

FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

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EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
BUD DAVIS CADILLAC, d/b/a)
CADILLAC/SAAB OF MEMPHIS)
)
Defendant.)

CLERK OF COURT
W. D. OF TENN.

CIVIL ACTION NO.
2:02-cv-2731
Judge McCalla

CONSENT DECREE

The Equal Employment Opportunity Commission (hereinafter referred to as the "EEOC") initiated the above referenced Civil Action on September 19, 2002, against Bud Davis Cadillac, d/b/a Cadillac/Saab of Memphis., (the "Defendant") to enforce provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et seq., and the Civil Rights Act of 1991, 42 U.S.C. §1981a. The EEOC alleged that the Defendant engaged in unlawful employment practices by discharging John Parker, a black male. Mr. Parker was discharged while a probationary employee because he failed to meet his sales quota while a white probationary employee was not discharged for several months for failing to meet his sales quota.

This Consent Decree does not constitute an admission by the Defendant of the allegations in the Complaint. The Defendant denies that it engaged in the unlawful employment practices alleged by the EEOC. However, EEOC and defendant desire to avoid the additional expense and delay in the litigation of this case

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.

6

The Court has reviewed the terms of the proposed Consent Decree in light of the applicable laws and regulations, the statements and representation 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 Western District of Tennessee, Western Division, has jurisdiction over the parties and subject matter of this litigation.

II. SCOPE AND DURATION OF CONSENT DECREE

A. This Consent Decree resolves all issues and claims arising out of the Complaint of the Commission in this cause, alleging unlawful employment practices maintained by the Defendant and arising out of Charge No. 250-A2-00464 filed with the Commission by John Parker. This Consent Decree resolves the claims of John Parker, who was adversely affected by Defendant's unlawful employment practices as alleged in Charge No. 250-A2-00464, and in Plaintiff's Complaint. Notwithstanding any provisions contained in this Consent Decree, this agreement shall not be considered in any manner dispositive of any other charges now pending before any office of the Commission other than Charge No. 250-A2-00464. The provisions of this Consent Decree shall continue to be effective and binding upon the parties to this action for a period of three years from the date of the entry of this Decree.

III. NON-DISCRIMINATION PROVISIONS

A. Defendant, its officers, agents, employees, and all persons acting in concert with the Defendant as supervisors are hereby enjoined from engaging in any employment practice which has the purpose or effect of discriminating against any employee because of their race.

B. 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.

C. Defendant agrees to train its supervisors and managers in the requirements of the Civil Rights Act of 1964, as amended, regarding the prevention of race discrimination. This training session will be conducted within ninety (90) days of the entry of this Decree. A list of supervisors and managers attending the training session and a copy of the training material will be provided to the EEOC within thirty (30) days of the training session.

IV. NOTICE

Defendant shall post the notice the notice at Appendix A of this Decree at its facility for a one year period commencing within ten (10) days after entry of this Consent Decree by the Court.

V. INDIVIDUAL RELIEF

A. Defendant shall deliver to John Parker, a certified check made payable to "John Parker" in the amount of \$ 26,000.00. The check shall be mailed to the following address within fourteen (14) days after entry of this Decree by the Court:

4877 Germantown Rd.
Memphis, TN 38141

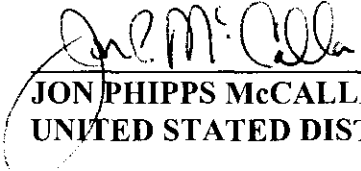
A copy of the check shall be mailed to the attention of Draga G. Anthony, EEOC, 1407 Union Avenue, Suite 621, Memphis, Tennessee 38104.

B. Defendant shall not include any reference to the charge of discrimination filed by John Parker or this litigation in the personnel file of John Parker.

VII. COSTS

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

SO ORDERED THIS 30 DAY OF June, 2003.



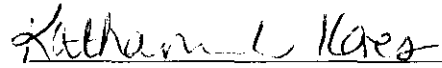
JON PHIPPS McCALLA
UNITED STATES DISTRICT JUDGE

Attorney for Defendant:


Attorneys for the Equal Employment
Opportunity Commission:

NICHOLAS M. INZEO
Acting Deputy General Counsel

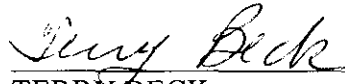
GWENDOLYN YOUNG REAMS
Associate General Counsel




KATHARINE W. KORES
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TERRY BECK
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Senior Trial Attorney
OH Bar No. 00041524

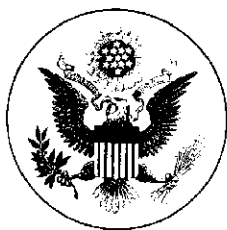
Equal Employment Opportunity
Commission
1407 Union Avenue, Suite 621
Memphis, Tennessee 38014
(901) 544-0102

NOTICE

1. This Notice to all employees of Bud Davis Cadillac, d/b/a Cadillac/Saab of Memphis is being posted as part of an agreement between Bud Davis Cadillac, d/b/a Cadillac/Saab of Memphis and the Equal Employment Opportunity Commission in settlement of a complaint of employment discrimination.
2. Title VII of the Civil Rights Act of 1964, as amended, is a federal law that requires that employers not subject employees to sexual harassment, discriminate against employees because of their race, sex, religion or national origin, or retaliate against employees who file charges of discrimination or oppose employment practices made illegal by Title VII.
3. Bud Davis Cadillac, d/b/a Cadillac/Saab of Memphis supports and will comply with Title VII in all respects and will not take any action against employees because they have opposed employment practices made illegal by Title VII or exercised their rights under the law by filing charges with the Equal Employment Opportunity Commission, or because they testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under Title VII.
4. The posting of this Notice by Bud Davis Cadillac, d/b/a Cadillac/Saab of Memphis does not constitute an admission by Bud Davis Cadillac, d/b/a Cadillac/Saab of Memphis that it engaged in employment discrimination.

Date

Bud Davis, Owner



Notice of Distribution

This notice confirms a copy of the document docketed as number 6 in case 2:02-CV-02731 was distributed by fax, mail, or direct printing on July 2, 2003 to the parties listed.

Katharine W. Kores
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
1407 Union Avenue
Ste. 621
Memphis, TN 38104

Terry L. Beck
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
1407 Union Avenue
Ste. 621
Memphis, TN 38104

Draga G. Anthony
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
1407 Union Avenue
Ste. 621
Memphis, TN 38104

Nicholas M. Inzeo
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
1407 Union Avenue
Ste. 621
Memphis, TN 38104

Gwendolyn Young Reams
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
1407 Union Avenue
Ste. 621
Memphis, TN 38104

William E. Norcross
NORCROSS LAW FIRM
890 Willow Tree Circle
Ste. 8
Cordova, TN 38018

Honorable Jon McCalla
US DISTRICT COURT