

STATE OF INDIANA  
CIVIL RIGHTS COMMISSION

DOCKET NO. EMra05030163  
EEOC NO. 24FA500228

ERIC J. CARTER,  
Complainant,

vs.

WAL-MART STORES EAST,  
L.P.;  
Respondent.

FILE DATED

JAN 26 2007

Indiana State Civil Rights Commission

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

On November 16, 2006, Robert D. Lange, Administrative Law Judge ("ALJ") for the Indiana Civil Rights Commission ("ICRC"), entered his Proposed Findings Of Fact, Conclusions Of Law, And Order ("the proposed decision").

No objections have been filed to the ICRC's adoption of the proposed decision.

Having carefully considered the foregoing and being duly advised in the premises, the ICRC hereby adopts as its own the findings of fact, conclusions of law, and order proposed by the ALJ in the proposed decision, a copy of which is attached hereto and incorporated herein by reference.

**INDIANA CIVIL RIGHTS COMMISSION**

  
COMMISSIONER

  
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Dated: 26 January 2007

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NOV 16 2006

Indiana State Civil Rights Commission

**PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND ORDER**

On October 31, 2006, Complainant, Eric J. Carter ("Carter"), filed his Motion To Dismiss, a motion to which Respondent – Wal-Mart Stores East, L.P. ("Wal-Mart") - has not responded.

Having carefully considered the foregoing and being duly advised in the premises the undersigned Administrative Law Judge ("ALJ") for the Indiana Civil Rights Commission ("ICRC") proposes that the ICRC enter the following findings of fact, conclusions of law, and order.

**FINDINGS OF FACT**

1. Carter' complaint alleges that Wal-Mart discriminated against him because of race by dismissing him from employment in violation of the Indiana Civil Rights Law, IC 22-9. ("the ICRL"). COMPLAINT OF DISCRIMINATION (March 14, 2005).
2. Wal-Mart disputed Carter's claim of unlawful discrimination. APPEARANCE AND ANSWER (April 8, 2005).

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**FINDINGS OF FACT**

1. Carter' complaint alleges that Wal-Mart discriminated against him because of race by dismissing him from employment in violation of the Indiana Civil Rights Law, IC 22-9. ("the ICRL"). COMPLAINT OF DISCRIMINATION (March 14, 2005).
2. Wal-Mart disputed Carter's claim of unlawful discrimination. APPEARANCE AND ANSWER (April 8, 2005).

3. Carter's Motion is expressly motivated by a settlement.
4. There is no evidence of fraud, coercion, duress, or any other reason not to approve the stipulated dismissal.
5. Any Conclusion Of Law that should have been deemed a Finding Of Fact is hereby adopted as such.

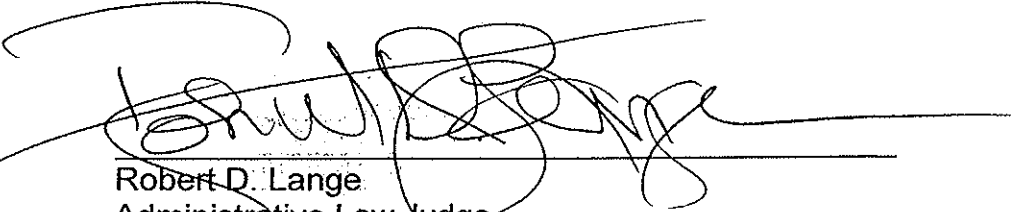
### CONCLUSIONS OF LAW

1. The ICRC has jurisdiction over the subject matter and the parties.
2. Settlement is a favored resolution and should be encouraged.
3. Administrative review of this proposed decision may be obtained by the filing of a writing specifying with reasonable particularity each basis for each objection within fifteen (15) days after service of this proposed decision. IC 4-21.5-3-29(d).
4. Any Finding Of Fact that should have been deemed a Conclusion Of Law is hereby adopted as such.

### ORDER

1. Carter's Motion To Dismiss is **GRANTED**.
2. Carter' s COMPLAINT is **DISMISSED**, with prejudice.

Dated: 16 November 2006

  
Robert D. Lange  
Administrative Law Judge

To be served by first class mail this 16<sup>th</sup> day of November, 2006 on the following parties and attorneys of record:

Eric J. Carter  
124 West North Street  
Apartment B  
Boonville, IN 47601-2518

Wal-Mart Stores East, L.P.  
c/o Chief Executive Officer  
1115 American Way  
Boonville, IN 47601-6604

BARNES & THORNBURG, LLP  
BY: Jill D. Jones, Esq.  
Attorneys for Respondent Wal-Mart Stores East, L.P..  
11 South Meridian Street  
Indianapolis, IN 46204-3535

and to be personally served this 16<sup>th</sup> day of November, 2006 on the following:

Joshua S. Brewster, Esq.; Staff Attorney  
Indiana Civil Rights Commission  
Attorney for Complainant Eric J. Carter  
Indiana Government Center North  
100 North Senate Avenue, Room N103  
Indianapolis, IN 46204-2255

Indiana Civil Rights Commission  
c/o The Honorable Gregory Kellam Scott, Esq.; Director  
Indiana Government Center North  
100 North Senate Avenue, Room N103  
Indianapolis, IN 46204-2255