

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

APR 05 2002

JONESBORO DIVISION

JAMES W. McCORMACK, CLERK
By: *Miller* DEP. CLERK

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

CIVIL ACTION NO.
3:01cv0210SWW

BARNHILL'S BUFFET, INC.
d/b/a BARNHILL'S COUNTRY BUFFET

Defendant.

CONSENT DECREE

The Equal Employment Opportunity Commission (hereinafter referred to as the ("EEOC")) initiated the above-referenced Cause on June 29, 2001, against Barnhill's Buffet, Inc. d/b/a Barnhill's Country Buffet (the "Defendant") to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. (Title VII), and the Civil Rights Act of 1991, 42 U.S.C. §1981a. The EEOC alleged that the Defendant discriminated against Brenda L. Jones by retaliating against her for engaging in activity protected by Title VII. Ms. Jones complained about racially discriminatory practices in Defendant's Jonesboro restaurant.

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

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

NOW, THEREFORE, the Court being fully advised in the premises, it is hereby ORDERED, ADJUDGED AND DECREED:

I. JURISDICTION

The United States District Court for the Eastern District of Arkansas, Jonesboro Division, has jurisdiction over the parties and subject matter of this litigation.

II. SCOPE AND DURATION OF DECREE

A. This Consent Decree resolves all issues and claims arising out of Plaintiff's Complaint in this cause, alleging unlawful employment policies and practices maintained by the Defendant and arising out of Charge No. 251-A0-1051 filed by Brenda L. Jones with the EEOC. Notwithstanding any provisions contained in this Decree, this agreement shall not be considered in any manner to be dispositive of any charge now pending before any office of the EEOC other than Charge No. 251-A0-1051.

B. The provisions of this Consent Decree shall continue to be effective and binding upon the parties to this action for a period of two years from the date of the entry of this decree except for Section VI.C. (neutral reference) which will be in effect permanently.

III. NON-DISCRIMINATION PROVISIONS

A. Defendant, its officers, agents, employees, and all persons acting in concert with the Defendant are hereby enjoined from retaliating against any employee for opposing discriminatory employment practices made unlawful under Title VII of the Civil Rights Act of 1964, as amended.

B. Defendant provided training to its supervisors and managers at its Jonesboro, Arkansas facility in the requirements of Title VII of the Civil Rights Act of 1964, as amended, regarding the prevention of retaliation. Defendant agrees to train new supervisors and managers in the provisions of Title VII, including retaliation.

IV. NON-RETALIATION PROVISION

Defendant, its officers, agents, employees, and all persons acting in concert with Defendant shall not take any retaliatory measure, against any employee for opposing practices made unlawful under Title VII of the Civil Rights Act of 1964, as amended, or for making a charge or complaint to the EEOC, testifying, assisting or participating in any manner in any investigation, proceeding or hearing under Title VII of the Civil Rights Act of 1964, as amended.

V. NOTICE

Defendant shall continue to conspicuously post at its Jonesboro, Arkansas facility, the notice (poster) required to be

posted pursuant to Title VII of the Civil Rights Act of 1964, as amended. Furthermore, Defendant shall conspicuously post the notice at Appendix A of this Decree at its Jonesboro, Arkansas facility for a six month period commencing within ten (10) days after entry of this Decree by the Court. The notice will be signed by Christopher Graves, Manager.

VI. INDIVIDUAL RELIEF

A. Defendant shall deliver to Brenda L. Jones, a certified check made payable to "Brenda L. Jones" in the amount of \$29,000 at the following address within ten (10) days after entry of this Decree by the Court:

Brenda Jones
1605 French
Jonesboro, AR 72401

Defendant will issue a Form 1099 to Brenda Jones.

B. Defendant agrees to provide a neutral reference to any potential employers of Brenda L. Jones, who request a job reference. Any such neutral reference shall be identical to the form demonstrated in Appendix B. No mention of Brenda L. Jones' charge of discrimination or this action will be made as part of the neutral reference.

VII. COSTS

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

SO ORDERED THIS 4th DAY OF April, 2002.


UNITED STATES DISTRICT JUDGE

THIS DOCUMENT ENTERED ON
DOCKET SHEET IN COMPLIANCE
WITH RULE 58 AND/OR 79(a) FRCP
ON 4-5-02 BY jm

FOR DEFENDANT:

Kathlyn Graves / WSJ (92189)
KATHLYN GRAVES
WRIGHT, LINDSEY & JENNINGS
200 West Capitol, Ste. 2200
Little Rock, AR 72201-3699
(501) 371-0808

Dorothy S. Thustel
BARNHILL BUFFET'S, INC. d/b/a
BARNHILL'S COUNTRY BUFFET

FOR THE COMMISSION:

NICHOLAS INZEO
Acting Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

KW Kores / ky Wde
KATHARINE W. KORES
Regional Attorney

T. Beck / ky Wde
TERRY BECK
Supervisory Trial Attorney

William A. Cash Jr.
WILLIAM A. CASH JR.
Senior Trial Attorney
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
820 Louisiana, Ste. 200
Little Rock, AR 72201
(501) 324-5539

Pamela B. Dixon
PAMELA B. DIXON
Senior Trial Attorney
(501) 324-5060

APPENDIX A

NOTICE

NOTICE

1. BARNHILL'S BUFFETS has agreed with the EEOC to post this notice for six months to reinforce the company's policies concerning the prevention of retaliation against any employee.
2. Federal law prohibits an employer from taking retaliatory action against any employee for opposing practices made unlawful under Title VII of the Civil Rights Act of 1964, as amended.
3. BARNHILL BUFFET'S supports and will comply with such Federal law in all respects and will not take any action against employees because they have exercised their rights under the law by filing charges with the Equal Employment Opportunity Commission and/or testified, assisted or participated in any manner in any investigation, proceeding or hearing under Title VII of the Civil Rights Act of 1964, as amended.

CHRISTOPHER GRAVES
MANAGER
BARNHILL'S BUFFETS

DATE

APPENDIX B

NEUTRAL REFERENCE

Dear _____,

This letter is in response to your inquiry regarding the employment of _____ while employed at BARNHILL'S BUFFETS.

Ms. _____ worked at BARNHILL'S BUFFETS from _____ through _____. Company policy does not permit us to give out any more information concerning Ms. _____ employment.

I am sure Ms. _____ can provide you with the details concerning her tenure at BARNHILL'S BUFFETS. I hope this information is helpful and that it satisfactorily answers your inquiry.

Very truly yours,

BARNHILL'S BUFFETS.

UNITED STATES DISTRICT COURT
Eastern District of Arkansas
U.S. Court House
600 West Capitol, Suite 402
Little Rock, Arkansas 72201-3325

April 5, 2002

* * MAILING CERTIFICATE OF CLERK * *

Re: 3:01-cv-00210.

True and correct copies of the attached were mailed by the clerk to the following:

Kathlyn Graves, Esq.
Wright, Lindsey & Jennings
200 West Capitol Avenue
Suite 2200
Little Rock, AR 72201-3699

Katharine W. Kores, Esq.
Equal Employment Opportunity Commission
1407 Union Avenue
Suite 621
Memphis, TN 38104

Terry Beck, Esq.
Equal Employment Opportunity Commission
1407 Union Avenue
Suite 621
Memphis, TN 38104

Pamela B. Dixon, Esq.
Equal Employment Opportunity Commission
820 South Louisiana
Little Rock, AR 72201

William A. Cash Jr., Esq.
Equal Employment Opportunity Commission
820 South Louisiana
Little Rock, AR 72201

James W. McCormack, Clerk

Date: 4/05/02

BY: T. Mullen