

MAY 22 2015

INDIANA STATE
CIVIL RIGHTS COMMISSION

**STATE OF INDIANA
INDIANA CIVIL RIGHTS COMMISSION**

SAMANTHA MARSHALL,

Complainant,

vs.

SUGAR CREEK GROUP, LLC, d/b/a SUGAR CREEK
NURSING AND REHABILITATION,
Respondent.

) Docket No.: 470-2013-03513

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

On April 20, 2015, Hon. Noell F. Allen Administrative Law Judge ("ALJ") for the Indiana Civil Rights Commission ("ICRC") entered her 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.

Any party aggrieved by the ICRC's decision may seek judicial review with the Indiana Court of Appeals within thirty days following the date of notification of such decision.

INDIANA CIVIL RIGHTS COMMISSION



COMMISSIONER



COMMISSIONER



COMMISSIONER



COMMISSIONER

May 22, 2015

To be served by Certified Mail on the following parties:

Samantha Marshall
731 Carlyle Place
Indianapolis, IN 46201
Certified Mail # 9214 8901 0661 5400 0059 1587 03

Sugar Creek Group, LLC., d/b/a Sugar Creek Nursing and Rehabilitation
5430 West U.S. 40
Greenfield, IN 46140
Certified Mail #: 9214 8901 0661 5400 0059 1596 94

Broad and Cassel
Attn: Bill Edwards, Esquire
Regions Bank Building
100 North Tampa Street
Tampa, FL 33602
Certified Mail #: 9214 8901 0661 5400 0059 1598 85

FROST BROWN TODD LLC
Attn: Janeen L. Feinberg and Heather L. Wilson
201 N. Illinois St., Suite 1900
P.O. Box 44961
Indianapolis, IN 46244-0961
Certified Mail #: 9214 8901 0661 5400 0059 1614 06

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

APR 20 2015

STATE OF INDIANA
INDIANA CIVIL RIGHTS COMMISSION

SAMANTHA MARSHALL,

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vs.

SUGAR CREEK GROUP, LLC, d/b/a SUGAR CREEK
NURSING AND REHABILITATION,
Respondent.

Docket No.: 470-2013-03513

PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On April 17, 2015, Complainant, Samantha Marshall, and Respondent, Sugar Creek Group, LLC d/b/a Sugar Creek Nursing Home and Rehabilitation, filed their Joint Motion to Dismiss ("Motion").

Having carefully considered the foregoing and being duly advised in the premises, the undersigned Administrative Law Judge 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. This case involves Ms. Marshall's complaint that Respondent discriminated against Marshall on the basis of race. . (Pre-Hearing Order, October 22, 2014)
2. The parties have reached a private settlement agreement and wish to dismiss the complaint with prejudice.
3. The Motion is expressly motivated by settlement.
4. There is no evidence of fraud, coercion, duress, or any other reason not to approve of the requested dismissal.
5. Any Conclusion of Law that should have been deemed a Finding of Fact is hereby adopted as such.

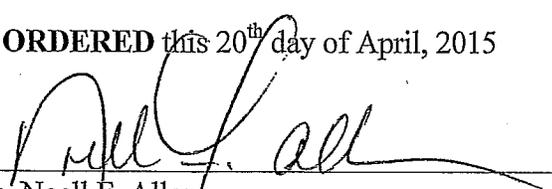
CONCLUSIONS OF LAW

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 identifying with reasonable particularity each basis of each objection within fifteen (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 parties' Joint Motion to Dismiss is **GRANTED**.
2. Ms. Marshall's complaint is **DISMISSED**, with prejudice.

SO ORDERED this 20th day of April, 2015



Hon. Noell F. Allen
Administrative Law Judge
Indiana Civil Rights Commission

Served by United States Mail on the following:

Samantha Marshall
731 Carlyle Place
Indianapolis, IN 46201

Sugar Creek Group, LLC., d/b/a Sugar Creek Nursing and Rehabilitation
5430 West U.S. 40
Greenfield, IN 46140

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