

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
CHESAPEAKE BAY GOLF CLUB, L.P.,)
CHESAPEAKE BAY GOLF CLUB (WEST), L.P.)
)
Defendants.)
)
_____)

Civil Action No. WMN-06-2542

CONSENT DECREE

This action was instituted by Plaintiff, the U.S. Equal Employment Opportunity Commission (the “EEOC” or the “Commission”) against Chesapeake Bay Golf Club, L.P., Chesapeake Bay Golf Club (West)(hereinafter “Defendants”), alleging that Defendants violated Section 703(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e-2(a), when it engaged in sex discrimination by discharging from employment Dawn Nowak, because of her pregnancy. Defendants deny all allegations of wrongdoing.

The Commission and Defendants desire to resolve this action without the time and expense 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 Dawn Nowak.

2. This Decree shall be in effect for a period of one year from the date it is entered by the Court. During that time, 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 Defendants, shall not constitute an adjudication or finding on the merits of the case.

Relief to Dawn Nowak

4. Defendants shall pay relief in the total amount of \$23,000, representing compensatory damages, to be paid in two equal installments. The first installment will be paid within 30 days after the entry of this Decree, and the final installment will be paid within 30 days thereafter. Defendants will issue the checks directly to Ms. Nowak and a photocopy of the checks and related correspondence will be mailed to the EEOC's counsel of record. Defendants will issue to Ms. Nowak a United States Internal Revenue Service 1099 Form for the compensatory damages paid.

Injunctive Relief

5. Defendants, their officers, agents, servants, employees and all persons acting or

claiming to act in their behalf and interest hereby agree to comply with the provisions of Title VII and agree in this Decree to be enjoined, and are enjoined, from discriminating on the basis of sex. Such sex-based discrimination violates Title VII, which, in part, is set forth below:

It shall be an unlawful employment practice for an employer --
(1) to fail or refuse to hire . . . or otherwise to discriminate against any individual with respect to [her] . . . terms, conditions, or privileges of employment, because of such individual's . . . sex . . .

42 U.S.C. § 2000e-2(a).

The terms 'because of sex' or 'on the basis of sex' include, but are not limited to, because of or on the basis of pregnancy . . .

42 U.S.C. § 2000e(k).

6. Within 90 days from the date of entry of the Decree, all Defendants' 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, with a particular emphasis on the prohibition against sex discrimination (especially pregnancy discrimination) and shall be conducted by an outside consultant or law firm approved by the EEOC, which approval shall not be unreasonably withheld, and which may include the law firms serving as defense counsel in this litigation. For the duration of the Decree, Defendants shall provide this same training to all newly hired officers, managers, supervisors, and employees, as set forth herein, and such training obligations are satisfied if Defendants opt to present by videotape the training they initially provided. Within ten business days of providing each such training session, Defendants will furnish EEOC with a signed attendance list, the date and duration of the training, an outline of the training conducted, and a certification of completion of the mandatory training.

7. Upon approval of this Decree, Defendants 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 the duration of the Decree and shall be signed by a responsible official of Defendants with the date of actual posting shown thereon. Should the Notice become defaced, marred, or otherwise made unreadable, Defendants 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, Defendants 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 of the location(s) and date of posting.

Reporting

8. Every 90 days following the entry of this Consent Decree, and continuing throughout the life of the Decree, Defendants will report in writing to the Commission's counsel of record concerning the implementation of this Decree. The report will include the following information: Copies of any formal or informal complaints of sex discrimination made by any employee including internal complaints submitted pursuant to Defendants' Equal Employment Opportunity and/or Sexual Harassment policies, administrative charges, and lawsuits, and for every such complaint, the name of the complainant, and a detailed explanation of Defendants' actions taken in response to the complaint, including any investigative and corrective measures taken.

9. The Commission and Defendants shall bear their own costs and attorneys' fees.

10. The undersigned counsel of record in the above-captioned action hereby consent

to the entry of the foregoing Consent Decree.

FOR DEFENDANTS:

FOR

PLAINTIFF:

/s/

/s/

with express authorization

Paul D. Snitzer
Duane Morris, LLP
30 S. 17th Street
Philadelphia, Pennsylvania 19103
(215) 979-1806

Jacqueline
Regional

/s/

McNair
Attorney

with express authorization

Debra M. Lawrence
Trial Attorney

Supervisory

EQUAL

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EMPLOYMENT OPPORTUNITY
COMMISSION
ore Field Office
S. Howard Street, 3d Floor
ore, Maryland 21201
209-2734

SO ORDERED.

Signed and entered this ____ day of _____, 2007.

United
W

States District Court Judge
William M. Nickerson



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

This Notice is being posted as part of an agreement between the Equal Employment Opportunity Commission (“EEOC”) and Chesapeake Bay Golf Club, Limited Partnership and Chesapeake Bay Golf Club (West), L.P. (“Company”) which outlines Company’s obligations under Title VII of the Civil Rights Act of 1964, as amended.

Title VII prohibits employment discrimination based on sex (including pregnancy), race, color, national origin, or religion. Unlawful discrimination can take the form of harassment based on one of these protected categories. Title VII also prohibits retaliation against individuals who have complained of or opposed discrimination.

Therefore, in accordance with the applicable law:

Company WILL NOT engage in any acts or practices made unlawful under Title VII.

Company’s policy provides that persons who believe that they have been subjected to unlawful discrimination may report it to a manager or to the Human Resources Manager. Company will thoroughly investigate all such complaints with due regard for the privacy of the individuals involved. Any employee who knowingly retaliates against an employee who has complained of discrimination shall be subject to immediate disciplinary action, up to and including discharge.

If you have a complaint of employment discrimination or questions regarding laws prohibiting employment discrimination, you may seek assistance from the EEOC by visiting the EEOC’s Baltimore Field Office at 10 South Howard Street, 3rd Floor, Baltimore, Maryland 21201 or by calling 1-800-669-4000. General information may also be obtained on the Internet at www.eeoc.gov.

President
CHESAPEAKE BAY GOLF CLUB, L.P.
CHESAPEAKE BAY GOLF CLUB (WEST), L.P.

Date Posted:

ATTACHMENT A