



**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

<b>IN THE MATTER OF:</b>	)	
	)	
<b>KRISTY LEESLEY,</b>	)	
	)	
<b>Complainant,</b>	)	<b>CHARGE NO. 2004CN1527</b>
	)	<b>ALS NO. 04-487</b>
	)	
<b>AND</b>	)	
	)	
	)	
<b>J. BRIAN PIERCE,</b>	)	
	)	
<b>Respondent.</b>	)	

**RECOMMENDED ORDER AND DECISION**

The Illinois Department of Human Rights filed a complaint in this matter on November 23, 2004. Complainant Leesley is represented by counsel and Respondent Pierce, an attorney, is representing himself in this case. As neither party has appeared for the last two (2) scheduled status hearings, the matter is now ready for decision.

**FINDINGS OF FACT**

1. On November 23, 2004, the Department of Human Rights filed a *Complaint of Civil Rights Violation* which alleged that Respondent had sexually harassed Complainant.
2. On January 3, 2005, Respondent Pierce filed a *Verified Answer* to the complaint.
3. On January 18, 2005, during the initial status hearing in this case, this tribunal entered an order setting a discovery schedule for the parties and continuing the matter to April 19, 2005 at 2:00 p.m.

4. On April 19, 2005 both parties appeared and indicated that settlement of this matter was imminent. On that date, this tribunal entered an order scheduling a status hearing on the progress of settlement for June 21, 2005 at 2:00 p.m.
5. On June 21, 2005 both parties failed to appear and failed to file a motion asking for a continuance of that status hearing date.
6. On June 22, 2005, this tribunal entered an order *sua sponte* scheduling a new status hearing date for July 19, 2005 at 2:00 p.m. That order warned that failure of the parties to appear on July 19, 2005 could result in dismissal of the case or a default judgment. Both parties were properly served with that order.
7. On July 19, 2005, both parties again failed to appear and failed to file a motion asking for a continuance of that status hearing date.
8. As of the date of this *Recommended Order and Decision*, Complainant has not filed a motion for voluntary dismissal.

#### **CONCLUSIONS OF LAW**

1. This tribunal has subject matter jurisdiction over this action and the parties hereto.
2. Complainant's failure to appear at scheduled status hearings, failure to comply with this tribunal's orders and failure to continue to prosecute her case, has resulted in unreasonable delay of the proceedings in this matter and warrants dismissal with prejudice. 56 Ill. Admin. Code Part 5300 750 (e).

#### **DISCUSSION**

On April 19<sup>th</sup>, 2005, both parties appeared before this tribunal for a scheduled status hearing. On that date, Complainant's counsel advised that the parties were close

to reaching a settlement in this matter. Upon receipt of that information, this tribunal entered an order scheduling a status hearing for June 21<sup>st</sup>, 2005 and indicated that if a *motion for voluntary dismissal* was filed on or before that date, the parties would not be required to appear on June 21<sup>st</sup> and the issuance of a *Final Order and Decision* would follow.

For reasons unknown to this tribunal, neither party appeared on June 21<sup>st</sup>. In addition, although this tribunal entered an order rescheduling the June 21<sup>st</sup> hearing to July 19<sup>th</sup>, 2005, the parties chose not to appear on that date either. Simply not showing up for scheduled status hearings, without the filing of a proper motion for a continuance or voluntary dismissal, is unacceptable and inappropriate procedural practice before the Commission. Complainant has no doubt unreasonably delayed these proceedings by failing to prosecute this matter. Therefore, pursuant to 56 Ill. Admin. Code Part 5300 750(e), dismissal of Complainant's case with prejudice is recommended.

#### **RECOMMENDATION**

Based upon the reasons set forth immediately above, this tribunal recommends that the *Complaint of Civil Rights Violation*, ALS No. 04-487, along with underlying Charge No. 2004CN1527, be dismissed with prejudice.

**ENTERED: July 22<sup>nd</sup>, 2005**

**HUMAN RIGHTS COMMISSION**

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**MARIETTE LINDT  
ADMINISTRATIVE LAW JUDGE  
ADMINISTRATIVE LAW SECTION**