STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF:	)		
	)		
ANITA S. HUDSON-JOHNSON,	)		
	)		
	)		
Complainant,	)	CHARGE NO(S):	2007CF1377
	)	EEOC NO(S):	21BA70394
and	)	ALS NO(S):	07-650
	)		
U.S. FIRE PROTECTION,	)		
	)		
	)		
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

IN THE MATTER OF:	)	
	)	
ANITA S. HUDSON-JOHNSON,	)	
	)	**Charge No. 2007CF1377**
Complainant,	)	**EEOC No. 21BA70394**
	)	**ALS No. 07-650**
and	)	
	)	
U.S. FIRE PROTECTION,	)	**Judge Reva S. Bauch**
	)	
Respondent.	)	

RECOMMENDED ORDER AND DECISION

This matter is brought pursuant to Respondent's Motion to Dismiss for Want of Prosecution ("Motion"). Complainant had until September 5, 2008 to respond to this Motion. No response was filed. Accordingly, this matter is now ready for disposition.

The Illinois Department of Human Rights ("Department") is an additional statutory agency that has issued state actions in this matter. Therefore, the Department is an additional party of record.

FINDINGS OF FACT

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

1. The Complaint was filed on August 24, 2007 alleging Respondent discriminated against Complainant on the bases of race and sex.

2. On December 19, 2007, the discovery schedule was continued so Complainant could obtain counsel.

3. On January 16, 2008, Complainant had not obtained counsel and sought additional time to do so.

4. On January 16, 2008, Complainant was ordered to file an appearance by January 23, 2008.

5. At the next status hearing on March 6, 2008, Complainant had still not filed her appearance, contrary to the Order of January 16, 2008.

6. Complainant was ordered to file her appearance on March 6, 2008. Also, on March 6, 2008, the initial discovery schedule was set.

7. On March 26, 2008, Respondent served Complainant with discovery requests.

8. Complainant failed to respond to any of the Respondent's propounded discovery.

9 At the next status hearing on May 21, 2008, and on Respondent's Motion to Deem Facts Admitted against Complainant, Complainant was granted an additional two weeks to respond to discovery.

10. On the June 6, 2008 deadline, Complainant failed to comply with the May 21, 2008 Order.

11. Instead, Complainant sent a letter to Respondent on June 6, 2008, explaining her allegations, none of which were responsive to Respondent's discovery requests.

12 On July 3, 2008, Respondent's Motion to Deem Facts Admitted was granted.

13. On July 3, 2008, discovery was closed.

14 On July 29, 2008, Respondent filed this Motion.

15. On August 7, 2008, Complainant was ordered to respond to the Motion by September 5, 2008.

16 Complainant appeared at the August 7, 2008 status hearing and was given the Order entered on that date.

17. Complainant has failed to file a response to this Motion as required by the August 7, 2008 Order.

CONCLUSIONS OF LAW

1. A complaint may be dismissed when a party unreasonably refuses to comply with Administrative Law Judge Orders or otherwise engages in conduct which unreasonably delays or protracts proceedings.

2. Complainant has failed to comply with several Administrative Law Judge Orders and has unreasonably delayed and protracted these proceedings. The appropriate sanction is dismissal of the Complaint, and the underlying charge, with prejudice.

DISCUSSION

Under Commission Procedural Rules, an Administrative Law Judge may recommend to the Commission that a complaint be dismissed where a party unreasonably refuses to comply with Orders or otherwise engages in conduct which unreasonably delays or protracts proceedings. *See* **56 Ill. Admin. Code §5300.750(e).**

A fundamental principle governing practice before the Commission is that complainants must diligently pursue their cases once they are docketed with the Commission. Complainant has failed to comply with several Orders, has failed to respond to discovery requests and has unreasonably delayed and protracted these proceedings. Complainant was proved with nearly three months to obtain counsel. Despite these extensions, Complainant did not comply and was finally ordered to enter her own appearance on March 6, 2008

During the discovery process, Complainant was given over two months to respond to Respondent's discovery requests. Even with additional time, Complainant did not comply, other than to provide a letter that did not respond to any of Respondent's questions. Complainant was granted several extensions of time to both secure counsel and to respond to Respondent's propounded discovery. Complainant was provided guidance as to the availability and location of self-help materials regarding the policies and procedures of the Commission.

In all of her actions, Complainant has provided no sufficient reason for her delay or failure to comply with Orders, except for the fact that she lacked counsel and could not afford counsel. On several occasions, Complainant was informed that she is held to the same standard as any other party prosecuting a case, regardless of whether she has an attorney. Respondent has appeared on five occasions to defend its case, without any reasonable movement. It is unfair to require Respondent to expend additional resources to defend a case that Complainant is unable or unwilling to prosecute. As such, it is appropriate to dismiss her Complaint, with prejudice. **Aceves and Everlast Concrete, Inc. and Artech Concrete, Inc.**, IHRC, 12187, May 18, 2005.

In addition, Complainant has not filed any response to the Motion. The Commission has held that a dispositive motion should be granted where it appears on its face to be valid and the Complainant has failed to file a response. **Jones and Burlington Northern Railroad, 25 Ill. HRC Rep. 101 (1986).**

RECOMMENDATION

I recommend the Commission dismiss the Complaint, and the underlying charge, with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____
REVA S. BAUCH
DEPUTY CHIEF ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: September 18, 2008