This Recommended Order and Decision became the Order and Decision of the Illinois Human Rights Commission on 01/23/06

STATE OF ILLINOIS

HUMAN RIGHTS COMMISSION

IN THE MATTER OF:	)	
	)	
RONALD ROBINSON,	)	
	)	
Complainant,	)	
	)	**CHARGE NO. 2004CP2454**
	)	**ALS NO. 05-085**
AND	)	
	)	
	)	
BISTRO RESTAURANT	)	
LIMITED PARTNERSHIP	)	
d/b/a BISTRO 110,	)	
	)	
Respondent.	)	

RECOMMENDED ORDER AND DECISION

This matter is before this tribunal in Respondent's *Motion to Dismiss for Want of Prosecution.* Complainant has not filed a response to that motion. The matter is now ready for decision.

FINDINGS OF FACT

1. A *Complaint of Civil Rights Violation* was filed with the Commission on February 28, 2005. The Illinois Department of Human Rights filed the complaint on Complainant's behalf.

2. On April 8, 2005, Respondent filed its *Verified Answer to the Complaint of Civil Rights Violation.*

3. An initial status hearing was held on April 19, 2005 at 2:00 p.m. Respondent appeared and Complainant failed to appear without cause. On that date, this tribunal entered an order continuing the case generally to June 21, 2005.

4. On April 22, 2005, Respondent filed a *Certificate of Service* with the Commission stating that on April 21, 2005 it had mailed to Complainant, *via* First Class U.S. Mail, a copy of this tribunal's April 19, 2005 order.

5. On June 21, 2005, Complainant failed to appear and Respondent had a non-attorney representative present. On that date, this tribunal explained to Respondent's non-attorney representative that his presence did not constitute an appearance of Respondent corporation and that Respondent had thus failed to appear.

6. On June 22, 2005, this tribunal entered an order scheduling a status hearing on August 3, 2005. That order warned that if either party failed to appear on August 3rd, dismissal of the case with prejudice or a default judgment would be considered. Commission staff mailed the order on June 22, 2005 *via* First Class U.S. Mail and it was not returned to the Commission as undeliverable.

7. On August 3, 2005, Respondent appeared and Complainant again failed to appear. On that date, this tribunal entered an order granting Respondent leave to file a motion to dismiss for want of prosecution by August 17, 2005. Complainant was ordered to respond to that motion by August 31, 2005. Respondent was ordered to mail a copy of the August 3rd order to Complainant and file proof of service with the Commission.

8. On August 8, 2005, Respondent filed a *Certificate of Service* with the Commission stating that on August 4, 2005 it had mailed to Complainant, *via* First Class U.S. Mail, a copy of this tribunal's August 3, 2005 order.

9. On August 16, 2005, Respondent timely filed its *Motion to Dismiss for Want of Prosecution* with the Commission. That motion was also properly

served on the Complainant and the Chief Legal Counsel for the Illinois Department of Human Rights.

10. As of the date of this Recommended Order and Decision, Complainant has failed to file a response to Respondent's *Motion to Dismiss for Want of Prosecution.*

CONCLUSIONS OF LAW

1. Complainant's failure to appear for scheduled status hearings, as well as his failure to comply with ordered deadlines, has unreasonably delayed the proceedings in this matter. Ill. Admin. Code 5300.750(e).
2. In light of Complainant's apparent abandonment of his claim, it is appropriate to dismiss the complaint in this matter with prejudice.

DISCUSSION

Without explanation, Complainant Robinson has failed to prosecute this matter since April 19, 2005, the date of the initial status hearing. Complainant has, without cause, missed three (3) consecutive, scheduled status hearings, despite being properly notified of each one. He has also failed to respond to Respondent's *Motion to Dismiss for Want of Prosecution*. Complainant has obviously made the choice to ignore this tribunal's orders and has effectively abandoned his claim before the Commission. As a result, the *Complaint of Civil Rights Violation*, filed by the Department of Human Rights on Complainant's behalf, should be dismissed with prejudice. *See* Leonard and Solid Matter, Inc., ___ Ill.HRC.Rep. ___ (1989CN3091, August 25, 1992).

RECOMMENDATION

Based on the foregoing, the *Complainant of Civil Rights Violation*, ALS No. 05-085, and the underlying Charge No. 2004CP2454, should be dismissed with prejudice.

ENTERED: **December 9th, 2005**

HUMAN RIGHTS COMMISSION

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MARIETTE LINDT
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION