

FILED
 U.S. DISTRICT COURT
 UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF MARYLAND
 SOUTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)
 COMMISSION)
)
 Plaintiff,)
)
 v.)
)
 OURISMAN CHEVROLET CO., INC., et al.)
)
)
 Defendants.)
 _____)

Civil Action No. RDB-02-2129

CONSENT DECREE

This action was instituted on June 25, 2002, by Plaintiff the Equal Employment Opportunity Commission (“Commission” or “EEOC”), against Ourisman Chevrolet Company, Inc., Ourisman Imports, Inc. t/a Ourisman Mitsubishi and the Rockmont Motor Company et al., pursuant to the Age Discrimination Act of 1967, as amended, 29 U.S.C. 621 et seq., to correct unlawful employment practices. EEOC’s Complaint alleged that Defendants Ourisman Chevrolet Company, Inc. and Ourisman Imports, Inc. t/a Ourisman Mitsubishi (“Defendants Ourisman”) et al., discriminated against Hank Hiner, William McLaughlin, and other similarly situated individuals by removing them from their job positions and subsequently either terminating or demoting them based on their age - over 40. The Complaint also alleged that Defendant Rockmont Motor Company retaliated against William McLaughlin for participating in an EEOC investigation. Defendants deny all allegations contained in the Complaint.

The Commission and the Defendants desire to resolve this action and all issues raised by the Complaint without the time and expense of further contested litigation. The parties also



desire to formulate a plan to be embodied in a Decree that will promote and effectuate the purposes of the ADEA.

For the purposes of resolving this action, the Defendants admit that the Court has jurisdiction over this action, and that all statutory and jurisdictional prerequisites to suit have been satisfied.

This Decree, being entered with the consent of the Commission and Defendants, shall not constitute an adjudication or finding on the merits of this case and shall not be construed as an admission of liability by Defendants or as a waiver by the Commission of any contentions of discrimination.

The Court has examined this Decree and finds that it is reasonable and just and in accordance with the Federal Rules of Civil Procedure and the ADEA. Therefore, upon due consideration of the record herein and being fully advised of the premises, it is ORDERED, ADJUDGED AND DECREED:

1. This Decree constitutes full discharge and satisfaction of any and all claims which have been alleged in the Complaint filed in this ADEA action by the EEOC based on the charges of discrimination filed by Hank Hiner, Charge No. 120-99-1101 and William McLaughlin, Charge No. 120-A1-0453, against the Defendants, and the Commission's Determination on these charges.

INDIVIDUAL RELIEF

2. Defendants Ourisman shall within fifteen (15) days of the execution of this Decree, make payment to Linda Hiner (widow of Hank Hiner) in the amount of sixty-five thousand dollars (\$65,000). Defendants Ourisman agree that this amount shall be paid by check to the order of Linda Hiner and shall be forwarded to Linda Hiner at her address, to be supplied by the

Commission, by overnight mail. Within ten (10) days of this payment, a copy of the check along with a copy of the overnight delivery receipt will be sent to the Commission's attorney of record. A Form 1099 will be issued to Linda Hiner reflecting this payment.

3. Defendants Ourisman shall within fifteen (15) days of the execution of this Decree, make payment to William McLaughlin in two checks totaling the amount of fifty-five thousand dollars (\$55,000). Defendants Ourisman agree that this amount shall be paid by two checks to the order of William McLaughlin and shall be forwarded to William McLaughlin at his address, to be supplied by the Commission, by overnight mail. Within ten (10) days of this payment, a copy of the two checks along with a copy of the overnight delivery receipt will be sent to the Commission's attorney of record. A Form 1099 will be issued to William McLaughlin reflecting this payment.

4. Defendants Ourisman shall within fifteen (15) days of the execution of this Decree, make payment to John Cooke in the amount of ten thousand dollars (\$10,000). Defendants Ourisman agree that this amount shall be paid by check to the order of John Cooke and shall be forwarded to John Cooke at his address, to be supplied by the Commission, by overnight mail. Within ten (10) days of this payment, a copy of the check along with a copy of the overnight delivery receipt will be sent to the Commission's attorney of record. A Form 1099 will be issued to John Cooke reflecting this payment.

5. Defendants shall remove any records or documents from the personnel files of Hank Hiner, William Mclaughlin and John Cooke, wherever maintained, relating to the filing of a charge of discrimination with the Commission, or the Commission's lawsuit against Defendants.

EQUITABLE RELIEF

6. Defendants Ourisman, their agents, officers, successors or assigns shall be, and hereby are, enjoined and restrained from engaging in any employment practice that discriminates against any person because of age - over 40 - including, removal, demotion or discharge from their job position on the basis of age.

7. Defendants, their agents, officers, successors or assigns shall not retaliate against any employee because of opposition to any action declared unlawful under ADEA or because of filing a charge, giving testimony or assistance or participating in any investigation or proceeding under ADEA, including any persons who participated in this action.

POSTING OF NOTICES

8. a. Upon entry of this Decree, Defendants Ourisman will post promptly in a conspicuous places at its Marlow Heights, Maryland facilities, at places where notices to employees are customarily posted, the EEOC poster, "Equal Employment Opportunity Is The Law" (Form EEOC-P/E-1), and the Notice attached hereto as Exhibit "A" and made a part hereof, which shall be signed by a responsible official of Defendants Ourisman with the date of actual posting shown thereon. Should the Notice or Poster become defaced, marred or otherwise unreadable, Defendants Ourisman will ensure that new readable copies are posted in the same manner heretofore specified.

b. The Notice and Poster shall be posted and maintained throughout the period of this Decree. Within thirty (30) days of approval of this Decree, Defendants Ourisman shall forward to the Commission's attorney of record, at the EEOC's Baltimore District Office, a copy of the signed Notice attached hereto as Exhibit "A", written certification that the Poster and Notice referenced herein have been posted and a statement of the location and date(s) of posting..

TRAINING

EXHIBIT "A"

**NOTICE TO EMPLOYEES
POSTED PURSUANT TO A CONSENT DECREE WITH
THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, AN
AGENCY OF THE UNITED STATES GOVERNMENT**

Under Federal Law an employer can not discriminate against a persons over forty (40) years of age or older on the basis of their age in employment, including using age as a basis in making its decisions regarding removal, demotion or discharge on the basis of age.

AGE DISCRIMINATION: Under Section 4(a) of the Age Discrimination in Employment Act of 1967, as amended, (ADEA):

It is an unlawful employment practice for an employer :

1) ... to discharge [or demote] any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions or privileges of employment, because of such individual's age. . . ." 29 U.S.C. § 623 (a) (1)

WE WILL NOT engage in any acts or practices made unlawful by the above statutory sections.

WE WILL NOT discriminate or retaliate against any employee because of opposition to any practice made unlawful under the ADEA, or because of the filing of a charge, the giving of testimony or assistance, or participation in any manner in an investigation, proceeding or hearing under the ADEA.

OURISMAN CHEVROLET COMPANY, INC and
OURISMAN IMPORTS, INC. t/a OURISMAN
MITSUBISHI

Dated: _____ By: _____

Date posting expires: _____