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Appellate panel revives minor's discrimination case against hockey team

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An appellate panel revived a discrimination case against a youth hockey team in which a minor alleged being prohibited from team activities after disclosing she experienced mental health issues and suicidal thoughts.

The minor — a high school student identified as M.U. — and her parents Kelly U. and Nick U., brought claims against Team Illinois Hockey Club, Inc. and the Amateur Hockey Association of Illinois (AHAI). The latter is a nonprofit corporation and affiliate of USA Hockey which regulates youth hockey leagues throughout the state, including Team Illinois.

The suit alleges discrimination on the basis of a disability, in violation of the Illinois Human Rights Act.

A panel of the 2nd District Appellate Court ruled the circuit court erred in concluding that Team Illinois is not subject to the Illinois Human Rights Act, reversing and remanding the case for further proceedings.

In a written opinion Aug. 19, the panel held that while Team Illinois is not a “place of public accommodation,” it is not necessarily immune from liability under the Illinois Human Rights Act.

M.U., who was a member of a Team Illinois hockey team during its 2019-2020 season, maintains that after disclosing to her coach that she was diagnosed with anxiety and depression and had experienced suicidal thoughts, she was banned from all team activities.

According to court documents, the coach, Larry Pedrie, discussed the matter with Mike Mullally, a member of AHAI's board of directors and a director of the central district for USA Hockey. They agreed that M.U. should be banished from team activities until she could be “cleared by a doctor to return to 100% of Team Illinois activities.”

M.U. maintains they also sent an email to her teammates and their parents, directing them to have no contact with her.

Circuit Court of DuPage County Judge Bonnie M. Wheaton dismissed the initial case, ruling that Team Illinois, as a private organization, was not considered a place of public accommodation as defined by the Illinois Human Rights Act.

M.U. appealed. Justice Joseph E. Birkett delivered the judgment of the court, with opinion.

“Because plaintiff earned a coveted place on Team Illinois’s roster, it could not then deny her on the basis of her disability the privilege of participation at athletic events held at places of public accommodation, such as Seven Bridges,” Birkett wrote.

Team Illinois leases and operates the Seven Bridges Ice Arena in Woodridge, in addition to other facilities, for its activities and services.

The panel relied on the U.S. Supreme Court decision in *PGA Tour, Inc. v. Martin*, 532 U.S. 661 (2001) in its reasoning.

The case concerned a professional golfer with a physical disability who challenged, under the Americans with Disabilities Act, a Professional Golf Association Tour rule that prohibited the use of golf carts in PGA Tour events.

In *Martin*, the U.S. Supreme Court held that the prohibition on disability discrimination in places of public accommodation set forth in the ADA applied to the tours and qualifying rounds of the PGA.

Like the PGA Tour in *Martin*, Birkett said that Team Illinois is a membership organization that holds competitive sporting events at a place of public accommodation.

Although neither “ice rink” nor “ice arena” is listed in the Act as an example of a place of public accommodation, Birkett noted that “by application of the interpretive *canon ejusdem generis*, these places are ‘others such like’ a golf course (also at issue in *Martin*), which is specifically listed as a place of public accommodation under the Act.”

Birkett held that Team Illinois is nevertheless subject to the Act because, “it barred plaintiff on the basis of her disability from participating in Team Illinois events, like hockey games and tournaments, that were held at a place of public accommodation that it leased and operated.”

Birkett said that the defendants’ attempts to distinguish *Martin* were “unpersuasive.”

The panel also concluded that M.U. has adequately alleged facts to support that AHAI, through AHAI board member Mullally, aided and abetted Team Illinois in violating the Act.

Presiding Justice George Bridges and Justice Donald C. Hudson concurred in the judgment and opinion.

M.U. is represented by Charles D. Wysong of Hughes, Socol, Piers, Resnick & Dym, Ltd.

According to Wysong, “this is the first time a court has held definitively that sports teams of all levels from youth soccer through competitive travel club hockey may not discriminate against their players under Illinois Human Rights Act,” he said.

“The decision tells coaches, sports teams, parents and players everywhere that discrimination is not allowed in youth sports in Illinois. We hope sports teams will listen and learn how to support all their players in sports teams and contests,” Wysong said.

Team Illinois Hockey Club and the AHAI is represented by Timothy D. Elliott and Heather L. Kramer of Rathje Woodward LLC. The attorneys could not be reached for comment.

“The ruling, at still an early stage in the litigation, does not address the factual merits of the allegations,” a spokesperson for AHAI said in a written statement. “Team Illinois and AHAI strongly deny they did anything wrong and intend to vigorously defend their actions, while both organizations continue demonstrating their commitment to policies of inclusion and non-discrimination on and off the ice.”

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