

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY UP D.C.

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ROBERT R. DI TROLIO
CLERK, U.S. DIST. CT.
W.D. OF TENN. MEMPHIS

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

DILLARD'S, INC.,

Defendant.

CIVIL ACTION NO.
99cv-2835 TU-(G)

SETTLEMENT AGREEMENT

This lawsuit was instituted by the Equal Employment Opportunity Commission (hereinafter the "Commission") against the Defendant, Dillard's, Inc., (hereinafter "Dillard's") pursuant to Sections 706(f)(1) and 3 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e et seq. and the Civil Rights Act of 1991, 42 U.S.C. §1981a, to remedy unlawful practices alleged in the Complaint filed in this action on September 22, 1999.

The Complaint alleged Dillard's retaliated against Mary Anderson in violation of Section 704(a) of Title VII, as amended, 42 U.S.C. Sections 2000e-3(a), by terminating Mary Anderson's employment because she complained about race discrimination in the workplace. Defendant denies that it retaliated against Mary Anderson in any fashion.

The Commission and Dillard's have agreed to this Settlement Agreement to settle all of the claims involved in this lawsuit. This Settlement Agreement does not constitute an admission by the Defendant of the allegations of the Complaint. Defendant

maintains that the actions of its officials were proper and lawful in all regards. However, all parties to this action desire to avoid the additional expense and delay in this litigation of this case.

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

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

It is hereby **ORDERED, ADJUDGED AND DECREED:**

I. JURISDICTION

The United States District Court for the Western District of Tennessee, Western Division, has jurisdiction over the parties and subject matter of this litigation, and will retain jurisdiction over this decree for purposes of enforcement and dispute resolution.

II. SCOPE AND DURATION OF AGREEMENT

A. This Settlement Agreement resolves all issues and claims arising out of the Commission's Complaint in this cause, alleging unlawful employment policies and practices maintained by the Defendant and arising out of Charge No. 250-99-0149 filed by the Charging Party, Mary Anderson with the Commission. Notwithstanding any provisions contained in this Agreement, this agreement shall not be considered in any

manner to be dispositive of any other charge now pending before any office of the Commission, or any other lawsuits pending against Defendant or its parent or its parent's other subsidiaries other than Charge No. 250-99-0149. Nor shall this Settlement Agreement be considered in any future charges or litigation involving the parties.

B. The provisions of this Agreement shall continue to be effective and binding upon the parties for the period of time necessary to fulfill sections IV and VI of this Agreement.

III. NON-RETALIATION PROVISION

The Defendant, its officers, agents, employees, and all persons acting in concert with the Defendant have complied with Title VII of the Civil Rights Act of 1964 and will continue to comply with the provisions of the Act.

IV. SPECIFIC RELIEF

A. In compromise and settlement of these disputed claims, Defendant agrees to pay a lump sum payment of \$8,500.00, less withholding taxes to Mary Anderson.

B. The Defendant shall issue a payroll check to Mary Anderson payable to her at the following address:

7573 Woody Hollow Cove
Memphis, TN 38125

C. The Defendant shall expunge from Mary Anderson's personnel records any adverse comments or documents regarding her discharge from employment with Defendant.

D. Defendant will provide a copy of the check to the following:

Katharine W. Kores, Regional Attorney
1407 Union Avenue, Suite 621
Memphis, TN 38104

V. NOTICE

The Defendant shall continue to conspicuously post the notice (poster) required to be posted pursuant to Title VII of the Civil Rights Act of 1964.

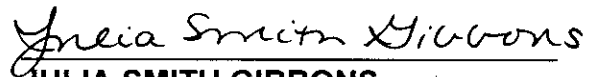
VI. TRAINING

Defendant has provided training in the workplace for its management staff at its Hickory Ridge Mall, Memphis, Tennessee on the issue of retaliation and compliance with Title VII of the Civil Rights Act of 1964.

VII. COSTS

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

IT IS SO ORDERED THIS 15th DAY OF March, 2001.


JULIA SMITH GIBBONS
UNITED STATES DISTRICT JUDGE

FOR DEFENDANT:

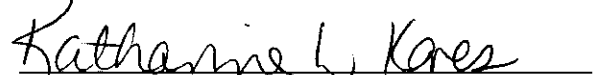

FREDERICK J. LEWIS, ESQ.

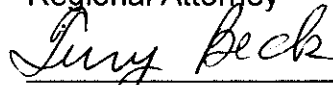

TOM HENDERSON, ESQ.

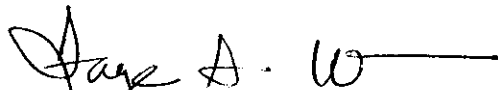
LEWIS FISHER HENDERSON
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Memphis, TN 38157
(901) 767-6160

FOR THE COMMISSION:

GWENDOLYN Y. REAMS
Associate General Counsel

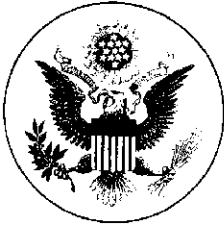

KATHARINE W. KORES
Regional Attorney


TERRY BECK
Supervisory Trial Attorney


FAYE A. WILLIAMS
Senior Trial Attorney


DEIDRE SMITH
Senior Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
1407 Union Avenue, Suite 621
Telephone: (901) 544-0088



Notice of Distribution

This notice confirms a copy of the document docketed as number 112 in case 2:99-CV-02835 was distributed by fax, mail, or direct printing on March 16, 2001 to the parties listed.

Faye A. Williams
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
1407 Union Avenue
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Memphis, TN 38104

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J. Daniel Breen
US MAGISTRATE JUDGE
167 N. Main St.
Ste. 930
Memphis, TN 38103

Honorable Julia Gibbons
US DISTRICT COURT