

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

MAR 09 2001

JAMES W. McCORMACK, CLERK
By: *[Signature]*
DEP. CLERK

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)

Plaintiff,)

v.)

AUTOZONE, INC.)

Defendant.)

CIVIL ACTION NO.: 4:99-CV73 HW

CONSENT DECREE

The Equal Employment Opportunity Commission (hereinafter referred to as the "EEOC") initiated the above-referenced Cause on September 28, 1999, against AutoZone, Inc. (the "Defendant") to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. ("Title VII"), and the Civil Rights Act of 1991, 42 U.S.C. § 1981a. The EEOC alleged that the Defendant engaged in unlawful employment practices by failing to promote Theresa Garner and other female employees and female applicants. The lawsuit alleged that AutoZone, Inc. has a pattern and practice of failing to promote female employees into upper management positions in its Arkansas stores because of their sex and also has a pattern and practice of excluding females from its management recruiting program in Arkansas stores because of their sex. Additionally, this action sought redress for AutoZone's alleged retaliation against Ms. Garner subsequent to her filing a charge of discrimination.

In the event this proposed Consent Decree is not approved or does not become final, then it shall not be admissible in evidence in any subsequent proceeding in this action.

This Consent Decree does not constitute an admission by the Defendant of the allegations of the Complaint. In fact, the Defendant specifically denies the allegations contained in the Complaint, and asserts affirmatively that it has in all respects complied with the above-referenced laws as they apply to females in general and Ms. Garner in particular. However, all parties to this action desire to avoid the additional expense and delay in the litigation of this case.

The Court has reviewed the terms of the proposed Consent Decree in light of the applicable laws and regulations, the statements and representations of counsel for all parties, and hereby approves the Consent Decree.

NOW, THEREFORE, the Court being fully advised in the premises, it is hereby ORDERED, ADJUDGED AND DECREED:

I. JURISDICTION

The United States District Court for the Western District of Arkansas, Western Division, has jurisdiction over the parties and subject matter of this litigation.

II. SCOPE AND DURATION OF DECREE

A. This Consent Decree resolves all issues and claims arising out of Plaintiff's Complaint in this cause arising out of Charge No. 251-97-1491 filed by Theresa Garner with the EEOC. Notwithstanding any provisions contained in this Decree, this agreement shall not be considered in any manner to be dispositive of any charge now pending before any office of the EEOC other than Charge No. 251-97-1491.

B. The provisions of this Consent Decree shall continue to be effective and binding upon

the parties to this action for a period of one year from the date of the entry of this decree except for Section VI.C (neutral reference), which will be in effect permanently.

III. NON-DISCRIMINATION PROVISION

A. Defendant, its officers, agents, employees, and all persons acting in concert with the Defendant agree that they will comply with the laws concerning, and will maintain and enforce Defendant's policies against employment practices which have the purpose or effect of discriminating against any employee because of their sex.

B. Defendant has in place a training program for its supervisors, managers, and employees in its Arkansas retail stores covering the requirements of Title VII of the Civil Rights Act of 1964, as amended, regarding the prevention of sexual discrimination and retaliation. Defendant agrees to reemphasize such training for such managers, supervisors and employees.

IV. NON-RETALIATION PROVISION

Defendant, its officers, agents, employees, and all persons acting in concert with Defendant agree that they will comply with the laws concerning, and will maintain and enforce Defendant's policy against, taking any retaliatory measure against any employee for opposing practices made unlawful under Title VII of the Civil Rights Act of 1964, as amended, or for making a charge or complaint to the EEOC, testifying, assisting or participating in any manner in any investigation, proceeding, or hearing under Title VII of the Civil Rights Act of 1964, as amended.

V. NOTICE

Defendant will continue to conspicuously post at all of its facilities the notice (poster) required to be posted pursuant to Title VII of the Civil Rights Act of 1964, as amended, as well as Defendant's notice attached as Appendix A.

VI. INDIVIDUAL RELIEF

A. Defendant will expunge from Theresa Garner's personnel records any unfavorable or adverse personnel comments regarding any aspect of her demotion and events leading up to her demotion with Defendant, including any reference to the charge of discrimination she filed or this litigation.

B. Defendant shall deliver to Theresa Garner a cashier's check made payable to "Theresa Garner" in the amount of \$10,000.00 at the following address within ten (10) days after entry of this Decree by the Court:

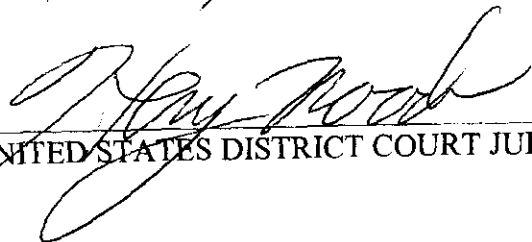
Theresa Garner
P.O. Box 283
Evening Shade, Arkansas 72532

C. Defendant agrees to follow its normal practice by providing a neutral reference to any potential employers of Ms. Garner who request a job reference. No mention of Ms. Garner's charge of discrimination or this action will be made as part of the neutral reference. The reference will be of the form and content of Appendix B.

VII. COSTS

Each of the parties shall bear its own costs, including attorney's fees.

SO ORDERED THIS 9 DAY OF March, 2001.


UNITED STATES DISTRICT COURT JUDGE

THIS DOCUMENT ENTERED ON DOCKET SHEET
COMPLIANCE WITH RULE 58 AND/OR 79(a) FRCP
IN 3-12-01 BY Am.

Your Mother Was Right

Show People Respect. Be Polite. It Works.

Show Respect and Courtesy for Everyone at AutoZone.

Apply our *10th Commandment of Customer Satisfaction* to everyone – including customers, visitors and AutoZoners. We strive for an atmosphere free from any conduct that interferes with WOW! Customer Service, teamwork or an AutoZoner's job performance.

Remember That Harassment of Any Kind is Not Tolerated.

AutoZone doesn't tolerate any type of offensive, intimidating or hostile behavior. This includes sexual harassment. AutoZone will correct any improper situation discreetly and professionally as soon as it is brought to our attention. If you believe you have been subjected to harassment or other inappropriate conduct, we encourage you to discuss it with your manager.

Please Report Improper Conduct or Harassment to Management.

Most problems can be resolved between you and your manager. We expect managers to be objective and constructive and to resolve problems promptly. If you feel it is not appropriate to discuss an incident with your manager, or if the matter wasn't resolved, request a meeting with the person to whom your manager reports.

Corrective action, which can include termination, will be taken against AutoZoners who are found to have engaged in harassment or other inappropriate conduct. Corrective action will also be taken against AutoZoners who attempt to interfere with the investigation or retaliate against a fellow AutoZoner for reporting an incident.

If you have concerns about company policies and procedures, complaints about working conditions or a problem you don't feel comfortable discussing with your supervisors, call the AutoZoner Relations Hotline at:

1-800-510-1033

We Respect Your Right to Confidentiality.

APPENDIX "B"

Dear _____,

This letter is in response to your inquiry regarding the employment of _____ while employed at AutoZone, Inc..

Ms. _____ worked for AutoZone, Inc. from _____ through _____. Company policy does not permit us to give out any more information concerning Ms. _____'s employment.

I am sure Ms. _____ can provide you with the details concerning her tenure with AutoZone, Inc. I hope this information is helpful and that it satisfactorily answers your inquiry.

Very truly yours,

AutoZone, Inc.

UNITED STATES DISTRICT COURT
Eastern District of Arkansas
U.S. Court House
600 West Capitol, Suite 402
Little Rock, Arkansas 72201-3325

March 12, 2001

* * MAILING CERTIFICATE OF CLERK * *

Re: 4:99-cv-00736.

True and correct copies of the attached were mailed by the clerk to the following:

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New Orleans, LA 70163-3600

press
post

James W. McCormack, Clerk

Date: 3/12/01

BY: 