



STATE OF ILLINOIS

HUMAN RIGHTS COMMISSION

IN THE MATTER OF)
)
Anthony Johnson,)
Complainant)
)
and)
)
Valley Green Management Co.,)
Respondent)

CHARGE NO.: 2000 CF1393
EEOC NO.: 21BA 00711
ALS NO.: 11469

RECOMMENDED ORDER AND DECISION

This matter comes before the Commission on Respondent’s Motion to Dismiss (“Motion”), filed on March 19, 2002. Complainant did not file a response to the Motion. No reply was required from Respondent. There is no further activity in this case reflected in the record. It is now ready for disposition.

Statement of the Case

The complaint in this case was filed on Complainant’s behalf by the Illinois Department of Human Rights on February 20, 2001. Respondent filed its answer on March 26, 2001, although verification was not filed until May 8, 2001. A scheduling order was entered on April 24, 2001. Complainant, who was not represented by counsel, did not appear on April 24th or at any other time this case was scheduled for consideration, including December 13, 2001, February 26, 2002 and March 26, 2002. Except for a motion filed by Respondent for leave to take the deposition of Complainant, no discovery activities were undertaken by either party. Respondent was first given leave to file a motion to dismiss on December 13, 2001, but did not file a properly served motion until March 19, 2002. Subsequently, Complainant did not participate in the briefing of the Motion in accord with the briefing schedule entered on March 26, 2002.

Findings of Fact

1. Respondent, represented by counsel, was properly served with notice of this matter and timely filed its verified answer.
2. Complainant has failed to participate in the briefing of the Motion and he has never appeared at any time this case was on the calendar for motion call at the Commission. He has not filed any notice advising the Commission that his address has changed from that found in the record of this case.

Conclusions of Law

1. Complainant is an “aggrieved party” and Respondent is an “employer” as those terms are defined by the Illinois Human Rights Act, 775 ILCS 5/1-103(B) and 5/2-101(B) respectively.
2. The Commission has jurisdiction over the parties and the subject matter of this action.
3. The Commission is authorized to dismiss complaints with prejudice due to “the failure of a party to prosecute his or her case” Illinois Human Rights Act, 775 ILCS 5/8A-102(I)(6).
4. Because Complainant has failed to take any action with regard to this case, there has been a failure “to prosecute his or her case” on the part of Complainant, thereby requiring dismissal of the complaint with prejudice.

Discussion

It is a fundamental principle governing practice before this Commission that it is the singular responsibility of complainants to diligently pursue the disposition of the cases once they are docketed with the Commission. In this case, Complainant has not participated in the prosecution of it in any meaningful fashion. Because of the passage of time with no effective action

on the part of Complainant, it is recommended that this case now be dismissed because of the failure of Complainant to prosecute his case.

Recommendation

It is recommended that Respondent's Motion be granted and this case be dismissed with prejudice pursuant to the authority granted to the Commission in the Illinois Human Rights Act at 775 ILCS 5/8A-102(D)(6).

HUMAN RIGHTS COMMISSION

ENTERED:

June 3, 2002

BY: _____

DAVID J. BRENT
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

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