

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

FILED
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COOK COUNTY, IL
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KRISTIN NEDIALKOVA, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

TOTAL AIRPORT SERVICES, LLC,

Defendant.

Case No. 2019 CH 2300

Judge Anna M. Loftus

Calendar 15

PLAINTIFF'S REPLY TO DEFENDANT'S AFFIRMATIVE DEFENSE

Plaintiff Kristin Nediakova, individually and on behalf of all other similarly situated, by through her attorneys, Caffarelli & Associates Ltd., replies to Defendant Total Airport Services, LLC's ("TAS" or "Defendant") affirmative defense as follows:

FIRST AFFIRMATIVE DEFENSE

1. During all times relevant to Plaintiff's Complaint, Defendant was a government contractor for the Chicago Department of Aviation at Chicago O'Hare International Airport. See Permit of Handling Operator, attached as Exhibit 1.

REPLY: Deny.

2. Pursuant to the permit and approval of Defendant as a government contractor, effective June 1, 2011 and during all relevant times (including during Plaintiff's employment), Defendant provided services at Chicago O'Hare International Airport.

REPLY: Deny.

3. During all times relevant to Plaintiff's Complaint, Defendant provided services to the Chicago Department of Aviation at Chicago O'Hare International Airport.

REPLY: Deny.

4. Plaintiff was employed by Defendant from approximately May 2015 through her voluntary resignation on June 19, 2017, at Chicago O'Hare International Airport.

REPLY: Admit.

5. On May 15, 2015, Plaintiff acknowledged that she received a copy of Defendant's Notice of Privacy Practices and a copy of Defendant's Human Resources policy and procedure manual.

REPLY: Admit.

6. On May 20, 2015, Plaintiff acknowledged that she received a copy of Defendant's Employee Handbook.

REPLY: Admit.

7. Plaintiff was aware that Defendant was a government contractor for the City of Chicago at O'Hare International Airport for the entirety of her employment.

REPLY: Deny.

8. Defendant incorporates Paragraphs 1-7 as through fully set forth herein.

REPLY: Plaintiff restates and incorporates her Replies to Paragraphs 1-7 as set forth herein.

9. Section 25(e) of BIPA states "[n]othing in this Act shall be construed to apply to a contractor, subcontractor, or agent of a State agency or local unit of government when working for that State agency or local unit of government." 740 ILCS 14/25(e).

REPLY: Plaintiff admits that where Paragraph 9 quotes 740 ILCS 14/25(e), it does so accurately. Answering further, the cited statute speaks for itself and, accordingly, Plaintiff denies Paragraph 9 to the extent that it is inconsistent with the cited statute. To the extent that Paragraph 9 contains an allegation against Plaintiff, Paragraph 9 is denied.

10. During all times relevant to Plaintiff's Complaint, Defendant was a government contractor for the City of Chicago to perform services at Chicago O'Hare International Airport.

REPLY: Deny.

WHEREFORE, Plaintiff's claims are barred, in whole or in part, by Section 25 (e) of BIPA, which excepts government contractors from application of the Act during their provisions of services to a state agency.

REPLY: Deny.

Dated: February 18, 2025

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Respectfully submitted,

KRISTIN NEDIALKOVA, individually and on behalf of all others similarly situated,

By: /s/ Alexis D. Martin
One of Plaintiff's Attorneys

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that on February 18, 2025, she caused the foregoing document to be electronically filed with the Clerk of Court's electronic delivery system, which sent notification of such filing to all parties of record.

/s/ Alexis D. Martin

Alexis D. Martin

Caffarelli & Associates Ltd.

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