

BEFORE THE MONTANA DEPARTMENT  
OF LABOR AND INDUSTRY

IN THE MATTER OF HUMAN RIGHTS BUREAU CASE NO. 0093013935:

MICHAEL WILLIAMS,	)	Case No. 1613-2010
	)	
Charging Party,	)	
	)	
vs.	)	ORDER DISMISSING
	)	
GREYHOUND LINES, INC.,	)	
	)	
Respondent.	)	

\* \* \* \* \*

On August 6, 2010, Greyhound filed a motion to dismiss this case for failure to prosecute, citing a series of failures by Williams to comply with notices and orders in this contested case, included but not limited to failures to respond at all to discovery requests.

On August 24, 2010, the Hearing Officer issued his order vacating the hearing schedule and remaining prehearing dates, and giving notice of his intent to dismiss this case unless Williams, by close of business on September 13, 2010, filed and served a pleading showing good cause for his failures to comply with notices and orders in this contested case.

The Hearing Officer thereafter consulted with the Human Rights Bureau, which did not wish to intervene and prosecute the case for affirmative relief.

On September 14, 2010, Williams, through his counsel filed a "Notice of Withdrawal of Claim," containing within it an affidavit of counsel. The affidavit indicated that Williams' disabilities make it difficult or impossible for him to travel to Montana for the hearing, and likewise have made it difficult and time-intensive for him to assist his counsel in prehearing preparation, including but probably not limited to responding to discovery. These appear to be the bases for his request to withdraw his claim.

Counsel's affidavit may indicate some good cause for the failures to comply with notices and orders. However, at this time both parties have requested dismissal, and HRB has indicated that it has no interest in pursuing the claims at issue.

Under these circumstances, good cause appears for the Hearing Officer to dismiss this case with prejudice.

THEREFORE, this contested case, and the charges at issue herein, are dismissed with prejudice.

DATED this 23rd day of September, 2010.

/s/ TERRY SPEAR

Terry Spear, Hearing Officer  
Hearings Bureau

\* \* \* \* \*

CERTIFICATE OF MAILING

The undersigned hereby certifies that true and correct copies of the foregoing document were, this day, served upon the parties or their attorneys of record by depositing them in the U.S. Mail, postage prepaid, and addressed as follows:

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Signed this 23rd day of September, 2010.

/s/ SANDRA PAGE

Legal Secretary, Hearings Bureau  
Montana Department of Labor and Industry