

STATE OF INDIANA
CIVIL RIGHTS COMMISSION

DOCKET NO. PAr05010015

TEAA R. UTLEY,
Complainant,

v.

ROLLING STOCK, LTD.
d/b/a JIM WHITE'S AUTO
SALES;

Respondent.

FILE DATED

OCT 24 2008

Indiana State Civil Rights Commission

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On September 24, 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"). On October 9, 2008, Complainant, Teaa R. Utley ("Utley"), filed her Amendment To Charge Of Discrimination. On October 9, 2008, Utley and Respondent – Rolling Stock, Ltd. d/b/a Jim White's Auto Sales ("Rolling Stock") - filed their Stipulated Objections To Proposed Findings Of Fact, Conclusions Of Law, And Order ("Objections").

Having carefully considered the foregoing and being duly advised in the premises the ICRC finds and rules as follows.

1. The parties' Objections are that Rolling Stock should be substituted for "U-Haul Independent Dealer" ("U-Haul") despite the fact that no amendment had been requested or filed before the entry of the proposed decision. There appears to be no harm in allowing this belated substitution and, as a result, the Objections are **SUSTAINED**.
2. The parties' Stipulated Motion For Leave To Amend Complaint is **GRANTED**.

3. The ICRC enters the following findings of fact, conclusions of law, and order, changing the proposed decision as indicated in **this type**, and by deleting a conclusion of law not relevant to a final order.

FINDINGS OF FACT

1. Utley's complaint, **as amended**, alleges that she was denied the opportunity to rent a truck from **Rolling Stock** because of race. COMPLAINT OF DISCRIMINATION (January 13, 2005), **AMENDMENT TO CHARGE OF DISCRIMINATION (October 9, 2008)**.
2. **Rolling Stock** denies Utley's claims of unlawful discrimination. ANSWER ((February 2, 2005).
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. 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. Utley's complaint is **DISMISSED**, with prejudice.

INDIANA CIVIL RIGHTS COMMISSION



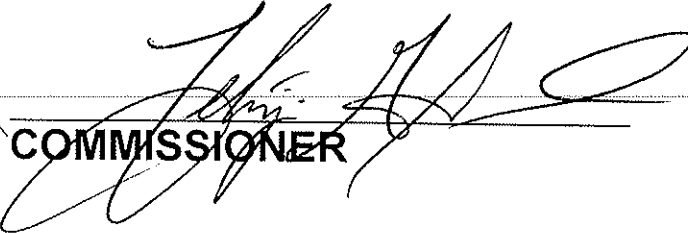
COMMISSIONER



COMMISSIONER



COMMISSIONER



COMMISSIONER

Dated: 24 October 2008

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

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