

2026 IL App (1st) 240068-U

No. 1-24-0068

Filed September 23, 2026

Third Division

NOTICE: This order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

TASHAY L. MYRICK,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellant,	)	Cook County.
	)	
v.	)	No. 22 M1 119168
	)	
THE BOARD OF TRUSTEES OF THE	)	
UNIVERSITY OF ILLINOIS,	)	Honorable
	)	Arlene Colman-Romeo,
Defendant-Appellee.	)	Judge, presiding.

JUSTICE MARTIN delivered the judgment of the court.
Justices Lampkin and Rochford concurred in the judgment.

ORDER

- ¶ 1 *Held:* Plaintiff failed to allege sufficient facts to state a claim for employment discrimination under Title VII.
- ¶ 2 Tashay Myrick appeals the trial court’s order dismissing her amended complaint under section 2-615 of the Code of Civil Procedure (Code) (735 ILCS 5/2-615 (West 2024)). For the following reasons, we affirm.¹

¹In adherence with the requirements of Illinois Supreme Court Rule 352(a) (eff. July 1, 2018), this appeal has been resolved without oral argument upon the entry of a separate written order.

¶ 3

I. BACKGROUND

¶ 4

Myrick, an African American woman, was employed as a customer service representative in the Surgical Services group of the University of Illinois Hospital and Health System (the hospital) in Chicago. The hospital is affiliated with the University of Illinois at Chicago (UIC).

¶ 5

According to Myrick's amended complaint, she applied and interviewed for the position of scheduling program assistant in the Fall of 2019. Although previously informed by human resources that she was qualified for the position, Myrick was not selected. The hiring manager stated that the interview panel scored Myrick at 52%, but she was looking for someone who was "above average." The hiring manager also wanted a candidate with experience in surgical scheduling. The original posting for the job, however, did not list surgical scheduling experience as a qualification. The hiring manager later posted a job opening titled medical office coordinator.

¶ 6

While Myrick was seeking the position, Hubert Villasenor, who Myrick describes as "a non-black male," was temporarily performing the duties of the position. Villasenor was a customer service specialist, which is "higher than" Myrick's customer service representative position. Villasenor did not apply for or receive the scheduling program assistant position. The manager explained that Villasenor was assigned the position's duties for a month because he had prior experience with surgical scheduling. Ultimately, the hospital did not hire anyone to fill the scheduling program assistant position.

¶ 7

Separate from her application for the scheduling program assistant position, Myrick inquired whether she could receive payroll training. The department's assistant director told Myrick there was no need for such training, as there were no positions available. She indicated, however, that positions may be open in the future and she would notify Myrick when that occurred. Myrick learned Villasenor was receiving payroll training.

¶ 8 Myrick took a medical leave of absence in January 2020 and did not return to work. She notified the hospital's Office for Access and Equity that she had suffered discrimination on the basis of race. That office found that no violation of its non-discrimination policy had occurred. Myrick also initiated complaints with the Illinois Department of Human Rights and the United States Equal Employment Opportunity Commission. Neither entity sustained her allegation.

¶ 9 Myrick filed a *pro se* complaint naming UIC as the defendant, alleging only "employee discrimination based on ethnicity." The Board of Trustees of the University of Illinois (Board), which has authority over UIC (110 ILCS 305/1 *et seq.* (West 2024)), filed a motion to dismiss Myrick's complaint under section 2-619.1 of the Code (735 ILCS 5/2-619.1 (West 2024)). The Board asserted that Myrick failed to allege sufficient facts to state a cognizable claim for relief and that her suit was barred by sovereign immunity. Myrick filed a response and a motion for summary judgment. Without ruling on the pending motions, the trial court allowed Myrick leave to file an amended complaint.

¶ 10 In her amended complaint, Myrick named the Board as the defendant and alleged the Board discriminated against her by failing to promote or train her based on her race, in violation of Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e-2(a)(1) (2018))

¶ 11 The Board moved to dismiss Myrick's amended complaint under section 2-615 of the Code. Since no one was promoted to the program assistant position, the Board argued, Myrick could not establish the requisite element that the employer treated a similarly situated employee outside of the protected class more favorably. Thus, Myrick's claim based on a failure to promote was deficient. The Board further argued that Myrick's claim based on a denial of training was not actionable under Title VII, since the training she requested was unrelated to her current job. Myrick

filed a response. The court granted the Board's motion and dismissed Myrick's amended complaint with prejudice. This appeal followed.

¶ 12

II. ANALYSIS

¶ 13

After Myrick submitted her appellate brief, the Board filed a motion to dismiss this appeal, asserting that Myrick's brief failed to conform with certain requirements of Illinois Supreme Court Rule 341 (eff. Oct. 1, 2020), which governs briefs filed in the appellate court. We took the Board's motion with the case. As the Board did not file a brief, we took the case without an appellee brief. See *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976) (a reviewing court may consider the merits of an appeal despite the absence of an appellee's brief where the record is simple and the claimed errors can be decided without the aid of the appellee's brief).

¶ 14

In its motion to dismiss the appeal, the Board argued Myrick's brief was insufficient to enable review since, *inter alia*, she failed to cite the trial record or identify the trial court's specific findings. Though we agree that Myrick's brief is deficient in several respects, this court may entertain the appeal of a party who files an insufficient brief "so long as we understand the issue [the appellant] intends to raise." *Twardowski v. Holiday Hospitality Franchising, Inc.*, 321 Ill. App. 3d 509, 511 (2011).

¶ 15

We understand the issue Myrick intends to raise—indeed the only issue she could properly raise—that her amended complaint stated sufficient facts to survive a section 2-615 motion to dismiss. In addition, the record before us contains all the documents relevant to the issue: the amended complaint, the Board's section 2-615 motion, and Myrick's response. Further, our review of an order granting a motion to dismiss under section 2-615 is *de novo*. *Khan v. Fur Keeps Animal Rescue, Inc.*, 2021 IL App (1st) 182694, ¶ 25. Under *de novo* review, we review the matter anew,

“as if the case had not been heard before and as if no decision had been rendered previously.” (Internal quotation marks omitted.) *Freeburg Community Consolidated School District No. 70 v. Country Mutual Insurance Co.*, 2021 IL App (5th) 190098, ¶ 80. Thus, the record on appeal is sufficient to permit meaningful review.

¶ 16 “A motion to dismiss under section 2-615 of the Code challenges the legal sufficiency of the complaint by alleging defects on its face.” *Omega Demolition Corp. v. Illinois State Toll Highway Authority*, 2022 IL App (1st) 210158, ¶ 36. The motion “challenges whether the allegations of the complaint, taken as true and viewed in a light most favorable to the plaintiff, are sufficient to state a cause of action upon which relief can be granted.” *Feis Equities, LLC v. Sompo International Holdings, Ltd.*, 2020 IL App (1st) 191072, ¶ 48. A court must not dismiss a complaint under section 2-615 unless it is clearly apparent that no set of facts can be proved that would entitle the plaintiff to recovery. *Reynolds v. Jimmy John’s Enterprises, LLC*, 2013 IL App (4th) 120139, ¶ 25.

¶ 17 Title VII makes it unlawful for an employer “to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin.” *Paterakos v. City of Chicago*, 147 F. 4th 787, 795 (7th Cir. 2025) (quoting 42 U.S.C. § 2000e-2(a)(1) (2018)).

¶ 18 Although Title VII is a federal law, both state and federal courts have jurisdiction to hear Title VII claims. *Pirela v. Village of North Aurora*, 935 F. 2d 909, 913 (7th Cir. 1991). But complaints filed in Illinois state courts are subject to a higher pleading standard than complaints filed in federal courts. “Illinois is a fact-pleading jurisdiction” (*Beahringer v. Page*, 204 Ill. 2d 363, 369 (2003)), meaning a plaintiff must allege facts sufficient to bring a claim within a legally

recognized cause of action. *Weiss v. Waterhouse Securities, Inc.*, 208 Ill. 2d 439, 451 (2004). In federal courts, by contrast, “a plaintiff is not required to plead operative facts with particularity.” *City of Chicago v. Beretta U.S.A. Corp.*, 213 Ill. 2d 351, 367 (2004).

¶ 19 When a federal statutory claim is brought in Illinois state court, the court applies Illinois procedural rules while applying federal substantive law to the merits of the claim. See, *e.g.*, *Schultz v. Northeast Illinois Regional Commuter R.R. Corp.*, 201 Ill. 2d 260, 274 (2002) (noting that actions brought in state court under the Federal Employers’ Liability Act, are generally governed by state procedural law and federal substantive law); *Holloway v. Meyer*, 311 Ill. App. 3d 818, 822-23 (2000) (applying factual pleading requirement of section 2-615 to claims brought under section 1983 of the federal Civil Rights Act (42 U.S.C. § 1983 (2018))). Since the fact-pleading standard is a procedural rule, we apply that standard when evaluating the sufficiency of Myrick’s Title VII complaint. Accordingly, Myrick “may not rely on mere conclusions of law or fact unsupported by specific allegations.” *Pooh-Bah Enterprises, Inc. v. County of Cook*, 232 Ill. 2d 463, 473 (2009).

¶ 20 To state a Title VII employment discrimination claim based on failure to promote, a plaintiff must plead facts establishing that: (1) she is a member of a protected class, (2) she was qualified for the promotion (3) she applied for and was denied the promotion, and (4) the promotion was given to a member outside of the protected class who was not better qualified. *Grayson v. City of Chicago*, 317 F. 3d 745, 748 (7th Cir. 2003).

¶ 21 By Myrick’s own admission, the program assistant position was not given to anyone, let alone a person outside of the protected class. Thus, she had not pled facts to establish the element that promotion was given to a member outside of the protected class who was not better qualified. Courts have found claims deficient when no one is hired or promoted into the position the claimant

was denied. See *Abd-el-Illah Serir v. Illinois Central College*, No. 20-cv-1031, 2021 WL 3782891, at *3 (C.D. Ill. Aug. 25, 2021) (“Plaintiff cannot state a claim for employment discrimination *** because *** no one was hired for the position. This is fatal to Plaintiff’s claim as he cannot establish that another similarly situated individual who was not part of his protected class was treated more favorably than him.”); *Moore v. State Farm Mutual Automobile Insurance Co.*, No. 15-cv-1058, 2019 WL 342138, at *20 (C.D. Ill. Jan. 28, 2019) (“Moore fails to present evidence that a person outside the protected class received the promotion, because no one was promoted.”). Thus, Myrick failed to state a cognizable Title VII claim based on the denial of a promotion.

¶ 22 Myrick’s claim based on the denial of payroll training fares no better. “A discriminatory denial of job-related training can constitute an adverse employment action under Title VII.” *Durkin v. City of Chicago*, 341 F. 3d 606, 611 (7th Cir. 2003).

“[T]o make out a prima facie case of discriminatory failure to train [the plaintiff] must demonstrate: (1) that she is a member of a protected group; (2) that the [employer] provided training to its employees; (3) that she was eligible for training; and (4) that she was not provided training under circumstances giving rise to an inference of discrimination, *i.e.*, that she was denied training given to other similarly situated employees who were not members of the protected group.” *Pafford v. Herman*, 148 F. 3d 658, 667 (7th Cir. 1998).

¶ 23 Myrick alleged that Villesenor, an employee who was not a member of the protected group, received payroll training. But, by Myrick’s own admission, she and Villesenor were not similarly situated. Villesenor was a customer service specialist, which Myrick alleged was “higher” than her position as a customer service representative. The Seventh Circuit has held that employees are not similarly situated when they do not hold equivalent positions. See, *e.g.*, *Hoffman-Dombrowski v. Arlington International Racecourse, Inc.*, 254 F. 3d 644, 651 (7th Cir. 2001) (finding that two

employees “were not similarly situated because they did not hold the same or equivalent positions at the time that [the employer] decided to promote [the other]”). Thus, Myrick failed to allege sufficient facts to state a Title VII claim based on denial of training.

¶ 24 Myrick raises other contentions on appeal, including that the trial court failed to rule on her motion for summary judgment and that she was not allowed a jury trial. Since those are not appealable matters and are irrelevant to the disposition of this appeal, we need not address them.

¶ 25 III. CONCLUSION

¶ 26 For these reasons, we find it is clearly apparent that no set of facts can be proved that would entitle Myrick to recovery. Accordingly, we affirm the judgment of the circuit court dismissing Myrick’s amended complaint with prejudice under section 2-615. We deny the Board’s motion to dismiss the appeal as moot.

¶ 27 Motion denied.

¶ 28 Judgment affirmed.