

United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

September 10, 2003

Before

Hon. William J. Bauer, *Circuit Judge*

Hon. Ilana Diamond Rovner, *Circuit Judge*

Hon. Ann Claire Williams, *Circuit Judge*

No. 02-2358

Kathy Durkin,

Plaintiff-Appellant,

v.

City of Chicago,

Defendant-Appellee.

Appeal from the United States
District Court for the Northern
District of Illinois, Eastern Division.

No. 00 C 4932

Elaine E. Bucklo,
Judge.

ORDER

The slip opinion issued in the above-entitled case on August 22, 2003 is hereby amended as follows:

Page 14, the entire paragraph under “Conclusion” is withdrawn and in its place is substituted with the following language.

Whatever Durkin was subjected to, she cannot prevail because she does not meet the requirements set forth in *McDonnell Douglas*. While we acknowledge that the plaintiff’s allegations of outrageous behavior on the part of police trainers were uncontested only for purposes of summary judgment consideration and therefore remain unproven, nevertheless, the charges are sufficiently explicit to merit scrutiny by the City. And we trust that steps will be taken to assure that such behavior, if it did occur, will be brought to a halt.