Hoffner v. Barnhardt et al Doc. 32

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS

HILLARY HOFFNER,

Plaintiff.

v.

DAVID BARNHARDT, individually, and ASSOCIATED LUMBER INDUSTRIES,

Defendants.

No. 12-cv-239-DRH

<u>ORDER</u>

HERNDON, Chief Judge:

Before the Court is defendant David Barnhardt's motion to dismiss (Doc. 20), contending that plaintiff Hillary Hoffner's complaint must be dismissed as against him because Barnhardt was never charged before the Equal Employment Opportunity Commission, a jurisdictional prerequisite to filing suit. See *Williams v. Gen. Foods Corp.*, 492 F.2d 399, 404-05 (7th Cir. 1974). Plaintiff responded (Doc. 30), agreeing with Barnhardt's contentions and consenting to Barnhardt's dismissal. Accordingly, the Court grants the motion. The Court dismisses with prejudice Barnhardt from this action.

IT IS SO ORDERED.

Signed this 19th day of June, 2012.

Digitally signed by David R. Herndon

Date: 2012.06.19

13:51:22 -05'00'

Chief Judge United States District Court

Davideamand