

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Case No. 01-cv-01731-MSK-OES

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff,

and

LEIGH ANN ORNELAS,

Plaintiff/Intervenor.

v.

MILGARD MANUFACTURING INCORPORATED,
d/b/a MILGARD WINDOWS, a Washington corporation,

Defendant.

SECOND JOINT MOTION TO APPROVE AMENDMENT OF CONSENT DECREE

Plaintiff Equal Employment Opportunity Commission (“EEOC”) and Defendant Milgard Manufacturing, Inc. (“Milgard”), hereby move the Court to approve an amendment to the “Consent Decree” which the Court approved on May 19, 2004. In support thereof, the parties state:

1. Subject to the terms of an agreement between the parties, the EEOC and Milgard have mutually agreed to extend the term of the “Consent Decree” by amending paragraph 29 of the “Consent Decree” to read as follows:

“This Consent Decree shall remain in effect from the Effective Date to and including December 31, 2008, unless extended by the Court for good cause shown.”

2. Other than to extend the effective duration of the “Consent Decree,” the “Consent Decree” is not otherwise amended or modified.

3. Milgard's agreement to the extension of the term of the "Consent Decree" does not constitute an admission or reflect an adjudication of any failure by Milgard to comply with any term or obligation under the "Consent Decree."

WHEREFORE, Plaintiff Equal Employment Opportunity Commission and Defendant Milgard Manufacturing, Inc. respectfully request the Court approve the amendment set forth herein.

Dated: May 2, 2008

Respectfully Submitted,

Nancy A. Weeks
Supervisory Trial Attorney

s/Rita Byrnes Kittle
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