

STATE OF INDIANA
CIVIL RIGHTS COMMISSION

DOCKET NO. PAha05120602

BRENDA HAYDEN o/b/o
WAYNE HURD,

Complainant,

FILE DATED

vs.

OCT 24 2008

10030 CORPORATION d/b/a
BUBBAZ BAR & GRILL;

Indiana State Civil Rights Commission

Respondent.

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

On September 25, 2008, 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: 24 October 2008

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

Brenda Hayden o/b/o Wayne Hurd
10822 Spring Green Drive
Indianapolis, IN 46229

10030 Corporation d/b/a Bubbaz Bar & Grill
c/o Chief Executive Officer
10030 East Washington Street
Indianapolis, IN 46229

Edgar H. Lamb, Esq.
Attorney for Respondent 10030 Corporation d/b/a Bubbaz Bar & Grill
302 North Alabama Street
P.O. Box 44947
Indianapolis, IN 46244-0947

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

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

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10030 CORPORATION d/b/a
BUBBAZ BAR & GRILL;

Indiana State Civil Rights Commission

Respondent.

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

On June 3, 2008, Complainant, Brenda Hayden o/b/o Wayne Hurd ("Hurd") and Respondent – 10030 Corporation d/b/a Bubbaz Bar & Grill ("Bubbaz") - filed their Stipulated Motion To Dismiss With Prejudice.

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. Hurd's complaint alleges that he was ejected from a Bubbaz facility because of disability. COMPLAINT OF DISCRIMINATION (November 30, 2005).
2. Bubbaz disputes Hurd's claims of unlawful discrimination. NOTICE OF FINDING (January 3, 2006).

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

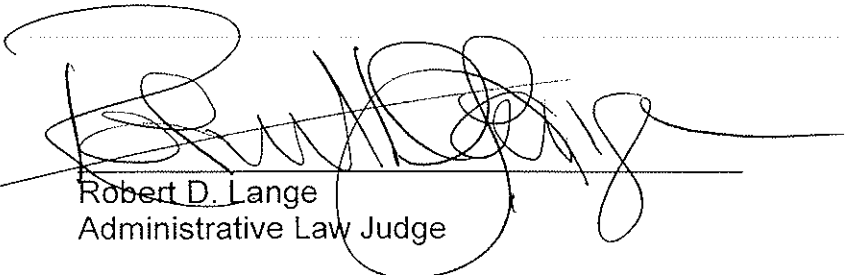
CONCLUSIONS OF LAW

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 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. The Stipulated Motion To Dismiss With Prejudice is **GRANTED**.
2. The Status Conference that had been scheduled for October 8, 2008 is **CANCELLED**.
3. Hurd's complaint is **DISMISSED**, with prejudice.

Dated: 25 September 2008


Robert D. Lange
Administrative Law Judge

To be served by first class mail this 25th day of September, 2008 on the following parties and attorneys of record:

Brenda Hayden o/b/o Wayne Hurd
10822 Spring Green Drive
Indianapolis, IN 46229

10030 Corporation d/b/a Bubbaz Bar & Grill
c/o Chief Executive Officer
10030 East Washington Street
Indianapolis, IN 46229

Edgar H. Lamb, Esq.
Attorney for Respondent 10030 Corporation d/b/a Bubbaz Bar & Grill
302 North Alabama Street
P.O. Box 44947
Indianapolis, IN 46244-0947

and to be personally served this 25th day of September, 2008 on the following:

Joshua S. Brewster, Esq.; Staff Attorney
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Avenue, Room N103
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