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## Re: FYI

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From: **Sabina Burton** (sabinaburton@live.com)  
Sent: Fri 9/26/14 3:08 PM  
To: Mary Kennelly (mkennelly@foxquick.com)  
Bcc: Roger Burton (rogerburton@plattevillerealestate.net)

Sorry. I am currently attending a conference in Chicago where I am giving three presentations. I just didn't get around to checking my email yesterday.  
I go with what you recommend here to dismiss the ERD claim.

Thanks.

Sabina

Sent from my iPad

> On Sep 26, 2014, at 1:23 PM, "Mary Kennelly" <mkennelly@foxquick.com> wrote:  
>  
> Hi Sabina---I was wondering if you received the message below and had any questions.  
>  
> FYI---The best that could happen if this proceeds through the ERD investigation is that the investigator would issue a finding of probable cause in your favor on one or more of the claims. This is only a preliminary finding---the ERD would not have any authority to order UWP to do anything at this stage. The probable cause merely allows you to go forward to a hearing on the merits. Getting to that point would take longer than the trial scheduled for October 2015. Plus the ERD has no authority to order compensatory or punitive damages. So, there is little point in going through this proceeding. It was necessary only as a preliminary matter to get the right to sue notice. Also, at worst you could get a finding of no probable cause ---this would be clearly erroneous but the investigators in these cases can issue some pretty questionable decisions.  
>  
> So let me know if you have any questions. Thanks Mar  
> From: Mary Kennelly  
> Sent: Wednesday, September 24, 2014 12:46 PM  
> To: sabinaburton@live.com  
> Subject: FYI  
>  
> Hi Sabina:  
>  
> FYI---I received the attached correspondence from the ERD with questions about your claim.

Usually the administrative charge is dismissed when the right to sue is requested. In any event there is no reason to pursue this claim with the federal action pending. Thus, I would recommend dismissing the ERD claim. Let me know if you have any questions. I will wait to hear back from you before taking any action. Thanks.

>

> Mary E. Kennelly

> mkennelly@foxquick.com <mailto:mkennelly@foxquick.com>

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> <BurtonERDcorrespondence.pdf>