

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION**

**EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,**

**Plaintiff,**

**v.**

**MISTER OMELET OF AMERICA, INC.,**

**Defendant.**

**CIVIL ACTION NO.  
5:01CV105-V**

**CONSENT DECREE**

The Equal Employment Opportunity Commission (the "Commission") instituted this action seeking relief for Carla Craig, Christine Pinkley-Morris, Barbara Causey, Paula Caudle, Shelly Hollar, Helma Townsend and other similarly situated individuals, pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

The parties stipulate to jurisdiction of the Court over the parties and the subject matter of this action.

The parties desire to resolve this action without the burden, expense, and delay of further litigation.

It is therefore the finding of this Court, made on the submissions of the parties, that: (1) the Court has jurisdiction over the parties and the subject matter of this action; (2) the purpose and provisions of Title VII will be promoted and effectuated by the entry of this Consent Decree; and (3) this Consent Decree resolves all matters in controversy between the parties as provided in

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paragraphs 1 through 9 below.

It is therefore ORDERED, ADJUDGED AND DECREED as follows:

1. Defendant shall not discriminate against any employee on the basis of sex within the meaning of Title VII.

2. Defendant shall not discriminate or retaliate against any person because of opposition to any practice made 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.

3. Defendant shall pay the sum of one thousand dollars (\$1,000), in settlement of the claims raised in the Complaint filed by the EEOC. Defendant shall make payment by issuing checks payable as follows to: Carla Craig in the amount of one hundred forty-two dollars and eighty-six cents (\$142.86), Christine Pinkley-Morris in the amount of one hundred forty-two dollars and eighty-six cents (\$142.86), Barbara Causey in the amount of one hundred forty-two dollars and eighty-six cents (\$142.86), Paula Caudle in the amount of one hundred forty-two dollars and eighty-six cents (\$142.85), Shelly Hollar in the amount of one hundred forty-two dollars and eighty-six cents (\$142.86), Helma Townsend in the amount of one hundred forty-two dollars and eighty-six cents (\$142.86) and Marsha Miller Auton in the amount of one hundred forty-two dollars and eighty-six cents (\$142.85). Payment shall be made to each individual, at the address provided by the EEOC.

4. The payments set forth in Paragraph 3 shall be made within fifteen days after entry of this Consent Decree by the Court. Within ten days after each check has been sent, Defendant shall mail to Mindy E. Weinstein, Regional Attorney, Equal Employment Opportunity Commission, 129 W. Trade Street, Suite 400, Charlotte N.C., 28202, a copy of the check and

proof of its delivery.

5. Defendant agrees to eliminate from the employment records of Carla Craig, Christine Pinkley-Morris, Barbara Causey, Paula Caudle, Shelly Hollar, and Helma Townsend any and all documents, entries, or references of any kind relating to the facts and circumstances which led to the filing of the following EEOC Charges: No. 140A02060; No. 140A02062; No. 140A02063; No. 140A02064; No. 140A02065; and No. 140A02066 and the related events that occurred thereafter.

6. In the event that Defendant opens, operates or manages any business within two years of the date of entry of this Consent Decree, the following subparts a-d shall apply:

a. Within ninety days of resuming business operations, Defendant shall adopt an anti-discrimination, anti-harassment and anti-retaliation policy and shall provide training to all of its managers, supervisors and employees. The training shall include an explanation of the requirements of Title VII, its prohibition against sex discrimination in the workplace, including sexual harassment, and its prohibition against retaliation. Defendant's training shall also cover its anti-discrimination, anti-harassment and anti-retaliation policy and an explanation of the rights and responsibilities of employees and managers under the policy. Within ten days after completion of the training, Defendant shall certify to the Commission the specific training which was undertaken and shall provide the Commission with a roster of all employees in attendance. Certification shall be made to Mindy E. Weinstein, Regional Attorney, at the address listed in Paragraph 4.

b. Beginning ninety days after resuming business operations, Defendant shall provide the Commission with monthly reports which will include the following information: (a)

the identities of all individuals who have complained of sex discrimination, sexual harassment or retaliation at Defendant's facilities, including by way of identification each individual's name, last known address, last known telephone number, sex, position, supervisor and social security number; (b) a detailed statement of the individual's complaint; (c) the identity of the person who allegedly harassed or discriminated against the individual; and (d) the action taken in response to the individual's complaint. These reports shall be made to Mindy E. Weinstein, Regional Attorney, at the address listed in Paragraph 4.

c. Defendant shall allow the Commission to review compliance with this Consent Decree. As part of such review, the Commission may inspect Defendant's premises, interview employees and examine and copy documents.

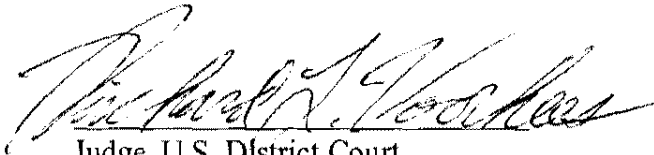
d. If at anytime during the term of this Consent Decree, the Commission believes that Defendant is in violation of the Decree, the Commission shall give notice of the alleged violation to Defendant. Defendant shall have ten days in which to investigate and respond to the allegations. Thereafter, the parties shall then have a period of ten days or such additional period as may be agreed upon by them, in which to engage in negotiation and conciliation regarding such allegations before the Commission exercises any remedy provided by law.

7. The term of this Consent Decree shall be two years from its entry by the Court.

8. Each party shall bear its own costs and attorney's fees.

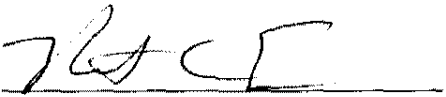
9. This Court shall retain jurisdiction of this cause for purposes of monitoring compliance with this Consent Decree and entry of such further orders as may be necessary or appropriate.

8-1-02  
Date

  
Judge, U.S. District Court


The parties jointly request that the Court approve and enter this Consent Decree:


**MISTER OMELET OF AMERICA, INC.**

By:   
ROBERT C. ERVIN  
BYRD, BYRD, ERVIN, WHISNANT, MCMAHON & ERVIN  
P.O. Drawer 1269  
Morganton, NC 28680

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

GWENDOLYN YOUNG REAMS  
Associate General Counsel  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

By:   
MINDY E. WEINSTEIN  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Regional Attorney

By:   
KIRK J. ANGEL  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Trial Attorney  
129 West Trade Street, Suite 400  
Charlotte, N.C. 28202

Ms. Shelly Hollar  
2953 U.S. Highway 70 East  
Morganton, NC 28655

Ms. Christine Pinkley  
1810 Eighteenth Ave, NE  
Unit 32  
Hickory, NC 28601

Ms. Paula Caudle  
4234 Blueberry Drive  
Granite Falls, NC 28630

Ms. Marsha Miller Auton  
P.O Box 317  
Rhodhiss, NC 28667

Ms. Helma J. Townsend  
4416 Taylor Avenue  
Connelly Springs, NC 28612

Ms. Barbara Causey  
4465 Johnson Bridge Rd, Lot 34  
Hickory, NC 28602

Ms. Carla Craig  
4465 Johnson Bridge Rd, Lot 3  
Hickory, NC 28602

United States District Court  
for the  
Western District of North Carolina  
August 5, 2002

\* \* MAILING CERTIFICATE OF CLERK \* \*

Re: 5:01-cv-00105

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

Mindy E. Weinstein, Esq.  
Equal Employment Opportunity Commission  
129 W. Trade St.  
Suite 400  
Charlotte, NC 28202-2799

Lynette A. Barnes, Esq.  
Equal Employment Opportunity Commission  
129 W. Trade St.  
Suite 400  
Charlotte, NC 28202-2799

Kirk J. Angel, Esq.  
Equal Employment Opportunity Commission  
129 West Trade St.  
Suite 400  
Charlotte, NC 28202-2799

Robert C. Ervin, Esq.  
Byrd, Byrd, Ervin, Whisnant, McMahon & Ervin  
P.O. Drawer 1269  
Morganton, NC 28680-1269

cc:  
Judge ( )  
Magistrate Judge ( )  
U.S. Marshal ( )  
Probation ( )  
U.S. Attorney ( )  
Atty. for Deft. ( )  
Defendant ( )  
Warden ( )  
Bureau of Prisons ( )  
Court Reporter ( )  
Courtroom Deputy ( )  
Orig-Security ( )  
Bankruptcy Clerk's Ofc. ( )  
Other V. Leitner (✓)

Date: 8-5-02

Frank G. Johns, Clerk

By: Carolyn B. Bouchard  
Deputy Clerk