

STATE OF INDIANA
CIVIL RIGHTS COMMISSION

DOCKET NO. EMra10110536
EEOC NO. 24F-2011-00074

NATHANIEL HOLLOWAY,
Complainant,

v.

HEARTLAND AUTOMOTIVE, LLC;
Respondent.

FILE DATED

JAN 27 2012

INDIANA STATE
CIVIL RIGHTS COMMISSION

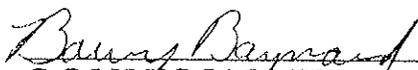
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On January 5, 2012, 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").

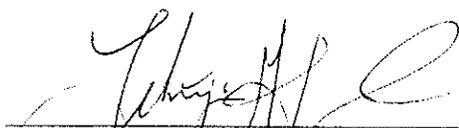
No objections have been filed to the ICRC's adoption of the proposed decision.

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: 27 January 2012

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

Nathaniel Holloway
2842 Tristan Drive
Lafayette, IN 47909

Heartland Automotive, LLC
c/o Chief Executive Officer
1520 Kepner Drive
Lafayette, IN 47905

GONZALEZ SAGGIO & HARLAN LLP
BY: Alejandro Valle, Esq.
Attorneys for Respondent Heartland Automotive, LLC
135 North Pennsylvania Street
Suite 1740
Indianapolis, IN 46204

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

Michael C. Healy, Esq.; Staff Counsel
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2255

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

On January 4, 2012, Complainant, Nathaniel Holloway ("Holloway"), and Respondent – Heartland Automotive, LLC ("Heartland") - filed their Joint Motion To Dismiss..

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 proceeding began when Holloway filed a complaint with the ICRC alleging that he had been discharged from employment by Heartland because of race, sex, and religion. COMPLAINT OF DISCRIMINATION (November 22, 2010).
2. Heartland denied Holloway's claims of unlawful discrimination. APPEARANCE AND ANSWER (January 20, 2011).
3. The Joint 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. 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 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 parties' Joint Motion To Dismiss is **GRANTED**.
2. Holloway's complaint is **DISMISSED**, with prejudice.

Dated: 05 January 2012



Robert D. Lange
Administrative Law Judge

To be served by first class mail this 5th day of January, 2012 on the following parties and attorneys of record:

Nathaniel Holloway
2842 Tristan Drive
Lafayette, IN 47909

Heartland Automotive, LLC
c/o Chief Executive Officer
1520 Kepner Drive
Lafayette, IN 47905

GONZALEZ SAGGIO & HARLAN LLP
BY: Alejandro Valle, Esq.
Attorneys for Respondent Heartland Automotive, LLC
135 North Pennsylvania Street
Suite 1740
Indianapolis, IN 46204

and to be personally served this 5th day of January, 2012 on the following attorney of record:

Michael C. Healy, Esq.; Staff Counsel
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2255

and to be served by electronic mail this 5th day of January, 2012 on the following:

Indiana Civil Rights Commission
c/o Jamal L. Smith, Executive Director