

DEC 21 1998

Michael N. Milby
Clerk of Court

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

JAMES O. "SKIP" BAKER,
D/B/A BAKER INVESTMENT COMPANY
AND MR. GATTI'S PIZZA,
Defendant.

Civil Action No. C-98-422

#15

CONSENT DECREE

The parties to this Consent Decree are the Plaintiff, United States Equal Employment Opportunity Commission ("EEOC"), and Defendant, James O. "Skip" Baker, d/b/a Baker Investment Company and Mr. Gatti's Pizza, ("Baker"). This Consent Decree resolves the above-referenced Civil Action No. C-98-422. The EEOC initiated this lawsuit under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Sections 2000e, et seq. ("Title VII"), and Title I of the Civil Rights Act of 1991, 42 U.S.C. §1981a. The Complaint was filed to correct unlawful employment practices on the bases of sex and retaliation and to provide appropriate relief to Haley Richard and at least one other female, who were adversely affected by such practices.

The EEOC and Baker wish to settle this action, without the necessity of further litigation, pursuant to the terms delineated in this Decree.

IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. This Court has jurisdiction of the subject matter of the action and the parties, venue is proper, and all administrative prerequisites to the filing of this action have been met. The Complaint states claims on behalf of Haley Richard and at least one other female, that if proved, would authorize this Court to grant relief against Baker, pursuant to Title VII.

2. This Decree resolves those claims against Baker raised in EEOC's Complaint in this case. EEOC expressly reserves its right to process and litigate any other charges which may now be pending or may in the future be filed against Defendant Baker.

3. The duration of this Decree shall be one year from the date of its filing with the Court. This Court shall retain jurisdiction of this action during the period of this Decree and may enter such other and further relief as it deems appropriate to ensure implementation and enforcement of its provisions. Any violation of the Consent Decree by Baker or his employees, agents, or assigns shall toll the running of this one-year period as of the date of violation. If the Court subsequently determines this Decree was violated, the one-year period shall recommence and continue from the date of entry of an Order setting out such a violation or until such time as ordered by the Court. Should the Court find the Decree was not violated, the one-year period shall recommence, retroactive to the date of the filing of the pleading alleging that a violation had occurred.

4. Defendant Baker and his employees, agents or assigns are enjoined from harassing Haley Richard, or any other employee(s), past, present, or future, because of sex and retaliating against them for complaining. The conduct enjoined includes creating or contributing to a hostile environment of sexual harassment, permitting sexual harassment by any employee, and retaliating against an employee for complaining of sexual harassment.

5. Defendant Baker shall make no mention of the filing of this Complaint or the underlying charge to anyone including Haley Richard's prospective employers. Defendant Baker shall, within 10 days of the filing date of this Decree, remove from its records and files any notations, remarks or other indications evidencing that Haley Richard filed a discrimination charge, gave testimony or assistance, or participated in any manner in any investigation, proceeding, or hearing under Title VII.

6. Defendant Baker, without admitting liability and for the purpose of settling this dispute, shall pay to Haley Richard the sum of \$1,500.00 (One Thousand Five Hundred Dollars), in certified funds or by cashiers check, as follows: the sum of \$750.00 (Seven Hundred Fifty Dollars) on or before December 17, 1998; the sum of \$750.00 (Seven Hundred Fifty Dollars) on or before January 17, 1999. Such payments shall be mailed directly to Haley Richard, 1229 Memorial Parkway, Portland, Texas 78374-2439. Defendant Baker, without admitting liability and for the purpose of settling this

dispute, shall pay to Cassandra Rodriguez the sum of \$1,000.00 (One Thousand Dollars), in certified funds or by cashiers check, as follows: the sum of \$500.00 (Five Hundred Dollars) on or before February 17, 1999 and the sum of \$500.00 (Five Hundred Dollars) on or before March 17, 1999. Such payments shall be mailed directly to Cassandra Rodriguez, 109 Barracuda, Portland, Texas 78374.

A copy of the checks and accompanying transmittal papers shall be contemporaneously forwarded to Robert B. Harwin, Regional Attorney, Equal Employment Opportunity Commission, Mockingbird Plaza II, 5410 Fredericksburg Road, Suite 200, San Antonio, Texas 78229.

7. Defendant Baker shall post a notice, for at least the duration of this Decree, of his intent to comply with Title VII. Such notice shall be as set forth in Exhibit "A," which is attached to this Decree. A copy of Exhibit "A" shall be posted in a conspicuous place at the Baker facility located at 2400 Avenue F, Del Rio, Texas within ten days of the filing date of this Decree.

8. The term of this Decree shall be binding upon the EEOC and Defendant Baker and his employees, agents, as to those issues resolved herein.

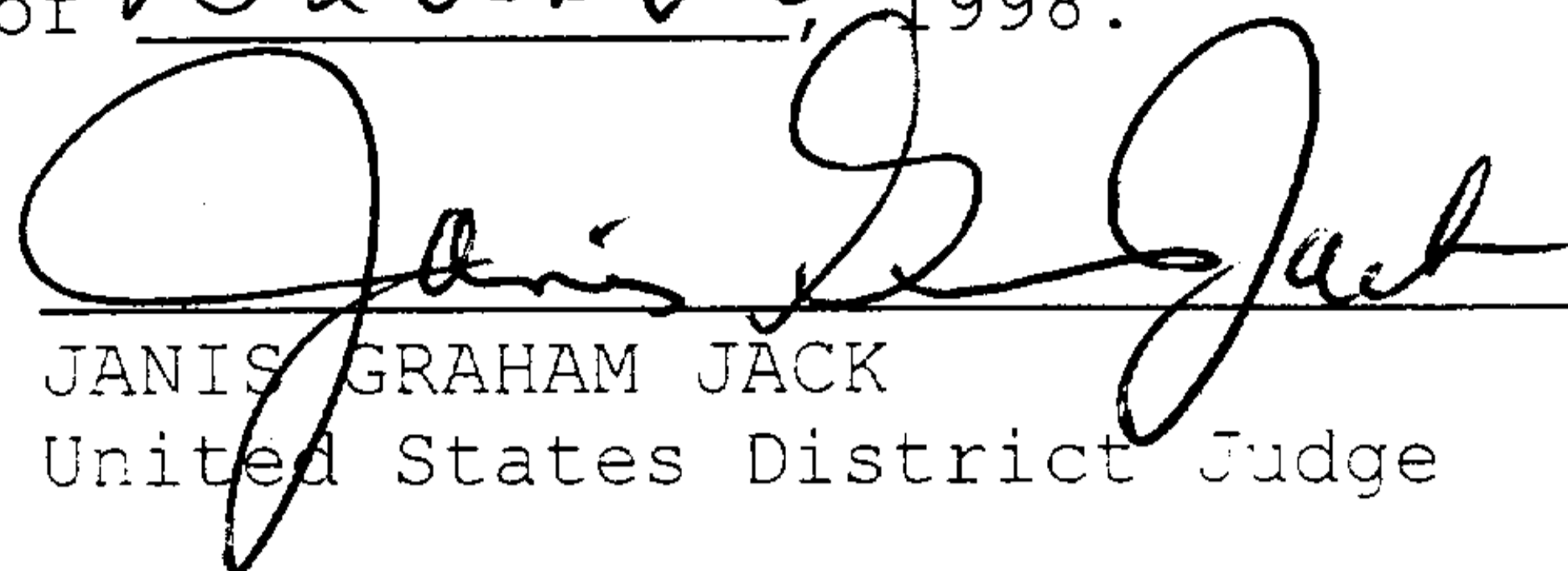
9. Each party shall bear its own costs, including attorney's fees, incurred in this action.

10. The parties agree that there is no prevailing party in this action or proceeding.

The Clerk shall furnish a copy hereof to each attorney of record.

SO ORDERED.

Signed this 16th day of December, 1998.

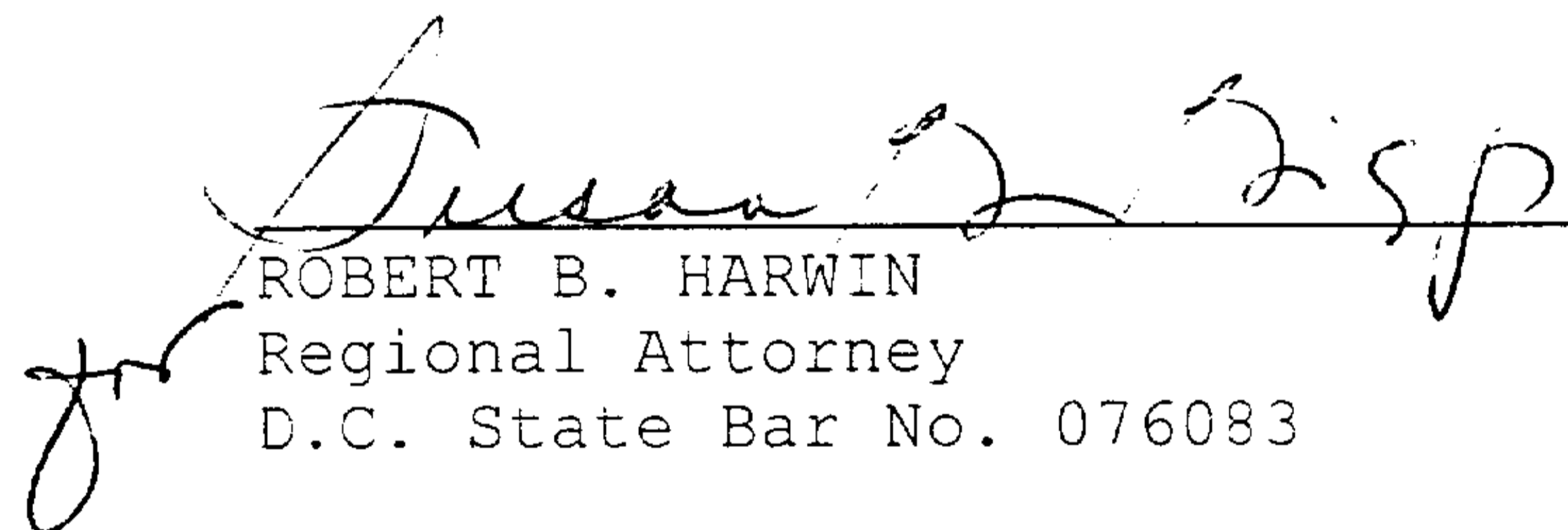


JANIS GRAHAM JACK
United States District Judge

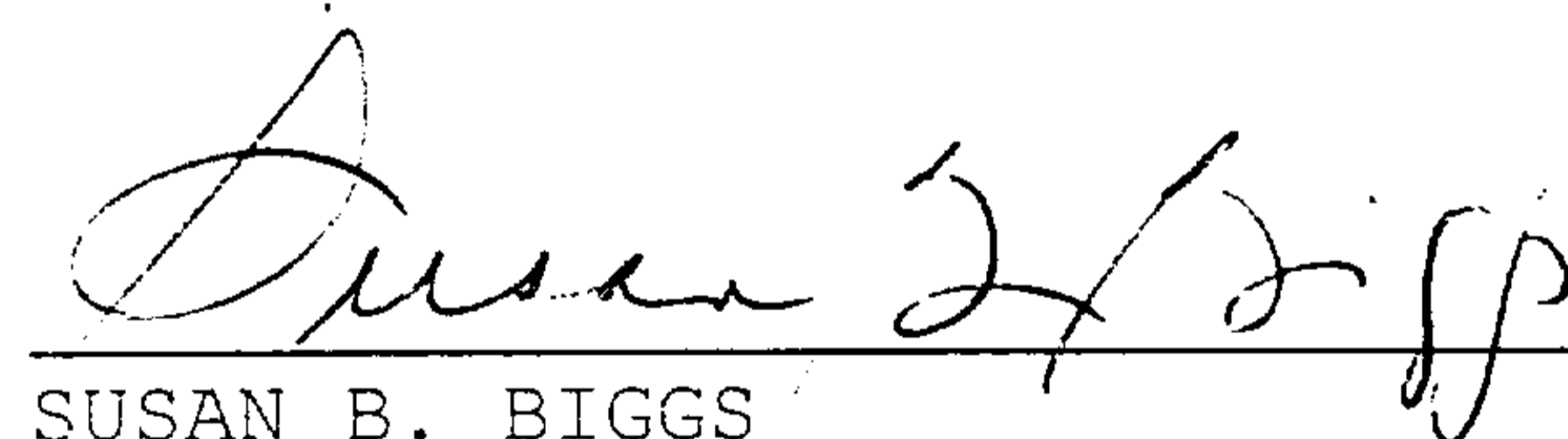
Respectfully Submitted,

C. GREGORY STEWART
General Counsel

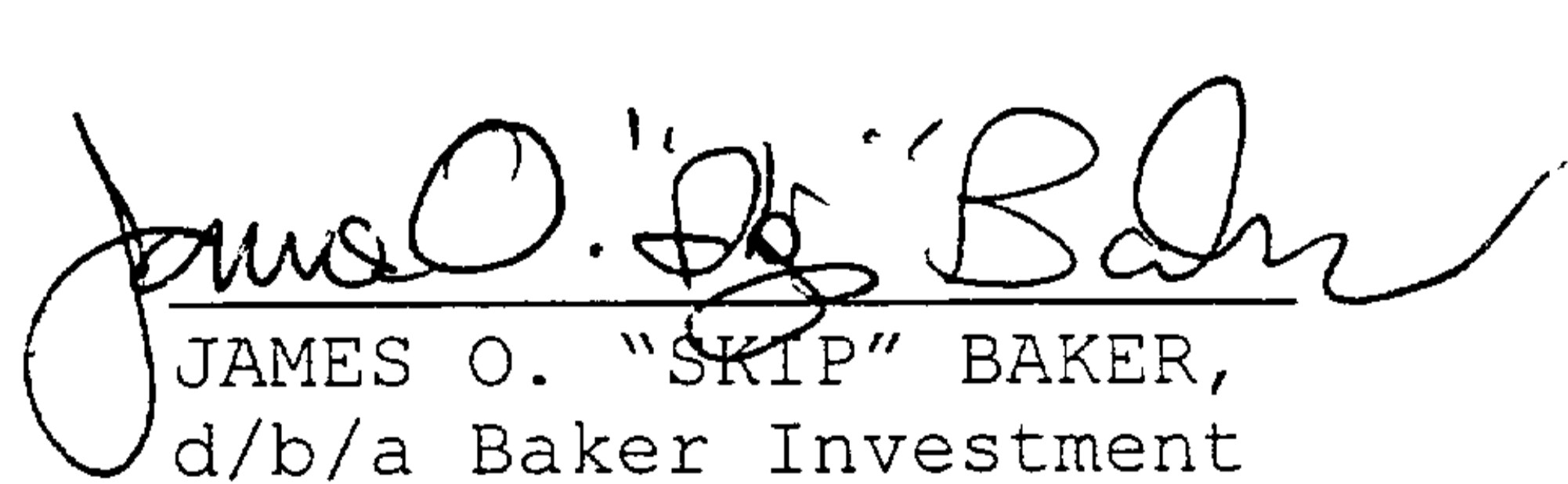
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Associate General Counsel




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DEFENDANT

ATTORNEYS FOR PLAINTIFF



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
SAN ANTONIO DISTRICT OFFICE**

5410 Fredericksburg Road - Suite 200
San Antonio, Texas 78229

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FAX (210) 281-7606
TDD (210) 281-7610
WebSite: www.eeoc.gov

NOTICE TO ALL EMPLOYEES

JAMES O. "SKIP" BAKER, D/B/A BAKER INVESTMENT COMPANY AND MR. GATTI'S PIZZA IS FIRMLY COMMITTED TO TREATING EMPLOYEES AND APPLICANTS FOR EMPLOYMENT ACCORDING TO MERIT WITHOUT REGARD TO THEIR RACE, RELIGION, COLOR, NATIONAL ORIGIN, SEX, OR THEIR HAVING ENGAGED IN ACTIVITY PROTECTED BY TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED. THIS POLICY APPLIES TO ALL EMPLOYMENT DECISIONS, INCLUDING RECRUITMENT, RETENTION, PROMOTION, TRANSFER, LAYOFF AND/OR TERMINATION, AND ALL OTHER TERMS AND CONDITIONS OF EMPLOYMENT. JAMES O. "SKIP" BAKER, D/B/A BAKER INVESTMENT COMPANY AND MR. GATTI'S PIZZA, WILL SPECIFICALLY NOT TOLERATE SEXUAL HARASSMENT OF HIS EMPLOYEES.

IF YOU BELIEVE YOU ARE BEING DISCRIMINATED AGAINST IN ANY TERM OR CONDITION OF YOUR EMPLOYMENT BECAUSE OF YOUR RACE, RELIGION, COLOR, NATIONAL ORIGIN, SEX, OR THAT YOU ARE BEING SUBJECTED TO HARASSMENT BECAUSE OF YOUR SEX, OR HAVING ENGAGED IN TITLE VII PROTECTED ACTIVITY, YOU ARE ENCOURAGED TO SEEK ASSISTANCE FROM SUPERVISORY PERSONNEL, OR FROM THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, 5410 FREDERICKSBURG ROAD, SUITE 200, SAN ANTONIO, TEXAS 78229-3550, (210) 281-7600 OR 1-800-669-4000.

EXHIBIT "A"

NO RETALIATORY ACTION MAY BE TAKEN AGAINST YOU FOR SEEKING ASSISTANCE, FILING A CHARGE, OR COMMUNICATING WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

EEOC ENFORCES TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, WHICH PROHIBITS EMPLOYMENT DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX OR NATIONAL ORIGIN; THE AGE DISCRIMINATION IN EMPLOYMENT ACT; THE EQUAL PAY ACT; PROHIBITIONS AGAINST DISCRIMINATION AFFECTING INDIVIDUALS WITH DISABILITIES IN THE FEDERAL SECTOR; SECTIONS OF THE CIVIL RIGHTS ACT OF 1991, AND TITLE I OF THE AMERICANS WITH DISABILITIES ACT, WHICH PROHIBITS DISCRIMINATION AGAINST PEOPLE WITH DISABILITIES IN THE PRIVATE SECTOR AND STATE AND LOCAL GOVERNMENTS.

