

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

JOHN BAKER,)	
Plaintiff,)	
)	
v.)	CAUSE NO.: 2:13-CV-5-TLS-PRC
)	
WILSON 5 SERVICE COMPANY, INC.,)	
Defendants.)	

OPINION AND ORDER

This matter is before the Court on Plaintiff’s Unopposed Motion to Stay All Proceedings Pending Resolution of New Administrative Charges for Discrimination and Retaliation and to Amend the Scheduling Order [DE 25], filed by Plaintiff John Baker on April 8, 2014.

Plaintiff filed a charge of discrimination against Defendant Wilson 5 Service Company, Inc. on September 25, 2012. On October 19, 2012 or October 22, 2012, Plaintiff received his right to sue letter. Plaintiff then filed a Complaint with this Court on January 3, 2013, alleging claims under the Age Discrimination in Employment Act and the Americans with Disabilities Act. On April 7, 2014, Plaintiff filed new charges with the EEOC, alleging a continuing violation of the ADEA and ADA and retaliation. The new charges involve the same employer and allegedly the same questions of law and fact as the present case.

In the instant unopposed motion, Plaintiff asks the Court to stay these proceedings, arguing that judicial economy strongly favors a stay in this action pending exhaustion of Plaintiff’s administrative remedies before the EEOC, the Illinois Division of Human Rights, and the OFCCP because the new charges involve the same employer as well as the same questions of law and fact as the present case and because the new charges raise the issue of a continuing violation. When a plaintiff has filed subsequent charges with the EEOC based on the same questions of law and fact

against the same employer, the plaintiff may seek to stay the pending litigation pending resolution of the charges to allow all the claims to go forward in one action. *See Czarniecki v. City of Chicago*, 633 F.3d 545, 550 (7th Cir. 2011); *Spencer v. Thomas*, No. 01 C 7783, 2002 WL 31375499 (N.D. Ill. Oct. 21, 2002) (citing *Herrmann v. Cencom Cable Assocs., Inc.*, 999 F.2d 223, 225 (7th Cir. 1993); *Bethea v. Ill. State Police*, No 01 CV 9518, 2002 WL 1592774, at *3-4 (N.D. Ill. July 19, 2002); also citing *Brzostowski v. Laidlaw Waste Sys., Inc.*, 49 F.3d 337, 339 (7th Cir. 1995)).

Having considered the motion, finding it well taken, and noting Defendant's lack of opposition, the Court hereby **GRANTS** Plaintiff's Unopposed Motion to Stay All Proceedings Pending Resolution of New Administrative Charges for Discrimination and Retaliation and to Amend the Scheduling Order [DE 25] and **ORDERS** that this matter is **STAYED** through and including **October 14, 2014**. The Court **ORDERS** the parties to **FILE** a status report on or before **October 17, 2014**. The Court **VACATES** the April 25, 2014 dispositive motion deadline.

SO ORDERED this 14th day of April, 2014.

s/ Paul R. Cherry
MAGISTRATE JUDGE PAUL R. CHERRY
UNITED STATES DISTRICT COURT

cc: All counsel of record