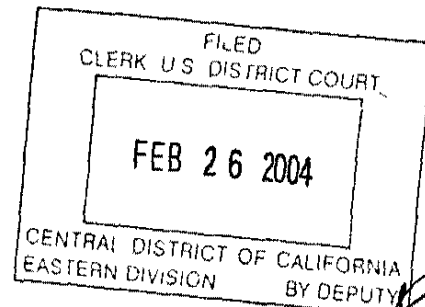


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**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

U.S. EQUAL EMPLOYMENT
 OPPORTUNITY COMMISSION

Plaintiffs,

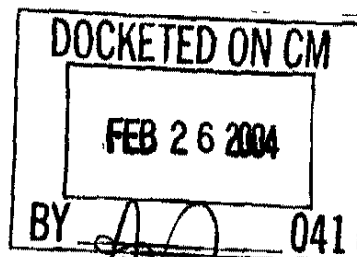
v

HITCHEN LUCERNE, INC., d/b/a
 LUCERNE VALLEY MARKET/
 ACE HARDWARE

Defendant

Case No EDCV 00-224 RT (CWx)

~~PROPOSED~~ [PROPOSED] CONSENT DECREE



THE LITIGATION

1 On April 14, 2000, the U S Equal Employment Opportunity
 2 Commission (the "Commission") instituted in the United States District Court for
 3 the Central District of California, a lawsuit entitled "U S Equal Employment
 4 Opportunity Commission vs Hitchen Lucerne, Inc. d/b/a Lucerne Valley Market,
 5 ED CV 00-224 RT (CWx) (hereinafter "the Settled Action") alleging that
 6 Defendant had terminated the Charging Party, Blanche Kraft, because of her age
 7 (62) and gender, female, and failed to recall her in retaliation for her having
 8 complained of discrimination Defendant denies that it violated any law or has

60

1 engaged in any wrongdoing On May 16, 2003, the Court denied Defendant's
2 Motion for Summary Judgment as to Plaintiff's claims for age and gender
3 discrimination but granted summary judgment as to the Commission's Claim of
4 retaliation

5 2 The Commission and Hitchin Lucerne, Inc d/b/a Lucerne Valley Market
6 ("Hitchin Lucerne") desire to bring the Settled Action to a conclusion and to avoid
7 incurring further costs and burdens incident to this litigation The Commission
8 and Hitchin Lucerne have agree^d that the Settled Action should be resolved by
9 entry of this Consent Decree ("Decree")

10 3 This Settlement is final and binding upon the Commission and Hitchin
11 Lucerne as to all claims alleged in the Complaint filed in the Settled Action

12 4 Having examined the terms and provisions of the Decree and the
13 pleadings, record and stipulations of the parties in the Settled Action, the Court
14 finds the following

15 A The Court has jurisdiction over both the subject matter of the
16 Settled Action and the parties to the Settled Action

17 B The terms and provisions of this Decree are fair, reasonable and
18 just The rights of Hitchin Lucerne, the Commission and the
19 Charging Party are adequately protected by this Decree

20 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED AS
21 FOLLOWS

22 5 Hitchin Lucerne agree to tender a check of Nine Thousand Five Hundred
23 dollars and no cents (\$9,500 00) and a 1099 form to Blanche Kraft at the address
24 provided by the EEOC made payable to Blanche Kraft within ten (10) days after
25 this Decree has been entered Within ten (10) days of the entry of this Decree a
26 copy of the check sent pursuant to this paragraph shall be submitted, with a copy
27 of the 1099 form, to the Regional Attorney, Equal Employment Opportunity

28 ///

1 Commission, Los Angeles District Office, 255 East Temple Street, 4th Floor, Los
2 Angeles, California, 90012

3 6 Hitchin Lucerne agrees to review existing training regarding age and
4 gender discrimination to see that it complies with the law and for a period of one
5 year from the date of this Decree to continue to provide such training regarding
6 age and gender discrimination to all managers, and shall conduct at least four, two
7 hour training sessions approximately equally distributed during the year

8 7 Hitchin Lucerne shall expunge from the personnel file of Blanche Kraft
9 all references to the charge of discrimination filed by Blanche Kraft against
10 Hitchen Lucerne and all references to the reason for her termination of
11 employment

12 8 Hitchin Lucerne shall not engage in discrimination against any employee
13 because of his or her age and/or gender, or retaliate against any employee because
14 he or she (1) opposed discriminatory practices made unlawful by Title VII, (2)
15 filed a charge or assisted or participated in the filing of a charge, or (3) assisted or
16 participated in an investigation or proceeding brought under Title VII

17 9 Hitchin Lucerne shall include age as a protected category in the "Equal
18 Employment Opportunity" section on page three of Hitchen Lucerne's Staff
19 Handbook (Revised 5/99)

20 10 Hitchin Lucerne shall report in writing^{to} the Commission on a semi-
21 annual basis beginning six months from the entry of this Decree and thereafter
22 every six months for the duration of the Decree as follows

23 A The registry of persons attending the training required by
24 paragraph 6, and

25 B An affidavit stating that the expungement from Ms Kraft's
26 personnel file required in paragraph 7 of this Decree took place and
27 a log of the specific documents expunged

28 ///

1 11 The duration of this Decree shall be one year from the date of entry
2 The terms of this Decree are and shall be binding upon the present and future
3 officers, directors, employee, agents, trustees, administrators, successors,
4 representatives and assigns of both Commission and Hitchin Lucerne

5 12 This Decree does not constitute any admission by Hitchin Lucerne of
6 any wrongdoing

7 13 The Commission and Hitchin Lucerne agree that each will bear its
8 own court costs and attorney's fees

9 14 Hitchn Lucerne shall post for the duration of this Decree, in a
10 prominent place frequented by its employees at its facilities, the notice attached as
11 Exhibit A The notice shall be the same type, style, size as Exhibit A

12 15 If any provision of this Decree is held, determined or adjudicated to be
13 invalid, unenforceable or void for any reason whatsoever, each such portion,
14 provision or part shall be severed from the remaining portions, provisions or parts
15 of this Decree and shall not affect the validity or enforceability of such remaining
16 portions, provisions or parts

17 ENTERED AND ORDERED this 26th day of February, 2004

18
19 
20 The Honorable Robert J. Timlin
U S District Court Judge

21 Dated February 10, 2004

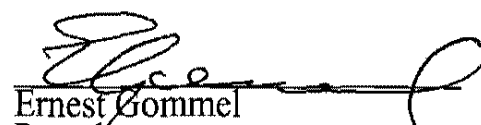
22 Agreed to for Plaintiff
23 U S EEOC

24 
25 Anna Y. Park
Regional Attorney

26 Peter F. Laura
Senior Trial Attorney

27 Dated Feb. 13, 2004

28 Agreed to for Defendant
Hitchin Lucerne, Inc


Ernest Gommel
President

NOTICE TO ALL EMPLOYEES OF LUCERNE VALLEY MARKET
FROM THE U.S. EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
LOS ANGELES DISTRICT OFFICE

This Notice is posted to advise you, Lucerne Valley Market's employees, of your rights under Title VII, the Age Discrimination in Employment Act and similar California anti-discrimination law

It is unlawful under federal law, the Age Discrimination in Employment Act, and Title VII of the Civil Rights Act to discriminate against an employee on the basis of age, sex, race, national origin, color, or religion, in recruiting, hiring, firing, compensation, assignment, or other terms and conditions or privileges of employment. In addition to these bases, California state law also prohibits employment discrimination on other protected bases such as sexual orientation and marital status.

It is also unlawful to retaliate against any person because the person complained about discriminatory practices to his or her supervisor or management or contacted the United States Equal Employment Opportunity Commission ("EEOC"). Retaliation for complaining about discrimination including sexual harassment is a separate violation of Title VII of the Civil Rights Act even if the employee was mistaken in his or her allegation of discrimination.

Under federal and state law, no retaliatory action may be taken against you by any supervisor or management official for (1) opposing discriminatory practices made unlawful by federal law, (2) filing a charge or assisting or participating in the filing of a charge of discrimination, or (3) assisting or participating in an investigation or proceeding brought under Title VII, the Age Discrimination in Employment Act or similar California anti-discrimination law.

Lucerne Valley Market shall not discriminate against any employee on the basis of age and sex, and Lucerne Valley Market shall not retaliate against any employee for (1) opposing discrimination, (2) filing a charge or assisting in or participating in the filing of a charge of discrimination, or (3) assisting in or participating in an investigation or proceeding brought under Title VII or similar California anti-discrimination law.

If you believe that you have been discriminated or retaliated against, you have the right to seek assistance from and should immediately contact the EEOC or the California Department of Fair Employment and Housing ("DFEH") to discuss your rights and potential action. Addresses and telephone numbers listed below.

(1) EEOC

255 East Temple Street, 4th Floor
Los Angeles, CA 90012
Telephone: (800) 669-4000 or (213) 894-1000

(2) DFEH

611 W. Sixth Street
Los Angeles, CA 90017
Telephone: (213) 439-6799