

**STATE OF INDIANA
CIVIL RIGHTS COMMISSION**

**DOCKET NO. EMsh06120559
EEOC NO. 24FA700101**

DIANE J. BROTHERS,
Complainant,

FILE DATED

v.

SEP 23 2011

**GOLDEN EGG PANCAKE
HOUSE, INC.;**

Indiana State Civil Rights Commission

Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On August 29, 2011, 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



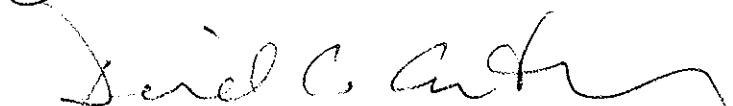
COMMISSIONER



COMMISSIONER



COMMISSIONER



COMMISSIONER

Dated: 23 September 2011

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

Diane J. Brothers
9670 Cedar Court
White Pigeon, MI 49099

Golden Egg Pancake House
c/o George Fotopoulos
3421 Plaza Court
Elkhart, IN 46514

CHESTER LAW OFFICE
BY: Edward J. Chester, Esq.
Attorneys for Respondent Golden Egg Pancake House
230 North Main Street, Suite 2
P.O. Box 1768
Elkhart, IN 46515-1768

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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AUG 29 2011

GOLDEN EGG PANCAKE
HOUSE, INC.;

Indiana State Civil Rights Commission

Respondent.

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

On August 18, 2011, Complainant Diane J. Brothers ("Brothers") and Respondent Golden Egg Pancake House, Inc. ("Golden") 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 Brothers filed a complaint with the ICRC against Golden alleging that he had been constructively discharged from employment by Golden because of sexual harassment. COMPLAINT OF DISCRIMINATION (December 11, 2006).
2. Golden denied Brothers' claim of unlawful discrimination. POSITION STATEMENT (January 22, 2007).
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.

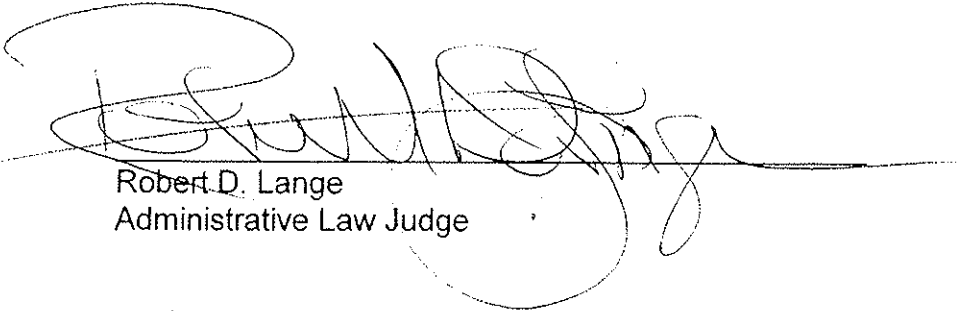
CONCLUSIONS OF LAW

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. Brothers' complaint is **DISMISSED**, with prejudice.

Dated: 29 August 2011


Robert D. Lange
Administrative Law Judge

To be served by first class mail this 29th day of August, 2011 on the following parties and attorneys of record:

Diane J. Brothers
9670 Cedar Court
White Pigeon, MI 49099

Golden Egg Pancake House
c/o George Fotopoulos
3421 Plaza Court
Elkhart, IN 46514

CHESTER LAW OFFICE
BY: Edward J. Chester, Esq.
Attorneys for Respondent Golden Egg Pancake House
230 North Main Street, Suite 2
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Elkhart, IN 46515-1768

and to be personally served this 29th day of August, 2011 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 this 29th day of August, 2011 by electronic mail on the following:

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