

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Local Office  
Newark Area Office  
1 Newark Center, 21<sup>st</sup> floor  
Newark, N J 07102-5233

Dawn M. Edge  
21 S. 5<sup>th</sup> Street, Suite 400  
Philadelphia, PA 19106  
Counsel for Plaintiff

JUL 31 2006

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION** )  
 )  
 **Plaintiff,** )  
 )  
 **v.** )  
 )  
 **EASTBOLT CORPORATION,** )  
 )  
 **Defendant.** )

**Civil Action  
No. 05-4325  
(FSH)**

**CONSENT DECREE**

This action was instituted by the U.S. Equal Employment Opportunity Commission ("the EEOC" or "the Commission") on September 6, 2005, against Fastbolt Corporation to enforce provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.*, ("Title VII"). The EEOC filed this Title VII lawsuit on behalf of Andrea Pitts alleging that Fastbolt Corporation discriminated against Ms. Pitts because of her sex (pregnancy) when, shortly after notifying Defendant of her pregnancy, Ms. Pitts was terminated from her employment.

**NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:**

1. This Consent Decree is entered into by and shall be final and binding between the EEOC and Defendant Fastbolt Corporation, its directors, officers, agents, employees, successors

or assigns and all persons in active concert or participation with it, (hereinafter collectively referred to as "Defendant" or "Fastbolt").

**NON-DISCRIMINATION AND NON-RETALIATION**

2. This Court has jurisdiction over the parties and subject matter of this action.

3. Defendant, its owners, officers, agents, employees, successors, assigns, and all persons in active concert or participation with it shall comply with all provisions of Title VII and is enjoined from any violations of Title VII. Prohibited discrimination includes, but is not limited to, pregnancy or other discrimination because of sex, and/or conduct protected under Section 704(a) of Title VII.

4. Fastbolt is enjoined from engaging in any employment practices which retaliates against any person, including but not limited to Andrea Pitts, because of that person's opposition to any practice made an unlawful employment practice under Title VII or because that person has made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing under Title VII.

5. Fastbolt shall not divulge, directly or indirectly, to any identifiable employer or potential employer of Andrea Pitts any of the facts or circumstances related to the claims of discrimination against Fastbolt in this case or any of the events relating to Ms. Pitts' participation in the litigation of this action unless compelled by legal process to do so or otherwise pursuant to court order.

**NON-ADMISSION**

6. This Decree, being entered with the consent of the EEOC and Defendant, shall not constitute an adjudication or finding on the merits of this case and shall not be construed as an admission of liability by Defendant nor as a disavowal by the EEOC of the allegations in the

Complaint. Rather, this Decree is being entered into to avoid the further expense, inconvenience, and distraction of burdensome and protracted litigation and to compromise otherwise disputed claims.

**MONETARY RELIEF**

7. Defendant will pay to Andrea Pitts the amount of Forty Seven Thousand Five Hundred Dollars and Zero Cents (\$47,500.00) in monetary relief. Within ten (10) days of entry of this Decree by the Court, Defendant shall forward the check made payable to "Halsband & Ginsberg, LLP as attorneys for Andrea Pitts" directly to Andrea Pitts' counsel. Defendant shall simultaneously forward a copy of the check to the attorney of record for the Commission in this case. An IRS Form 1099-Misc shall be issued to Andrea Pitts for the calendar year, reflecting the amount of payment received in that year.

**EQUITABLE RELIEF**

Defendant Fastbolt agrees to the following injunctive relief:

8. Within 20 business days after entry of this Decree, Defendant agrees to post and keep posted in conspicuous places upon its premises at its New Jersey facility, where notices to employees and applicants for employment are customarily posted, and maintain for four (4) years from the date of posting, a copy of the attached Notice made a part hereof as Exhibit I. Said Notice is to be signed by a responsible official of Defendant and the date of actual posting to be shown thereon. Should the Notice become defaced, marred, or otherwise made unreadable, Defendant will ensure that a new readable copy of the Notice is posted in the same manner as heretofore specified.

### **TRAINING**

9. Fastbolt agrees to provide annual training sessions, by a trainer or vendor approved by the EEOC, on employee rights and employer obligations under both Title VII and relevant state or local anti-discrimination laws, which will emphasize what constitutes unlawful pregnancy discrimination in the workplace, how to keep the company free from such discrimination, what constitutes unlawful retaliation and will summarize how to conduct a prompt and effective investigation into allegations, complaints or charges of discrimination to all of its managers, supervisors, and Human Resources Department employees.

10. After entry of this Consent Decree, Fastbolt shall provide training in accordance with Paragraph 9 in calendar years 2006, 2007, 2008, and 2009.

11. Fastbolt agrees to provide the EEOC with copies of all pamphlets, brochures, Outline or other written materials provided to attendees of training sessions.

12. Fastbolt agrees to notify the Commission as to the date of the training, and provide to Dawn M. Edge, Esq. information regarding the substantive content presented at the training after the training is completed.

### **RECORD KEEPING**

13. For a period of four years following entry of this Decree, Fastbolt shall document and retain in a centralized file in Human Resources records of each complaint of an incident of discrimination made by any employee, if any, reflecting the date the complaint was made, who made it, what was alleged and the actions, if any, Fastbolt took to resolve the matter. Fastbolt also shall maintain records of all actions it takes to prevent discrimination at its New Jersey facility during the term of this Consent Decree.

14. Fastbolt shall make all documents or records referred to in Paragraph 13 available for inspection and copying within 10 business days after the EEOC so requests, and such inspection shall be conducted no more than once a year or when the EEOC believes that such inspection is reasonably necessary. In addition, Fastbolt shall make available for interview all persons in its employ whom the EEOC reasonably requests for purposes of verifying compliance with this Decree and shall permit a representative of the EEOC to enter Fastbolt premises for such purposes on ten business days advance notice by the EEOC and no more than one time in any given calendar year.

15. Nothing in this Decree shall be construed to limit any obligation Fastbolt otherwise may have to maintain records under Title VII or any other law or regulation. After expiration of this Consent Decree, records will be maintained by Fastbolt as required by law and Commission regulations.

#### **DISPUTE RESOLUTION**

16. In the event either party to this Decree believes the other party has failed to comply with any provision(s) of the Decree, the complaining party shall notify the other party of the alleged non-compliance within 20 days of the alleged non-compliance and afford the alleged non-complying party 20 business days to remedy the non-compliance or satisfy the complaining party that the alleged non-complying party has complied. If the alleged non-complying party has not remedied the alleged non-compliance or satisfied the complaining party that it has complied within 20 business days, the complaining party may apply to the Court for appropriate relief.

**MISCELLANEOUS PROVISIONS**

17. Each party to this Decree shall bear its own expenses, costs and attorney's fees.

18. The terms of this Decree are and shall be binding upon the present and future representatives, agents, directors, officers, successors and assigns of Fastbolt in their capacities as representatives, agents, directors and officers of Fastbolt and not in their individual capacities. This paragraph shall not be construed as placing any limit on remedies available to the Court in the event any individual is found in contempt for a violation of this Decree.

19. This Consent Decree shall fully and finally resolve all claims which were raised by the EEOC in its Complaint in Civil Action No. 05-cv-4325.

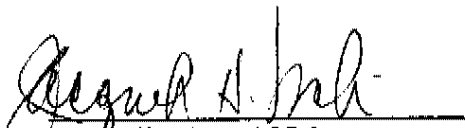
20. This Consent Decree shall be filed in the United States District Court for the District of New Jersey and shall continue in effect for four years. During this time, this Court shall retain jurisdiction over this matter and the parties for purposes of enforcing compliance with the Decree, including issuing such orders as may be required to effectuate its purposes. Any application by any party to modify or vacate this Consent Decree during such period shall be made by motion to the Court on no less than 30 days notice to the other party. Should any material disputes under this Decree remain unresolved after this four year period, the term of the Decree shall be automatically extended (and the Court will retain jurisdiction of this matter to enforce the Consent Decree) until such time as all disputes have been resolved.

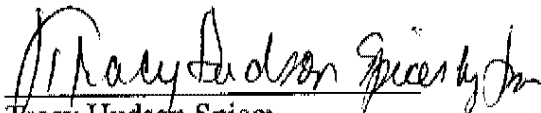
21. The Clerk of the District Court is hereby directed to send a file-stamped copy of this Consent Decree to counsel of record.

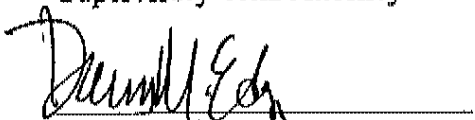
COUNSEL FOR PLAINTIFF

James L. Lcc  
Deputy General Counsel

Gwendolyn Young Reams  
Associate General Counsel  
U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
1801 L Street, NW  
Washington DC 20507

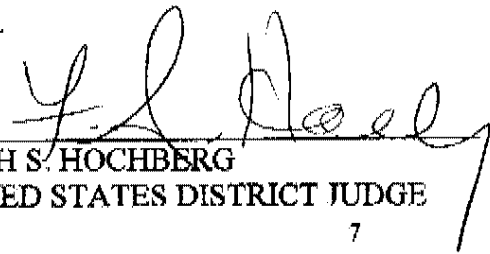
  
Jacqueline H. McNair  
Regional Attorney

  
Tracy Hudson Spicer  
Supervisory Trial Attorney


  
Dawn M. Edge  
Trial Attorney  
EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
Philadelphia District Office  
21 S. 5<sup>th</sup> Street, Suite 400  
Philadelphia, PA 19106  
(215) 440-2687

7/27/04  
Date

By the Court:

  
FAITH S. HOCHBERG  
UNITED STATES DISTRICT JUDGE

COUNSEL FOR DEFENDANT

  
Jeffrey J. Carton, Esquire  
Meiselman, Denlea, Packman, Carton &  
Hberz P.C.  
1311 Mamaroneck Avenue  
White Plains, New York 10605  
(914) 517-5000

7/29/06  
Date

Date: 8/4/06

# **EXHIBIT- 1**





# EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## POSTED PURSUANT TO A CONSENT DECREE BETWEEN THE EEOC AND FASTBOLT CORPORATION

This Notice is being posted pursuant to a Consent Decree entered by the federal court for the District of New Jersey between the Equal Employment Opportunity Commission (EEOC) and Fastbolt Corporation styled EEOC v. Fastbolt Corporation, Civil Action Number 05-4325, which resolves an EEOC complaint alleging that Fastbolt subjected a female employee to pregnancy discrimination in violation of Title VII of the Civil Rights Act of 1964.

Title VII of the Civil Rights Act of 1964, 42 U.S.C §2000e et seq., as amended ("Title VII"), prohibits discrimination against employees and applicants for employment based upon sex, national origin, race, color or religion. Title VII further prohibits retaliation against employees or applicants who avail themselves of the rights under Title VII by engaging in protected activities, such as filing a charge of discrimination and/or testifying or participating in a Commission investigation. The EEOC is the federal agency which investigates charges of unlawful employment discrimination. The EEOC has

the authority to bring lawsuits in federal court to enforce Title VII.

Fastbolt Corporation pledges its commitment to comply with all federal laws prohibiting employment discrimination and will not discriminate or retaliate in any manner against any person because of opposition to any practice declared unlawful under Title VII or because of the filing of a charge, the giving of testimony or assistance, or the participation in any investigation, proceeding, or hearing under Title VII.

If you have a complaint of employment discrimination or questions regarding laws prohibiting employment discrimination, you may seek assistance from the Equal Employment Opportunity Commission Office locations and general information may be obtained on the Internet at [www.eeoc.gov](http://www.eeoc.gov) or by calling 1-800-669-4000 (TDD 1-800-669-6820).

Date Posted:

Date Expires:

Fastbolt Corporation