

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MARYLAND
NORTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. WMN-04-3033
)	
BLUEHIPPO FUNDING, LLC,)	
)	
Defendant.)	

CONSENT DECREE

This action was instituted by Plaintiff, the U. S. Equal Employment Opportunity Commission (the “EEOC” or the “Commission”), against Defendant BlueHippo Funding, LLC, (“Defendant”), alleging that Defendant violated Section 4(a) of the ADEA, 29 U.S.C. § 623(a), by discharging Anthony Deluca and other similarly situated individuals at least age 40 because of their age. Defendant filed an Answer denying this allegation, and does not admit, concede, nor waive its position that it has violated any laws, including the ADEA.

The Commission and Defendant desire to resolve this action without the time and expense of continued litigation, and they desire to enter a Decree, which will resolve this action.

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:

Scope of Decree

1. This Decree resolves all issues and claims in the Complaint filed by the Commission in this ADEA action which emanated from the Charge of Discrimination filed by Anthony Deluca. The Commission will not pursue further litigation on any and all issues raised in the above referenced Charge and Complaint.

2. This Decree shall be in effect for a period of two (2) years 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 necessary to effectuate the purposes of the Decree.

3. This Decree, being entered with the consent of the EEOC and Defendant, shall not constitute an adjudication or finding on the merits of the case.

Monetary Relief

4. The parties acknowledge that Defendant has compensated Anthony Deluca monetarily prior to the institution of this action.

5. Within fifteen (15) business days of entry of this Decree, Defendant shall:

a. Pay Raymond Jones monetary relief in the total amount of \$4,658.76. The check will be sent directly to Mr. Jones, and a photocopy of the checks and related correspondence will be mailed to the EEOC, Baltimore District Office, 10 S. Howard Street, 3rd Floor, Baltimore, Maryland 21201. Defendant will issue Mr. Jones a United States Internal Revenue Services W-2 Form for the back pay amount paid; and

b. Pay David Schloss monetary relief in the total amount of \$8,826.66. The check will be sent directly to Mr. Schloss, and a photocopy of the checks and related

correspondence will be mailed to the EEOC, Baltimore District Office, 10 S. Howard Street, 3rd Floor, Baltimore, Maryland 21201. Defendant will issue Mr. Schloss a United States Internal Revenue Services W-2 Form for the back pay amount paid.

Injunctive Relief

6. Defendant, its President/Chief Executive Officer, Chief Financial Officer, Chief Operating Officer, Chief Marketing Officer, Chief Technology Officer, General Counsel, its managers and employees with responsibility for supervising employees and decision-making authority regarding employment, compensation, or promotion, successors, assigns, and all persons acting or claiming to act on their behalf are hereby enjoined from discriminating against employees at least age 40. Such discrimination violates the ADEA, which in part, is set forth below:

(a)(1) It shall be unlawful for an employer to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, privileges of employment, because of such individual's age;

29 U.S.C. § 623(a)(1).

7. Within sixty (60) business days from the date of entry of the Decree, Defendant's President/Chief Executive Officer, Chief Financial Officer, Chief Operating Officer, Chief Marketing Officer, Chief Technology Officer, General Counsel, its managers and employees with responsibility for supervising employees and decision-making authority regarding employment, compensation, or promotion shall be required to attend a training program lasting at least two (2) hours. The training shall cover the prevention of age discrimination and compliance with federal age discrimination laws, and shall be conducted by an outside consultant or law firm approved by the EEOC,

which approval shall not be unreasonably withheld. For the duration of the Decree, Defendant shall provide this same training to all newly hired officers with responsibility for supervising employees and decision-making authority regarding employment, compensation, or promotion as set forth herein. Two (2) times annually Defendant 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.

8. Defendant shall revise its policy concerning the prohibition of age discrimination in the workplace in the following manner: by explaining how federal law prohibits discrimination on the basis of age by identifying those individuals to whom complaints of age discrimination should be directed; by assuring that employees who complain of age discrimination or provide information related to such complaints will be protected against retaliation; by assuring that the complaint process will be confidential and will include a prompt, thorough, and impartial investigation; by assuring that Defendant will take immediate and appropriate corrective action when it determines that age discrimination has occurred. This policy, once revised and approved as discussed below, will be distributed to all Defendant employees, both officers and non-officers, and shall be included in any relevant policies or employee manuals maintained by Defendant. The policy will also be posted in a conspicuous and accessible place for all employees.

a. Within thirty (30) business days after entry of the Consent Decree, Defendant shall submit the revised policy to Commission's counsel of record for approval. The Commission will notify Defendant within fourteen (14) days as to whether

the policy is acceptable. In the event the proposed policy is not acceptable to the EEOC, the parties will confer in good faith and attempt to reach an agreement no later than thirty (30) days after receiving EEOC's objection. In the event the parties are unable to reach an agreement they shall submit their dispute to the Court with a request for a referral to a United States Magistrate for mediation.

b. Within thirty (30) business days after the revised policy has been approved by the Commission, Defendant shall provide written certification to Commission's counsel of record that the revised policy has been distributed and posted in the manner described above.

9. Within thirty (30) business days after entry of this Decree, Defendant will post the Notice attached hereto (Attachment A) in all places where notices to employees are customarily posted at Defendant's facilities. The Notice shall be posted and maintained for two (2) years and shall be signed by the Defendant's General Counsel, with the date of actual posting shown thereon. In the event that there is a change in General Counsel during this time period, a revised Notice signed by the new General Counsel will be posted, and the EEOC will receive written notification of same. Should the Notice become defaced, marred, or otherwise made unreadable, Defendant will ensure that new readable copies of the Notice are posted in the same manner as heretofore specified. Within thirty (30) calendar days of entry of the Decree, Defendant shall forward to the EEOC's Baltimore District Office, a copy of the signed Notice and written certification that the Notice referenced herein has been posted and a statement of the locations and dates of posting.



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

This Notice is being posted as part of an agreement between the Equal Employment Opportunity Commission (EEOC) and BlueHippo Funding, LLC (BlueHippo).

Under Section 4(a) of the Age Discrimination in Employment Act of 1967, as amended (ADEA), it is unlawful for an employer "to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age." 29 U.S.C. § 623(a)(1).

Therefore, in accordance with the applicable law:

BLUEHIPPO WILL NOT engage in any acts or practices made unlawful by the above section.

BLUEHIPPO WILL conduct its employment practices without regard to age.

BlueHippo's policy provides that persons who believe that they have been subjected to unlawful age discrimination or retaliation may report it to the General Counsel, the Chief Operating Officer or Chief Executive Officer. BlueHippo will thoroughly investigate all such claims with due regard for the privacy of the individuals involved.

If you have a complaint of age discrimination or a question regarding any of the laws prohibiting employment discrimination, you may seek assistance from the EEOC by visiting the EEOC's Baltimore District Office at 10 S. Howard Street, 3rd Floor, Baltimore, Maryland 21201 or by calling (410) 962-3932. General information may also be obtained on the Internet at www.eeoc.gov.

Shawn D. Bartley, Esq.
General Counsel

Date Posted: