

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MARYLAND
SOUTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,))	
))	
Plaintiff,))	
))	
v.))	Civil Action No. RWT-04-3130
))	
IMPORTED CARS OF MARYLAND, INC. d/b/a COLLEGE PARK HONDA,))	
))	
Defendant.))	
<hr/>)	

CONSENT DECREE

This action was instituted by Plaintiff, the U.S. Equal Employment Opportunity Commission (the "EEOC" or the "Commission"), against Defendant Imported Cars of Maryland, Inc. d/b/a College Park Honda, (hereinafter "Defendant"), alleging that Defendant subjected Nishant Paul to a racially and ethnically hostile and offensive environment, in violation of Section 703(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e-2(a), and further alleging that Defendant terminated Nishant Paul in retaliation for complaining about discriminatory treatment, in violation of Section 704(a) of Title VII, 42 U.S.C. Section 2000e-3(a). Defendant expressly denies the allegations in the Complaint and denies any wrongdoing or improper conduct in connection with the challenged practice in the case.

The Commission and Defendant desire to resolve this disputed claims in the action without the time, cost and uncertainty of continued litigation, and they desire to formulate a

plan to be embodied in a Decree which will promote and effectuate the purposes of Title VII.

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 Title VII. Therefore, upon due consideration of the record herein and being fully advised in the premises, it is ORDERED, ADJUDGED AND DECREED:

Scope of Decree

1. This Decree resolves all issues and claims alleged in the Complaint filed by the Commission in this Title VII action which emanated from the Charge of Discrimination filed by Nishant Paul.

2. This Decree shall be in effect for a period of one year from the date it is entered by the Court ["Term"]. During the Term, this Court shall retain jurisdiction over this matter and the parties for purposes of enforcing compliance with the Decree, including issuing such orders as may be required to effectuate the purposes of the Decree.

3. This Decree, being entered with the consent of the EEOC and Defendant, shall not constitute an adjudication or finding on the merits of the case.

Relief to Nishant Paul

4. Within 30 calendar days of entry of this decree, Defendant shall pay relief in the total amount of \$40,000. The check shall be made out jointly to Nishant Paul and his private counsel, Hassan M. Ahmad, and will be sent directly to Mr. Ahmad. A photocopy of the check and related correspondence will be mailed to the EEOC, Baltimore District Office, 10 S. Howard Street, 3rd Floor, Baltimore, Maryland 21201. Defendant will issue Mr. Paul a United States Internal Revenue Service 1099 Form for the amount paid.

Injunctive Relief

5. Subject to the terms of ¶8 hereinbelow, Defendant is hereby, from this day forward, enjoined from subjecting any employee to a racially and ethnically hostile and offensive environment, in violation of Section 703(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e-2(a), which, in part, is forth below:

It shall be an unlawful employment practice for an employer --
(1) to discriminate against any individual with respect to his . . . terms, conditions, or privileges of employment, because of such individual's race . . . or national origin.

42 U.S.C. § 2000e-2(1). Defendant is further enjoined from retaliating against any employee of Defendant who complains of discrimination, as set forth in the following provision:

It shall be an unlawful employment practice for an employer to discriminate against any of his employees . . . because he has opposed any practice made an unlawful employment practice by this subchapter, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subchapter.

42 U.S.C. § 2000e-3(a). It is understood and agreed that this injunction shall not apply to conduct occurring prior to date upon which this Consent Decree was entered by the Court or conduct occurring after the Term.

6. Within 90 days from the date of entry of the Decree (or such later date as may be required and approved by the EEOC, which approval shall not be unreasonably withheld, due to scheduling issues outside of Defendant's control), all Defendant employees shall be required to attend a training program lasting at least two hours for managers and at least one hour for non-managerial employees. The training shall cover the prevention of employment discrimination and compliance with federal anti-

discrimination laws, and shall be conducted by an outside consultant or law firm approved by the EEOC, which approval shall not be unreasonably withheld. The training session shall be videotaped (the "Training Videotape"). Within ten business days of providing the training session, Defendant will furnish EEOC with a signed attendance list, the date and duration of the training, an agenda of the training conducted (which shall include but not be limited to the prohibition of discrimination on the basis of national origin and race and retaliation for complaining about discriminatory treatment), and a certification of completion of the mandatory training. For the Term of this Decree, Defendant shall require each newly hired officer, manager, supervisor and employee to view the Training Videotape prior to commencement of work for Defendant. Defendant shall maintain an ongoing attendance log which records the signature of each new hire certifying that the Training Videotape was reviewed. Upon written request by the EEOC, Defendant will send a copy of the Training Videotape attendance log to the EEOC.

7. Upon approval of this Decree, Defendant will post immediately in all places where notices are customarily posted for the employees, the Notice attached hereto as Exhibit A and made a part hereof. Said Notice shall be posted and maintained for a period of one year from the date of posting and shall be signed by a responsible official of Defendant with the date of actual posting shown thereon. Should the Notice become defaced, marred, or otherwise made unreadable, Defendant will ensure that new readable copies of the Notice are posted in the same manner as heretofore specified. Within 30 days of approval of this Decree, Defendant shall forward to the EEOC's attorney of record a copy of the signed Notice attached hereto and written certification that the Notice referenced herein has been posted and a statement that the Notice has been posted in all

/s/

Maria Salacuse (Bar No. 15562)
Trial Attorney

EQUAL EMPLOYMENT
OPPORTUNITY

COMMISSION
Baltimore District Office
10 S. Howard Street, 3rd Floor
Maryland 21201
(410) 962-4341

Baltimore,

SO ORDERED.

Signed and entered this ____ day of _____, 2005.

Roger W. Titus
United States District Court Judge