



This Recommended Order and Decision became the Order and Decision of the Illinois Human Rights Commission on 2/23/04.

**STATE OF ILLINOIS**  
**HUMAN RIGHTS COMMISSION**

**IN THE MATTER OF** )  
 )  
**Mumtaj Panjwani,** )  
 **Complainant** )  
**and** )  
 )  
**Interim Temporaries, n/k/a** )  
**Spherion Corporation,** )  
 **Respondent** )

**CHARGE NO.:** 2001 CF0530  
**EEOC NO.:** 21BA 03127  
**ALS NO.:** 11800

**RECOMMENDED ORDER AND DECISION**

This matter comes before the Commission on Respondent’s Motion to Dismiss for Want of Prosecution (“Motion”), filed on December 4, 2002 and Respondent’s Supplemental Submission to Its Motion to Dismiss for Want of Prosecution, filed on January 30, 2003. Complainant did not respond to either submission by Respondent and this matter 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 June 17, 2002. In lieu of an answer, Respondent filed its Motion for Extension of Time Within Which to Answer or Otherwise Plead on July 17, 2002. No ruling was ever issued on the latter motion in that Complainant never appeared before the Commission to participate in this matter. Neither Complainant nor anyone representing her appeared before the Commission at scheduled motion calls on July 23, 2002, August 15, 2002, October 10, 2002, December 2, 2002, December 12, 2002 and February 13, 2003. On

December 2, 2002, Respondent was given leave to file the Motion noted above, which it did on December 4, 2002. A briefing schedule was set on December 12, 2002, but Complainant did not respond to the Motion.

### **Findings of Fact**

1. Complainant did not file an appearance in this matter and she did not appear on July 23, 2002, August 15, 2002, October 10, 2002, December 2, 2002, December 12, 2002 or February 13, 2003 when this matter was on the motion call calendar.

2. Notice of each date was sent to Complainant at the last known address she provided to the Department and to other addresses at which she was reported to be present.

3. Complainant did not respond in writing to the Motion or supplement filed by Respondent.

4. Complainant has not provided the Commission with a notice of change of address.

### **Conclusions of Law**

1. The Commission has jurisdiction over the parties in this matter.

2. 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).

3. Because Complainant has failed to appear on five occasions when this case appeared on the calendar and has not replied to any motion filed by Respondent, 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 cases once they are docketed with the Commission. In this case, Complainant has failed to participate in the prosecution of the case by not attending any of the five dates on which the matter was included on the motion call calendar. She was sent proper notice of each date at her last known address. It is recommended that this case now be dismissed because of the failure of Complainant to prosecute her case.

**Recommendation**

It is recommended that 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:

November 10, 2003

BY: \_\_\_\_\_  
DAVID J. BRENT  
ADMINISTRATIVE LAW JUDGE  
ADMINISTRATIVE LAW SECTION

**Service List for Panjwani #11800 as of 11/10/03:**

Mumtaj Panjwani  
P.O. Box 957721  
Duluth, Georgia 30095-9527

Mumtaj Panjwani  
923 College Boulevard  
Addison, Illinois 60101

Sari M. Alamuddin  
Allison B. Willard  
Seyfarth Shaw  
55 East Monroe Street  
Suite 4200  
Chicago, Illinois 60603

Office of the General Counsel  
Illinois Department of Human Rights  
100 West Randolph Street  
Suite 10-100  
Chicago, Illinois 60601