

**COOK COUNTY COMMISSION ON HUMAN RIGHTS**  
69 West Washington Street, Suite 3040  
Chicago, Illinois 60602

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Francisco MALDONADO, Complainant	)	
	)	
v.	)	Case No. 2011E014
	)	
SURE LIGHT SIGN CO., Respondent	)	Entered: August 8, 2014
	)	

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**ORDER**

On April 13, 2011, Complainant Francisco Maldonado (“Maldonado”) filed a complaint against his former employer, Respondent Sure Light Sign Co. (“Sure Light”), alleging discriminatory termination on the basis of age in violation of the Cook County Human Rights Ordinance (“Human Rights Ordinance”). According to Maldonado, at 58 years old, he was one of only two welders at Sure Light. Compl. & II. When work at Sure Light slowed down in April 2011, Sure Light laid off Maldonado, instead of his 40-something coworker. *Id.* at & II.A, B.

The Cook County Commission on Human Rights (“Commission”) has not yet made an evidentiary determination with respect to Maldonado’s allegations, but during the course of its investigation, the Commission discovered that Sure Light is no longer in good standing as an Illinois corporation. *See* Corporation File Detail Report, online at <http://www.ilsos.gov/corporatellc/CorporateLlcController> (last visited August 7, 2014). On May 6, 2014, Sure Light’s former counsel advised the Commission that “Sure Light Sign Co. is no longer in business” and that “[i]ts assets have been sold in an assignment for the benefit of creditors some time ago.” Ltr of Jeffrey S. Marks, Alan H. Shifrin & Associates, L.L.C., to John O’Connell, Commission (May 6, 2014). In light of this, the Commission now orders that the parties show cause as to why this matter should not be dismissed as moot within 30 days of the date of this order.

When a complainant dies during the course of an investigation, the Commission typically closes the case as moot. *See, e.g., Lanier v. Northrop Grumman*, 2006E019 (CCHRC May 19, 2014); *Richardson v. Northwest Community Hospital*, 2009E061 (CCHRC March 26, 2014). At common law, the bankruptcy of a corporate respondent was no different. *See People v. Mazzone*, 74 Ill. 2d 44, 48 (1978) (“[T]he dissolution of a corporation is analogous to the death of an individual.”). Illinois, however, has enacted legislation to allow for the continuation of a claim against a corporation that has dissolved so long as the suit is commenced within five years of the date of the dissolution. 805 ILCS 5/12.30 (“Dissolution of a corporation does not: (1) Prevent suit by or against the corporation in its corporate name; or (2) abate or suspend a criminal, civil, or any other proceeding pending by or against the corporation on the effective date of dissolution.”); *id.* at 5/12.80. Typically the assets of a dissolved corporation will be “distributed” to its former shareholders. *Id.* at 5/12.20; *Gallagher v. Reconco Builders, Inc.*, 91 Ill. App. 3d 999, 1004 (1st Dist. 1980). Investors who receive the assets of a dissolved

corporation remain liable for the corporation's debts to the extent of the distribution they receive. See *EEOC v. JRG Fox Valley*, 976 F. Supp. 1161, 1162 (N.D. Ill. 1997).

Here, however, there is no evidence that Sure Light had any assets left to pass on to its former shareholders at dissolution. The only evidence available to the Commission indicates that Sure Lights only *creditors* received its assets in satisfaction of Sure Lights' outstanding debts (which were presumably greater than its remaining assets). If Maldonado were to proceed with his action at the Commission to become another judgment creditor of Sure Light,<sup>1</sup> Maldonado would nonetheless be unable to dislodge Sure Light's assets from other judgment creditors who preceded him to the satisfaction of their prior-in-time debts. The Commission will not expend its limited resources on a case where it cannot ultimately give the prevailing party any meaningful relief. See *Bd. of License Commissioners of the Town of Tiverton v. Pastore*, 469 U.S. 238, 239-40 (1985) (case is moot where no decision on the merits would change the status quo).

As such, unless any party can produce evidence to this Commission that any former shareholder in Sure Light received its assets at dissolution, the Commission orders that all proceedings related to complaint 2011E014 be DISMISSED as MOOT within 30 days of the date of this order.

August 8, 2014

By delegation:



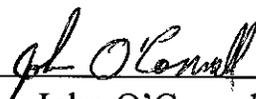
Ranjit Hakim  
Executive Director of the Cook County  
Commission on Human Rights

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<sup>1</sup> Maldonado could likely obtain a default judgment against Sure Light because while Sure Light continues to exist for the purpose of being sued, as a practical matter, a dissolved company has no agents left to defend it before this Commission.

## CERTIFICATE OF SERVICE

I, John O'Connell, of the Cook County Commission on Human Rights, hereby certify that I caused copies of the Cook County Commission on Human Rights Dismissal Order to be served, on the parties on the attached Service List on August 8, 2014 by United States Mail, appropriate postage pre-paid.

  
John O'Connell

## SERVICE LIST

COMPLAINT No. 2011E014

Francisco Maldonado  
1310 N. 31<sup>st</sup> Ave.  
Melrose Park, IL 60123

Howard E. Gilbert  
3315 Algonquin Rd., Suite 202  
Rolling Meadows, IL 60008

Jeffrey S. Marks  
Alan H. Shifrin & Associates, L.L.C.  
3315 Algonquin Rd., Suite 202  
Rolling Meadows, IL 60008