

January 22, 2016

To be served by Certified Mail on the following parties:

April Bell
7226 Jessman Road East Drive # G
Indianapolis, IN 46256

CERTIFIED MAIL: 9214 8901 0661 5400 0078 2587 29

Bella Vita Restaurant
Attn: Henri Najem
11699 Fall Creek Rd.
Indianapolis, IN 46256

CERTIFIED MAIL: 9214 8901 0661 5400 0078 2590 16

Bose McKinney & Evans, LLP
Attn: Philip R. Zimmerly
111 Monument Circle
Suite 2700
Indianapolis, IN 46204

CERTIFIED MAIL: 9214 8901 0661 5400 0078 2593 20

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

Frederick S. Bremer, Esq.; Staff Counsel
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Ave, Room N103
Indianapolis, IN 46204-2255

JAN 13 2016

INDIANA STATE
CIVIL RIGHTS COMMISSION

STATE OF INDIANA
INDIANA CIVIL RIGHTS COMMISSION

APRIL BELL,

Complainant,

vs.

BELLA VITA RESTAURANT,

Respondent.

) ICRC No.: PAra14080659

PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On January 13, 2016, Complainant, April Bell, and Respondent, Bella Vita Restaurant, (“Respondent”), filed their Joint Motion to Dismiss (“Motion”).

Having carefully considered the foregoing and being duly advised in the premises, the undersigned Administrative Law Judge 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. This case involves Ms. Bell’s claim that Respondent denied Complainant full and equal enjoyment of Respondent’s restaurant because of her race. NOTICE OF FINDING (December 17, 2014).
2. The parties have reached a private settlement agreement and wish to dismiss the complaint with prejudice.
3. The Motion is expressly motivated by settlement.
4. There is no evidence of fraud, coercion, duress, or any other reason not to approve of the requested dismissal.
5. The parties have waived the fifteen day period to file objections to the Commission.
6. Any Conclusion of Law that should have been deemed a Finding of Fact is hereby adopted as such.

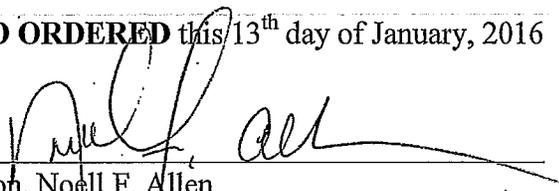
CONCLUSIONS OF LAW

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 identifying with reasonable particularity each basis of each objection within fifteen (15) days after service of this proposed decision. IC 4-21.5-3-29(d). Yet, the parties agreed to waive this right.
4. Any Finding of Fact that should have been deemed a Conclusion of Law is hereby adopted as such.

ORDER

1. The parties' Joint Motion to Dismiss is **GRANTED**.
2. Ms. Bell's complaint is **DISMISSED**, with prejudice.

SO ORDERED this 13th day of January, 2016



Hon. Noell F. Allen
Administrative Law Judge
Indiana Civil Rights Commission

Served by United States Parcel Service on the following:

April Bell
7226 Jessman Road East Drive #G
Indianapolis, IN 46256

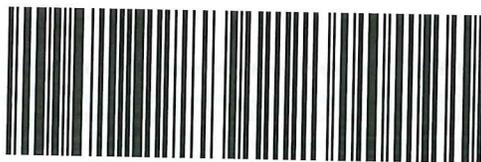
Bella Vita Restaurant
ATTN: Henri Najem
11699 Fall Creek Rd.
Indianapolis, IN 46256

Bose McKinney & Evans, LLP
ATTN: Philip R. Zimmerly
111 Monument Circle, Suite 2700
Indianapolis, IN 46204

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

Fred S. Bremer, Esq.; Staff Counsel
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2255

DEBBIE RINCONES CHAVEZ
INDIANA CIVIL RIGHTS COMMISSION
100 N SENATE AVE RM N103
INDIANAPOLIS, IN 46204-2255



Return Receipt (Electronic)

9214 8901 0661 5400 0078 2587 29

PAra14080659

APRIL BELL
7226 JESSMAN ROAD EAST DR APT G
INDIANAPOLIS, IN 46256-4163

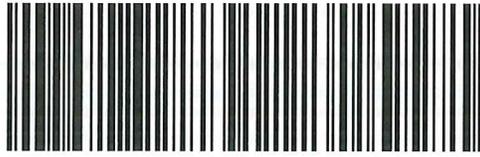
CONFIDENTIAL

.....
CUT / FOLD HERE

.....
6"x9" ENVELOPE
CUT / FOLD HERE

.....
CUT / FOLD HERE

DEBBIE RINCONES CHAVEZ
INDIANA CIVIL RIGHTS COMMISSION
100 N SENATE AVE RM N103
INDIANAPOLIS, IN 46204-2255



Return Receipt (Electronic)

9214 8901 0661 5400 0078 2593 20

PAra14080659

ATTN: PHILIP R. ZIMMERLY
BOSE MCKINNEY & EVANS, LLP
111 MONUMENT CIR STE 2700
INDIANAPOLIS, IN 46204-5120

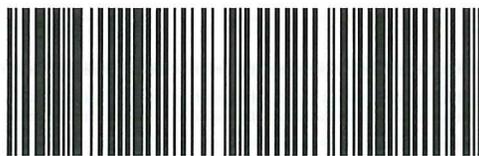
CONFIDENTIAL

.....
CUT / FOLD HERE

.....
6"x9" ENVELOPE
CUT / FOLD HERE

.....
CUT / FOLD HERE

DEBBIE RINCONES CHAVEZ
INDIANA CIVIL RIGHTS COMMISSION
100 N SENATE AVE RM N103
INDIANAPOLIS, IN 46204-2255



Return Receipt (Electronic)

9214 8901 0661 5400 0078 2590 16

PAra14080659

ATTN: HENRI NAJEM
BELLA VITA RESTAURANT
11699 FALL CREEK RD
INDIANAPOLIS, IN 46256-9423

CONFIDENTIAL

.....
CUT / FOLD HERE

.....
6"x9" ENVELOPE
CUT / FOLD HERE

.....
CUT / FOLD HERE