-19 Pandemic protocol, (See Exhibits C and F);
- g. Defendants City Colleges of Chicago et al. have listed Defendant Jeffrey Schmitz's Engineering Physics II, Physics 236, Catalog Nos. 30094 and 30095 , Sections OQS & OQSX - Engineering Physics II: Electricity & Magnetism plus Laboratory for 2021 Fall Semester, as "Off-Campus Buildings Zoom" for the location of the class and as

the “Class Notes” states, “This class will be held remotely as the scheduled class time. Students should plan to participate in live (synchronous) Zoom class meetings and instructional activities during each scheduled class day at the times listed in the schedule. Students are expected to participate regularly in the course based on the requirements outlined in the course syllabus,” between August 30, 2021 and December 15, 2021, (See Exhibit F);

- h. Pro Se Plaintiff Jerico Matias Cruz’s 2021 Spring Semester courses show ten (10) to fifteen (15) percent (%) of the virtual participation or active participation, which is accounted for the Total Score or Points of the Final Letter Grade due to the “no in-person class policy” during the COVID-19 Pandemic, citing the Illinois Governor’s Executive Order, also known as, the Stay-At-Home Order, as amended. See Dkt.1, Original Complaint’s Exhibit F; Exhibit E. Ten (10) to fifteen (15) percent of the Total Score or Points of the Final Letter Grade is an incentive policy to keep a student active with his or her virtual courses as no in-person class policy is strictly implemented by City Colleges of Chicago during the COVID-19 Pandemic, (See Exhibits E and F);
- i. Per Defendant Jeffrey Schmitz’s Engineering Physics II Syllabus for

2021 Fall Semester, the projected Total Score or Points of the Final Letter Grade per student would be: [Three Exams (300 points)] + [Eleven or Twelve Quizzes (55 or 60 points)] + [Three Virtual Laboratories (60 points)] + [Ten Chapters' Assignments (200 or 250 points)] + [One Departmental Final Exam (200 points)] + [Active Virtual Participation as Required (10-15%)] = Total Score or Points = Final Letter Grade, (See Exhibit C);

- j. Per Defendant Jeffrey Schmitz's Engineering Physics II Syllabus for 2021 Fall Semester, the projected Total Score of the Final Letter Grade is $300 + 60 + 60 + 250 + 200 + (10 \text{ or } 15\% \text{ active class participation}) = 870 + (10 \text{ or } 15\% \text{ active class participation})$. See Exhibit C. Active class participation means a student is virtually present in all Zoom classes throughout the 2021 Fall Semester as no in-person class policy is actively implemented for public community colleges under the Illinois Governor's Executive Order, also known as Stay-At-Home Order, during the COVID-19 Pandemic, (See Exhibits E and F);
- k. Per Defendant Jeffrey Schmitz's Engineering Physics II Syllabus for 2021 Fall Semester, the projected Total Score or Points of the Final Letter Grade of each student: (1) if a student receives more than

- ninety (90) percent of the Total Score or Points of the Final Letter Grade, then the a student receives a Final Letter Grade “A”, (2) if a student receives more than or equal to eighty (80) percent but less than ninety (90) percent of the Total Score or Points of the Final Letter Grade, then the student receives a Final Letter Grade “B”, (3) if a student receives more than or equal to sixty-five (65) percent but less than eighty (80) percent of the Total Score or Points of the Final Letter Grade, then the student receives a Final Letter Grade “C”, (4) if a student receives more than or equal to fifty-five (55) percent but less than sixty-five (65) percent of the Total Score or Points of the Final Letter Grade, then the student receives a Final Letter Grade “D”, and if a student receives less than fifty-five (55) percent of the Total Score or Points of the Final Letter Grade, then the student receives a Final Letter Grade “F”, (See Exhibit C);
1. The Departmental Final Exam is only 200 points, which is not the Total Score or Points of the Final Letter Grade per student in accordance to Defendant Jeffrey Schmitz’s Engineering Physics II Syllabus for 2021 Fall Semester (or 2021 Spring Semester as it actually labeled and circulated to students throughout the 2021 Fall Semester). See Exhibit C. However, Defendant Jeffrey Schmitz’s Engineering

Physics II Syllabus for 2021 Fall Semester indicates that a student, who misses or has not taken the Departmental Final Exam, will receive zero (0) point and will likely not pass the course. See Exhibit C. Therefore, pro se Plaintiff Jerico Matias Cruz's twenty-four (24) percent (%) of 200 points of the Departmental Final Exam is not the Total Score or Points of his Final Letter Grade "D", (See Exhibit C); and

- m. Further, Defendant Jeffrey Schmitz needs to disclose the statistics of the Departmental Final Exam that includes the number of students and the score of each student. See Exhibits C and E. This statistics is important whether Defendant Jeffrey Schmitz is actually teaching the students throughout the 2021 Fall Semester and whether the students are learning or have learned from Defendant Jeffrey Schmitz's Engineering Physics II throughout the 2021 Fall Semester during the COVID-19 Pandemic. See Exhibits E and F. Defendant City Colleges of Chicago need to disclose these data to track Defendant Jeffrey Schmitz's performance as an instructor, whether Defendant City Colleges of Chicago should release him from his duty as an instructor or relieve him with another Engineering Physics II's instructor or professor, who can

actually teach and create an active learning for students and incoming students to the public community college during the COVID-19 Pandemic. *See Exhibits E and F. In addition, disclosing the Departmental Final Exam results of all students who attend Defendant Jeffrey Schmitz's Engineering Physics II during 2021 Fall Semester is for public interest to prevent discrimination and segregation in publicly-funded educational institutions in higher education during COVID-19 Pandemic in which Defendant Soma Dey must do as the Chair of Department of Physical Sciences and Engineering. See Exhibits E and F.*

8. Pro Se Plaintiff Jerico Matias Cruz denies Defendants City Colleges of Chicago et al.'s argument that pro se Plaintiff Jerico Matias Cruz has no legal claim under the provisions of Section 504 of the Rehabilitation Act of 1973. *See Defendants City Colleges of Chicago et al.'s Law of Memorandum In Support of Motion to Dismiss, Paragraph (a), Subparagraph 1, Lines 1-4.*
9. Pro Se Plaintiff Jerico Matias Cruz denies that Defendant Jeffrey Schmitz has implemented the approved accommodation of the Disability Access Center of Defendant City Colleges of Chicago, Wilbur Wright College on behalf of Mrs. Sophie Levandowski. None of the approved

accommodations recommended by the Disability Access Center of Defendant City Colleges of Chicago, Wilbur Wright College, are implemented by Defendant Jeffrey Schmitz's Engineering Physics II in 2021 Fall Semester on behalf of pro se Plaintiff Jerico Matias Cruz. *See* Defendants City Colleges of Chicago et al.'s Law of Memorandum In Support of Motion to Dismiss, Paragraph (a), Subparagraph 2, Lines 1-11.

10. Pro Se Plaintiff Jerico Matias Cruz denies Defendants City Colleges of Chicago et al.'s argument that pro se Plaintiff Jerico Matias Cruz's original complaint is "vague," "conclusory," and "contradicted" the well-pleaded facts. *See* Dkt.1, Original Complaint; Defendants City Colleges of Chicago et al.'s Law of Memorandum In Support of Motion to Dismiss, Paragraph (a), Subparagraph 3, Lines 1- 3. Pro Se Plaintiff Jerico Matias Cruz's original complaint consists of well-pleaded facts with a cause of action and prima facie evidence, which are attached on Exhibits A-H under the provisions of 42 U.S. Code Section 2000c-9, also known as Public Education Discrimination. *See* Dkt.2.

11. Pro Se Plaintiff Jerico Matias Cruz denies Defendants City Colleges of Chicago et al.'s argument that pro se Plaintiff Jerico Matias Cruz's original complaint does not have particular facts to support the discrimination allegation, but mainly argues with generalization of the alleged

discrimination of Defendant Jeffrey Schmitz without supporting facts. *See* Dkt.1, Original Complaint; Defendants City Colleges of Chicago et al.'s Law of Memorandum In Support of Motion to Dismiss, Paragraph (a), Subparagraph 3, Lines 4- 15. Pro Se Plaintiff Jerico Matias Cruz has prima facie evidence, which are attached on Exhibits A-H in support to his original complaint against Defendants City Colleges of Chicago et al. *See* Dkt.1, Original Complaint.

12. Pro Se Plaintiff Jerico Matias Cruz denies Defendants City Colleges of Chicago et al.'s argument that pro se Plaintiff Jerico Matias Cruz has conceded with his failure-to-accommodate claim. *See* Dkt.1, Original Complaint; Defendants City Colleges of Chicago et al.'s Law of Memorandum In Support of Motion to Dismiss, Paragraph (a), Subparagraph 4, Lines 1-3. Pro Se Plaintiff Jerico Matias Cruz's original complaint argues with failure to implement the requested accommodations, which are approved by the Defendant City Colleges of Chicago, Wilbur Wright College Disability Access Center under the directorship of Mrs. Sophie Levandowski. There are three steps to approve and implement pro se Plaintiff Jerico Matias Cruz's requested accommodations, (*See* Dkt.1, Original Complaint):

a. First, pro se Plaintiff Jerico Matias Cruz submits a form of request

for accommodations of Defendant Jeffrey Schmitz's Engineering Physics II in 2021 Fall Semester to Defendant City Colleges of Chicago, Wilbur Wright College Disability Access Center Director Sophie Levandowski, dated September 22, 2021, (See Dkt.1, Original Complaint's Exhibit B);

- b. Second, Defendant City Colleges of Chicago, Wilbur Wright College Disability Access Center Director Sophie Levandowski approves pro se Plaintiff Jerico Matias Cruz's requested accommodations of Defendant Jeffrey Schmitz's Engineering Physics II in 2021 Fall Semester, dated October 12, 2021, and Defendant City Colleges of Chicago, Wilbur Wright College Disability Access Center Coordinator Leilani Mota sends the approved accommodations to pro se Plaintiff Jerico Matias Cruz via email, on behalf of Mrs. Sophie Levandowski, (See Dkt.1, Original Complaint's Exhibit B); and

- c. Third and last, pro se Plaintiff Jerico Matias Cruz emails the approved accommodations to Defendant Jeffrey Schmitz, so that Defendant Jeffrey Scmitz can implement the accommodations approved by Defendant City Colleges of Chicago, Wilbur Wright College Disability Access Center Director Sophie Levandowski. See

Dkt.1, Original Complaint's Exhibit B. *However, none of these approved accommodations are implemented by Defendant Jeffrey Schmitz's Engineering Physics II. See Dkt.1, Original Complaint's Exhibit B.*

13. Pro Se Plaintiff Jerico Matias Cruz denies the irrelevant common law citation of Defendants City Colleges of Chicago et al. based on failure-to-accommodate argument by dismissing pro se Plaintiff Jerico Matias Cruz's accommodations approved by Defendant City Colleges of Chicago, Wilbur Wright College Disability Access Center Mrs. Sophie Levandowski, dated October 12, 2021, under the provisions of Section 504 of the Rehabilitation Act of 1973. *See Defendants City Colleges of Chicago et al.'s Law of Memorandum In Support of Motion to Dismiss, Paragraph (a), Subparagraph 4, Lines 4-8.*

14. Pro Se Plaintiff Jerico Matias Cruz denies Defendants City Colleges of Chicago et al.'s argument of intentional disability discrimination for failure to plead with facts under the provisions of Section 504 of the Rehabilitation Act of 1973 and for citing irrelevant common laws; pro se Plaintiff Jerico Matias Cruz's original complaint argues with a cause of action, as required by 42 U.S. Code Section 2000c-9, and prima facie evidence, which are attached in his original complaint's Exhibits A-H. *See*

Dkt.1, Original Complaint; Defendants City Colleges of Chicago et al.'s Law of Memorandum In Support of Motion to Dismiss, Paragraph (b), Subparagraph 1, Lines 1 -13.

15. Pro Se Plaintiff Jerico Matias Cruz denies Defendant City Colleges of Chicago's argument of failure to identify any "benefit," "activity," or "program" that prevents pro se Plaintiff Jerico Matias Cruz to access course materials, grant his requested accommodations, and appeal his Final Letter Grade "D"; pro se Plaintiff Jerico Matias Cruz's original complaint argues with Defendant Jeffrey Schmitz's failure to implement of accommodations approved by Defendant City Colleges of Chicago, Wilbur Wright College Disability Access Center Director Sophie Levandowski. See Dkt.1, Original Complaint; Defendants City Colleges of Chicago et al.'s Law of Memorandum In Support of Motion to Dismiss, Paragraph (b), Subparagraph 2, Lines 1-7.

16. Pro Se Plaintiff Jerico Matias Cruz denies Defendants City Colleges of Chicago et al.'s argument that receiving a Final Letter Grade "D" in Engineering Physics II in 2021 Fall Semester is "solely" based on his disability and denies Defendants City Colleges of Chicago et al.'s irrelevant common law citations; pro se Plaintiff Jerico Matias Cruz's original complaint argues with Defendant Jeffrey Schmitz's failure to

implement of accommodations approved by Defendant City Colleges of Chicago, Wilbur Wright College Disability Access Center Director Sophie Levandowski. *See* Dkt.1, Original Complaint; Defendants City Colleges of Chicago et al.’s Law of Memorandum In Support of Motion to Dismiss, Paragraph (b), Subparagraph 3, Lines 1-14.

17. Pro Se Plaintiff Jerico Matias Cruz denies Defendants City Colleges of Chicago et al.’s argument that pro se Plaintiff Jerico Matias Cruz has fallen behind with his Engineering Physics II in 2021 Fall Semester because of “legal situation and other unexpected circumstances—not his disability” between August 30, 2021 and September 21, 2021; pro se Plaintiff Jerico Matias Cruz misses quizzes and Cengage WebAssign’s assignments (Chapters 22-25) between August 30, 2021 and October 3, 2021. *See* Dkt.1, Original Complaint; Defendants City Colleges of Chicago et al.’s Law of Memorandum In Support of Motion to Dismiss, Paragraph (b), Subparagraph 4, Lines 1-8.

18. Pro Se Plaintiff Jerico Matias Cruz denies Defendant City Colleges of Chicago et al.’s speculative argument about his original complaint without prima facie evidence to support his claim of public education discrimination because pro se Plaintiff Jerico Matias Cruz receives a Final Letter Grade “D” in Engineering Physics II in 2021 Fall Semester based on

Defendant Jeffrey Schmitz's failure to implement the accommodations approved by Defendant City Colleges of Chicago, Wilbur Wright College Disability Access Center Director Sophie Levandowski, dated October 12, 2021. *See* Dkt.1, Original Complaint; Defendants City Colleges of Chicago et al.'s Law of Memorandum In Support of Motion to Dismiss, Paragraph (b), Subparagraph 4, Lines 9 -11.

B. Defendants City Colleges of Chicago et al.'s motion to dismiss for failure to state a claim under the provisions of Fed. R. Civ. P. 12(e) is not a valid argument because pro se Plaintiff Jerico Matias Cruz enumerates his claims and specifically argues each claim with material facts of the law.

98. Pro Se Plaintiff Jerico Matias Cruz's Argument of original complaint enumerates his claims under the provisions of (1) Section 504 of the Rehabilitation Act of 1973, (2) Section 1400(c)(1) of the Title 20, also known as, the Individuals with Disabilities Education Act, (3) Section 2000c of Title 42 for defining the "public school and public college", (4) Section 2000c-6(a)(2) of Title 42 for unlawful discrimination in public college attendance based on the ground of race, color, religion, sex, or national origin, (5) Section 2000c-6(b) of Title 42 as an unlawful public education discrimination against a self-represented litigant can cause or jeopardize personal safety, employment, or economic standing, (6) Section 2000c-8 of Title 42 as a violation of constitutional rights in particular with

educational opportunities discrimination, and (7) Section 2000c-9 of Title 42 as a prohibition of public education discrimination based on the grounds of race, color, religion, sex, or national origin. *See* Dkt1, Original Complaint. Defendants City Colleges of Chicago et al. try to limit the claims that pro se Plaintiff Jerico Matias Cruz can argue under the provisions of Fed. R. Civ. P. 12(e). *See* Dkt1, Original Complaint. Pro Se Plaintiff Jerico Matias Cruz strictly argues with the provisions of Section 504 of the Rehabilitation Act of 1973 and the limitations of the provisions of Section 504 of the Rehabilitation Act of 1973 in support of other claims under the provisions of Federal Civil Rights Act and other Federal Statutes pertaining to public education discrimination with people with disabilities. *See* Dkt1, Original Complaint.

1. Pro Se Plaintiff Jerico Matias Cruz denies Defendants City Colleges of Chicago et al.'s argument that pro se Plaintiff Jerico Matias Cruz should provide a definite statement of his additional claims other than Section 504 of the Rehabilitation Act of 1973 pursuant to Fed. R. Civ. P. 12(e) and denies irrelevant common laws citation; pro se Plaintiff Jerico Matias Cruz's original complaint argues with the limitations of Section 504 of the Rehabilitation Act of 1973 in support of other claims under the provisions of Federal Civil Rights Act in particular with public education discrimination, (*See* Dkt.1, Original Complaint; Defendants City Colleges

of Chicago et al.'s Law of Memorandum In Support of Motion to Dismiss, Paragraph (C), Subparagraph 1, Lines 1-10):

- a. Pursuant to 20 U.S. Code Section 1400(c)(1), pro se Plaintiff Jerico Matias Cruz briefly argues with Defendant Jeffrey Schmitz's failure to implement the accommodations approved by Defendant City Colleges of Chicago, Wilbur Wright College Disability Access Center Director Sophie Levandowski, (See Dkt.1, Original Complaint);
- b. Pursuant to 42 U.S. Code Section 2000c, pro se Plaintiff Jerico Matias Cruz briefly defines Defendant City Colleges of Chicago, Wilbur Wright College as State-funded public community college or school, (See Dkt.1, Original Complaint);
- c. Pursuant to 42 U.S. Code Section 2000c-6(a)(2), pro se Plaintiff Jerico Matias Cruz argues with Defendants City Colleges of Chicago et al.'s discriminatory behaviors, starting from Defendant Jeffrey Schmitz's failure to implement the accommodations approved by Defendant City Colleges of Chicago, Wilbur Wright College Director Sophie Levandowski (and Defendant Jeffrey Schmitz's signature is not properly signed as the final appeal grade should be voided under the fundamental of civil contract), Defendant Soma Dey's absence or inactive participation during the final grade appeal

process, Defendant Gabe Estill's rescheduled meeting in-person with pro se Plaintiff Jerico Matias Cruz, dated February 8, 2022, due to "running errands" to the United States Court of Appeals for the Seventh Circuit as specifically stated in email communication and without mentioning the overriding the signature of Defendant Soma Dey by Defendant Gabe Estill, and Defendant Pamela Monaco's failure to properly review the prima facie evidence and material facts of the law (and states "no evidence of inappropriate final grade was assigned as a 'result of prejudice, caprice, or other improper conditions'", (See Dkt.1, Original Complaint);

- d. Pursuant to 42 U.S. Code Section 2000c-6(b), pro se Plaintiff Jerico Matias Cruz briefly argues with Defendant City Colleges of Chicago et al. as a self-represented litigant that this federal civil proceedings can jeopardize pro se Plaintiff Jerico Matias Cruz's personal safety, employment, or economic standing, (See Dkt.1, Original Complaint);
- e. Pursuant to 42 U.S. Code Section 2000c-8, pro se Plaintiff Jerico Matias Cruz briefly argues with Defendants City Colleges of Chicago et al.'s violation of constitutional rights in particular with educational opportunities discrimination in public community

college or school, (See Dkt.1, Original Complaint); and

- f. Pursuant to 42 U.S. Code Section 2000c-9, pro se Plaintiff Jerico Matias Cruz briefly argues with Defendants City Colleges of Chicago et al.'s violations of constitutional rights in particular with educational opportunities discrimination for people with disabilities, as required by Section 504 of the Rehabilitation Act of 1973 and 20 U.S. Code Section 1400(c)(1), based on the grounds of race, color, religion, sex, or national origin. See Dkt.1, Original Complaint.

2. Pro Se Plaintiff Jerico Matias Cruz denies Defendants City Colleges of Chicago et al.'s argument that pro se Plaintiff Jerico Matias Cruz argues with other claims of Federal Civil Rights Act and other Federal Statutes in particular with public education discrimination without "legal references of any specific facts"; See Dkt.1, Original Complaint; Defendants City Colleges of Chicago et al.'s Law of Memorandum In Support of Motion to Dismiss, Paragraph (C), Subparagraph 2, Lines 1-12.

- a. Pro Se Plaintiff Jerico Matias Cruz's Standard Review of the original complaint cites other Sections of Federal Civil Rights Act because pro se Plaintiff Jerico Matias Cruz's original complaint involves complaint of constitutional rights in particular with public

education discrimination under the provisions of 42 U.S. Code Section 2000c-9 as specifically stated on pro se Plaintiff Jerico Matias Cruz's civil cover sheet. *See* Dkt.1, Original Complaint.

C. Defendants City Colleges of Chicago et al.'s motion to dismiss for failure to state a claim under the provisions of Fed. R. Civ. P. 12(f) is a valid argument but immaterial and insufficient reasoning because pro se Plaintiff Jerico Matias Cruz's original complaint has well-pleaded facts or prima facie evidence, which are attached on Exhibits A-H, to remove the relief of punitive damage.

99. Pro Se Plaintiff Jerico Matias Cruz's claims of the original complaint are briefly stated with supported prima facie evidence and direct citation of the law. *See* Dkt.1, Original Complaint. There is no claim of pro se Plaintiff Jerico Matias Cruz's original complaint is redundant, immaterial, or scandalous. *See* Dkt.1, Original Complaint. Pro Se Plaintiff Jerico Matias Cruz's relief for punitive damage deems proper relief against Defendants City Colleges of Chicago et al. because Defendants City Colleges of Chicago et al.'s discriminatory behaviors in public community college create both economic and non-economic loss and emotional distress to pro se Plaintiff Jerico Matias Cruz's personal safety, employment, and economic standing. *See* Dkt.1, Original Complaint.

1. Pro Se Plaintiff Jerico Matias Cruz denies Defendants City Colleges of

Chicago et al.'s argument that pro se Plaintiff Jerico Matias Cruz's original complaint should have stricken a relief for punitive damage and denies Defendants City Colleges of Chicago et al.'s irrelevant common laws citation under the provisions of the Fed. R. Civ. P. 12(f) and Section 504 of the Rehabilitation Act of 1973. See Dkt.1, Original Complaint; Defendants City Colleges of Chicago et al.'s Law of Memorandum In Support of Motion to Dismiss, Paragraph (B), Subparagraph 1, Lines 1-11.

CONCLUSION

WHEREFORE, pro se Plaintiff Jerico Matias Cruz prays to the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, and Honorable Matthew F. Kennelly, Judge, Presiding, to grant pro se Plaintiff Jerico Matias Cruz's response to Defendants City Colleges of Chicago et al.'s motion to dismiss for failure to state a claim pursuant to Fed. R. Civ. P. 7(a)(7) and Section 504 of the Rehabilitation Act of 1973.

I, pro se Plaintiff Jerico Matias Cruz, declare under the penalty of perjury that the foregoing is true and correct.

Dated: October 31, 2023

Respectfully Submitted by,

/s/ Jerico Matias Cruz

Jerico Matias Cruz
5135 N Keating Ave
Chicago, IL 60630

(847) 906-3123

(312) 600-8678

theconsultantoo0oo@gmail.com

or j-cruz7@neiu.edu

or jmcruz2@illinois.edu

or jcruz156@student.ccc.edu

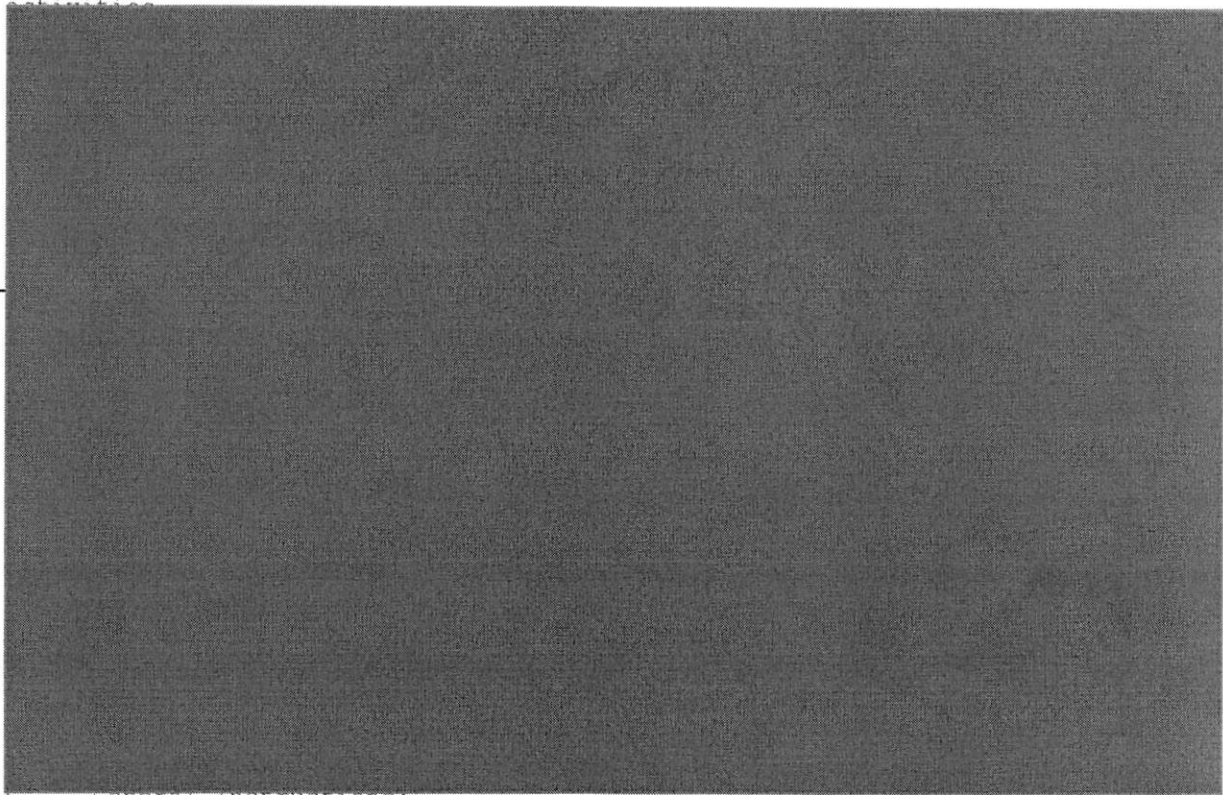
Pro Se Litigant/ Pro Se Plaintiff

Exhibit A:

**Pro Se Plaintiff Jerico Matias Cruz's 2021 Rescheduled and Scheduled Appointments at
the Jesse Brown VA Medical Center Due to Covid-19 Pandemic**

Progress Notes

Printed On Jun 14, 2023



General Instructions:

Stay hydrated and keep an eye on symptoms. Avoid dairy products for the next couple weeks as this may worsen your symptoms.

Return to Emergency Department for worsening symptoms

Medication Changes

Continue all other regular medications.

Follow up

Please contact your Primary Care Physician as needed or if symptoms do not improve.

Appointments

Please keep your scheduled appointments.

Appointments

- Feb 05, 2021@13:00 JB/MHC-BIOFEEDBACK [REDACTED]
- Feb 19, 2021@09:00 JB/DENTAL-[REDACTED]
- Feb 22, 2021@09:00 JB/NEUROPSYCHOLOGY-[REDACTED]
- Mar 05, 2021@10:00 JB/DENTAL-[REDACTED]
- Mar 09, 2021@09:00 JB/ENT RESIDENT-[REDACTED]
- Mar 09, 2021@10:20 JB/SLEEP [REDACTED]
- Jun 25, 2021@14:00 JB/DERMATOLOGY-[REDACTED]

PATIENT NAME AND ADDRESS (Mechanical Imprinting, if available)
CRUZ, JERICO MATIAS
5135 N KEATING AVE
CHICAGO, ILLINOIS 60630

VISTA Electronic Medical Documentation
Printed at JESSE BROWN VAMC

Appt Mgt Module

May 19, 2021@10:08:58

Page: 1 of 1

Patient: CRUZ, JERICO MATIAS

MT: COPAY EX

Outpatient

PC Prov:

Team:

Total Appointment Profile

* - New GAF Required 04/19/21 thru 02/12/24

-----Clinic-----	-----Appt Date/Time-----	-----Status-----
*1 Jb/Mhc-biofeedback-	05/07/2021@13:00	Checked Out
*2 Jb/Mhc-	05/12/2021@13:00	Checked Out
3 Jb/E -oef/Oif-red	05/12/2021@14:00	Checked Out
4 Jb/ /Npsy-	05/13/2021@11:00	Checked Out
5 Jb/Ent	05/19/2021@09:00	Act Req/Checked In 09:27
6 Jb/Phone-oef-red	05/21/2021@10:30	Future
7 Jb/Ent	06/07/2021@10:00	Cancelled By Clinic
8 Jb/Dental	06/11/2021@12:30	Future
*9 Jb/Mhc-	06/16/2021@13:00	Future
10 Jb/Dermatology-	06/25/2021@14:00	Future
11 Jb/Audio-	06/30/2021@11:00	Future
12 Jb/Sleep	07/06/2021@10:00	Future

DATE	CLINIC	STATUS
Jul 14, 2021@13:00	JB/MHC- [REDACTED]	FUTURE
Jul 16, 2021@12:30	JB/DENTAL [REDACTED]	FUTURE
Jul 27, 2021@11:00	JB/SLEEP [REDACTED]	FUTURE
Aug 17, 2021@08:00	JB/AUDIO- [REDACTED]	FUTURE
Dec 20, 2021@12:20	JB/DERMATOLOGY- [REDACTED]	FUTURE

DATE	CLINIC	STATUS
Aug 17, 2021@08:00	JB/AUDIO-[REDACTED]	FUTURE
Aug 31, 2021@15:00	JB/CVT-VVC-[REDACTED]	FUTURE
Dec 20, 2021@12:20	JB/DERMATOLOGY-[REDACTED]	FUTURE
Feb 22, 2022@11:00	JB/SLEEP [REDACTED]	FUTURE

July 30 1100 PM



AC Chiropractor
→ ST

Progress Notes

Printed On Jun 14, 2023

Medication Changes

Not applicable.

Follow up

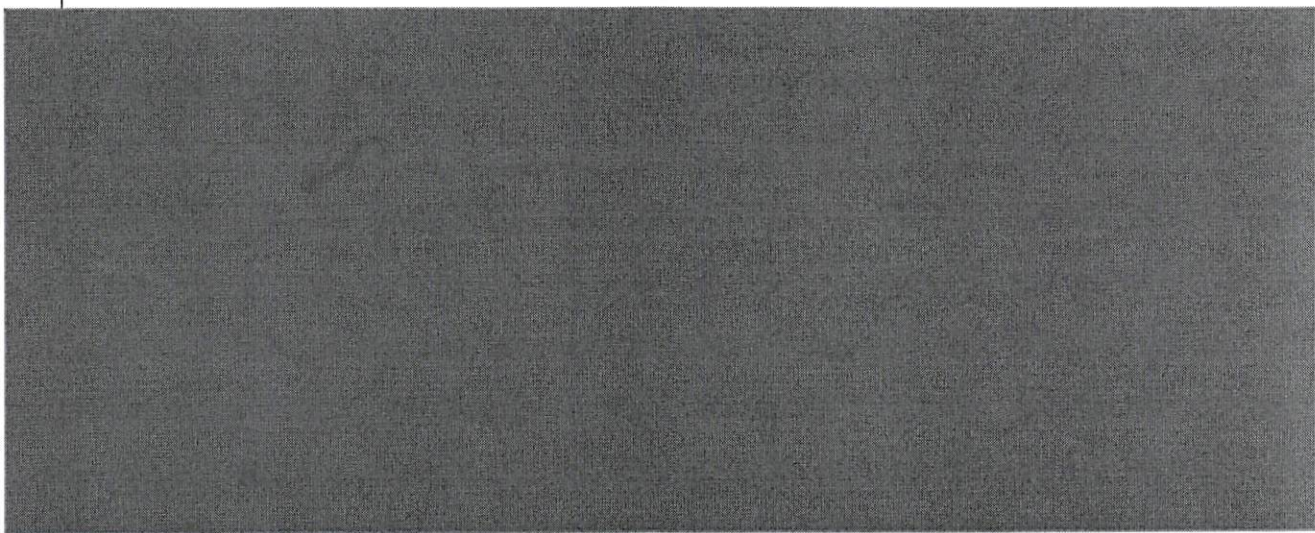
Please call the number listed below to schedule an appointment.

Appointments

Please keep your scheduled appointments.

Appointments

Sep 21, 2021@13:00	JB/MHC	[REDACTED]
Oct 01, 2021@14:00	JB/PT	[REDACTED]
Oct 08, 2021@14:00	JB/CHIRO	[REDACTED]
Dec 20, 2021@12:20	JB/DERMATOLOGY	[REDACTED]
Feb 22, 2022@11:00	JB/SLEEP	[REDACTED]



TO SCHEDULE AN APPOINTMENT OR DISCUSS OTHER CONCERNS PLEASE CALL
1-800-591-4815.

*Veterans Affairs 24 hour crisis hotline:1-800-273-8255 (1-800-273-
TALK)

and press 1 for veterans.

Allergy

ALLERGIES: Patient has answered NKA

Active Medication listing

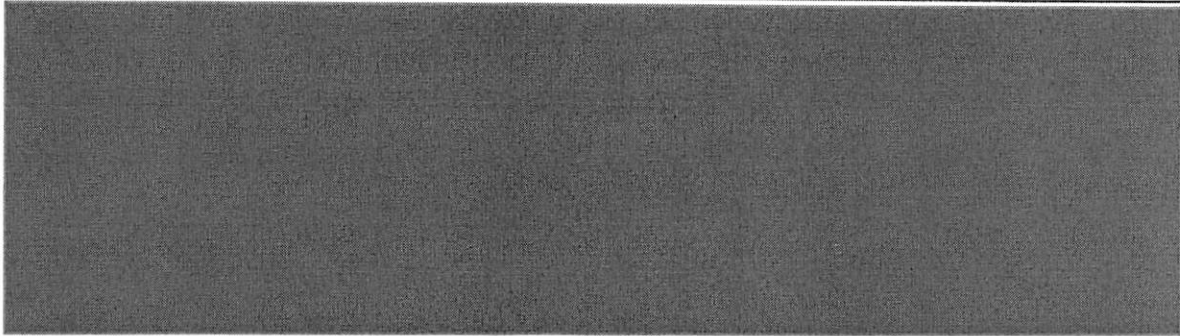
A complete reconciled medication list was provided to the patient and/or

PATIENT NAME AND ADDRESS (Mechanical Imprinting, if available)
CRUZ, JERICO MATIAS
5135 N KEATING AVE
CHICAGO, ILLINOIS 60630

VISTA Electronic Medical Documentation
Printed at JESSE BROWN VAMC

Progress Notes

Printed On Jun 14, 2023



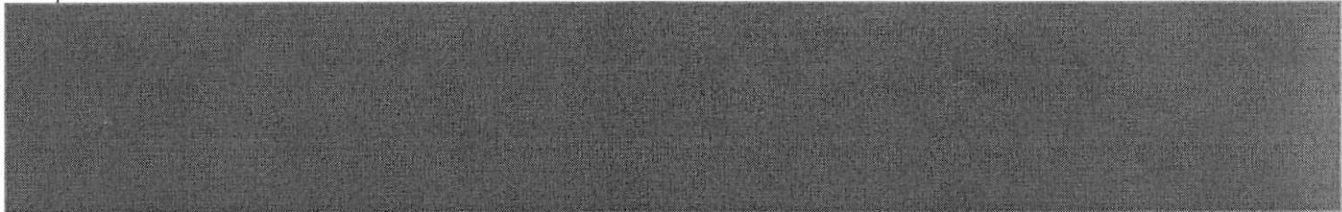
Please contact your Primary Care Physician as needed or if symptoms do not improve.

Appointments

Please keep your scheduled appointments.

Appointments

- Oct 19, 2021@13:00 JB/PT [REDACTED]
- Oct 27, 2021@13:00 JB/MHC [REDACTED]
- Oct 28, 2021@13:30 JB/CHIRO [REDACTED]
- Nov 03, 2021@13:00 JB/CHIRO [REDACTED]
- Dec 20, 2021@12:20 JB/DERMATOLOGY [REDACTED]
- Feb 22, 2022@11:00 JB/SLEEP [REDACTED]



The Jesse Brown VA Medical Center Emergency Department is open 24 hours a day, 7 days a week. If your condition changes before your next scheduled appointment, please call Telephone Care Service at 1-888-598-7793. Telephone Care Service is available 24 hours a day, 7 days a week.

If you have a life threatening problem call 911 or the emergency number in your area

TO SCHEDULE AN APPOINTMENT OR DISCUSS OTHER CONCERNS PLEASE CALL 1-800-591-4815.

*Veterans Affairs 24 hour crisis hotline:1-800-273-8255 (1-800-273-

TALK)

PATIENT NAME AND ADDRESS (Mechanical Imprinting, if available)
CRUZ, JERICO MATIAS
5135 N KEATING AVE
CHICAGO, ILLINOIS 60630

VISTA Electronic Medical Documentation
Printed at JESSE BROWN VAMC

DATE	CLINIC	STATUS
Nov 02, 2021@15:00	JB/CVT-VVC-MH-[REDACTED]	FUTURE
Nov 03, 2021@13:00	JB/CHIRO/[REDACTED]	CANCELLED BY PATIENT
Nov 03, 2021@13:00	JB/CHIRO/[REDACTED]	FUTURE
Nov 12, 2021@13:00	JB/PT-[REDACTED]	FUTURE <i>missed</i>
Dec 02, 2021@13:30	JB/CHIRO/[REDACTED]	FUTURE
Dec 20, 2021@12:20	JB/DERMATOLOGY-[REDACTED]	FUTURE
Feb 22, 2022@11:00	JB/SLEEP [REDACTED]	FUTURE

DATE	CLINIC	STATUS
Dec 08, 2021@14:00	JB/CVT-VVC-MH-[REDACTED]	FUTURE
Dec 20, 2021@12:20	JB/DERMATOLOGY [REDACTED]	FUTURE
Jan 03, 2022@12:30	JB/NEUROLOGY-H [REDACTED]	CONS-FUTURE
Jan 03, 2022@14:30	JB/CHIRO, [REDACTED]	FUTURE
Jan 13, 2022@11:00	JB/PT [REDACTED]	CONS-FUTURE
Feb 22, 2022@11:00	JB/SLEEP [REDACTED]	FUTURE

Exhibit B:

**Pro Se Plaintiff Jerico Matias Cruz's Emergency to the Department of Emergency of the
Jesse Brown VA Medical Center, Dated September 10, 2021**

City of Chicago EMS
33589 Treasury Center
Chicago IL 60694

Tix
09/21/2021
\$2225

Pay Online Go to <https://ambulancebilling.com>

Pay in Person Go to <https://www.chicago.gov/finance> for payment facility hours and locations.

Mail in Payment See address below.

CALL US TO DISCUSS OTHER OPTIONS

EMERGENCY MEDICAL SERVICES

i For help with billing questions, please call: 877-987-2083. To pay online or update your insurance information, please go to <https://ambulancebilling.com>

Account Number	Due Date	Amount Due	Amount Paid
[REDACTED]	Upon Receipt	\$2,400.00	\$

Addressee

Page 1 of 1

Please make checks payable and remit to:

Jerico Cruz
5135 N-Keating Ave
Chicago IL 60630-1743

City of Chicago EMS
33589 Treasury Center
Chicago IL 60694

Check if address/insurance changes are on back

Please detach and return top portion with payment.

Account Number	Account Name	Statement Date	Due Date
[REDACTED]	Jerico Cruz	10/02/2021	Upon Receipt

Date	Service Description	Charges	Payments/ Adjustments	Patient Balance
09/10/2021	PATIENT: JERICO CRUZ			
09/10/2021	INCIDENT [REDACTED] 2906			
09/10/2021	BLS Emergency Base Rate Resident	\$2,343.00		
09/10/2021	BLS Emergency Mileage	\$57.00		
	TOTAL BALANCE			\$2,400.00

This notice is in regards to the ambulance service provided to you on 09/10/2021 by the City of Chicago - EMS. We have filed a claim to , but more than 45 days have passed and we have not received a response. If this is not your insurance, please complete and sign the back of this form with your correct insurance and return to us. Please make sure your name is exactly as it appears on your insurance card. You may also provide insurance information at ambulancebilling.com. If this is your correct insurance, please contact them immediately to resolve the delay releasing the payment. Please see above to make a payment. For information or assistance on this account, please call 877-987-2083.

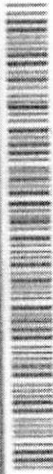
If this EMS service was COVID-19-related, please call us to ensure that your billing account properly reflects this.

INSURANCE INFORMATION

Primary.....No insurance on file

AMOUNT DUE: \$2,400.00

33589 Treasury Center
Chicago IL 60694



582225

EMERGENCY MEDICAL SERVICES

PRESORTED
FIRST-CLASS MAI
U.S. POSTAGE PAI
DPCH

FIRST CLASS



Jerico Cruz
5135 N Keating Ave
Chicago IL 60630-1743



Exhibit C:

Pro Se Plaintiff Jerico Matias Cruz's Engineering Physics II Syllabus for 2021 Fall Semester with Defendant Jeffrey Schmitz as Assigned and Named Instructor

WRIGHT COLLEGE
One of the City Colleges of Chicago

COURSE SYLLABUS
Spring Semester 2021

Course Title and Section: Physics 236 OQS and XOQS. IAI # PHYS 912

Length of Course: One academic semester

Credit Hours: 5 unit of credits

Contact Hours: 8 hours.

Class Meeting Times: M, W: 6:00 pm – 9:40 pm and 6:00 pm – 9:20 pm W. Building / Remote Learning

Instructor: Jeff Schmitz

E-MAIL: jschmitz@ccc.edu

OFFICE: Virtual

OFFICE HOURS: M, W 2:00 PM TO 3:00 PM

COURSE WEBSITE : ccc.brightspace.com

Course Description: Emphasizes problem solving involving the use of calculus. Primarily for students majoring in engineering or the physical sciences. IAI PHYS 912.

Prerequisites: Grade of C or better in Physics 235 and Math 207 or consent of Department Chairperson. It is strongly recommended that Math 208 be taken before Physics 236.

Required Texts and Materials:

Text: Physics for Scientists and Engineers with Modern Physics 10th edition by Serway & Jewett. ISBN: 978-1-337-55329-2

Materials: One binder, notebook for the homework assignments, and scientific calculator.

Students Course is Expected to Serve: Students majoring in science and engineering.

Course Objectives: The course will introduce the concepts of Electric and Magnetic fields and the effects of these fields on electric charges and the study, properties, and practical applications of direct current and alternative current circuits.

Student Learning Outcomes: Upon successful completion of this course, students will:

- 1) Be able to demonstrate understanding of the basic concepts of physics in the subject areas: Electromagnetism theory and applications.
- 2) Be able to analyze and interpret graphs. Also will make conclusions and prediction of the physical variables of the graphs.
- 3) Students will demonstrate the ability to solve problems, to work independently and to work as members of a team.
- 4) Students should be able to design and set up an experiment, collect and analyze data, identify sources of error, and interpret their result and connect it to related areas of physics.

Specific learning outcomes:

Upon satisfactory completion of the course, students will be able to:

1. Determine the force among electric charges applying Coulomb's law.
2. Determine the electric field due to an array of point and continuous distribution charges
3. Determine the Electric Field due to an array of charges using Gauss's Law.
4. Determine the electric Potential due to an array of point and continuous distribution of charges.
5. Evaluate the capacitance of a charge distribution.
6. Determine the equivalent capacitance of capacitors combined in series and parallel.
7. Evaluate materials using the concepts of conductance, resistivity and current density.
8. Analyze DC circuits (series and parallel) using Ohm's Law and Kirchhoff's Laws.
9. Calculate trajectories of charged particles in magnetic fields.
10. Calculate the magnetic Field due to an array of currents using the Bio-Savart Law.
11. Calculate the magnetic Field of long cylindrical current-carrying wire using Ampere's Law.
12. Calculate the EMF generated by a changing magnetic flux using Faraday's Law.
13. Evaluate mutual and self-inductance.
14. Calculate the impedance of AC circuits and the behavior of inductors, capacitors and resistors.
15. Determine the phase constant of an AC circuit using an oscilloscope.
16. Perform experiments in electricity and magnetism and apply techniques of error analysis in analyzing the results.
17. Summarize coherently the results of an experiment in a written report.
18. Apply the principles of electromagnetic theory to explain events in the real world.

Method of Instruction: The format will be a combination of direct instruction lecture style, followed by activities like cooperative learning. Also students will use the internet for doing virtual experiment

and Microsoft software for drawing, calculation and graphs. Special attention is given to laboratory sessions.

Definition / Statement of Active Pursuit of the Course:

Active pursuit of this course constitutes participation in:

1. 50% of lectures
2. 50% of homework
3. 50% of quizzes and exercises
4. 50% of Tests
5. 80% of laboratory experiments that must be completed.

Successful completion refers to submission of a report resulting from attendance and full participation in the corresponding laboratory experiment.

A student who is not actively participating in any one of the items listed above can be dropped at the mid-term and receive a grade of ADW.

“No Show” Policy: If a student registered for the course before the start time of the first class period, but 1) did not attend the first 2 classes, or 2) attended only 1 of the first 3 classes and failed to notify the instructor of his or her intentions to continue the class, the Registrar’s Office will remove the student from the course.

Academic integrity: The City Colleges of Chicago is committed to the ideals of truth and honesty. In view of this, students are expected to adhere to high standards of honesty in their academic endeavor. **Plagiarism and cheating of any kind are serious violations of these standards and will result, minimally, in the grade of “F” by the instructor.**

Student Conduct: City Colleges of Chicago students are expected to conduct themselves in a manner which is considerate of the rights of others and which will not impair the educational mission of the College. **Misconduct for which students are subject to College Discipline (e.g. expulsion) may include the following: (1) all forms of dishonesty such as stealing, forgery, (2) obstruction or disruption of teaching, research, administration, disciplinary proceeding, (3) physical or verbal abuse, threats, intimidation, harassment, and/or other conduct that threatens or endangers the health or safety of any person, and (4) carrying or possession of weapons, ammunition or other explosives.**

Disability Access Center: Please note: Any student with a disability, including a temporary disability, who is eligible for reasonable accommodations should contact the Disability Access Center located in room L135, Learning Resource Center of the Wright North Campus or call (773) 481-8016 as soon as possible.

Grading:

There are three 100-point exams. The exams will be posted for about a week. A missed exam counts as a zero.

Each quiz is worth five points.

Each lab is worth 20 points.

The final examination is a 200-point, comprehensive, test with you will take on-line with zoom on during class time on December 15. You must take the final exam to pass the course.

Your final grade will be computed according to the following scale:

90 % ≤ A ≤ 100%

80 % ≤ B < 90 %

65 % ≤ C < 80%

55 % ≤ D < 65%

F < 55%

Department Final Exam Policy Statement:

As part of a mandatory Physical Science & Engineering Department policy, students will be given a Department Final Exam on the last day of class at the time designated by the instructor within the section's regularly scheduled hours. Students that are absent for the Department Final Exam for their section will receive a zero for the exam

Remarks:

- During exams or quizzes students are not allowed to use cellular phones.
- The students are responsible to bring their own calculator to the exams or quizzes.
- Each student will write an individual lab report. (No group report will be accepted)
- The students are responsible for checking their grades posted in Bright Space.

Late Work and Make-up Assignments:

Absentee Policy:

Homework due date: Homework is due on **the date assigned in class**. After one week pass of the due date the homework will NOT be accepted.

Last Day to withdraw from the course: Nov. 20, 2021. After that day, no faculty or school administrator is allowed to sign late withdrawal forms.

Support Services:

Wright College is committed to your success! Below you will find a list of offices you may wish to contact during the semester for assistance:

- Academic Support Center (Tutoring) Room A - 245
- Business Services Room A - 138
- Center for Academic Success (Advising & Transfer) Gateway, Room A - 120
- **Disability Access Center*** Room L – 135; Phone: (773) 481-8015
- Engineering Center Support Floor, LRC 101
- Financial Aid Wright Stop, Room A - 128
- Math and Physics Emporium (STEM Tutoring) Room S - 102
- Wellness Center Room S - 106
- Writing Center (Writing Support for Assignments, Resumes, etc.) Room S - 101

**Any student with a disability (or temporary disability), who is eligible for reasonable accommodations, should contact the Disability Access Center as soon as possible*

It is recommended to use CamScanner for scanning and uploading the homework to Bright Space. CamScanner can be downloaded for free using your school email account.

Spring Semester 2021 Physics 236-GIK			
Changes on the dates of Exams I, II, quizzes, could be make at the discretion of the instructor and will be announce in class. The days for virtual laboratory sessions will be announced in class			
Week	Date: Week of	Chapter Number	Homework Problems Textbook: Physics by Serway. 10th edition
1	Aug 30	Ch. 22. Coulomb Law, Electric Fields due to point and continuous objects.	Ch 22: 7,10,11,17,19,21,24,32,33,41,43
2	Sept 6	Ch. 23. Gauss' Law. Electric Flux.	Ch 23: 3,8,11,12,14,16,18,27,29,33,34,37,41
3	Sept 13	Gauss's Law continue Instrumentation Laboratory	
4	Sept 20	Ch. 24. Electric Potential due to point and continuous distribution of charges	Ch 24: 8,12,15,21,22,25,27,35,45
5	Sept 27	Ch. 25 Capacitance and Dielectrics. Determine the equivalent capacitance	Ch 25: 1,3,10,11,12,13,15,17,18, 21,25,28 <u>Test one</u>
6	Oct. 4	Ch. 25. Continue, Review.	
7	Oct. 11	Ch. 26. Current and Resistance. Ohm's Law	Ch 26: 1,4,5,17,18,25,29,31,39
8	Oct.18	Ch. 27. Direct Current Circuits Kirchhoff Law's	Ch 27:13,17,20,21,23,24,27,33,34,36,41
9	Oct. 25	Ch. 28 Magnetic Fields. Force on a moving charge. Torque on a current loop.	<u>Test Two</u> Ch. 28: 4,5,7,13,20,21,24,25,28,33
10	Nov. 1	Ch. 29 Source of the Magnetic Field. Bio-Savart Law.	Ch. 29: 1,5,7,11,12,13,21,22,23,24,31
11	Nov. 8	Ch. 29 Ampere's Law	
12	Nov. 15	Ch. 30 Faraday's Law. Induced emf. Motional emf.	Ch 30: 1,15,23,25,30,35,40,44,45,
13	Nov. 22	Ch. 31 Inductance. RL circuits	<u>Test Three</u> CH 31: 2,3,10,11,12,20,33,
14	Nov. 29	Ch. 32 Alternating Current. AC sources. Phase and Phasors.	Ch 32: 1,7,9,12,13,16,19,20,21,23,26
15	Dec. 6	Ch. 32 Alternating Current The series RLC circuit. Power	<u>Quiz</u>
16	Dec. 13	Dept. Final Exam (Multiple choice-all chapters)	Dept. Final Exam on Wednesday

Exhibit D:
**The U.S. Department of Veterans Affairs' Different Types of Compensated Work
Therapy Programs**

Veterans Health Administration

Information for Veterans - Compensated Work Therapy

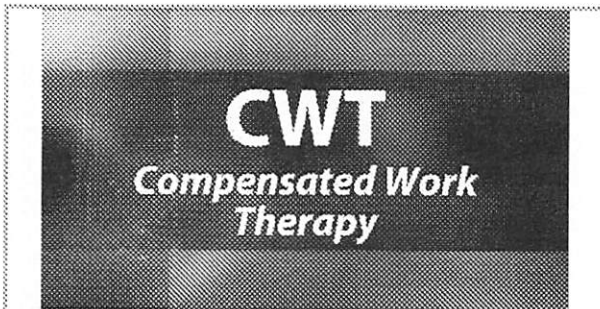
[CWT - Home \(/HEALTH/cwt/index.asp\)](/HEALTH/cwt/index.asp) | [For Veterans \(/HEALTH/cwt/veterans.asp\)](/HEALTH/cwt/veterans.asp) | [For Employers \(/HEALTH/cwt/employers.asp\)](/HEALTH/cwt/employers.asp) | [Locations \(/HEALTH/cwt/Locations.asp\)](/HEALTH/cwt/Locations.asp) | [Services \(/HEALTH/cwt/Services.asp\)](/HEALTH/cwt/Services.asp) | [Success Stories \(/HEALTH/cwt/success.asp\)](/HEALTH/cwt/success.asp)

Compensated Work Therapy (CWT) is a Veterans Health Administration (VHA) clinical vocational rehabilitation program offered at every VA medical center.

Mission

The mission of CWT services is to provide support to Veterans living with mental illness or physical impairment with barriers to employment to secure and maintain community based competitive employment.

Veterans are not required to be service connected to be eligible for CWT services. To be considered for participation in the CWT program, a Veteran must be eligible to receive VA healthcare services, have a goal of a return to competitive employment and have barriers to obtaining and/or retaining employment which requires the intensive supports provided by one of the CWT service components.



To begin the process of determining if CWT services are appropriate, a Veteran would first meet with their provider about having a consult or order sent to the CWT program. Once a consult is received, the CWT staff contact the Veteran to schedule an appointment. At the appointment, the CWT staff provide an orientation to all the services CWT provides, perform an intake and begin the process of conducting a vocational assessment to determine if CWT is an appropriate service and if so, which CWT component would help the Veteran realize their vocational goal(s). An individual employment rehabilitation plan is developed for each Veteran receiving CWT services focused on each Veteran's strengths, skills, abilities, needs, goals, and preferences.

CWT Transitional Work (TW) and CWT Individual Placement and Support (IPS) Supported Employment (SE) are provided for Veterans by clinical consult at every VA medical center. Other CWT services that may be offered depending upon Veteran demand and program resources include Community Based Employment Services (CBES), Vocational Assistance, Supported Self-Employment (SSE) and Supported Education (SEd). Career planning and job retention are elements provided in all CWT services.

Participation in VA's CWT program can be life-changing for Veterans and staff. Check out [this testimonial \(https://www.youtube.com/watch?v=Q1GA8zjLKVc\)](https://www.youtube.com/watch?v=Q1GA8zjLKVc) from Russ, a Veteran who credits CWT with helping him to get his life on track.

Veterans interested in learning more about the Compensated Work Therapy program should contact their local VA Medical Center. (<https://www.va.gov/directory/guide/division.asp?dnum=1>)

Check with your local CWT program to find out which of the following services are available:

- **CWT Transitional Work (TW):** TW is a pre-employment vocational program that operates in VA medical centers (VAMC) and business and industry. CWT/TW participants are matched to actual work assignments for a time-limited basis. Veterans are supervised by personnel of the sponsoring site, under the same job expectations experienced by non-TW workers. TW participants are not considered employees and receive no traditional employee benefits. Participants receive base pay determined by the prevailing wage and at least, the Federal minimum wage. In states having a minimum wage which exceeds Federal minimum wage, state or local minimum wage must be utilized. The expectation is that TW participant's transition from the vocational work assignment to competitive employment in the community.
- **CWT Supported Employment (SE):** SE is intended for Veterans with significant barriers to employment due to psychosis or other severe mental illnesses such as Post-Traumatic Stress Disorder (PTSD), and/or physical disabilities such as Traumatic Brain Injury (TBI) and Spinal Cord Injury (SCI) who, because of the severity of their disabilities, would not be able to function independently in employment without intensive, ongoing support services. This includes ongoing vocational assessments, rapid/individualized job search, job development and placement, assertive engagement and follow-along supports provided in the context of clinical treatment.
- **CWT Community Based Employment Services (CBES):** Community-Based Employment Services (CBES) is a program that is less intensive than Supported Employment and is not restricted to Veterans with diagnosis of psychosis. CBES provides a range of services leading to direct placement in competitive employment, where an employer hires the Veteran, and the Veteran receives continuing clinical support. CBES support services include skills training, job development, job placement, supportive counseling, and interventions within the work environment when needed to ensure the continued employment and self-sufficiency of the Veteran.
- **CWT Supported Self-Employment (SSE):** Provides guidance on business practices, training, networking opportunities, and linkages with community financial institutions that will assist many Veterans with disabilities in achieving the benefits from self-employment. Self-employment can offer many benefits to Veterans including the ability to perform preferred work activities in work settings of the Veteran's choice, flexible work hours and schedules, self-management, a wide array of disability accommodations when needed, and the potential to generate substantial income.
- **CWT Supported Education (SEd):** Provides individualized supports for Veterans engaged in education and training programs as well as linkages with educational facilities that will facilitate Veterans successfully achieving their instructional goals.
- **Vocational Assistance:** Vocational Assistance is a set of assessment, guidance, counseling, or other related services that may be offered to groups or individuals. These services are short-term and are designed to enable Veterans to realize skills, resources, attitudes, and expectations needed to prepare for searching for employment, succeeding in the employment interview process, and succeeding in employment without the need for ongoing job search, job development or follow-up support.

Exhibit E:
COVID-19 Pandemic Order, Policy, Etc.



FILED
 INDEX DEPARTMENT
 MAY 17 2021
 IN THE OFFICE OF
 SECRETARY OF STATE

May 17, 2021

Executive Order 2021-10

EXECUTIVE ORDER 2021-10
(COVID-19 EXECUTIVE ORDER NO. 79)

Bridge Phase Order

WHEREAS, since early March 2020, Illinois has faced a pandemic that has caused extraordinary sickness and loss of life, infecting over 1.35 million residents, and taking the lives of more than 22,000 residents; and,

WHEREAS, at all times but especially during a public health crisis, protecting the health and safety of Illinoisans is among the most important functions of State government; and,

WHEREAS, social distancing, face coverings, and other public health precautions have proven to be critical in slowing and stopping the spread of COVID-19; and,

WHEREAS, COVID-19 vaccines are effective at preventing COVID-19 disease, especially severe illness and death; and,

WHEREAS, the Centers for Disease Control and Prevention ("CDC") recently updated its guidance for fully vaccinated people,¹ indicating that they can resume numerous activities without wearing a mask or staying 6 feet apart, except where required by federal, state, local, tribal, or territorial laws, rules, and regulations, including local business and workplace guidance; and,

WHEREAS, the CDC continues to advise that cloth face coverings or masks protect persons who are not fully vaccinated from COVID-19; and,

WHEREAS, the CDC advises that schools continue to use the COVID-19 prevention strategies outlined in the CDC's Operational Strategy for K-12 Schools for at least the remainder of the 2020-2021 academic school year; and,

WHEREAS, the CDC continues to advise that day care providers continue to use COVID-19 prevention strategies, including masking and physical distancing, even after day care providers and their staff are vaccinated; and

WHEREAS, in light of the continued spread of COVID-19 and the significant percentage of the population that remains unvaccinated, I declared on April 30, 2021 that the current circumstances in Illinois surrounding the spread of COVID-19 constitute an epidemic emergency

¹ Individuals are considered fully vaccinated 2 weeks after their second dose in a 2-dose series, such as the Pfizer or Moderna vaccines, or 2 weeks after a single-dose vaccine, such as Johnson & Johnson's Janssen vaccine. Individuals who do not meet these requirements, regardless of age, are not considered fully vaccinated.

and a public health emergency under Section 4 of the Illinois Emergency Management Agency Act; and,

WHEREAS, the number of new COVID-19 cases has decreased in recent weeks, and the public health metrics now allow for the State to relax some mitigation measures as more residents have been vaccinated;

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, pursuant to the Illinois Constitution and Sections 7(1), 7(2), 7(3), 7(8), 7(9), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers in public health laws, I hereby order the following, effective immediately:

Bridge Phase Order

1. **Intent of this Executive Order.** The intent of this Executive Order is to safely and conscientiously, and in a manner consistent with CDC guidance, expand activities that were limited during the prior mitigation Phases of the State's response to the COVID-19 pandemic. This Executive Order supersedes Executive Order 2020-43, as amended by Executive Orders 2020-55, 2020-59, and 2021-09.
2. **Public health requirements for individuals.** Individuals must take the following public health steps to protect their own and their neighbors' health and lives:

- a. **Social distancing.** To the extent individuals who are not fully vaccinated are using shared spaces when outside their residence, including when outdoors, they must at all times and as much as reasonably possible maintain social distancing of at least six feet from any other person who does not live with them.
- b. **Face coverings.**² Any individual who is not fully vaccinated and who is over age two and able to medically tolerate a face covering (a mask or cloth face covering) shall be required to cover their nose and mouth with a face covering when in a public place and unable to maintain a six-foot social distance. This requirement applies whether in an indoor space, such as a store, or in a public outdoor space where maintaining a six-foot social distance is not always possible.

All individuals, including those who are fully vaccinated, shall be required to wear a face covering consistent with CDC guidance, including (1) on planes, buses, trains, and other forms of public transportation and in transportation hubs such as airports and train and bus stations; (2) in congregate facilities such as correctional facilities and homeless shelters; and (3) in healthcare settings. Individuals in schools, day care settings, and educational institutions should continue to follow separate guidance issued by the Illinois State Board of Education, Illinois Department of Children and Family Services, and the Illinois Department of Public Health.

- c. **Elderly people and those who are vulnerable as a result of illness should take additional precautions.** People who are not fully vaccinated and who are at high risk of severe illness from COVID-19, including elderly people and those with a health condition that may make them vulnerable, are urged to stay in their residence and minimize in-person contact with others to the extent possible.
- d. **Gatherings.** Because in-person contact presents the greatest risk of transmission of COVID-19, Illinoisans who are not fully vaccinated are encouraged to continue limiting in-person contact with others and to expand their social contact

² Throughout this Executive Order, any reference to a face covering requirement excludes those two years old and younger and those for whom wearing a face covering is not medically advisable. Guidance on use of face coverings from the Illinois Department of Human Rights is available here: https://www2.illinois.gov/dhr/Documents/IDHR_FAQ_for_Businesses_Concerning_Use_of_Face-Coverings_During_COVID-19_Ver_2020511h%20copy.pdf

cautiously. For residents who are not fully vaccinated, gathering remotely continues to be the safest way to interact with those outside a household or residence.

- e. **Go outdoors.** Public health guidance suggests that the risks of transmission of COVID-19 are greatly reduced outdoors as opposed to indoors. Where possible, Illinoisans who are not fully vaccinated are encouraged to conduct their activities outdoors.

3. **Public health requirements for businesses, nonprofits, and other organizations.** For the purposes of this Executive Order, covered businesses include any for-profit, non-profit, or educational entity, regardless of the nature of the service, the function it performs, or its corporate or entity structure. Those entities must take the following public health measures to protect their employees, their customers, and all others who come into physical contact with their operations. Nothing in this Executive Order prevents these entities from undertaking stricter or additional public health measures; to the contrary, businesses are encouraged to prioritize the health and safety of their workers and customers, and may continue to require face coverings and social distancing, even for those who are fully vaccinated.

- a. **Requirements for all businesses.** All businesses must:
 - ensure that employees who are not fully vaccinated practice social distancing and wear face coverings when social distancing is not always possible;
 - ensure that all spaces where employees may gather, including locker rooms and lunchrooms, allow for social distancing; and
 - ensure that all visitors (customers, vendors, etc.) to the workplace who are not fully vaccinated can practice social distancing; but if maintaining a six-foot social distance will not be possible at all times, encourage those visitors to wear face coverings; and
 - continue to take all necessary steps to protect employees and customers by ensuring that any return to work plans adhere to all applicable public health guidance.

The Department of Commerce and Economic Opportunity (DCEO), in partnership with IDPH, has developed industry-specific guidance and toolkits to help businesses operate safely and responsibly. These documents are available at: <https://dceocovid19resources.com/restore-illinois/restore-illinois-phase-4/>. This industry-specific guidance is supplemented and updated by the "Bridge Phase" guidance available at: <https://dceoresources-ss-assets.s3.us-east-2.amazonaws.com/public/Restore-Illinois/A-Bridge-to-Phase-5.pdf>.

- b. **Requirements for retail stores.** Retail stores must ensure all employees who are not fully vaccinated practice social distancing and must take appropriate additional public health precautions, in accordance with DCEO guidance, which include:
 - provide face coverings to all employees who are not fully vaccinated and who are not able to maintain a minimum six-foot social distance from customers and other employees at all times;
 - cap occupancy at 60 percent of store capacity, or, alternatively, at the occupancy limits based on store square footage set by the Department of Commerce and Economic Opportunity; and
 - communicate with customers through in-store signage, and public service announcements and advertisements, about the social distancing and face covering requirements set forth in this Order.
- c. **Requirements for manufacturers.** Manufacturers must ensure all employees who are not fully vaccinated practice social distancing and must take appropriate

- additional public health precautions, in accordance with DCEO guidance, which include:
- provide face coverings to all employees who are not fully vaccinated and who are not able to maintain a minimum six-foot social distance at all times;
 - ensure that all spaces where employees may gather, including locker rooms and lunchrooms, allow for social distancing; and
 - modify and downsize operations (staggering shifts, reducing line speeds, operating only essential lines, while shutting down non-essential lines) to the extent necessary to allow for social distancing and to provide a safe workplace in response to the COVID-19 emergency.
- d. **Requirements for office buildings.** Employers in office buildings must ensure all employees who are not fully vaccinated practice social distancing and must take appropriate additional public health precautions, in accordance with DCEO guidance, which may include:
- provide face coverings to all employees who are not fully vaccinated and who are not able to maintain a minimum six-foot social distance at all times;
 - consider implementing capacity limits where the physical space does not allow for social distancing;
 - allow telework where possible; and
 - develop and prominently post plans and signage to ensure social distancing in shared spaces such as waiting rooms, service counters, and cafeterias.
- e. **Requirements for meetings, conferences, and conventions.** Indoor venues and meeting spaces can operate in a manner consistent with DCEO guidance.
- f. **Requirements for restaurants and bars.** All businesses that offer food or beverages for on-premises consumption—including restaurants, bars, grocery stores, and food halls—may continue service for on-premises consumption, as permitted by DCEO guidance. Such businesses continue to be permitted and encouraged to serve food and beverages so that they may be consumed off-premises, as permitted by law, through means such as in-house delivery, third-party delivery, drive-through, and curbside pick-up. Establishments offering food or beverages for on-premises consumption or for carry-out must ensure that they have an environment where patrons who are not fully vaccinated maintain adequate social distancing. All businesses covered in this section may permit outdoor on-premises food and beverage consumption in accordance with DCEO guidance and when permitted by local ordinances and regulations.
- g. **Requirements for fitness and exercise gyms.** Fitness and exercise gyms may be open in a manner consistent with DCEO guidance, which involves operating for member workouts at a maximum of 60 percent capacity and with social distancing and other precautions.
- h. **Requirements for personal services facilities.** Personal services facilities such as spas, hair salons, barber shops, nail salons, waxing centers, tattoo parlors, and similar facilities may be open but must comply with capacity limits in accordance with DCEO guidance and must ensure the use of face coverings and adherence to social distancing requirements for individuals who are not fully vaccinated.
-
- i. **Requirements for outdoor recreation, youth day camps, and youth sports.** Businesses offering outdoor recreation, youth day camps, and youth sports may be open but must ensure the use of face coverings and adherence to social

distancing requirements for individuals who are not fully vaccinated, and must take other public health steps in accordance with DCEO guidance.

- j. **Requirements for places of public amusement.** Places of public amusement may continue services consistent with DCEO guidance for indoor and outdoor recreation (including but not limited to arcades and driving ranges), museums and aquariums, zoos and botanical gardens, theaters and performing arts, and outdoor seated spectator events.
 - k. **Requirements for film production.** Film production may operate with restrictions contained in DCEO guidance.
 - l. **Minimum basic operations.** All businesses may continue to:
 - i. Perform necessary activities to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions.
 - ii. Perform necessary activities to facilitate employees of the business being able to continue to work remotely.
 - iii. Fulfill online and telephonic retail orders through pick-up or delivery.
4. **Exemptions.** The following exemptions apply to the Bridge Phase mitigation measures, as well as to the prior Phases and Tiers. I do not intend to rescind these exemptions during the disaster proclamations issued due to COVID-19.
- a. **Free exercise of religion.** This Executive Order does not limit the free exercise of religion. To protect the health and safety of faith leaders, staff, congregants and visitors, religious organizations and houses of worship are encouraged to consult and follow the recommended practices and guidelines from the Illinois Department of Public Health.³ Religious organizations are encouraged to take precautions for their congregants and visitors who are not fully vaccinated to ensure social distancing, the use of face coverings, and implementation of other public health measures.
 - b. **Emergency functions.** All first responders, emergency management personnel, emergency dispatchers, court personnel, law enforcement and corrections personnel, hazardous materials responders, child protection and child welfare personnel, housing and shelter personnel, military, and other governmental employees working for or to support the emergency response are exempt from this Executive Order, but are encouraged to follow recommended public health measures.
 - c. **Governmental functions.** This Executive Order does not apply to the United States government and does not affect services provided by the State or any municipal, township, county, subdivision or agency of government and needed to ensure the continuing operation of the government agencies or to provide for or support the health, safety and welfare of the public.
5. **Social Distancing, Face Covering, and PPE Requirements.** For purposes of this Executive Order, social distancing includes maintaining at least six-foot distance from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

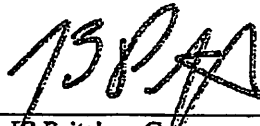
³ This guidance is available at: <https://www.dph.illinois.gov/covid19/community-guidance/places-worship-guidance>

- a. **Required measures.** Businesses must take proactive measures to ensure compliance with Social Distancing Requirements, including where possible:
 - i. **Designate six-foot distances.** Designating with signage, tape, or by other means six-foot spacing for employees and customers to maintain appropriate distance;
 - ii. **Hand sanitizer and sanitizing products.** Having hand sanitizer and sanitizing products readily available for employees and customers;
 - iii. **Separate operating hours for vulnerable populations.** Implementing separate operating hours for elderly and vulnerable customers;
 - iv. **Online and remote access.** Posting online whether a facility is open and how best to reach the facility and continue services by phone or remotely; and
 - v. **Face Coverings and PPE.** Providing employees with appropriate face coverings and requiring that employees who are not fully vaccinated wear face coverings where maintaining a six-foot social distance is not possible at all times. When the work circumstances require, providing employees with other PPE in addition to face coverings.
6. **Enforcement.** This Executive Order may be enforced by State and local law enforcement pursuant to, *inter alia*, Section 7, Section 15, Section 18, and Section 19 of the Illinois Emergency Management Agency Act, 20 ILCS 3305.

Businesses must follow guidance provided or published by the Illinois Department of Commerce and Economic Opportunity regarding safety measures during Phase IV (as modified by the Bridge Phase guidance), and the Illinois Department of Public Health, local public health departments, and the Workplace Rights Bureau of the Office of the Illinois Attorney General with respect to Social Distancing Requirements. Pursuant to Section 25(b) of the Whistleblower Act, 740 ILCS 174, businesses are prohibited from retaliating against an employee for disclosing information where the employee has reasonable cause to believe that the information discloses a violation of this Order.

7. **No limitation on authority.** Nothing in this Executive Order shall, in any way, alter or modify any existing legal authority allowing the State or any county, or local government body to order (1) any quarantine or isolation that may require an individual to remain inside a particular residential property or medical facility for a limited period of time, including the duration of this public health emergency, or (2) any closure of a specific location for a limited period of time, including the duration of this public health emergency. Nothing in this Executive Order shall be construed as an exercise of any authority to order any quarantine, isolation, or closure. Nothing in this Executive Order shall, in any way, alter or modify any existing legal authority allowing a county or local government body to enact provisions that are stricter than those in this Executive Order.

8. Savings clause. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable. This Executive Order is meant to be read consistently with any Court order regarding this Executive Order.



JB Pritzker, Governor

Issued by the Governor May 17, 2021
Filed by the Secretary of State May 17, 2021

FILED
INDEX DEPARTMENT
MAY 17 2021
IN THE OFFICE OF
SECRETARY OF STATE

Exhibit F:

Engineering Physics II or Physics 326 is Designated as Remote Class Based on City Colleges of Chicago's Class Schedule History During the Implementation of the Illinois Governor's Executive Order, also known as, Stay-At-Home Order during COVID-19 Pandemic in 2021 Fall Semester

Class Schedule

Fall 2021

7585

Jerico Cruz

College Credit

City Colleges of Chicago

Harry S Truman College

TUITION REFUND MESSAGE

Students may qualify for a tuition refund **ONLY** if **BOTH** of the following criteria are satisfied:

1. The class withdrawal (WTH) must be student initiated and be recorded in the student information system by the 'Last Day for Qualified Refund' date noted on the student's study list (see below) **OR** the class must have been cancelled (CNL) by the college, **AND**
2. The class withdrawal (WTH) or cancellation (CNL) moves the student's tuition charge to a lower amount or results in withdrawal and/or cancellation of all classes. For example, moving from 12 or more credit hours to 11 or less credit hours.

Class Schedule Filter Options									
<input checked="" type="checkbox"/> Show Enrolled Classes		<input checked="" type="checkbox"/> Show Waitlisted Classes		<input type="checkbox"/> Show Dropped Classes		<input type="button" value="Refresh Class Schedule"/>			
<u>CHEM 203</u>	Section	Component	Description	Campus	Grade	Units	Status	Reason & Date	
Cls#: 35197	ABC	Lecture	General Chemistry II	Harry S Truman College		5.00	Enrolled	07/22/2021	
	Last Day for Qualified Refund 09/05/2021			Last Day for Student Withdrawal			11/20/2021		
	Transcript Date 09/07/2021								
	8:00AM	9:45AM	Mon,Wed	OFF-CAMPUS BUILDINGS ZOOM			08/30/2021 - 12/15/2021		
	Instructor:		Mohamed El-Maazawi						
<p>Class Notes This class will be held remotely at the scheduled class time. Students should plan to participate in live (synchronous) Zoom class meetings and instructional activities during each scheduled class day at the times listed in the schedule. Students are expected to participate regularly in the course based on the requirements outlined in the course syllabus.</p>									
<u>CHEM 203</u>	Section	Component	Description	Campus	Grade	Units	Status	Reason & Date	
Cls#: 35198	ABCX	Laboratory	General Chemistry II	Harry S Truman College		0.00	Enrolled	07/22/2021	
	9:46AM	11:55AM	Mon,Wed	OFF-CAMPUS BUILDINGS ZOOM			08/30/2021 - 12/15/2021		
	Instructor:		Mohamed El-Maazawi						
<p>Class Notes This class will be held remotely at the scheduled class time. Students should plan to participate in live (synchronous) Zoom class meetings and instructional activities during each scheduled class day at the times listed in the schedule. Students are expected to participate regularly in the course based on the requirements outlined in the course syllabus.</p>									
<u>PHYSICS 236</u>	Section	Component	Description	Campus	Grade	Units	Status	Reason & Date	
Cls#: 30094	OQS	Lecture	Engr Phy II Elec & Magn	Wilbur Wright College D		5.00	Enrolled	07/22/2021	
	Last Day for Qualified Refund 09/05/2021			Last Day for Student Withdrawal			11/20/2021		
	Transcript Date 09/07/2021								

6:00PM 7:49PM Mon

OFF-CAMPUS BUILDINGS 08/30/2021 12/13/2021
ZOOM

Instructor: Jeffrey Schmitz

Class Notes This class will be held remotely at the scheduled class time. Students should plan to participate in live (synchronous) Zoom class meetings and instructional activities during each scheduled class day at the times listed in the schedule. Students are expected to participate regularly in the course based on the requirements outlined in the course syllabus.

PHYSICS 236

Section	Component	Description	Campus	Grade	Units	Status	Reason & Date
Cl#: 30095	OQSX	Laboratory	Engr Phy II Elec & Magn	Wilbur Wright College	0.00	Enrolled	07/22/2021

7:50PM 9:40PM Mon

OFF-CAMPUS BUILDINGS 08/30/2021 - 12/15/2021
ZOOM

Instructor: Jeffrey Schmitz

6:00PM 9:20PM Wed

OFF-CAMPUS BUILDINGS 08/30/2021 - 12/15/2021
ZOOM

Instructor TBA

Class Notes This class will be held remotely at the scheduled class time. Students should plan to participate in live (synchronous) Zoom class meetings and instructional activities during each scheduled class day at the times listed in the schedule. Students are expected to participate regularly in the course based on the requirements outlined in the course syllabus.

Print

[Select a Different Term](#) | [Study List](#)