

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:)

RALPHIE DONNAMARIO,)

Complainant,)

and)

TADAVARTHY HOLDINGS, INC.,)

Respondent.)

CHARGE NO(S): 2009CF0260
EEOC NO(S): 21BA82651
ALS NO(S): 09-0581

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 7th day of January 2011

N. KEITH CHAMBERS
EXECUTIVE DIRECTOR

3. The parties were scheduled to appear for an initial status hearing on December 22, 2009. Respondent appeared through counsel. Complainant did not appear, either personally or through counsel.

4. The record file indicates that the notice mailed to Complainant by the Commission advising him of the initial status hearing has been returned as "unclaimed."

5. By order dated December 22, 2009, the next status hearing was scheduled for January 26, 2010. The December 22 order warned Complainant that he risked dismissal of his case if he did not attend the next status hearing. Respondent served a copy of the December 22 order upon Complainant at his last known address.

6. Neither Complainant nor an attorney on his behalf appeared at the January 26, 2010 status hearing. Accordingly, Respondent was granted leave to file this Motion.

7. Respondent served a copy of this Motion upon Complainant at his last known address. Although Complainant was duly served with Respondent's Motion, he never filed a response.

CONCLUSIONS OF LAW

1. Complainant has failed to prosecute his case, which has unreasonably delayed the proceedings in this matter.

2. As a result of Complainant's failure to prosecute his case, this Motion should be granted.

DISCUSSION

Complainant has failed to appear at two consecutive status hearings, either personally or through counsel. Prior to missing his second status hearing, Complainant had been warned that his failure to appear could result in the dismissal of his case. Furthermore, Complainant has not responded to this Motion or provided any justification whatsoever regarding his failure to prosecute his case. It appears that Complainant simply has abandoned his claim.

The Commission routinely dismisses abandoned claims. See, e.g., Diaz and Sun Steel, IHRC, ALS No. 07-688, March 17, 2009 and Leonard and Solid Matter, Inc., IHRC, ALS No. 4942, August 25, 1992. The Commission also dismisses cases where complainants fail to

appear at dates scheduled for hearing or status, as a complainant's failure to appear unreasonably delays proceedings before the Commission. See, e.g., Stewart and SBC Midwest, IHRC, ALS No. 04-227, March 22, 2006 and Jackson and Chicago Firefighters Union Local No. 2, IHRC, ALS No. 8193, September 29, 1997.

Complainant's failure to prosecute his case has unreasonably delayed the proceedings in this matter. Therefore, this case should be dismissed.

RECOMMENDATION

Based on the foregoing, it is recommended that Respondent's Motion to Dismiss for Want of Prosecution be granted, and the complaint and underlying charges against Respondent be dismissed in their entirety with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____

**LESTER G. BOVIA, JR.
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION**

ENTERED: March 8, 2010