

HARRIS M. SIMONS,
Complainant,

vs.

CLASSIC DINING GROUP
d/b/a DENNY'S RESTAURANT,
Respondent.

FILE DATED

SEP 27 2006

Indiana State Civil Rights Commission

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On August 9, 2005, 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


COMMISSIONER


COMMISSIONER


COMMISSIONER

Dated: 22 September 2006

To be served by first class mail on the following parties and attorneys of record:

Harris M. Simons
1107 Summerbrook Drive
Dunwoody, GA 30350

Classic Dining Group d/b/a Denny's Restaurant
c/o Chief Executive Officer
1253 South Park Boulevard
Greenwood. IN 46143

BURKE, WARREN, MacKAY & SERRITELLA, P.C.
BY: Martin K. LaPointe, Esq.
Attorneys for Respondent Classic Dining Group d/b/a Denny's Restaurant
330 North Wabash Avenue, 22nd Floor
IBM Plaza
Chicago, IL 60611-3607

and to be personally served on the following attorney of record:

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

STATE OF INDIANA
CIVIL RIGHTS COMMISSION

DOCKET NO. PAha05090486

HARRIS M. SIMONS,
Complainant,

FILE DATED

AUG 09 2006

VS.

Indiana State Civil Rights Commission

CLASSIC DINING GROUP
d/b/a DENNY'S RESTAURANT,
Respondent.

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

On August 7, 2006, Complainant, Harris M. Simons ("Simons"), filed his Motion To Dismiss, a motion to which Respondent – Classic Dining Group d/b/a Denny's ("Denny's") - 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. Simons' complaint alleges that Denny's discriminated against him because of disability in the provision of public accommodations in violation of the Indiana Civil Rights Law, IC 22-9. ("the ICRL"). COMPLAINT OF DISCRIMINATION (September 8, 2005).

2. Denny's disputed Simons' claim of unlawful discrimination. ANSWER (October 18, 2005).
3. Simons' 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.

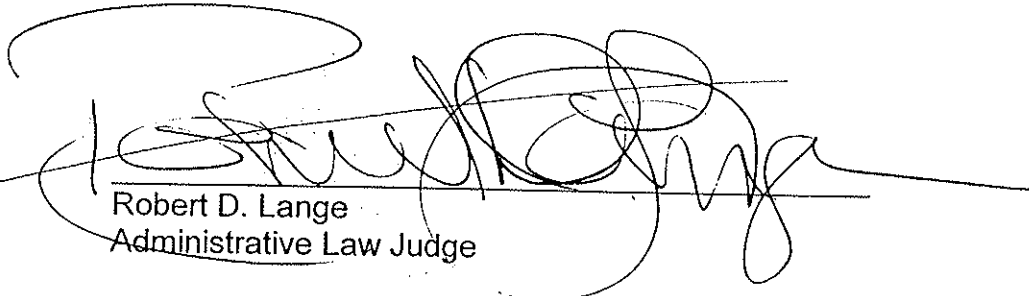
CONCLUSIONS OF LAW

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. Simons' Motion To Dismiss is **GRANTED**.
2. Simons' COMPLAINT is **DISMISSED**, with prejudice.

Dated: 09 August 2006


Robert D. Lange
Administrative Law Judge

To be served by first class mail this 9th day of August, 2006 on the following parties and attorneys of record:

Harris M. Simons
1107 Summerbrook Drive
Dunwoody, GA 30350

Classic Dining Group d/b/a Denny's Restaurant
c/o Chief Executive Officer
1253 South Park Boulevard
Greenwood. IN 46143

BURKE, WARREN, MacKAY & SERRITELLA, P.C.
BY: Martin K. LaPointe, Esq.
Attorneys for Respondent Classic Dining Group d/b/a Denny's Restaurant
330 North Wabash Avenue, 22nd Floor
IBM Plaza
Chicago, IL 60611-3607

and to be personally served this 9th day of August, 2006 on the following:

Joshua S. Brewster, Esq.; Staff Attorney
Indiana Civil Rights Commission
Attorney for Complainant Harris M. Simons
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