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

Patricia MORA, Complainant	)	
	)	Case No. 2010PA010
v.	)	
	)	Entered: September 23, 2014
EUROPEAN DELI, INC., Respondent	)	

ORDER

On September 16, 2010, Complainant Patricia Mora ("Mora") filed a complaint against Respondent European Deli, Inc. ("European Deli"). Mora, who is confined to a wheelchair, alleges that she was unable to have the full use and enjoyment of European Deli as a public accommodation because of her disability. On June 3, 2013, after completing its investigation into the matter, the Cook County Commission on Human Rights ("Commission") entered an order finding that Mora had substantial evidence to potentially prove that a violation of the Cook County Human Rights Ordinance ("Human Rights Ordinance") had occurred. However, before this matter could proceed to an administrative hearing on the merits, counsel for European Deli informed the Commission and Mora that the Respondent had gone out of business in September 2012 after the restaurant was destroyed by a gas leak. In response, on June 27, 2013, counsel for Mora represented to the Commission that Mora did not wish to proceed with her case. Mora's counsel indicated that the pending case was now moot with respect to her client and that she would submit a letter to that effect.

The Commission did not subsequently receive a letter from Mora or her counsel, so on September 17, 2014, a Commission investigator contacted her attorney, who stated again that Mora was not pursuing the pending case because the Respondent was no longer in business. Mora's counsel indicated that she would immediately fax a letter to the Commission stating that Mora was not pursuing this case. Unfortunately, once again, the Commission is not yet in receipt of a formal written withdrawal.

The Commission's Procedural Rules state that "[a] Complainant may request to withdraw a Complaint or any part thereof at any time." CCHR Pro. R. 420.160. If the request is knowingly and voluntarily made, the Commission approves the request and enters an order dismissing the Complaint. *Id.* The Commission's Procedural Rules typically require that a complainant's request to withdraw be in writing and signed by the complainant or his or her attorney of record, *see id.*, however, the Commission has waived the requirement of a written withdrawal in cases, such as this, where a complainant's intent to withdraw is clear. *See, e.g.*, *Austin v. Sears, Roebuck & Co.*, 2010PA001 (CCHRC Feb. 5, 2014); *Carter v. Cook County Sheriff's Office*, 2011E020 (CCHRC Oct. 21, 2013); *Mallette v. Cook County Health & Hospitals System*, 2012E012 (CCHRC Jan. 6, 2014). The repeated oral representations of counsel for the Complainant over the course of more than a year as to a Complainant's desire to

close a case is sufficient to merit an exception to the requirement of a written withdrawal under the Commission's rules.

For the foregoing reasons, the Commission hereby grants Mora's request to withdraw her Complaint and orders that Complaint 2010PA010 be DISMISSED pursuant to a VOLUNTARY WITHDRAWAL.

September 23, 2014.

By delegation:

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