



DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING
ENFORCEMENT DIVISION
DIRECTIVE

DIRECTIVE
NUMBER
308

DISTRIBUTION
DATE
October 1, 1998

1. **SUBJECT: NAMED RESPONDENT EXPIRES BEFORE CASE PROCESSING IS COMPLETED**
2. **PURPOSE:** To set forth the procedures for handling cases in which there is an action pending at the time a person named as a respondent expires.
3. **BACKGROUND:** When a respondent expires after a complaint has been filed, in order to recover monetary damages from the respondent's estate, a creditor's claim must be filed with the court or presented to the executor/administrator of the respondent's estate by the Department and the complainant pursuant to Probate Code sections 9001, 9100, 9150, and 9200.
4. **PROCEDURES:**
 - A. Upon learning that the respondent has expired, the District Administrator will immediately contact the attorney assigned to the District Office with a request for legal advice. The District Administrator will advise the assigned attorney of all the information obtained regarding the respondent's death and any probate proceedings.
 - B. The Consultant will immediately inform the complainant by telephone, or certified mail if he/she cannot be reached, that a creditor's claim must be filed or presented. The complainant should be referred to the assigned attorney.
 - C. The Legal Division will ensure that the appropriate claims are filed to preserve the Department's action. Forms for such claims are available at the Superior Court in the relevant jurisdiction.
 - D. The Legal Division will advise the District Office as to whether the investigation should be continued.

5. **APPROVAL:**

Nancy C. Gutierrez, Director

Date