No. 15-3634

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

Heather Hoekstra,	)	
	)	
Plaintiff-Appellant,	)	Appeal from the U.S. District Court
	)	for the Northern District of Illinois
v.	)	
	)	No. 13-cv-2814
Ford Motor Company,	)	
	)	The Honorable
Defendant-Appellee.	)	Samuel Der-Yeghiayan
	)	
	)	

REPLY BRIEF OF APPELLANT

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INTRODUCTION

Ford essentially endorses a "one free touch" rule. Men who embrace, pat, or rub themselves against female co-workers will be counseled, but not punished. Meanwhile, any pattern of harassment is ignored. Ford lauds Rebecca Taylor's investigative skills while disregarding the culture of harassment she permitted to fester.

Ford attempts to frame the incessant physical contact innocuously—hugs and shoulder pats administered while discussing work. The instances of men rubbing against Hoekstra's buttocks or touching her breasts are downplayed. Ford further claims much of the harassment is time-barred. Thwarting this theory is *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002). Under *Morgan*, "consideration of the entire scope of a hostile work environment claim, including behavior alleged outside the statutory time period, is permissible for the purposes of assessing liability...." *Id*. at 105.

Ultimately, Ford cannot overcome four realities:

1. There was uninvited physical contact with Hoekstra's breasts and buttocks.
2. Despite Taylor's counseling, Hoekstra was still harassed.
3. No harassers were disciplined.
4. Hoekstra fears further harassment and retaliation.

Reviewed *de novo*, the Court should reverse.

ARGUMENT

I. Older Incidents of Harassment Are Not Time-Barred Because Hoekstra's Entire Hostile Work Experience Is Dispositive.

A. *Morgan* exposes the fallacy of Ford's discrete acts theory.

Ford argues Hoekstra "cannot recover for discrete discriminatory and retaliatory conduct that occurred before November 27, 2010." Response at 18. While Ford does not offer examples of what a discrete act is, the Supreme Court does: "termination, failure to promote, denial of transfer, or refusal to hire." *Morgan*, 536 U.S. at 114.

Virtually all of the incidents Hoekstra objects to involve non-discrete acts. There was no termination, refusal to hire, or denial of transfer. While Hoekstra was not promoted on two occasions, the rest of the harassment and retaliation concerned non-discrete acts, namely a hostile work environment. Thus, when Ford asserts that "many of the incidents about which Hoekstra complains are discrete acts," (Response at 18), it is wrong. Further eviscerating Ford's argument is *Morgan*'s observation that "[h]ostile environment claims are different in kind from discrete acts. Their very nature involves repeated conduct." 536 U.S. at 115-16.

The discrete acts theory Ford proposes was rejected in *Turner v. The Saloon, Ltd.*, 595 F.3d 679 (7th Cir. 2010). The district court in *Turner* described a supervisor's acts of sexual harassment as "discrete acts of

discriminatory conduct," and thus found most of the acts time-barred under Title VII. *Id*. at 684. However, the plaintiff's sexual harassment claim rested on a hostile workplace theory. *Id*. And because some of the supervisor's sexual harassment occurred within the statutory time period, "the court should have analyzed whether all of [the supervisor's] conduct, taken as a whole, created an actionable hostile work environment." *Id*. at 685. The district court's failure to do so prompted the Court to reverse summary judgment for the employer. *Id*. The district court's same approach here also warrants reversal.

In lieu of *Turner*, Ford relies on *Tinner v. United Insurance Company*, 308 F.3d 697 (7th Cir. 2002). But *Tinner* involved an employee who complained of separate (discrete) acts of discrimination, not the ongoing hostile work environment present here. *See id*. at 709. Ultimately, Ford's discrete acts analysis is deceiving because it ignores the holding of *Morgan*. Hoekstra's case rests on hostile work environment, rendering any time-barred argument based on discrete acts frivolous under *Morgan*.

B. The continuing violation doctrine applies because Hoekstra's harassment and retaliation claims stem from her hostile work environment.

Ford next argues Hoekstra cannot invoke the continuing violation doctrine because of temporal gaps in the reported harassment, along with differences in the harassment and the harassers. Response at 19. Ford's argument falters for the same reason its discrete acts theory does.

The specter of *Morgan* again looms. An employee may base a hostile work environment claim on acts occurring at any time during the employment. *Morgan*, 536 U.S. at 115-16. While Ford cites *Morgan* in passing, it refuses to engage its holding.

The Court analyzed *Morgan* in *Hildebrandt v. Illinois DNR*, 347 F.3d 1014 (7th Cir. 2003). *Hildebrandt* explained that under *Morgan*, it is irrelevant if some of the hostile work environment acts fall outside the statutory time period. *Id*. at 1027. "Provided that an act contributing to the claim occurs within the filing period, the entire time period of the hostile environment may be considered by a court for the purposes of determining liability." *Id*., (quoting *Morgan*, 536 U.S. at 116). *See also King v. Acosta Sales and Marketing, Inc*., 678 F.3d 470, 472 (7th Cir. 2012) ("it does not matter when the individual deeds contributing to the pattern occurred, if the pattern continued into the 300 days before the charge's filing.").

Ford cites three cases it claims support its position. First, *Tinner*, which Hoekstra distinguished above. Second, it cites to *Selan v. Kiley*, 969 F.2d 560 (7th Cir. 1992). But *Selan* discussed a claim of discrimination and allegations of a pattern of discrimination, not a claim of hostile work environment. *Id*. at 566. Third, it relies on *Lucas v. Chicago Transit Authority*, 367 F.3d 714 (7th Cir. 2004). While *Lucas* included a hostile work environment claim, its basis was specious. "We are hindered in our efforts in assessing [plaintiff's] claim,

however, by his failure to point to the specific actions that he believes contributed to a hostile work environment claim." *Id.* at 724-25. Addressing plaintiff's argument that it was unreasonable for him to sue because he was told the racial discrimination had been resolved, the Court replied, "[t]his laconic contention does not demonstrate a hostile work environment." *Id.* *Lucas* is thus distinguishable.

Ford further argues the continuing violation doctrine is inapplicable because the harassers varied. Response at 21. That Hoekstra named different harassers is of no import because their conduct, touching Hoekstra or making sexually charged remarks to her, was the same. That the men might not have worked in tandem does not alter the fact that Hoekstra endured a hostile work environment. Separate acts comprise a continuing hostile work environment when the subject matter of the incidents is similar. *Filipovic v. K & R Express Sys., Inc.*, 176 F.3d 390, 396 (7th Cir. 1999). The subject matter of every incident here—Hoekstra's body—was unchanged.

In sum, any lull in the ongoing harassment Hoekstra endured does not make her claim untimely. Each aspect of the harassment was part of the whole hostile work environment. And while various individuals perpetrated the harassment, all the harassers and the Labor Relations Department discussed Hoekstra and her harassment complaints. Therefore, Ford's attempt to evade the continuing violation doctrine fails.

II. An Objectively Hostile Work Environment Exists Because The Incidents of Harassment Were Numerous and Consistent.

A. Ford's narrow reading of Title VII is in retreat.

Ford attempts to couch this case in terms of workplace incivility. Response at 23-24. In doing so, Ford downplays Hoekstra's objectification while simultaneously elevating the standard she must meet. Ford states "Title VII protects workers from the conduct that makes the work environment 'hellish.'" Response at 23. This view is obsolete. "We trust that in the future counsel will avoid the use of a single, overwrought word like 'hellish' to describe the workplace and focus on the question whether a protected group is experiencing abuse in the workplace...." *Jackson v. County of Racine*, 474 F.3d 493, 500 (7th Cir. 2007). And given the steady stream of harassment here, Hoekstra suffered physical and psychological abuse.

B. Ford diminishes the physical touching Hoekstra suffered.

Doubling down on Rebecca Taylor's lax view of workplace touching, Ford euphemistically describes the incidents of harassment as "relatively benign." Response at 24. That view differs from the perspective of Hoekstra, who did not welcome being rubbed against from behind or being leered at.

The conduct Hoekstra alleges speaks for itself, and Hoekstra will not belabor the point. *See* Opening at 3-11. Suffice it to say, being felt against one's will is the antithesis of "relatively benign." And interspersed with the

grabbing and groping were comments to Hoekstra about AIDS, yeast infections, lingerie, and her body. Doc. 55-1 at 66, 148, 177, 180.

Ford further claims the touching was not severe because the men said nothing "overtly sexual to Hoekstra when they touched her." Response at 27. This assertion ignores the tension that already existed from other sex-saturated encounters involving Hoekstra. Other employees' remarks about bra size, porn hair, and wanting "to get in that box." Doc. 55-1 at 180, 185-88. Ford also emphasizes that Hoekstra was touched "during work-related conversations." Response at 28. By suggesting this makes the contact more acceptable strains common sense, inviting employees to cop feels while ostensibly discussing last month's sales report.

Finally, Ford argues that Hoekstra "mischaracterizes the contact as involving her intimate areas." Response at 29. No embellishing is needed. Al Wills "reached around the right side of me ... and groped me on the side, and grabbed the side of my breast and got a hard grip on me and jerked and squeezed me into him as hard as he could." Doc. 55-1 at 57-59. Eugene White "pressed himself up to the left side of me, the left side of my body and my breast, and he pressed himself hard against me and wrapped his arms around me." Doc. 55-1 at 83-84. Wayne Rosentrader brushed himself against Hoekstra when he walked behind her. Doc. 55-1 at 25-26. Ray Vega came up behind Hoekstra and rubbed himself up against her. Doc. 55-1 at 109-11.

Viewed in a light most favorable to Hoekstra, Ford's unrealistically sanguine view of the record cannot stand.

C. Ford evades the totality of circumstances.

Ford contends that Hoekstra's 18-year stint dilutes the notion of a hostile work environment. Response at 23-24. While this case involves an unusually lengthy time period, an average of approximately one new harasser and multiple incidents per year does not make Hoekstra's experience any more tolerable.

Still, even if the 18 years is narrowed to 4 years, 2010-2013, Ford's context argument crumbles. Hoekstra endured intimate physical contact between 2010 and 2013 as follows. Al Wills grabbed Hoekstra's breast. Doc. 55-1 at 57. Eugene White grabbed and pinned Hoekstra's body against his. *Id.* at 82-84. Ray Vega pulled Hoekstra's hair and rubbed himself against her buttocks. *Id.* at 107-11. Supervisor Erik Suyak rubbed Hoekstra's back. *Id.* at 163-64. Jerry Summit rubbed himself against Hoekstra's buttocks. *Id.* at 140. Don Cooper punched Hoekstra in the leg. *Id.* at 149. Jesse Landingham felt Hoekstra's buttocks. *Id.* at 144. Thus, while the touching did not occur weekly, Ford cites nothing requiring such a rapid rate of harassment.

Moreover, Ford commits the exact offense it accuses Hoekstra of. Ford parses the incidents of harassment and argues why each is individually insufficient to create an objectively hostile workplace. Response at 24-25. This

approach prompted the reversal of summary judgment in *Paz v. Wauconda Healthcare*, 464 F.3d 659 (7th Cir. 2006). The record in *Paz* revealed a wealth of incidents reflecting poorly on the plaintiff's supervisor. *Id*. at 665-66. The Court reversed summary judgment for the employer because the "district court cannot view the record in small pieces that are mutually exclusive of each other." *Id*. Ford and the district court do just that.

In evaluating whether a work environment is hostile, "a look at the totality of the circumstances must be had." *Hall v. City of Chicago*, 713 F.3d 325, 331 (7th Cir. 2013). Ford never considers the harassment's cumulative toll on Hoekstra. And Ford cannot hit the reset button after each incident. Yet that is exactly how Ford views the evidence.

Ford does provide perfunctory nods to the notion of context:

- "Even when considered with Hoekstra's other allegations, these isolated events, which have no known tie to Hoekstra's sex, do not support a finding of sexual harassment." Response at 27.
- "Even considering the comments and contact as a whole, the conduct Hoekstra complains about does not establish an objectively hostile work environment." Response at 30.
- "Whether considered separately or as a whole, the conduct Hoekstra alleges does not rise to the level requiring a trial." Response at 31.

But these three conclusory-laced sentences prove little. Treating the totality of circumstances as an afterthought—without considering the interplay between the verbal and physical harassment, the inexorable nature of the harassment, and the sheer number of harassers—renders Ford's analysis ineffectual.

D. Ford's authority does not involve a multitude of harassers.

Ford attempts to equate cases where employees experienced isolated incidents of harassment. The contrast with the repeated harassment here precludes any parallels.

For example, in *Whittaker v. Northern Illinois University*, a supervisor who invited the plaintiff twice to join him on his boat for "a weekend of drinking and other things" and made sexual comments to co-workers outside of the plaintiff's presence, did not create a hostile work environment. 424 F.3d 640, 645-56 (7th Cir. 2005). In *Hilt-Dyson v. City of Chicago*, two incidents of a supervisor rubbing plaintiff's back and shoulders, which ceased after plaintiff complained, were not objectively hostile. 282 F.3d 456, 459, 463-64 (7th Cir. 2002). The Court in *Weiss v. Coca-Cola Bottling Company* found no harassment where the defendant asked plaintiff for dates, called her a "dumb blond," put his hand on her shoulder several times, and twice attempted to kiss her. 990 F.2d 333, 337 (7th Cir. 1993). Finally, in *Baskerville v. Culligan*, a supervisor called the plaintiff a "pretty girl," made grunting noises as she

left his office wearing a leather skirt, and joked that women run around naked in the office. 50 F.3d 428, 430 (7th Cir. 1995). The Court overturned plaintiff's jury verdict because the supervisor "never touched the plaintiff. He did not invite her, explicitly or by implication, to have sex with him, or to go out on a date with him." *Id*.

These four cases are a far cry from the approximately 21 alleged harassers here. The best Ford can do is *Saxton v. AT&T*, 10 F.3d 526 (7th Cir. 1993). *Saxton* found no hostile work environment where a supervisor placed his hand on plaintiff's leg above the knee several times, rubbed his hand along her upper thigh once, pulled her into a doorway and kissed her for a couple seconds, and lurched at her. *Id*. at 528-29. *Saxton* involved a single perpetrator versus the numerous individuals here, as well as the actual knowledge of Hoekstra's complaints by the Labor Relations Department. Further, Hoekstra's co-workers rubbed themselves against her buttocks and breasts. *Saxton* thus cannot save Ford, especially since "[e]ven one act of harassment will suffice if it is egregious." *Hostetler v. Quality Dining, Inc*., 218 F.3d 798, 808 (7th Cir. 2000). And uninvited physical contact with intimate areas is a severe type of harassment. *Patton v. Keystone RV Co*., 455 F.3d 812, 816 (7th Cir. 2006).

Reviewed *de novo*, there is a question of material fact about whether the Chicago Stamping Plant was objectively hostile.

III. Employer Liability Exists Because Hoekstra Complained and The Harassment Never Stopped.

A. Taylor's tepid response to the harassment accomplished little.

Ford contends it "promptly corrected" the harassment by its supervisors. Response at 31. Rebecca Taylor did in fact promptly investigate Hoekstra's allegations of Horton and Vega. However, Taylor ultimately dismissed Hoekstra's allegations, counseled the alleged harassers, and then repeated the cycle. As set forth in the Opening, Taylor's narrow view of workplace touching doomed Hoekstra's allegations. Further, Ford fixes its eye on the silver lining and ignores the cloud. While certain individuals did not harass Hoekstra again after she reported them, Hoekstra herself was harassed again. Ford thus cannot claim success for stopping one harasser while another took his place. Viewing the harassment through the eyes of the victim confirms Ford's efforts were meaningless.

Two additional points undermine Ford's handling of the harassment. First, the emphasis of Title VII is not redress but preventing future harm. *Lapka v. Chertoff*, 517 F.3d 974, 984 (7th Cir. 2008). Second, the existence of a sexual harassment policy is not a cure-all. *Gentry v. Export Packaging Co.*, 238 F.3d 842, 847-48 (7th Cir. 2001). Ford can claim it prevented future harm as to some harassers, but cannot claim it prevented

future harm as to Hoekstra. And for Ford to say its actions "undoubtedly satisfied that standard" (Response at 44) defies reality.

B. Ford did not correct the harassment because it continued.

Ford states, "Hoekstra erroneously suggests that an employer's actions are not reasonable if any harassment—even unrelated misconduct—occurs after an employer responds to a complaint." Response at 35. Hoekstra does no such thing. First, as set forth above, the sexual harassment was hardly unrelated, in every instance the target was Hoekstra and the goal was gratification. Second, it was not just "any harassment" that occurred, it was a never-ending pattern of touching and offensive remarks. Third, Ford ignores the culture of harassment that Taylor and the Labor Relations Department somehow missed (but the EEOC found). Put simply, Taylor and Labor Relations chose not to dwell on the pattern of harassment or learn anything from it.

Next, Ford argues that every employee receives training on the anti-harassment policy, and that supervisors such as Vega and Horton "receive frequent online training." Response at 33. But of the four Plant workers Hoekstra deposed, three (Cooper, Vega, and Horton) did not recall any harassment classes or have records of training since 2001. Doc. 55 at ¶ 122; Doc. 55-2 at 194; Doc. 55-3 at 137-38. The other employee, Al Wills, last had training in 2004 when he was in the Michigan plant. Doc. 55 at ¶ 122.

Hoekstra's last training was in the mid-1990s. Doc. 55-1 at 193. The deposition testimony thus undermines Ford's position.

Additionally, Ford claims Hoekstra "did not take advantage of Ford's preventive and corrective measures." Response at 36. Hoekstra complained about 13 different individuals. This is more than enough. In any event, her failure to report every incident is irrelevant because she feared retaliation. *See* Doc. 55-1 at 120, 146. A reasonable fear of retaliation can excuse the failure to use corrective measures. *Johnson v. West*, 218 F.3d 725, 732 (7th Cir. 2000); *EEOC v. Management Hospitality of Racine, Inc.*, 666 F.3d 422, 437 (7th Cir. 2012).

Ford contends Hoekstra's fear of retaliation that prevented her from reporting the harassment "is both unreasonable and disingenuous." Response at 42. This is belied by the record. After reporting Carl Horton, Hoekstra was told her complaint lacked merit and was assigned to Horton, who then retaliated against her. Doc. 55-1 at 38, 42-46, 162. When she reported Al Wills, union rep Charlie Evans asked Hoekstra if she had a "vendetta" against Ford. Doc. 55-1 at 71. After Labor Relations spoke to Jesse Landingham, he saw Hoekstra and ordered her to "stay over there." Doc. 55-1 at 146-47. Finally Ray Vega texted Hoekstra, "Oh im pretty sure u will accomplish a lot," and after receiving no reply from Hoekstra, Vega texted "Be that way." Doc. 55-1 at 117-19; Doc. 48-2 at 116. Ford's dismissal of these incidents as

insufficient is flawed because Ford refuses to consider their context. Co-workers made it clear they were unhappy with Hoekstra's allegations. For that reason, Hoekstra had every reason to self-censor.

As discussed in the Opening, and ignored in the Response, a reasonable response to harassment occurred in *Muhammad v. Caterpillar, Inc.*, 767 F.3d 694 (7th Cir. 2014). After the employer addressed coworkers' offensive comments, only one coworker made another remark. *Id*. at 698. As for the offensive graffiti, the employer responded immediately each time the plaintiff reported it, and the problem soon stopped. *Id*. In contrast, the harassment of Hoekstra never ceased. And given the continuous harassment, a reasonable response would have been to evaluate why repeated investigations and counseling was necessary in the first place.

One final point bears mention. Ford contends Hoekstra "takes liberty with the record in arguing that Taylor's assistance was ineffective because Taylor did not 'definitively denounce a punch in the leg or pat on the buttocks.'" Response at 41, quoting Opening at 29. This charge is false, and transparently so.

Taylor's testimony speaks for itself. And Ford offers nothing supporting its baseless claim. In fact, immediately after the accusation Ford states, "Taylor testified that she personally does not consider a punch in the leg unwelcome and generally feels that contact with the buttocks is unwelcome."

Response at 41. Which is how Hoekstra characterized Taylor's testimony. Unable to challenge Hoekstra's portrayal, Ford resorts to sullying her.

IV. Retaliation Exists Because Hoekstra Was Treated Differently After Alleging Harassment.

An adverse employment action includes unbearable changes in job conditions. *Barton v. Zimmer, Inc.,* 662 F.3d 448, 453–54 (7th Cir. 2011). Additionally, creating a hostile work environment can be retaliation. *Knox v. State of Ind.*, 93 F.3d 1327, 1334 (7th Cir. 1996).

Much of Ford's Response is devoted to the adverse employment action element of retaliation. Response at 45-48. Ford's position is flawed because it isolates each incident and declares it is not enough to be an adverse employment action. As with the sexual harassment claim, Ford disregards the context, and when the totality of circumstances is considered, the retaliation becomes clear. The adverse employment action is not, standing alone, Perry Haynes threatening Hoekstra with a scooter. Its that incident piled on the numerous others that Hoekstra was subjected to. In short, the adverse employment action is the hostile work environment. Ford's failure to grasp this point undermines its analysis.

For the same reason, Ford's causation argument fails. The evidence, viewed in Hoekstra's favor, establishes an inference that Plant employees made Hoekstra's work environment unbearable because she spoke out. Carl

Horton retaliated against her by having her disciplined twice. Doc. 55 at ¶¶ 17-19. Brian Ripple, Michael Scalzetti, and other harassers retaliated against Hoekstra for speaking out. Doc. 55-1 at 49-51. Hoekstra's extension cord for her fan was hidden. Doc. 55-1 at 92. After Hoekstra reported Al Wills and Ray Vega, they continued bothering Hoekstra. Doc. 55 at ¶¶ 50, 66-67. Charlie Evans asked Hoekstra if she had a "vendetta" against Ford. Doc. 55-1 at 71. After Labor Relations spoke to Jesse Landingham, he saw Hoekstra and told her to "stay over there." Doc. 55-1 at 146-47.

Hoekstra experienced more difficult work conditions because she objected to harassment. Reviewed *de novo*, a reasonable jury could infer that Plant employees retaliated against Hoekstra for accusing co-workers of harassment.

V. The EEOC's Class-Wide Determination is Relevant.

Ford claims the Court should disregard the EEOC's determination that a class of employees, including Hoekstra, was subjected to sexual harassment and retaliation at the Chicago Stamping Plant. Response at 53. The highly relevant EEOC letter should be considered.

Ford's claim that the disclosure of EEOC determination letter was late or prejudicial is false. First, within days of receiving the determination letter, Hoekstra emailed it to Ford. Second, the EEOC sent the determination to Ford in initiating the conciliation process. Third, Hoekstra raised the EEOC

determination and the conciliation efforts before the district court on April 7, 2015. The court referred to the EEOC determination and the possibility for resolution in its minute order. Doc. 44. Fourth, Hoekstra discussed the EEOC determination at Rebecca Taylor's deposition. Doc. 55-1 at 172-77. Thus, Ford cannot claim late notice of the EEOC determination.

Ford also argues the EEOC determination is inadmissible hearsay. Ford relies on *Silverman v. Board of Education of the City of Chicago*, which held the district court did not abuse its discretion by not admitting the EEOC determination at trial. 637 F.3d 729, 733 (7th Cir. 2011). Ford cites a footnote, but only provides the Court with the first sentence of that footnote. Response at 53. The remainder of the footnote states:

> The Supreme Court has indicated that a determination can fall within the exception in Federal Rule of Evidence 803(8)(C) for "factual findings resulting from an investigation made pursuant to authority granted by law, unless the sources of information or other circumstances indicate lack of trustworthiness."

637 F.3d at 733, n. 1, quoting *Chandler v. Roudebush*, 425 U.S. 840, 863, n.39 (1976).

Trial courts have "great discretion" in the treatment of an EEOC determination. 637 F.3d at 732. Because the EEOC determination could be admitted at trial, it is proper to consider it at this juncture.

CONCLUSION

"When the workplace is permeated with discriminatory intimidation, ridicule, and insult, that is sufficiently severe or pervasive to alter the conditions of the victim's employment and create an abusive working environment, Title VII is violated." *Harris v. Forklift Sys. Inc.*, 510 U.S. 17, 21 (1993). The Court should reverse and apply Circuit Rule 36 on remand.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE WITH F.R.A.P. RULE 32(a)(7)

The undersigned, counsel of record for the Appellant, furnishes the following in compliance with F.R.A.P. Rule 32(a)(7):

I hereby certify that this brief conforms to the provisions of F.R.A.P. Rule 32(a)(7) for a brief produced with a monospaced font. The length of this brief is 4,125 words according to the Microsoft word count function.

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CIRCUIT RULE 31(e)(1) CERTIFICATION

I, Christopher Keleher, hereby certify that fifteen paper copies of the Appellant's Reply Brief were sent within 7 days of filing on the Court's ECF system via hand delivery to:

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CERTIFICATE OF SERVICE

This is to certify that I have served a copy of the Appellant's Reply Brief upon the party listed herein, by April 14, 2016, to:

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CIRCUIT RULE 30(d) STATEMENT

The undersigned hereby certifies that I have filed electronically, pursuant to Circuit Rule 30(d), versions of the brief that are available in non-scanned pdf format.

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