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C.C.  
DAA

IN THE CIRCUIT COURT OF COOK COUNTY  
COUNTY DEPARTMENT, LAW DIVISION

FILED  
2013 NOV -8 PM 4:35

ALPHA KAPPA ALPHA SORORITY, INC.

Plaintiff,

v.

BARBARA MCKINZIE,

Defendant.

DOROTHY BROWN  
CLERK OF CIRCUIT COURT  
LAW DIVISION

Case No. 13 L 7218

3298  
2871

**REPLY IN SUPPORT OF MOTION TO DISMISS  
AND COMPEL ARBITRATION**

Defendant, Barbara McKinzie, by her attorneys, Kenneth M. Battle and Quintairos, Prieto, Wood & Boyer, P.A., submits the following Reply in Support of her Motion to Dismiss and Compel Arbitration.

On November 1, 2013, following oral argument, this court overruled all of plaintiff's objections to defendant's motion except for two issues. This court specifically requested further briefing as to the following: 1) the effects Defendant's purported suspension has on her rights to invoke arbitration; and 2) whether there must be a signed agreement in order to invoke an arbitration clause, and if so under what circumstances.

**I. Defendant's Purported Suspension does not Completely Bar her from All Membership Rights and Privileges, Including Arbitration.**

First, and foremost, Plaintiff is not a properly suspended member. Pursuant to Exhibit E of Defendant's Motion, Plaintiff specifically states that "the Directorate" took action to suspend Defendant. However, pursuant to AKA Constitution and By Laws, there is a process to be followed for suspended members and it was not followed in the least. See Article VI, Sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 12, 13, 14, 15 and 16. A copy of Article VI of the Constitution and By

Laws was included in the Defendant's brief as Exhibit F. Defendant was improperly suspended from the organization without any ruling by the Regional Director, without proper notice, and without the opportunity to appeal the decision per the Constitution. However, telling in the letter from Plaintiff, is that Defendant was offered the right to appeal the improper decision of the Directorate to whom.....the same Directorate. Nevertheless, as seen in both the Plaintiff's letter and Article VI, Defendant is still a member of the organization. As a member they even offered to allow her an appeal pursuant to the Bylaws and Manual of Standard Procedures. These AKA documents clearly demonstrate that she is considered a member and has a right to refute any allegations affecting her membership status. Further, viewing the Plaintiff's website one can easily determine that Plaintiff is NOT listed as a suspended member. See applicable section of the website attached hereto as Exhibit 1. Since she is not a suspended member, the Arbitration Provision applies.

Assuming, arguendo, that the suspension of Defendant is proper, the Arbitration policy still applies since it clearly makes no difference between members in good standing, suspended members, non-financial members, etc. The policy states that "To reduce legal fees for both the Sorority and its members, it is required that prior to taking a suit related to Alpha Kappa Alpha to court, sorors must go through the AKA Arbitration process." For some reason, Plaintiff does not want to adhere to its own policy. Case law is clear that suspended members reasonably expect the organization to follow its bylaws and policies with respect to the suspension, review process, and arbitration. See *Jolevare v. Alpha Kappa Alpha Sorority, Inc.*, 521 F. Supp 2d 1 (2007)(Court concluded that judicial intervention was not proper because AKA fully complied with its policies and procedures regarding suspension of the members and subsequently allowing the members to take part in the review process); *Baker Bey v. Delta Sigma Theta Sorority, Inc.*

2013 WL 1742449 (2013)(Court notes that it expected defendant sorority to follow its own rules with respect to the matriculation of plaintiffs case through their internal review process)(Gates v. Holy Cross Hospital, 175 Ill.App.3d 439, 529 N.E.2d 1014 (1<sup>st</sup> Dist. 1988)(Suspended physician sues hospital for failing to follow its own bylaws during the suspension and review process)(Siqueira v. Northwestern Memorial Hospital, 132 Ill.App.3d 293477 N.E.2d 16 (1<sup>st</sup> Dist. 1985)(Suspended physician had a right to a fair and impartial hearing by the organization as provided for under the organization's bylaws)

If suspended members of AKA were not allowed to avail themselves to the arbitration policy, as well as the constitution and bylaws and manual of standard procedure, where would they go? The courts have noted, as mentioned above, that it expects these members to go through the internal process before going to court. If these suspended members of AKA do not have this option, then this Court can reasonably expect each and every suspended member of this 260,000 plus member organization to proceed directly to court with their concerns. That, pursuant to Plaintiff's own documents, would cut against its purpose of reducing legal fees for the organization and its members.

## **II. A Physical Signature on an Agreement is Not Necessary to have a Binding Arbitration Agreement.**

Plaintiff does not deny the existence of an arbitration provision. Plaintiff oddly denies that anyone who has not physically signed the policy is precluded from arbitration and must pursue any legal matters in trial court. This, by default, would mean that each and every member of the organization (because no one signs policy provisions that govern the organization) cannot assert arbitration and must proceed to court. This would include everyone, all 260,000 plus members. This argument begs the question, why create a policy that has no effect on any members and

does not serve its stated purpose. AKA is a private corporation with an Arbitration Policy that specifically states that it applies to all members. Defendant is a member. The Policy itself, as an incorporated portion of the constitution and bylaws, is enough to constitute an agreement to submit disputes to arbitration. See *Argiris v. May*, 80 Ill.App.3d 18, 398 N.E.2d 1239 (1979)(bylaws of an organization that include an arbitration provision are sufficient to satisfy the Illinois Arbitration Statute); see also *Wrobel v. Argiris*, 73 Ill.App.3d 648, 392 N.E.2d 681 (1<sup>st</sup> Dist. 1979); *Argiris & Co. v. Pain/Wetzel & Assoc.* 63 Ill.App.3d 993, 380 N.E.2d 825 (1<sup>st</sup> Dist. 1978). The law is simply well settled on this issue and this Court should rule in Defendant's favor.

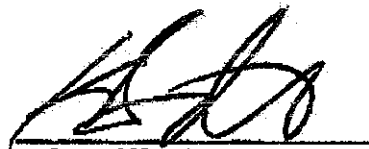
WHEREFORE, Defendant, Barbara McKinzie, respectfully requests that this honorable court dismiss Plaintiff's Complaint, with prejudice, and compel Plaintiff to proceed with this dispute in arbitration as provided for in Plaintiff's own Arbitration Policy, and for such further relief as this court deems just and equitable.

This 8<sup>th</sup> day of November, 2013.

Respectfully submitted,

BARBARA McKINZIE,

By:

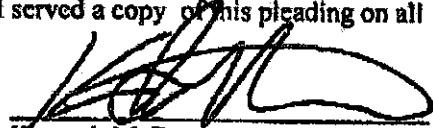


One of Her Attorneys

Kenneth M. Battle  
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(312) 566-0040  
Atty. ID No. 48947

**CERTIFICATE OF SERVICE**

Kenneth M. Battle, an attorney, hereby certify that I served a copy of this pleading on all parties of record via U.S. Mail, on November 8, 2013.



\_\_\_\_\_  
Kenneth M. Battle

L-N




A Legacy of Sisterhood and Service - Founded in 1908

# Alpha Kappa Alpha Sorority Inc.

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### Suspended Members

A-B, C-D, E-H, I-K, L-N, O-R, S-V, W-Z  
Suspended Members:

1 2 3  
**Deniqua Ledson**  
 Chapter name: Mu Xi  
 Location: WINTHROP UNIVERSITY  
 Region: South Atlantic  
 Suspension start date: 05/06/2013  
 Suspension expiration date: 05/06/2015

**Allahea Lambert**  
 Chapter name: Kappa Delta  
 Location: Long Island University  
 Region: North Atlantic  
 Suspension start date: 01/24/2012  
 Suspension expiration date: 01/24/2015

**Tyler Lanier**  
 Chapter name: Kappa Tau  
 Location: University of West Georgia  
 Region: South Atlantic  
 Suspension start date: 05/01/2013  
 Suspension expiration date: 05/01/2015

**Misha Lawrence**  
 Chapter name: Gamma Theta  
 Location: HAMPTON UNIVERSITY  
 Region: Mid Atlantic  
 Suspension start date: 12/06/2010  
 Suspension expiration date: 12/06/2013

**Andrea Lemmon**  
 Chapter name: Kappa Delta  
 Location: Long Island University  
 Region: North Atlantic  
 Suspension start date: 01/24/2012  
 Suspension expiration date: 01/24/2015

**Rebecca B. Lesperance**  
 Chapter name: Omega Omega  
 Location: Philadelphia, PA  
 Region: North Atlantic  
 Suspension start date: 01/09/2012  
 Suspension expiration date: 01/09/2014

Adrianna Lewis

**Chapter name: Mu Xi**  
**Location: WINTHROP UNIVERSITY**  
**Region: South Atlantic**  
**Suspension start date: 05/06/2013**  
**Suspension expiration date: 05/06/2015**

**Ashley Lewis**  
**Chapter name: Psi**  
**Location: BENEDICT COLLEGE**  
**Region: South Atlantic**  
**Suspension start date: 05/15/2012**  
**Suspension expiration date: 05/15/2014**

**Kellie Lewis**  
**Chapter name: Eta Chi**  
**Location: NORTHWESTERN STATE UNIVERSITY**  
**Region: South Central**  
**Suspension start date: 05/13/2013**  
**Suspension expiration date: 05/13/2015**

**Maegan Elizabeth-Marie Lewis**  
**Chapter name: Theta Alpha**  
**Location: EAST CAROLINA UNIVERSITY**  
**Region: Mid Atlantic**  
**Suspension start date: 09/25/2011**  
**Suspension expiration date: 09/25/2013**

**Misha Logan**  
**Chapter name: Zeta Alpha**  
**Location: Arizona State University**  
**Region: Far Western**  
**Suspension start date: 05/30/2011**  
**Suspension expiration date: 05/29/2015**

**Latesha Long**  
**Chapter name: Lambda Psi**  
**Location: LEWIS UNIVERSITY**  
**Region: Central**  
**Suspension start date: 04/24/2013**  
**Suspension expiration date: 04/24/2015**

**Sabine A. Louis**  
**Chapter name: Lambda**  
**Location: CITY CHAPTER-NEW YORK CITY**  
**Region: North Atlantic**  
**Suspension start date: 08/28/2011**  
**Suspension expiration date: 08/28/2014**


**Iesha Loyd**  
**Chapter name: Zeta Alpha**  
**Location: Arizona State University**  
**Region: Far Western**  
**Suspension start date: 05/30/2011**  
**Suspension expiration date: 05/29/2013**

**Jennifer Martin**  
**Chapter name: Kappa Tau**  
**Location: University of West Georgia**  
**Region: South Atlantic**  
**Suspension start date: 05/01/2013**  
**Suspension expiration date: 05/01/2015**








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### Suspended Members

A-B, C-D, E-H, I-K, L-N, O-R, S-V, W-Z  
 Suspended Members:

1 2 3

**Gabrielle Mason**  
 Chapter name: Omicron Tau  
 Location: University of Texas at San Antonio  
 Region: South Central  
 Suspension start date: 06/19/2013  
 Suspension expiration date: 07/15/2014

**Allison Matous**  
 Chapter name: Omicron Upsilon  
 Location: SUNY/STONY BROOK  
 Region: North Atlantic  
 Suspension start date: 02/01/2011  
 Suspension expiration date: 12/31/2013

**Janelle Clara Louise Matthews**  
 Chapter name: Tau Omega  
 Location: New York, NY  
 Region: North Atlantic  
 Suspension start date: 02/01/2011  
 Suspension expiration date: 06/30/2013

**Zaghuya Matthews-Mason**  
 Chapter name: Omicron Upsilon  
 Location: SUNY/STONY BROOK  
 Region: North Atlantic  
 Suspension start date: 02/01/2011  
 Suspension expiration date: 12/31/2013

**Kristen A. Mayo**  
 Chapter name: Theta Rho  
 Location: Virginia Commonwealth University  
 Region: Mid Atlantic  
 Suspension start date: 10/28/2010  
 Suspension expiration date: 10/28/2013

**Michelle Mbekeani**  
 Chapter name: Omicron Upsilon  
 Location: SUNY/STONY BROOK  
 Region: North Atlantic  
 Suspension start date: 02/01/2011  
 Suspension expiration date: 12/31/2013

**Jasmyne M. McClain**



Chapter name:Theta Alpha  
Location: EAST CAROLINA UNIVERSITY  
Region: Mid Atlantic  
Suspension start date: 09/25/2011  
Suspension expiration date: 09/25/2013

Adele Y. McClure  
Chapter name:Theta Rho  
Location: Virginia Commonwealth University  
Region: Mid Atlantic  
Suspension start date: 10/28/2010  
Suspension expiration date: 10/28/2013

Laprava Tigress McCoy  
Chapter name:Gamma Theta  
Location: HAMPTON UNIVERSITY  
Region: Mid Atlantic  
Suspension start date: 12/06/2010  
Suspension expiration date: 12/06/2013

Jamiea McDonnough  
Chapter name:Lambda  
Location: CITY CHAPTER-NEW YORK CITY  
Region: North Atlantic  
Suspension start date: 08/28/2011  
Suspension expiration date: 08/28/2014


Cierra McEachern  
Chapter name:Gamma Theta  
Location: HAMPTON UNIVERSITY  
Region: Mid Atlantic  
Suspension start date: 12/06/2010  
Suspension expiration date: 12/06/2013

Kimberly Latrese McGowan  
Chapter name:Lambda Iota  
Location: MILLSAPS COLLEGE  
Region: South Eastern  
Suspension start date: 06/23/2011  
Suspension expiration date: 06/24/2013

Meghan McMahon-Johnson  
Chapter name:Eta Lambda  
Location: Cal State Univ, Sacramento  
Region: Far Western  
Suspension start date: 03/18/2012  
Suspension expiration date: 07/15/2014


Tyasia Melton  
Chapter name:Alpha Delta  
Location: Morgan State University  
Region: North Atlantic  
Suspension start date: 10/08/2013  
Suspension expiration date: 10/08/2014

Iyelsha N. Miller  
Chapter name:Eta Lambda  
Location: Cal State Univ, Sacramento  
Region: Far Western  
Suspension start date: 03/19/2012  
Suspension expiration date: 03/18/2015



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### Suspended Members

**A-B, C-D, E-H, I-K, L-N, O-R, S-V, W-Z**  
Suspended Members:

1 2 3

**Jeanette Miller**  
Chapter name: General Membership  
Location: Houston, TX  
Region: South Central  
Suspension start date: 06/19/2013  
Suspension expiration date: 07/15/2014

**Marian Lustra Miller**  
Chapter name: Mu Xi  
Location: WINTHROP UNIVERSITY  
Region: South Atlantic  
Suspension start date: 05/06/2013  
Suspension expiration date: 05/06/2015

**Joan M. Moore**  
Chapter name: Nu Mu  
Location: St John's Univ and Queens  
Region: North Atlantic  
Suspension start date: 10/19/2012  
Suspension expiration date: 10/31/2013

**Camellia L. Morman**  
Chapter name: Theta Alpha  
Location: EAST CAROLINA UNIVERSITY  
Region: Mid Atlantic  
Suspension start date: 09/25/2011  
Suspension expiration date: 09/25/2013

**Janee Morris**  
Chapter name: Kappa Tau  
Location: University of West Georgia  
Region: South Atlantic  
Suspension start date: 05/01/2013  
Suspension expiration date: 05/01/2015

**Aisha Moses**  
Chapter name: Pi Mu  
Location: BAYLOR UNIVERSITY  
Region: South Central  
Suspension start date: 05/13/2013  
Suspension expiration date: 05/13/2015

**Kia Mucker**

Chapter name: Eta Omega  
Location: LOUISVILLE, KY  
Region: Central  
Suspension start date: 02/22/2011  
Suspension expiration date: 02/22/2013

Veronica Mullins  
Chapter name: Zeta Kappa Omega  
Location: GREENVILLE, NC  
Region: Mid Atlantic  
Suspension start date: 09/25/2011  
Suspension expiration date: 09/25/2013

Elizabeth W. Muriakara  
Chapter name: Kappa Nu  
Location: Texas Woman's University  
Region: South Central  
Suspension start date: 12/07/2010  
Suspension expiration date: 12/07/2013

Kharhyzma Nelson  
Chapter name: Eta Chi  
Location: NORTHWESTERN STATE UNIVERSITY  
Region: South Central  
Suspension start date: 05/13/2013  
Suspension expiration date: 05/13/2015

Kedene K. Newton  
Chapter name: Nu Mu  
Location: St John's Univ and Queens  
Region: North Atlantic  
Suspension start date: 11/06/2012  
Suspension expiration date: 10/31/2013

Tracey D. Newton  
Chapter name: Lambda Pi Omega  
Location: DETROIT, MI  
Region: Great Lakes  
Suspension start date: 07/01/2013  
Suspension expiration date: 12/31/2016

Olivia T. Ngedjui  
Chapter name: Theta Rho  
Location: Virginia Commonwealth University  
Region: Mid Atlantic  
Suspension start date: 10/28/2010  
Suspension expiration date: 10/28/2015

Candice Shenique Nyan  
Chapter name: Theta Beta  
Location: OKLAHOMA STATE UNIVERSITY  
Region: Mid Western  
Suspension start date: 05/01/2010  
Suspension expiration date: 05/01/2013

Sally Nyemba  
Chapter name: Zeta Alpha  
Location: Arizona State University  
Region: Far Western  
Suspension start date: 05/30/2011  
Suspension expiration date: 05/29/2014