

FEB. 28 2014

STATE OF INDIANA  
INDIANA CIVIL RIGHTS COMMISSION

INDIANA STATE  
CIVIL RIGHTS COMMISSION

ANNMARIE STEVENS

Complainant,

vs.

B&S OF FORT WAYNE, INC., d/b/a SHOWGIRL ONE,

Respondent.

) Docket No.: EMsh11120799

) EEOC No.: 24F-2012-00156

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

On January 29, 2014, 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").

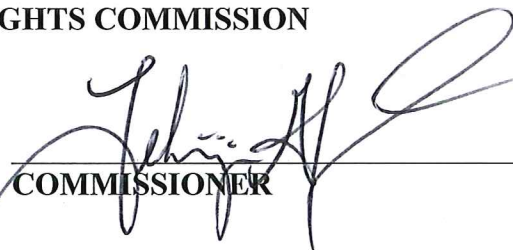
No objections have been filed to the ICRC's adoption of the proposed decision.

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.

INDIANA CIVIL RIGHTS COMMISSION



COMMISSIONER



COMMISSIONER



COMMISSIONER



COMMISSIONER

Dated this 28<sup>th</sup> Day of February, 2014.

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

Annmarie Stevens  
2108 Point West Drive, Apt. 2B  
Fort Wayne, IN 46808-4237

MILLERFISHER LAW LLC  
BY: Mitchell A. Peters, Esq.  
Attorneys for Complainant Annmarie Stevens  
Broadfield North  
8927 Broadway  
Merrillville, IN 46410-7039

B & S of Fort Wayne, Inc. dba Showgirl  
c/o James A. Butler, President  
2910 Goshen Road  
Fort Wayne, IN 46808

M.P. SMITH & ASSOCIATES, P.C.  
BY: Mark Paul Smith, Esq.  
Attorneys for Respondent B & S of Fort Wayne, Inc. d/b/a Showgirl  
622 South Calhoun Street  
Fort Wayne, IN 46802-1708

and to be personally served on the following party and attorney of record:

Akia Haynes, Deputy Director  
Indiana Civil Rights Commission

Frederick S. Bremer, Esq.; Staff Attorney  
Indiana Civil Rights Commission  
Indiana Government Center North  
100 North Senate Avenue, Room N103  
Indianapolis, IN 46204-2255

JAN 29 2014

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INDIANA CIVIL RIGHTS COMMISSION

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vs.

B&S OF FORT WAYNE, INC., d/b/a SHOWGIRL ONE,

Respondent.

) Docket No.: EMsh11120799

) EEOC No.: 24F-2012-00156

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

On January 28, 2014, Counsel, Mark Paul Smith, Esq., attorney for Respondent, B&S of Fort Wayne, Inc. d/b/a Showgirl One, informed the Commission of this matter's final disposition in the Allen County Superior Court.

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. Ms. Stevens filed a complaint of discrimination on November 30, 2011 alleging the Respondent discriminated against her on the basis of sex and sexual harassment. (Complaint of Discrimination, November 2011).
2. On January 13, 2014, the Judge for the Allen Superior Court dismissed this matter, with prejudice in Cause No. 02D01-1212-CT-592.
3. Any Conclusion of Law that should have been deemed a Finding of Fact is hereby adopted as such.

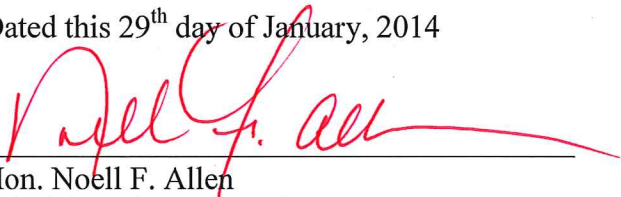
**CONCLUSIONS OF LAW**

1. This matter was resolved by another court of competent jurisdiction thereby invoking the doctrine of *res judicata*. “The doctrine of *res judicata* may be applied where actions between the same parties in relation to the same subject matter are pending at the same time and a judgment is rendered in one of such actions.” *Jones v. American Family Mut. Ins. Co.*, 489 N.E.2d 160, 164 (Ind. Ct. App. 1986).
2. Since this matter was properly disposed of in the Allen County Superior Court, the ALJ must dismiss this complaint.
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 Complainant’s complaint is hereby **DISMISSED**, with prejudice.

Dated this 29<sup>th</sup> day of January, 2014



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

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

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and to be personally served on the following party and attorney of record:

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Frederick S. Bremer, Esq.; Staff Attorney  
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