



FILED:
July 16, 2025

**STATE OF INDIANA
OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS**

Rick Gale, Complainant, v. Memorial Hospital, Respondent.	Administrative Cause No.: ICRC-2503-001017 Underlying Agency Action No.: ICRC No.: Paha24090910
---	---

ORDER ON COMPLAINANT’S MOTION TO DISMISS COMPLAINT

On July 3, 2025, Complainant Rick Gale, by counsel, Andrea L. Ciobanu, moved to dismiss the complaint filed in this matter. Having carefully considered all of the foregoing and being duly advised in the premises, the undersigned ALJ has decided to GRANT the Motion based on the following findings of fact and conclusions of law.

JURISDICTION

The Indiana Civil Rights Commission (“ICRC”) has jurisdiction over complaints of public accommodation discrimination filed under the Indiana Civil Rights Law (“ICRL”) IND. CODE § 22-9-1-2; IND. CODE § 22-9-1-6. When a finding of cause is made under the ICRL, pursuant to the ICRC’s June 19, 2020, Finding of Necessity, the Office of Administrative Law Proceedings (“OALP”) shall appoint an Administrative Law Judge (“ALJ”) to preside over the matter. IND. CODE § 22-9-1-6; IND. CODE § 22-9-1-18.

ISSUE

May the Indiana Civil Rights Commission continue to assert jurisdiction over this matter after the Complainant filed a complaint in federal court asserting the same claims?

FINDINGS OF FACT

1. On September 19, 2024, Complainant, Rick Gale, filed a complaint of discrimination with the ICRC alleging discrimination on the basis of disability.
2. On March 13, 2025, the ICRC found probable cause to believe that a discriminatory practice occurred as alleged in Complainant’s September 19, 2024, complaint.

3. On July 3, 2025, Complainant, by private counsel, filed a complaint against Respondent and others in the United States District Court for the Northern District of Indiana, Case Number 3:25-cv-00585, based on the same issues before the ICRC in Complainant's September 19, 2024, complaint. Both complaints allege Respondent subjected Complainant to discriminatory acts based on his disability.

CONCLUSIONS OF LAW

1. The ICRL states that "[u]pon notice that a complaint is the subject of an action in a federal court, the [ICRC] shall immediately cease investigation of the complaint and may not conduct hearings or issue findings of fact or orders concerning that complaint." IND. CODE § 22-9-1-6(q).
2. Accordingly, the ICRC may not assert jurisdiction over a matter once a complaint has been filed in federal court on the same set of issues that are before the ICRC. Id.
3. Complainant has pursued this matter in federal court based on the same issues before the ICRC in Complainant's September 19, 2024, Complaint, as evidenced by the complaint filed in federal court; therefore, the ICRC must dismiss this matter.

DECISION

1. Rick Gale's September 19, 2024, Complaint is DISMISSED, with prejudice. 910 IAC 1-3-6.
2. All scheduled case management deadlines and prehearing conferences are hereby VACATED.
3. This order becomes the final order disposing of the proceedings immediately upon affirmation under Indiana Code 4-21.5-3-29. IND. CODE § 4-21.5-3-27(a).

SO ORDERED: July 16, 2025



Hon. Natalie Fierek, Administrative Law Judge
Indiana Office of Administrative Law Proceedings
100 North Senate Ave., Room N802
Indianapolis, IN 46204
(317) 234-6689

Distribution List:

Complainant, Rick Gale, served by counsel Andrea Ciobanu via email at ACiobanu@CiobanuLaw.com

ICRC Litigation on behalf of Public Interest in Support of Complainant, David Fleischhacker, served by email at dafleischhacker@icrc.in.gov

Respondent, Memorial Hospital, served by counsel Dorothy McDermott, Greer Glover via email at Dorothy.mcdermott@jacksonlewis.com, greer.glover@jacksonlewis.com