

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
Plaintiff,)	
)	
and)	
)	
BARBARA L. JOHNSON,)	Civil Action No. 3:04-0475
)	
Intervenor,)	Judge Haynes
)	Magistrate Judge Knowles
v.)	
)	
FIRST TENNESSEE BANK,)	JURY DEMAND
)	
Defendant.)	

SETTLEMENT AGREEMENT

This civil action was instituted by the Equal Employment Opportunity Commission (the "Commission") and Barbara L. Johnson ("Intervenor") against First Tennessee Bank, pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C § 2000e, *et seq.*, and Title I of the Civil Rights Act of 1991, to remedy the unlawful employment practices alleged in the Complaint filed on May 28, 2004.

The Complaint alleged that First Tennessee Bank subjected Barbara Johnson to sexual harassment and a sexually hostile work environment and discriminatorily disciplined and discharged her based on her race.

Defendant denies that it discriminated against Barbara Johnson in any fashion. The Parties 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 in the complaint. The parties to this action desire to avoid the additional expense and delay in the litigation of this case.

In the event this 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 this Settlement Agreement in light of the applicable laws and regulations, the representations of counsel for all parties, and hereby approves the Settlement Agreement.

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

I. JURISDICTION

The United States District Court for the Middle District of Tennessee, Nashville Division, has jurisdiction over the parties and the subject matter of this litigation.

II. SCOPE AND DURATION OF AGREEMENT

A. This Settlement Agreement resolves all issues and claims arising out of the Commission's complaint in this case, Civil Action No. 3:04-0475, alleging unlawful employment practices by Defendant based on Charge No 253-2001-0668 filed by Barbara Johnson.

B. The provisions of this Settlement Agreement shall be effective and binding upon the parties to this action for two years after the date of its entry by the Court.

III. NONDISCRIMINATION POLICY

Defendant, its officers and management representatives agree that they will

comply with Title VII of the Civil Rights Act of 1964 by not unlawfully subjecting any employee to racial or sexual discrimination. Defendant agrees not to retaliate against any person because that person has participated in any way in the investigation or the litigation of this matter.

IV. TRAINING

Defendant shall provide employment-discrimination awareness training to all employees, supervisory, and management personnel at First Tennessee Bank in Murfreesboro, Tennessee, according to the following terms:

- (a) the training session will include at least two (2) hours of instruction;
- (b) the training will include the following topics: what constitutes sexual harassment; how to prevent, identify and remedy sexual harassment; what constitutes racial discrimination; what constitutes retaliation in violation of Title VII; Defendant's policy against sexual harassment, race discrimination and retaliation; and implementation of Defendant's policy against sexual harassment, including procedures and responsibilities for reporting, investigating and remedying conduct an employee believes may constitute sexual harassment;
- (c) within thirty (30) days after execution of this Agreement by the parties, Defendant shall submit to the Commission the date of the proposed training session and a detailed outline of the proposed training; the Commission will have thirty (30) days after the date of receipt of such information to accept or reject the training proposal; the Commission will not unreasonably withhold its approval of the proposal. If the Commission does not approve the contents of the training session, the parties shall attempt to resolve the matter and, if unsuccessful,

submit the dispute to the Court;

(d) the training session will be conducted within ninety (90) days after the date of the entry of this Agreement by the Court or within thirty (30) days of approval of the outline or resolution of disputes relating to same as set forth in (c) above, whichever occurs later; and

(e) any and all new management and supervisory employees will be given training within 90 days of hiring/promotion.

V. INDIVIDUAL RELIEF

A. In compromise and settlement of these disputed claims, Defendant agrees

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SN to pay a total of \$35,000 in damages; *\$30,000 as alleged compensatory damages and attorney fees*
and \$5,000 as back wages, Defendant will pay Intervenor's portion of Medicare and FICA taxes
on \$5,000 back wages.

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B. Within 21 days of the entry of this decree, Defendant shall mail a ~~cashier's~~ check to Barbara Johnson through her attorney at the following address:

Nancy ~~K~~ Corley
BRUCE, WEATHERS, CORLEY & LYLE, PLLC
P.O. Box 198525
315 Deadrick Street, Suite 2075
Nashville, TN 37219-8525

The Defendant shall also mail a copy of the ~~cashier's~~ check to:

Katharine Kores, Regional Attorney
Equal Employment Opportunity Commission
1407 Union Avenue, Suite 621
Memphis, Tennessee 38104

VI. NOTICE

Defendant shall conspicuously post at its Murfreesboro branch, the notice (poster) required to be posted pursuant to Title VII of the Civil Rights Act of 1964, as

well as a copy of its policy and procedure for reporting or preventing sexual harassment in the workplace.

VII. COSTS

Each of the parties shall be responsible for their own costs and fees.


IT IS SO ORDERED THIS 20th DAY OF December 2005.

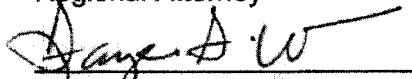

WILLIAM J. HAYNES, Jr.
United States District Court Judge

Respectfully submitted:

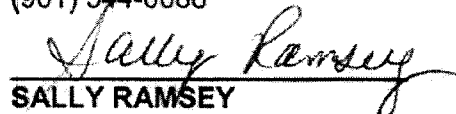
For the Commission:

For Defendant:


KATHARINE W. KORES
Regional Attorney



FAYE A. WILLIAMS
Supervisory Trial Attorney
TN Bar No. 11730

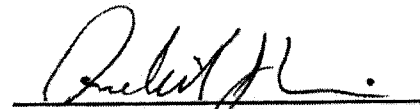
EQUAL EMPLOYMENT OPPT'Y COMM'N
1407 Union Ave., Suite 621
Memphis, TN 38104
(901) 544-0088


SALLY RAMSEY
Senior Trial Attorney
TN Bar No. 18859

EQUAL EMPLOYMENT OPPT'Y COMM'N
50 Vantage Way, Suite 202
Nashville, TN 37228
(615) 736-2105

For Intervenor:


NANCY K. CORLEY
BRUCE WEATHERS CORLEY
& LYLE PLLC
TN Bar No. 02942
P.O. Box 198525
Nashville, TN 37219
(615) 244-5432


FREDERICK J. LEWIS
WHITNEY FOGERTY
Lewis, Fisher, Henderson
Claxton & Mulroy, LLP
6410 Poplar Avenue, Suite 300
Memphis, TN 38119
(901) 767-6160