



INDIANA CIVIL RIGHTS COMMISSION

JAMAL L. SMITH, EXECUTIVE DIRECTOR
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Indianapolis, IN 46204

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ICRC No.: EMra09010034
EEOC No.: 24FA900128

KENNETH ELLIS,
Complainant,

v.

CHIPOTLE MEXICAN GRILL, INC.,
Respondent.

NOTICE OF ADMINISTRATIVE DISMISSAL

The Deputy Director of the Indiana Civil Rights Commission ("Commission"), pursuant to statutory authority and procedural regulations, hereby issues Notice of Administrative Dismissal. 910 IAC 1-3-2(d)

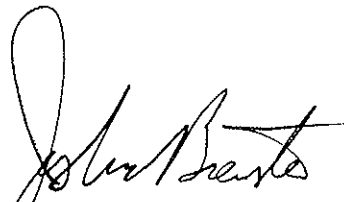
On December 22, 2009, the Deputy Director issued a Notice of Finding that probable cause existed to believe Respondent had violated the Indiana Civil Rights Law and that a hearing was necessary to determine whether, in fact, such violation occurred. After establishing initial contact with Complainant, Kenneth Ellis, by telephone, Complainant has unreasonably failed to further cooperate with the agency's Staff Attorney in efforts to conduct discovery in this matter. Several attempts have been made to contact Complainant by telephone (leaving voice messages with he and his wife) and written correspondence that was verified as received. Given no apparent compelling public interest in the further prosecution of this claim, Complainant's complaint is hereby dismissed, *without prejudice*.

Complainant may appeal this Finding. 910 IAC 1-3-2 (g) The written appeal request must be filed with the Indiana Civil Rights Commission within fifteen (15) days of receipt of this Notice of Finding and must include any new and additional evidence relied on by Complainant to support the appeal. **Failure to submit a timely appeal may result in a waiver of any right to further review or appeal of this Finding by the Commission or**

Indiana courts. Upon exhaustion of the administrative right to appeal, the complaint in this case is hereby dismissed with prejudice.

As this complaint was filed under Title VII of the Civil Rights Act of 1964, as amended, which is enforced by the U.S. Equal Employment Opportunity Commission ("EEOC"), Complainant has the right to ask the EEOC to review this action. To secure such a review, the request must be made in writing within fifteen (15) days of receipt of this Notice of Finding, and submitted to the EEOC, 101 West Ohio Street, Suite 1900, Indianapolis, IN 46204. Should Complainant fail to seek EEOC review, the EEOC will generally follow and adopt the Commission's action in this case.

September 23, 2010
Date



Joshua S. Brewster, Esq.,
Deputy Director
Indiana Civil Rights Commission

Service list for
Notice of Finding

Served by First Class U.S. Mail upon the following:

Kenneth Ellis
1798 West Blake Street
Miami, IN 46959

Chipotle Mexican Grill
1201 South Reed Road, Suite A-1
Kokomo, IN 46902

Messner & Reeves, LLC
Attn: Leah Capritta
1430 Wynkoop Street, Suite 300
Denver, CO 80202

And personally served on

Michael Healy
Indiana Civil Rights Commission
100 N. Senate Ave., N103
Indianapolis, IN 46204

Judge Robert Lange
Indiana Civil Rights Commission
100 N. Senate Ave., N103
Indianapolis, IN 46204