**STATE OF ILLINOIS**
**HUMAN RIGHTS COMMISSION**

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| IN THE MATTER OF: | ) | | |
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| TASHIKA SNORTON, | ) | | |
| | ) | | |
| | ) | | |
| Complainant, | ) | CHARGE NO(S): | 2005CF1418 |
| | ) | EEOC NO(S): | 21BA60548 |
| and | ) | ALS NO(S): | 07-016 |
| | ) | | |
| SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 73, | ) | | |
| | ) | | |
| | ) | | |
| | ) | | |
| Respondent. | ) | | |

**NOTICE**

You are hereby notified that the Illinois Human Rights Commission has not received timely exceptions to the Recommended Order and Decision in the above named case. Accordingly, pursuant to Section 8A-103(A) and/or 8B-103(A) of the Illinois Human Rights Act and Section 5300.910 of the Commission's Procedural Rules, that Recommended Order and Decision has now become the Order and Decision of the Commission.

STATE OF ILLINOIS )
HUMAN RIGHTS COMMISSION ) Entered this 17th day of March 2009

N. KEITH CHAMBERS
EXECUTIVE DIRECTOR

**STATE OF ILLINOIS**
**HUMAN RIGHTS COMMISSION**

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| **IN THE MATTER OF:** | ) | |
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| **TASHIKA SNORTON,** | ) | |
| **Complainant,** | ) | |
| | ) | **Charge No.: 2005CF1418** |
| **and** | ) | **EEOC No.: 21BA60548** |
| | ) | **ALS No.: 07-016** |
| **SERVICE EMPLOYEES INTERNATIONAL** | ) | |
| **UNION, LOCAL 73,** | ) | |
| **Respondent.** | ) | |

## RECOMMENDED ORDER AND DECISION

On January 11, 2007, Complainant, Tashika Snorton, filed a complaint on her own behalf against Respondent, Service Employees International Union, Local 73. That complaint alleged that Respondent discriminated against Complainant on the bases of her race and her sex when it failed to represent her in a dispute with her employer.

This matter now comes on to be heard on Respondent's Motion to Dismiss for Want of Prosecution. Although Complainant's counsel was served with a copy of the motion, no response to the motion was filed. Moreover, nobody appeared on Complainant's behalf at the hearing on the motion. The matter is ready for decision.

The Illinois Department of Human Rights is an additional statutory agency that has issued state actions in this matter. The department is therefore named as an additional party of record.

## FINDINGS OF FACT

The following facts were derived from the record file in this matter.

1. The complaint in this matter was served upon Complainant by certified mail.

2. On May 1, 2007, an attorney entered an appearance in this matter on Complainant's behalf.

3. On July 10, 2007, Complainant's attorney appeared for oral arguments on

a motion to dismiss brought by Respondent. That motion was denied in a written order entered on January 7, 2008.

4. The January 7, 2008 order set a new status date of February 5, 2008.

5. On January 8, 2008, Respondent filed its Renewed Motion to Dismiss Certain Allegations Contained in the Complaint of Civil Rights Violation and set the motion for hearing on the February 5 status date.

6. Nobody appeared on Complainant's behalf at the February 5, 2008 status. Nothing was filed to explain that failure to appear. As a result, Respondent's renewed motion to dismiss certain allegations was granted. In addition, Respondent was given leave to file a motion to dismiss for want of prosecution. Hearing on the motion to dismiss was set for March 20, 2008. A copy of the February 5 order was mailed to Complainant's counsel by Respondent's counsel.

7. On February 7, 2008, Respondent filed its Motion to Dismiss for Want of Prosecution and served that motion on Complainant's counsel.

8. Nobody appeared on Complainant's behalf at the March 20 hearing on Respondent's motion to dismiss. Nothing was filed to explain that failure to appear. Nevertheless, the motion was not granted at that time. Instead, the motion was entered and continued for hearing to April 17, 2008.

9. To be fair to Respondent, the order entered on March 20, 2008 also provided that Complainant would be required to pay Respondent's reasonable expenses for the March 20 appearance if her counsel appeared at the April 17 hearing on the motion to dismiss. A copy of the March 20 order was mailed to Complainant's counsel by Respondent's counsel.

10. Nobody appeared on Complainant's behalf on April 17, 2008. Nothing has been filed to explain that failure to appear.

11. Complainant has never filed any written response to Respondent's Motion

to Dismiss for Want of Prosecution.

## CONCLUSIONS OF LAW

1. Complainant's repeated and unexplained failure to appear at scheduled status hearings has unreasonably delayed the proceedings in this matter.

2. In light of Complainant's apparent abandonment of her claim, the complaint in this matter should be dismissed with prejudice.

## DISCUSSION

For approximately the first year this case was pending, Complainant prosecuted her case. In the past few months, however, she appears to have abandoned her claim.

Respondent brought a motion to dismiss in the summer of 2007. That motion alleged that Complainant had failed to file her initial charge of discrimination in a timely manner. After briefing and oral argument, activities in which Complainant's attorney participated fully, that motion was ultimately denied. However, since the denial of that motion, Complainant has stopped participating in this litigation.

Nobody has appeared on Complainant's behalf in any of the last three status hearings in this case. Moreover, on all three of those dates, Respondent had motions pending that sought to dismiss part or all of Complainant's claims.

Complainant's counsel was served with notice of all three dates. He also was served with notice of Respondent's motion to dismiss certain allegations and the instant motion to dismiss. No response was filed to either of those motions Nothing has been filed to explain the failure to appear.

It should be noted that Complainant has had two matters proceeding on parallel paths. This case is one of those matters. The other case was brought against her former employer. For administrative convenience, the two cases have been heard on the same day. After Complainant's failure to appear for the February 5 hearing, the attorneys for the two respondents were given the option of filing motions to dismiss for

want of prosecution. Counsel for the union filed the instant motion. The former employer's attorney opted to wait and see if Complainant's failure to appear was a mere oversight. As a result, when the cases came up again on March 20, 2008, there was a pending motion to dismiss the union, but no such motion with regard to the former employer.

In the interest of keeping the cases together, the union's motion to dismiss was not granted at the March 20 status hearing. Instead, the motion was entered and continued to give Complainant one last chance to prosecute her claim. At that point, though, the union was in the position of having to pay for its attorney to make an extra appearance. To compensate for that, the March 20 order contained a provision that Complainant would have to pay for the union's reasonable attorney's fees for the hearing if she appeared at the next date. An hour of attorney's fees seemed a small price to pay to avoid dismissal.

Nonetheless, for whatever reason, nobody appeared on Complainant's behalf at the April 17 hearing and dismissal became the only reasonable conclusion. Without offering any explanation, Complainant has stopped prosecuting her case. It appears that she has abandoned her claim. As a result, it is appropriate to dismiss this matter with prejudice. *See, e.g., Leonard and Solid Matter, Inc.*, IHRC, 4942, August 25, 1992.

RECOMMENDATION

Based upon the foregoing, it appears that Complainant has abandoned her claim. Accordingly, it is recommended that this matter be dismissed with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____
MICHAEL J. EVANS
CHIEF ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: April 18, 2008