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Equal Employment Opportunity Commission
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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 **EQUAL EMPLOYMENT OPPORTUNITY) Civil Action No. C-06-02104 MMC**
12 **COMMISSION,)**
13 **Plaintiff,) AMENDED CONSENT DECREE**
14 **v.)**
15 **NOB HILL PROPERTIES, INC. dba)**
16 **HUNTINGTON HOTEL,)**
17 **Defendant.)**

18
19 Plaintiff Equal Employment Opportunity Commission (“Commission”) filed this action
20 under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to
21 correct alleged unlawful employment practices on the basis of national origin and retaliation, and
22 to provide appropriate relief to Martin Roman whom the Commission alleged was adversely
23 affected by such practices. The Commission alleged that Defendant Nob Hill Properties, Inc.,
24 dba The Huntington Hotel (“Huntington”) subjected Mr. Roman to discrimination based on his
25 national origin and retaliation, in violation of Title VII. Defendant has denied all of the
26 Commission’s allegations and claims. The Commission and Defendant Huntington now seek to
27 resolve this action as to each other and as between Huntington and Martin Roman (“Charging
28 Party”) without further contested litigation through the instant Consent Decree. This resolution
does not constitute an admission of liability on the part of Huntington, nor constitute a finding on

1 the allegations stated in the Commission's Complaint.

2 The Court has reviewed this Consent Decree in light of the pleadings, the record herein,
3 and the applicable law, and now approves this Consent Decree.

4 THEREFORE IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

5 **GENERAL PROVISIONS**

6 1. This Court has jurisdiction over the subject matter and the parties to this action.

7 This Court retains jurisdiction over this Consent Decree during its term.

8 2. This Consent Decree constitutes a full and final resolution of the Commission's
9 claims against Huntington in this action.

10 3. This Consent Decree will become effective upon its entry by the Court.

11 4. This Consent Decree is final and binding upon the parties to it, their successors
12 and assigns.

13 5. The Commission and Huntington will each bear its own costs and attorneys fees
14 in this action.

15 **GENERAL INJUNCTIVE RELIEF**

16 6. Huntington and its current officers, agents, employees, and all persons in active
17 concert or participation with them will comply with all requirements of Title VII with respect to
18 providing a work environment free from discrimination, including discrimination based on
19 national origin and retaliation.

20 7. Huntington and its current officers, agents, employees, and all persons in active
21 concert or participation with them agree not to retaliate against the Charging Party, or any other
22 employee or former employee, for having testified or participated in any manner in the
23 Commission's investigation and the proceedings in this case.

24 **SPECIAL INJUNCTIVE RELIEF**

25 **Communication relevant to resolution of claims**

26 8. As a part of the resolution of this action, Defendant will prepare a conciliatory
27 letter to Charging Party to be signed by Isabelle Fritz-Cope and John Cope, reiterating
28 Defendant's commitment to equal opportunity.

1 9. As a further part of the resolution of this action, Charging Party will be given the
2 opportunity to meet with John Cope and Simon Harrington to discuss workplace issues in the
3 Food and Beverage Department.

4 **Training**

5 10. Huntington will use an outside consultant, paid for by Huntington, to provide
6 equal employment opportunity training to all supervisory and management employees in the
7 Food and Beverage Department once per year during the term of this Consent Decree (two
8 trainings total), such year to be measured from the entry of the original Consent Decree in this
9 matter, March 8, 2007. The training will specifically include the subjects of national origin-
10 based discrimination and retaliation.

11 **Record Keeping and Reports**

12 11. Within thirty (30) days after completing each training session described in
13 paragraph 10, Huntington will mail to counsel for the Commission a report containing the name
14 of the individual or organization which did the training, the date of training, an outline of the
15 training content, a list of all attendees, and copies of all materials distributed at the training.

16 12. Once every six (6) months, to be measured beginning at the date of entry of the
17 original Consent Decree in this matter, March 8, 2007, and continuing for the duration of this
18 Consent Decree, Huntington will notify counsel for the Commission whether it has received any
19 complaints of discrimination based on national origin or retaliation from employees in the Food
20 and Beverage Department (whether said complaints were oral or written, formal or informal,
21 filed with an administrative agency or simply raised to a management official at the workplace),
22 what steps were taken in response to the complaint(s), and how the situation was resolved.

23 **MONETARY RELIEF**

24 13. Huntington will pay the total sum of \$35,000.00, to Charging Party Martin
25 Roman as damages for emotional distress and in complete satisfaction of the Commission's
26 claims against Huntington as set forth in its Complaint. This sum will be paid directly to
27 Charging Party, and will be mailed to him via certified mail at an address to be provided to
28 Huntington by the Commission, within seven business days of the entry of the original Consent

1 Decree in this matter, March 8, 2007. A copy of said check and any transmittal letter will be sent
2 to Commission counsel Cindy O'Hara at the San Francisco District Office.

3 **SCOPE AND EXPIRATION OF CONSENT DECREE**

4 14. This Consent Decree represents the full and final resolution of EEOC charges
5 370-2004-00248 and 370-2004-02673 on which this action was based. In addition, the
6 Commission will not use EEOC charge 370-2005-00463 as the basis for litigation, and will
7 instead close 370-2005-00463 as successfully conciliated.

8 15. This Consent Decree will be in effect for two (2) years, and will expire at
9 midnight on March 8, 2009, provided that Huntington has substantially complied with the terms
10 of this Consent Decree. Huntington will be deemed to have complied substantially if the Court
11 has not made any findings or orders during the term of the Decree that Huntington has failed to
12 comply with any of the terms of this Decree.

13 **E-filing concurrence:** I, Cindy O'Hara, attorney for Plaintiff Commission, attest that I
14 have obtained the concurrence of Kamili Williams Dawson, attorney for Defendant Nob Hill
15 Properties, Inc. dba Huntington Hotel for the lodging of this Consent Decree.

16 On Behalf of Plaintiff Commission:

On Behalf of Defendant:

17 Dated: April 20, 2007

Dated: April 20, 2007

18 EQUAL EMPLOYMENT OPPORTUNITY
19 COMMISSION

SEYFARTH SHAW, LLP

20 _____/S/
WILLIAM R. TAMAYO
Regional Attorney

_____ /S/
Kamili Williams Dawson
Attorneys for Defendant Nob Hill Properties,
Inc. dba Huntington Hotel

21 _____/S/
22 JONATHAN PECK
Supervisory Trial Attorney

23 _____/S/
24 CINDY O'HARA
Senior Trial Attorney

25
26 **IT IS SO ORDERED**

27 Dated: April 23, 2007

28 

U.S. District Court Judge