

COOK COUNTY COMMISSION ON HUMAN RIGHTS

69 West Washington, Suite 3040
Chicago, Illinois 60602

Billy MOLDEN, Complainant)	
)	
v.)	Case No. 2010PA007
)	
KENNY'S RIBS & DUSTIES' EXPRESS,)	Entered: November 20, 2013
Respondent)	
)	

ORDER

On June 3, 2010, Complainant Billy Molden ("Molden") filed a complaint against a Markham, Illinois restaurant, Respondent Kenny's Ribs & Dusties' Express ("Kenny's Ribs"). Molden alleges that Kenny's Ribs refused to serve him, resulting in his unlawful exclusion from a public accommodation on the basis of his race and sexual orientation in violation of Section 42-37 of the Cook County Human Rights Ordinance ("Human Rights Ordinance"). Compl. ¶¶ I, II.

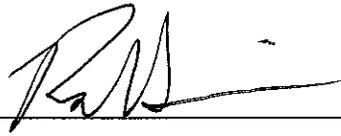
The Cook County Commission on Human Rights ("Commission") undertook an investigation of Molden's complaint in which Kenny's Ribs refused to participate. On June 9, 2011, the Commission entered an order of default against Kenny's Ribs, after Kenny's Ribs failed to respond to two notices of default issued pursuant to Commission Rule 420.165(D).

Even when a respondent defaults, the Commission still requires that a complainant appear at an administrative hearing to establish a *prima facie* case of discrimination and to prove up any damages. See CCHR Pro. R. 420.165(D)(2). On March 27, 2012, the Commission set this matter for such an administrative hearing. The Commission issued notice to both Molden and Kenny's Ribs for a pre-hearing status meeting with Hearing Officer David L. Lee. The Commission's rules provide that "[t]he attendance of the parties or their representatives of record is mandatory at the Pre-hearing Meeting. If the Complainant or his/her representative or record fails to attend a Pre-Hearing meeting, the Complaint may be dismissed[.]" *Id.* at 460.135(B). As perhaps expected, Kenny's Ribs did not show up to the pre-hearing status meeting at the appointed hour (April 12, 2012 at 10:00am), but neither did Molden. Neither party contacted Hearing Officer Lee or the Commission to advise that they would not be present, nor has either party communicated with the Commission since.

For the foregoing reasons, the Commission hereby DISMISSES complaint 2010PA007 for FAILURE TO PROSECUTE.

November 20, 2013

By delegation:



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