



**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:)
)
VALETTE LYNN GROSS,)
Complainant,)
)
and)
) Charge No: 2000 CF 1002
) EEOC No: 21 BA 00357
) ALS No: 11379
)
PNC MORTGAGE CORP,)
Respondent.)

RECOMMENDED ORDER AND DECISION

This matter is before me on Respondent’s Motion to Dismiss. Respondent filed a Motion to Dismiss or in the Alternative to Compel Complainant to Answer Respondent’s Discovery Requests on July 20, 2001, set for hearing July 30, 2001. At the July 30, 2001 hearing, Respondent appeared; Pro Se Complainant did not appear. An order was entered granting Respondent’s motion to compel, ordering Complainant to answer all discovery requests by August 13, 2001 and setting a status for that date. The order specifically indicated that failure of Complainant to respond to all outstanding discovery would result in the granting of Respondent’s motion to dismiss on August 13, 2001.

On today’s scheduled status, Respondent appeared; Complainant did not appear. Respondent advised the tribunal that Complainant has failed to respond to Respondent’s request to produce. The record shows that Complainant has filed no certificate of filing of any discovery responses in accordance with the Commission Procedural Rules at 5300.725(a).

Findings of Fact

1. Complainant filed a Charge of Discrimination against the Respondent with the Illinois Department of Human Rights (Department) on November 11, 1999.
2. On September 22, 2000, the Department filed a Complaint on behalf of the Complainant alleging Complainant to have been aggrieved by practices of retaliatory discrimination in violation of the Illinois Human Rights Act (Act), 775 ILCS 5/1-101 et.seq.
3. Respondent filed an answer to the Complaint on November 1, 2000.
4. On January 17, 2001 an order was entered continuing the scheduled status to allow Complainant time to retain counsel.
5. A scheduling order was entered February 21, 2001.
6. Respondent filed its First Set of Interrogatories and Requests for Production of Documents upon Complainant on March 21, 2001.

7. When answers were not received, Respondent sent several letters to Complainant beginning April 30, 2001.
8. On July 20, 2001, Respondent filed a Motion to Dismiss or in the Alternative to Compel Complainant to Answer Respondent's Discovery Requests.
9. Complainant submitted no response.
10. On July 30, 2001, an order was entered granting Respondent's Motion to Compel, ordering Complainant to submit all discovery requests by August 13, 2001, setting the matter for discovery status for August 13, 2001, and specifically warning Complainant that a failure to respond to all outstanding discovery would result in Respondent's motion to dismiss being granted.
11. To date, Complainant has failed to provide any discovery responses.

Discussion

Complainant has failed to comply with the order of July 30, 2001, and has otherwise failed do anything to advance her case to final resolution. Further, Complainant failed to appear for the July 30, 2001 and August 13, 2001 status hearings. The Illinois Human Rights Act at 775 ILCS 5/8A-102(I)(6), authorizes a recommended order of dismissal with prejudice or an order of default as a sanction for the failure of a party to prosecute his case or appear at a hearing or otherwise comply with this Act, the rules of the Commission, or a previous order of the hearing officer. Section 5300.750(e) of the Procedural Rules of the Illinois Human Rights Commission authorizes a recommendation of dismissal with prejudice as a sanction where a party has failed to appear at a scheduled hearing without requesting a continuance reasonably in advance, or unreasonably refuses to comply with any Order entered, or otherwise engages in conduct which unreasonably delays proceedings.

Conclusions of Law

Complainant's failure to appear at the July 30, 2001 and August 13, 2001 status hearings and her failure to answer Respondent's discovery requests have resulted in unreasonable delay, justifying dismissal of this matter with prejudice.

Determination

Complainant has failed to comply with orders to answer Respondent's discovery requests and has failed to appear at scheduled status hearings July 30, 2001 and August 13, 2001, justifying dismissal of this case. Complainant's conduct has resulted in unreasonable delay and renders it difficult for the Commission to take any action with regard to this case except to dismiss it.

Recommendation

I recommend that this Complaint and the underlying Charge be dismissed with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____
SABRINA M. PATCH
Administrative Law Judge
Administrative Law section

ENTERED: AUGUST 15, 2001