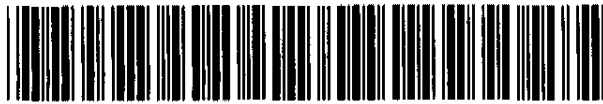
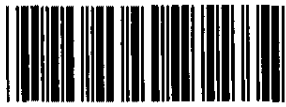


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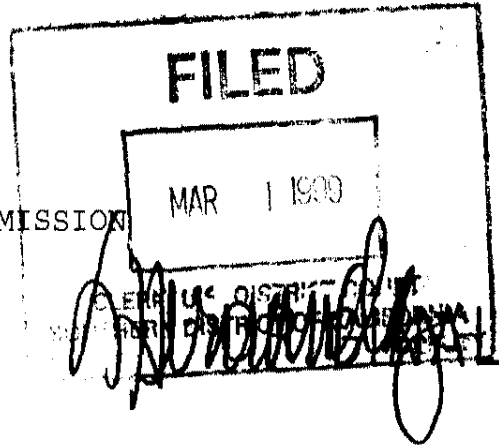


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3:98-CV-01778 EEOC V. PACIFIC HOMES

\*10\*

\*STIPO.\*



1 PAMELA J. THOMASON  
ANAT EHRLICH  
2 DANIEL C. PRECIADO  
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
3 255 E. Temple Street, Fourth Floor  
Los Angeles, CA 90012  
4 Telephone: (213) 894-1081

5 Attorneys for Plaintiff  
U.S. EQUAL EMPLOYMENT  
6 OPPORTUNITY COMMISSION

7  
8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

10  
11 U.S. EQUAL EMPLOYMENT ) Case No. CV-98-1778-TW(POR)  
OPPORTUNITY COMMISSION, )  
12 ) STIPULATION FOR SETTLEMENT  
Plaintiff, ) AND; ORDER FOR  
13 ) DISMISSAL  
v. )  
14 )  
15 PACIFIC HOMES d/b/a )  
Fredericka Manor, )  
16 )  
Defendant. )

17 Plaintiff U.S. Equal Employment Opportunity Commission  
18 ("EEOC") filed a complaint in this action alleging Defendant  
19 Pacific Homes d/b/a - Fredericka Manor fired Mark Tate in  
20 retaliation for complaining about sex harassment, in violation of  
21 Title VII of the Civil Rights Act of 1964 ("Title VII"), 42  
22 U.S.C. Sections 2000e et seq. Defendant filed an answer to the  
23 complaint denying that it violated Title VII.

24 This settlement resolves all claims raised in the complaint.  
25 The parties stipulate as follows:

- 26 1. This settlement resolves all claims between Plaintiff  
27 EEOC and Defendant relating to the asserted practices  
28 of Defendant which are raised by Plaintiff EEOC's

10

ENTERED ON 3/1/99

1 complaint. This settlement is final and binding upon  
2 the Plaintiff EEOC and Defendant, as well as upon their  
3 successors and assigns.

- 4 2. Nothing in this settlement shall be construed in any  
5 way as an admission of liability by Defendant.
- 6 3. Defendant shall have a yearly training program for its  
7 managers and supervisors on its policies and procedures  
8 against sex harassment and retaliation under Title VII.
- 9 4. Defendant will also distribute its policy and procedure  
10 statement against sex harassment and retaliation to all  
11 managers, supervisors and employees, or obtain  
12 confirmation in writing from each such person that they  
13 still possess Defendant's current policy and procedures  
14 against sex harassment and retaliation, as stated in  
15 Defendant's company handbook, within in 20 business  
16 days after dismissal of this lawsuit.
- 17 5. Upon completion of the required distribution referred  
18 to above in paragraph 4, Defendant will so advise the  
19 EEOC. Such notice will be sent to Daniel C. Preciado,  
20 Equal Employment Opportunity Commission, 255 e. Temple  
21 Street, 4th Floor, Los Angeles, California 90012.
- 22 6. Defendant shall pay Mark Tate \$14,000.00 in damages.  
23 Defendant will send the money to Mr. Tate, via  
24 certified mail, return receipt requested, within 10  
25 days from the date Plaintiff and Defendant sign this  
26 agreement. The check will be mailed to Mr. Tate at 310  
27 "G" Street, #2, Chula Vista, CA 91910. A copy of the  
28 check will be sent to EEOC at the same time that

1 Defendant mails the check to Mr. Tate.

2 7. If Plaintiff determines that Defendant has not compiled  
3 with this settlement, then Plaintiff will so notify  
4 Defendant's undersigned counsel in writing. Defendant  
5 shall have thirty (30) days from their counsel's  
6 receipt of such notice to investigate and to attempt to  
7 correct the claimed violation. The parties will  
8 attempt in good faith to resolve the matter through  
9 informal conciliation. In the event that the matter is  
10 not resolved through informal conciliation, the EEOC  
11 may institute formal proceedings with the Court for any  
12 appropriate order to enforce the settlement.

13 8. Each party shall bear its own costs, expenses and  
14 attorney's fees.

15 9. It is hereby stipulated and agreed to by and between  
16 the EEOC and Defendant that the Court may dismiss  
17 Plaintiff EEOC's lawsuit pursuant FRCP 41(a)(1)(ii).

18 For Plaintiff U.S. Equal Employment Opportunity Commission.

19 Dated: Feb 24, 1999

Pamela J. Thomason  
Pamela J. Thomason  
Regional Attorney  
U.S. Equal Employment  
Opportunity Commission

22 For the Defendant Pacific Homes d/b/a - Fredericka Manor,

23 Dated: 2/25/99

By: B. Scott Silverman

B. Scott Silverman  
MORRISON & FOERSTER

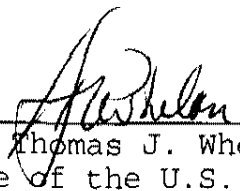
25 Attorneys for Defendant  
26 Pacific Homes

26 ///  
27 ///  
28 ///

ORDER

Upon review and consideration of this Stipulation, IT IS  
HEREBY ORDERED AND ENTERED THAT THIS CASE BE DISMISSED IN ITS  
ENTIRETY WITH PREJUDICE.

Dated: 2/26/99

  
\_\_\_\_\_  
Hon. Thomas J. Whelan  
Judge of the U.S.  
District Court, Southern  
District of California

Pacific.hom  
tw(8)