

FILED
OCT. 22 2009
US DISTRICT COURT, EDNC

CONSENT DECREE

Decree; and (3) this Decree resolves all matters in controversy between the parties as provided in paragraphs 1 through 14 below.

It is therefore ORDERED, ADJUDGED AND DECREED as follows:

1. Defendant shall not discriminate against any employee on the basis of sex, including pregnancy, or any other protected category within the meaning of Title VII of the Civil Rights Act of 1964.

2. Defendant shall not discriminate or retaliate against any person because of opposition to any practice made unlawful under Title VII of the Civil Rights Act of 1964 or because of the filing of a charge, the giving of testimony or assistance, or the participation in any investigation, proceeding or hearing under that statute.

3. Defendant shall pay Christi Smith the sum of Three Thousand Five Hundred dollars (\$3,500.00) in settlement of the claims raised in this action. Defendant shall make payment by issuing a check payable to Christi Smith. Payment shall be made within fifteen days after the Court approves this Consent Decree, and Defendant shall mail the check to Christi Smith at the address provided by the Commission. Within ten days after the check has been sent, Defendant shall mail to Lynette A. Barnes, Acting Regional Attorney, at the Equal Employment Opportunity Commission, 129 W. Trade Street, Suite 400, Charlotte N.C., 28202, a copy of the check and proof of its delivery to Christi Smith.

4. Defendant agrees to eliminate from the employment records of Christi Smith any and all documents, entries, or references of any kind relating to the facts and circumstances which led to the filing of EEOC Charge Number 141-2002-00641 and the related events that occurred thereafter.

5. Defendant agrees not to require medical clearance, or proof of ability to work, for any applicant or employee whom Defendant learns is, or might be, pregnant in order for the applicant to begin work or for the employee to continue to work.

6. During the term of this Decree, Defendant shall provide an annual training program to all of its managers, supervisors and employees at its facilities in Jacksonville, North Carolina. Each training program shall include an explanation of the requirements of Title VII of the Civil Rights Act of 1964, and its prohibition against sex discrimination in the workplace, including pregnancy discrimination and retaliation. Each training program shall also cover Defendant's EEO policies and an explanation of the rights and responsibilities of employees and managers under the policy. The first training program shall be completed within ninety (90) days after entry of the decree by the Court. Each subsequent training program shall be conducted at approximately one-year intervals. At least fifteen (15) days prior to each program, Defendant shall provide the Commission with an agenda for the training program. Within ten (10) days after completion of each training program, 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.

7. Beginning within thirty (30) days after the entry of this Decree by the Court, and continuing throughout the term of this Decree, Defendant shall conspicuously post the attached Employee Notice, marked Exhibit A, hereby made a part of this Decree, in a place where it is visible to employees at its Jacksonville, North Carolina facilities. If the Notice becomes defaced or unreadable, Defendant shall replace it by posting another copy of the Notice.

8. During the term of this Consent Decree, Defendant will provide the Commission with reports at six (6) month intervals, with the first being due four (4) months after approval by the Court of this Decree. The reports will include the following information:

- A. the identities of all individuals who have opposed any practice made unlawful under Title VII of the Civil Rights Act of 1964, or who have filed a charge, given testimony or assistance, or participated in any investigation, proceeding or hearing under the foregoing statute, including by way of identification each person's name, sex, position, and social security number;
- B. for each individual identified in 8.A. above, explain whether the individual's employment status has changed in any respect (for example, including but not limited to, termination, firing, demotion, promotion, or part-time from full-time.)
- C. for each individual whose employment status has changed as identified in 8.B. above, a detailed statement explaining why the individual's employment status has changed;
- D. the identities of any applicant or employee who Defendant has learned, or who Defendant has reason to believe, is pregnant, including by way of identification each person's name, position, and social security number;
- E. for each individual identified in 8.D. above, explain whether the applicant or employee's employment status has changed, or if any action was taken in respect to that applicant or employee's employment, in any respect (for

example, including but not limited to, termination, firing, demotion promotion, part-time from full-time, or requirement to provide medical documentation.)

- F. for each individual identified in 8.D. above, a detailed statement explaining why the applicant or employee's status has changed.

Defendant agrees that if during the reporting period it does not receive any information that it is required to report under these provisions, Defendant will notify the Commission that it has no information to report.

9. Defendant agrees that the Commission may review compliance with this Decree. As part of such review, the Commission may inspect Defendant's Jacksonville, North Carolina facilities, interview employees and examine and copy documents.

10. If anytime during the term of this 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 (10) days in which to investigate and respond to the allegations. Thereafter, the parties shall then have a period of ten (10) 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.

11. The term of this Decree shall be for two (2) years from its entry by the Court.

12. All reports or other documents sent to the Commission by Defendant pursuant to this Decree shall be sent to: Lynette A. Barnes, Acting Regional Attorney, at the Equal Employment Opportunity Commission, 129 W. Trade Street, Suite 400, Charlotte N.C., 28202.

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

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

10/20/04
Date

James C. Fry
Judge, U.S. District Court
Eastern District of North Carolina

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

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

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