

STATE OF INDIANA
CIVIL RIGHTS COMMISSION

DOCKET NO. PAr06110525

LaBERTHA RUSSELL,
Complainant,

FILE DATED

OCT 24 2008

v.

Indiana State Civil Rights Commission

GRAND VICTORIA CASINO,
Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On September 25, 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").

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: 24 October 2008

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

LaBertha Russell
4111 St. James, Apt. 2
Cincinnati, OH 45236

Grand Victoria Casino
BY: Elaine Guidroz, Esq.; General Counsel
600 Grand Victoria Drive
Rising Sun, IN 47040

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

STATE OF INDIANA
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v.

OCT 02 2008

Indiana State Civil Rights Commission

GRAND VICTORIA CASINO,
Respondent.

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

On September 30, 2008, Complainant, LaBertha Russell ("Russell") and Respondent, Grand Victoria Casino ("the Casino") - filed their Joint Motion To Dismiss.

Having carefully considered the foregoing and being duly advised in the premises the undersigned Administrative Law Judge ("ALJ") 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. Russell's complaint alleges that she was denied equal access to the Casino's services and facilities because of race. COMPLAINT OF DISCRIMINATION (November 27, 2006).
2. The Casino denied Russell's claims of unlawful discrimination. ANSWER TO NOTICE OF COMPLAINT (December 22, 2006).
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.

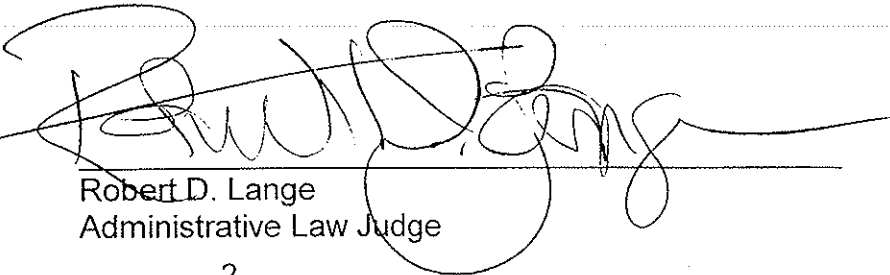
CONCLUSIONS OF LAW

1. The ICRC has jurisdiction over the subject matter and the parties.
2. Settlement is a favored resolution and should be encouraged.
3. Administrative review of this proposed decision may be obtained by the filing of a writing specifying with reasonable particularity each basis for 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 Joint Motion To Dismiss is **GRANTED**.
2. The Status Conference that had been scheduled for November 17, 2008 is **CANCELLED**.
3. Russell's complaint is **DISMISSED**, with prejudice.

Dated: 02 October 2008



Robert D. Lange
Administrative Law Judge

To be served by first class mail this 2nd day of October, 2008 on the following parties and attorneys of record:

LaBertha Russell
4111 St. James, Apt. 2
Cincinnati, OH 45236

Grand Victoria Casino
BY: Elaine Guidroz, Esq.; General Counsel
600 Grand Victoria Drive
Rising Sun, IN 47040

and to be personally served this 2nd day of October, 2008 on the following:

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

Indiana Civil Rights Commission
c/o The Honorable Tony A. Kirkland, Executive Director
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2255