

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CLOSED

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

Case No. 01-73519

HON. PATRICK J. DUGGAN



v.

ST. JOHN HEALTH SYSTEM,

Defendant.

Adele Rapport (P44833)
Krystal M. Gardner (P54495)
Equal Employment Opportunity Commission
Attorneys for Plaintiff
865 Patrick V. McNamara Bldg.
477 Michigan Ave.
Detroit, MI 48226
(313) 226-6701

Bruce M. Bagdady (P40476)
Kimberly A. Sordyl (P55113)
Keller, Thoma, Schwarze, Schwarze,
DuBay & Katz, P.C.
Attorneys for Defendant
440 East Congress
Detroit, MI 48226
(313)965-7610


FILED
JAN 28 P 3 34
DETROIT

STIPULATION AND ORDER OF DISMISSAL

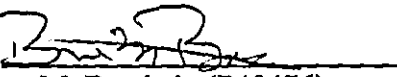
Plaintiff, Equal Employment Opportunity Commission, and Defendant, St. John Health System, by their attorneys of record, and pursuant to a written Settlement Agreement, the terms of which are incorporated by this reference into the order of dismissal, executed by the parties and attached as Exhibit A to this order, stipulate and agree that the above-captioned case be dismissed with prejudice. The dismissal shall require each party to bear its own costs and the Court shall retain jurisdiction in order to enforce the Consent Decree.

[Signature page follows]

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

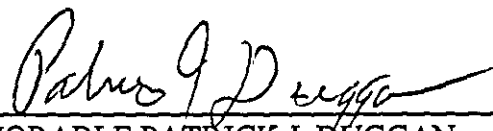
Dated: 6/28/02 By: 
Adele Rappoff (P44883)
Regional Attorney
477 Michigan Ave., Room 865
Detroit, MI 48226

KELLER, THOMA, SCHWARZE, SCHWARZE,
DUBAY & KATZ, P.C.

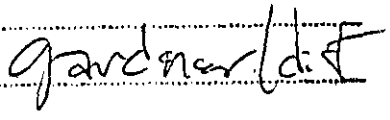
Dated: 6/28/02 By: 
Bruce M. Bagdady (P40476)
Attorney for Defendant
440 East Congress
Detroit, MI 48226
(313)965-7610

IT IS SO ORDERED:

DATE: JUN 28 2002
JUN 28 2002


HONORABLE PATRICK J. DUGGAN
United States District Judge

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ON _____, 19__.


DEPUTY COURT CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

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EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

Case No. 01-73519

v.

Hon. Patrick J. Duggan

ST. JOHN HEALTH SYSTEM,

Defendant.

CONSENT DECREE

This Consent Decree is entered into between the UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (the "Commission"), 477 Michigan Avenue, Room 865, Detroit, Michigan 48226, and ST. JOHN HEALTH SYSTEM, a Michigan corporation with its principal place of business in Detroit, Michigan.

AGREEMENT

The Commission and St. John Health System have resolved their differences and have agreed that this action should be settled by entry of this Consent Decree. It is the intent of the parties that this Consent Decree be a final and binding settlement in full disposition of all claims alleged in the Complaint against St. John Health System and in the Charge of Discrimination, Charge No. 230-A1-0021, filed against St. John Health System by Anna Battaglia ("Charging Party").

JURISDICTION AND VENUE

The Commission is the agency of the United States vested with the authority to investigate claims of unlawful employment discrimination based upon sex under Title VII of the Civil Rights Act of 1964, as amended.

At all times relevant to the institution of this lawsuit, St. John Health System has been an employer within the meaning of Title VII, and has continually employed more than 15 employees.

At all times relevant to the institution of this lawsuit, St. John Health System has been an employer participating in commerce in the State of Michigan.

NON-ADMISSION OF LIABILITY

The parties agree that neither this Decree nor any of the actions taken pursuant to this Decree shall constitute or be construed as an admission of liability or wrongdoing of any kind by St. John Health System. All such liability and wrongdoing are expressly denied by St. John Health System.

This Consent Decree, being entered into with the consent of the parties, shall not constitute an adjudication or finding on the merits of the case.

AFFIRMATIVE RELIEF

St. John Health System has offered to pay Charging Party the amount of Twenty Thousand Dollars (\$20,000.00) to resolve claims in another action, said payment being offered to avoid unnecessary costs and fees, it being understood that St. John Health System denies any liability in that or this matter, believes the claims to be baseless, and that neither this Decree nor the referenced payment is or is intended to be indicative of any liability or wrongdoing. The parties further recognize that the individual alleged by the Charging Party to be the "wrongdoer" is no longer an employee of St. John Health System and that said individual has received sexual harassment training.

The sexual harassment policy currently in place at St. John Health System has been reviewed by the Commission and shall remain in effect for the duration of the Consent Decree. St. John shall inform the Commission, in writing, of any proposed changes to the policy for the duration of the Decree.

TRAINING

St. John Health System shall provide training regarding Title VII and its prohibition against sexual harassment to its former Clinic Office Coordinator and its relevant Practice Administrator. The training shall include an explanation of the types of incidents that can be construed as sexual harassment and the responsibilities of supervisory personnel who are informed of incidents of harassment. In addition, the training shall address the prohibition against retaliation. St. John Health System will notify the Commission of the completion of the training and provide reports as indicated in the Reporting Provision of this Decree.

NON-RETALIATION

St. John Health System shall comply with all laws prohibiting discrimination and retaliation against any employee who exercises such employee's rights under 42 U.S.C. §2000(e)(3). Specifically, St. John Health System shall not discriminate or retaliate against any individual for initiating, participating or cooperating in the Civil Action or the Charge of Discrimination that resulted in the Civil Action; nor discriminate or retaliate against an individual for raising an allegation of any sexually hostile incident, or who participates in any investigation of such incident.

DISPUTE RESOLUTION

This Court will maintain jurisdiction over any and all compliance issues associated with this Decree.

FINAL DISPOSITION

The Commission agrees to execute a stipulation of dismissal of this action with prejudice upon execution of this Consent Decree by St. John Health System.

SEVERABILITY

If any provision of this Decree is found to be unenforceable by a court of competent

jurisdiction, only the specific provision in question shall be affected, and the other enforceable provisions shall remain in full force and effect.

REPORTING PROVISION

Within three months of the entry of the Stipulated Order of Dismissal, St. John Health System shall submit to the Commission a report of the steps it has taken to comply with this Decree. In particular, it shall warrant that its former Clinic Office Coordinator and its relevant Practice Administrator received sexual harassment training, and the date on which the training was administered. The Defendant's report pursuant to this paragraph shall be submitted to: Adele Rapport, Regional Attorney, Detroit District Office, 477 Michigan Avenue, Suite 865, Patrick V. McNamara Building, Detroit, Michigan 48226.


TERM OF DECREE


This Decree shall remain in effect for six months from the date of its execution by St. John Health System.

CONCLUSION

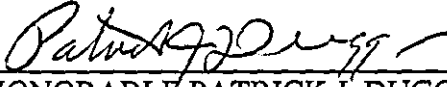
The terms of this Decree have been fully reviewed by the appropriate officials of the Commission and St. John Health System, and both the Commission and St. John Health System enter into the Decree knowingly and voluntarily, with a firm understanding of both the rights they are giving up and the obligations they are undertaking by this Decree.

[Signature page follows]


ADELE RAPPORT (P44833)
STANLEY PITTS (P33519)
KRYSTAL M. GARDNER (P54495)
Attorneys for Equal Employment
Opportunity Commission
477 Michigan Avenue, Rm. 865
Detroit, Michigan 48226
(313) 226-3409


BRUCE M. BAGDADY (P40476)
KIMBERLY A. SORDYL (P55113)
Attorneys for Defendant
Keller, Thoma, Schwarze, Schwarze,
DuBay & Katz, P.C.
440 E. Congress, 5th Floor
Detroit, Michigan 48226
(313) 965-7610

The foregoing Consent Decree is approved and adopted as the Order and Judgment of the Court this
_____ day of ~~JUN 28 2002~~ 2002.


HONORABLE PATRICK J. DUGGAN
United States District Judge