

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	John W. Darrah	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	02 C 6172	DATE	9/3/2002
CASE TITLE	EEOC vs. AMERICAN AIRLINES, INC.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

DOCKET ENTRY:

- (1) Filed motion of [use listing in "Motion" box above.]
- (2) Brief in support of motion due _____.
- (3) Answer brief to motion due _____. Reply to answer brief due _____.
- (4) Ruling/Hearing on _____ set for _____ at _____.
- (5) Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) Trial[set for/re-set for] on _____ at _____.
- (8) [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
 FRCP4(m) Local Rule 41.1 FRCP41(a)(1) FRCP41(a)(2).
- (10) [Other docket entry] Enter Order Of Resolution. Case closed.

(11) [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input checked="" type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.	courtroom deputy's initials LG	Date/time received in central Clerk's Office	number of notices	Document Number 3
			SEP 04 2002 <small>date docketed</small>	
			L.B. <small>docketing deputy initials</small>	
			<small>date mailed notice</small>	
			<small>mailing deputy initials</small>	

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
v.)
)
AMERICAN AIRLINES, INC.,)
)
Defendant.)
_____)

Civ. Action No. 02 C 6172

DOCKETED
SEP 04 2007

Judge Darrah

ORDER OF RESOLUTION

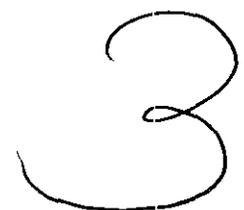
The Equal Employment Opportunity Commission (hereafter the "Commission" or "EEOC") filed this action against American Airlines, Inc. ("Defendant" or "American") under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. ("Title VII") and Title I of the Civil Rights Act of 1991. The EEOC alleged that Defendant violated Title VII by maintaining a work uniform policy which discriminated against Rania Fneiche ("Fneiche"), and other unknown female Muslim applicants, who sought a reasonable accommodation because of their religion, Islam, and were refused employment because they wore a Hijab (head scarf) because of their sincerely held religious beliefs. American denies each and every allegation.

The EEOC, Fneiche and American have determined to finally resolve this action through the agreed entry of this Order of Resolution in order to further the purposes of Title VII.

Findings

Having carefully examined the terms and provisions of this Order of Resolution and based on the pleadings, record and stipulations of the parties, the Court finds the following:

1. The Court has jurisdiction of the subject matter of this action and of the parties.



2. The terms and provisions of this Order of Resolution are fair, reasonable, equitable and just. The rights of the EEOC, Rania Fneiche and American are adequately protected by this Order of Resolution.

3. This Order of Resolution conforms with the Federal Rules of Civil Procedure and Title VII and is not in derogation of the rights and privileges of any person. The entry of this Order of Resolution will further the objectives of Title VII and will be in the best interests of American, EEOC, Rania Fneiche and the public.

4. Neither of the parties admit or deny the claims, defenses or contentions of the other and the Court makes no finding with respect thereto.

WHEREFORE, with the agreement of the parties to this action, it is ordered as follows:

5. Within ten (10) business days of its receipt of an executed release (in the form attached as Exhibit A) signed by Fneiche and as to which Fneiche has been represented by her own private counsel, American shall pay Fneiche, in full and final settlement of all her claims, the amount of Sixty Thousand Dollars (\$60,000) (the "Settlement Amount"). No deductions, including deductions for income or social security or other taxes, shall be made from the Settlement Amount. The Settlement Amount shall be paid as follows:

(a) one check shall be made payable to "Rania Fneiche" in the amount of Forty Five Thousand Dollars (\$45,000.00) and sent to ~~her home address~~, certified mail, return receipt requested;

*Kamran Memon at 200 S. Michigan Ave., Suite 1240, Chicago, IL 60604
KM*

(b) one check shall be made payable to Fneiche's attorney "Kamran Memon", and sent to 200 South Michigan Ave., Suite 1240, Chicago, Illinois 60604, certified mail, return receipt requested, in the amount of Fifteen Thousand Dollars (\$15,000.00), in lieu of attorney's

fees that Fneiche would otherwise be obligated to pay, and Mr. Memon agrees that he will not seek from American or Fneiche any other attorney's fees, costs or expenses arising in connection with his representation of Fneiche; and

(c) American will issue an IRS Form 1099 to each of Fneiche and Mr. Memon respecting said payments.

6. At the time American sends the above checks, it shall also send copies to Gordon Waldron, regular mail, at EEOC at the address listed below.

7. American shall not discriminate against any person on the basis of religion by failing to provide, as required by Title VII, a reasonable accommodation to his/her sincerely held religious beliefs or practices.

8. American shall not engage in reprisal or retaliation of any kind against any person because of such person's opposition to any religious discrimination made unlawful under Title VII, or because of filing a charge, testifying or participating in any manner in any investigation, proceeding or hearing alleging religious discrimination under Title VII, or because of such person's seeking or obtaining relief under this Order of Resolution.

9. American shall visibly post at its facilities that receive applications for Passenger Service Agent positions the notice attached as Exhibit B hereto for continuous period of one (1) year.

10. During the term of this Order of Resolution, American shall provide written notice to the EEOC of any complaint it receives of religious discrimination, or of failure to provide religious accommodation, from any Muslim woman who applies for a Passenger Service Agent position, because she wears a Hijab (head scarf) due to her sincerely held religious beliefs, within

seven (7) days (one week) after receiving such complaint. Notices shall be sent regular mail on or before the expiration of the seventh (7th) day to Gordon Waldron, Equal Employment Opportunity Commission, 500 West Madison Street, Suite 2800, Chicago, Illinois 60661.

11. American and the EEOC shall attempt to locate any other Muslim woman who at any time since January 9, 1998 was denied a Passenger Service Agent position because she wore a Hijab (head scarf) because of her sincerely held religious beliefs, as follows:

(a) Within ten (10) days of entry of this Order of Resolution, American shall identify to the EEOC any Muslim woman, other than Fneiche, who has filed a charge of discrimination with the EEOC or a state or local governmental agency at any time since January 9, 1998 through the date of the entry of this Order of Resolution, alleging that American denied her employment because she wore a Hijab (head scarf) because of her sincerely held religious beliefs; and

(b) American shall contact each employee who is currently a member of the "Muslim Employees Employee Resource Group" ("MEER Group") and ask them to identify, if they know, any female Muslim applicant rejected for a Passenger Service Agent position by American, from January 9, 1998 through the date of the entry of this Order of Resolution, because she wore a Hijab (head scarf) because of her sincerely held religious beliefs. The MEER Group member will be told to inform any such applicant that she should contact the EEOC by telephoning Paralegal Specialist Paula Jackson at (312) 353-7527, or writing her at the address listed below within three (3) months. The notification to members of the MEER Group shall be made by mail to each person identified on the most recent MEER Group membership list (or lists if there is more

than one MEER Group) at their respective last known addresses within two (2) weeks of the entry of this Order of Resolution.

12. Should the EEOC receive within three (3) months of the entry of this Order of Resolution information about or from any Muslim woman who claims that she applied but was not hired for a Passenger Service Agent position by American because she wore a Hijab (head scarf) because of her sincerely held religious beliefs from January 9, 1998 through the date of the entry of this Order of Resolution, it shall send her the Letter and Questionnaire attached as Exhibit C hereto. The EEOC shall contemporaneously advise American that a Letter and Questionnaire has been sent by sending a copy of any such Letter and Questionnaire to counsel for American, Cheryl Tama Oblander, Winston & Strawn, 35 West Wacker, Chicago, Illinois, 60601. The recipient of any Letter and Questionnaire from the EEOC must return the Questionnaire, and any supporting documentation, to the EEOC so that it is actually received by the EEOC by a date certain not more than forty-five (45) days from the date of the mailing by EEOC and the recipient must simultaneously send a copy to American by mailing the copy to Cheryl Tama Oblander, Winston & Strawn, 35 West Wacker, Chicago, Illinois, 60601,

13. If the EEOC receives a completed Questionnaire from any potential claimant ("Potential Claimant"), American and the EEOC shall determine whether there is reasonable cause to believe that the Potential Claimant is a female Muslim who applied for and was refused a Passenger Service Agent position between January 8, 1998 and the date of the entry of the Order of Resolution because she wore a Hijab (head scarf) because of her sincerely held religious beliefs. Absent reasonable cause to believe that the Potential Claimant was denied such a position because of her sincerely held religious beliefs, the Potential Claimant is not entitled to any relief. In the

event that American presents evidence of reasonable cause to believe that it had a legitimate non-discriminatory reason to have refused the Passenger Service Agent position to the Potential Claimant or to not have been able to accommodate the Potential Claimant, then the Potential Claimant is not entitled to any relief. In the event that there is reasonable cause to believe that the Potential Claimant is a female Muslim who applied for and was denied a Passenger Service Agent position by American between January 8, 1998 and the date of the entry of this Order of Resolution because she wore a Hijab (head scarf) because of her sincerely held religious beliefs, then: (a) American and the EEOC shall negotiate a method or procedure to determine if the Potential Claimant is entitled to monetary relief, and if so, the amount; and, (b) within three (3) months of such determination American shall offer the Potential Claimant a Passenger Service Agent Position, at the closest possible location to the current personal residence of the Potential Claimant, if such Potential Claimant so elects on the Questionnaire; provided, however, that (c) in no event shall American be required to offer any such position if it is not hiring Passenger Service Agents at any such location during the three (3) month period; and, (d) such Potential Claimant is otherwise qualified for an offer of a Passenger Service Agent position. Monetary relief may include, back pay, fringe benefits and out of pocket pecuniary losses, subject to mitigation, and interest on such sums through the date of entry of this Order of Resolution.

14. If the EEOC and American are unable to agree on any Potential Claimant's eligibility for monetary relief, the amount of such monetary relief and/or the offer of a Passenger Service Agent position, then either party may seek the Court's assistance in resolving any such disputes.

15. If the EEOC does not receive any completed Questionnaire within the time allowed, then American will have no obligation under this Order of Resolution to provide compensation to any Muslim woman, other than Fneiche, for a claim of having been denied a position as a Passenger Service Agent because she wore a Hijab (head scarf) because of her sincerely held religious beliefs at any time from January 9, 1998 through the date of entry of this Order of Resolution.

16. This Order of Resolution shall be remain in effect for one (1) year from the entry hereof. During that period the Court shall retain jurisdiction to enforce its provisions.

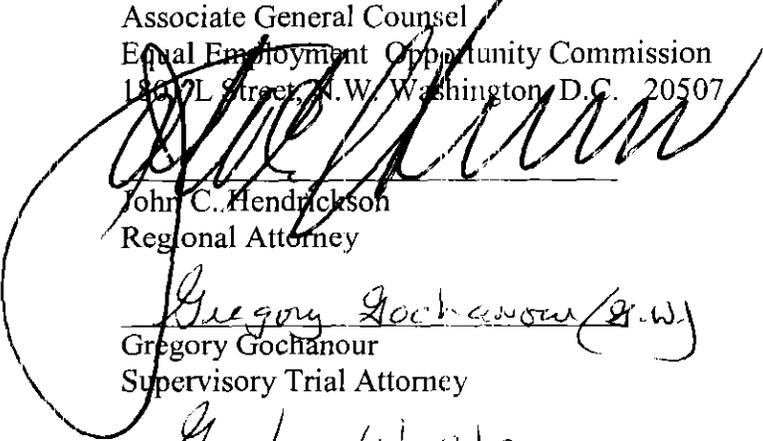
17. The EEOC and American shall each shall bear its own costs and attorneys' fees.

18. The EEOC agrees that this Order of Resolution fully resolves the claims filed against American in this lawsuit and the Charge of Discrimination filed by Fneiche against American.

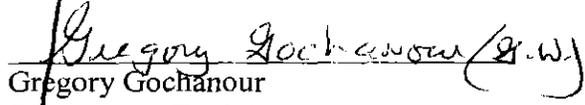
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SO AGREED

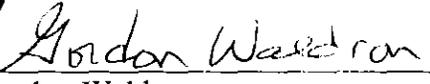
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Cheryl Tama Oblander
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Chicago, IL 60601

Entered:

Date: September 3, 2002



JUDGE

**SEE CASE
FILE FOR
EXHIBITS**