UNITED STATES DISTRICT COURT IS BISTRICT COURT FOR THE DISTRICT OF MARYLAND SOUTHERN DIVISION 2003 OCT - 1 A 11: 52

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EQUAL EMPLOYMENT OPPORTUNITY	•	DEPUTY
COMMISSION,):	
)	
Plaintiff,		
)	Civil Action No. WMN-02CV-2175
V.)	
BGS TELEMARKETING, INC.,)	
)	
Defendant.)	
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CONSENT DECREE

This action was instituted by Plaintiff, Equal Employment Opportunity Commission ("the Commission"), against Defendant, BGS Telemarketing, Inc. (hereinafter "Defendant"), alleging that Defendant violated Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e-et seq., by sexually harassing a class of female employees and discharging Grace Hughey in retaliation for her complaints concerning sexual harassment. On August 15, 2003, this Court granted the Commission's Motion for Partial Summary Judgment, finding Defendant liable on both the hostile environment and retaliation claims.

Defendant has represented to this Court and the Commission that its business has closed and will remain closed. Defendant has further represented that whatever assets previously existed no longer exist and thus, there is no relief to be obtained. The fact that there are no assets to be liquidated for purposes of collecting an eventual judgment was verified by an independent accountant/attorney who reviewed financial records produced by Defendant. Based on the

foregoing, both parties now seek to resolve this action without the further expense of litigation on the issue of damages.

The Court has examined this Decree and finds that it is reasonable and just and in accordance with the Federal Rules of Civil Procedure. Therefore, upon due consideration of the record herein and being fully advised in the premises, it is ORDERED, ADJUDGED AND DECREED:

This case is hereby dismissed.

- 2. In the event that Defendant reopens its business, the Commission shall have leave of Court to reinstitute its litigation against Defendant and to pursue relief.
 - 3. The Commission and Defendant shall bear their own costs and attorneys' fees.

The undersigned counsel of record in the above-captioned action hereby consent, on behalf of their respective clients, to the entry of the foregoing Consent Decree.

FOR DEFENDANT:	FOR PLAINTIFF:
	ERIC S. DREIBAND
	General Counsel
	JAMES L. LEE
	Deputy General Counsel
	GWENDOLYN YOUNG REAMS
	Associate General Counsel
/s/	/s/
R. DENNIS OSTERMAN (#06754)	GERALD S. KIEL
(signed by Maria Salacuse with permission	Regional Attorney
of R. Dennis Osterman)	
Law Offices of R. Dennis Osterman	
1901 Pennsylvania Ave., NW, Suite 1005	
Washington, D.C. 20006	

DEBRA M. LAWRENCE Supervisory Trial Attorney MARIA SALACUSE Trial Attorney (#15562) **EQUAL EMPLOYMENT OPPORTUNITY COMMISSION Baltimore District Office** 10 S. Howard Street, 3rd Floor Baltimore, Maryland 21201 (410) 962-4349 Signed and entered this 1st day of October, 2003 Senior United States District Court Judge

SO ORDERED.