

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

U.S. DISTRICT COURT
SO. DIST. AL.
MOBILE, AL 36602

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)

Plaintiff,)

JOANN SULLIVAN, *et al.*,)

Plaintiff Intervenors,)

v.)

OUTRIGGER RESTAURANT, INC.,)

SKILSTAF, INC.,)

Defendants.)

v.)

MARVIN L. RATCLIFF, JR.,)

Third-Party Defendant.)

2000 JUN 19 P 12:54

FILED
CLERK'S OFFICE

CIVIL ACTION NO. 97-1189-CB-M

PARTIAL CONSENT JUDGMENT

On December 29, 1997, the Equal Employment Opportunity Commission (EEOC) filed suit in this Court against Outrigger Restaurant, L.L.C. (Outrigger) and Employer Accounting Services, as successor to SkilStaf, Inc., (SkilStaf), alleging racially hostile environment, retaliation, a segregated work place and constructive discharge under Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991.

Both Outrigger and SkilStaf denied in substance that they discriminated against any individual or class of individuals. On or about April 29, 1998, the Plaintiff Intervenors filed a Complaint in Intervention in this Court alleging that they were discriminated against on the basis of race by being subjected to racially hostile environment, retaliation, a segregated work place

and constructive discharge under Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991, and 42 U.S.C. § 1981.

On or about September 24, 1998, Defendant SkilStaf filed a motion for leave to file a cross claim against Defendant Outrigger along with an attached cross claim. The motion was granted. Subsequently, on December 7, 1998, Defendant SkilStaf filed a motion for leave to file a second amended cross claim against Defendant Outrigger and third party claim against Marvin Ratcliff, with an attached second amended cross claim and third party claim attached. The motion was likewise granted.

By the entry of a consent decree from this Court dated September 7, 1999, the litigation filed by the EEOC and the Plaintiff Intervenors against SkilStaf and Outrigger was resolved. As a result of the resolution of the underlying claims, the only matters which remain pending in this Court are SkilStaf's cross claims against Outrigger for indemnification and SkilStaf's third party claim against Ratcliff for indemnification. By separate order entered this date, judgment has been entered on SkilStaf's cross claim against Outrigger for indemnification.

SkilStaf has settled its third party claim against Ratcliff. In recognition of this settlement, the parties have executed a Settlement Agreement and Release. In conjunction therewith, and as a condition of the settlement, Third Party Defendant Ratcliff consented to entry of a judgment against himself in favor of Third Party Plaintiff SkilStaf for the sum of \$195,000, with each party to bear his or its own costs.

Accordingly, it is hereby **ORDERED, ADJUDGED, and DECREED** that judgment be and hereby is entered in favor of Third Party Plaintiff, SkilStaf, Inc., and against Third Party

Defendant, Marvin Ratcliff, for the sum of \$195,000. The parties to otherwise bear their own costs.

DONE this the 19th day of June, 2000.



CHIEF DISTRICT JUDGE

U.S. DISTRICT COURT
SOU. DIST. ALA.
FILED THIS THE
19th DAY OF June
2000 JUDGEMENT ENTRY
NO. 8837-B
DOROTHY S. HUNT, CLERK
BY Cathi M. Jennings
DEPUTY CLERK