

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Ruben Castillo	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	02 C 3261	DATE	6/12/2003
CASE TITLE	EEOC vs. Servico Rolling Meadows, Inc.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

DOCKET ENTRY:

(1) Filed motion of [use listing in "Motion" box above.]

(2) Brief in support of motion due _____.

(3) Answer brief to motion due _____. Reply to answer brief due _____.

(4) Ruling/Hearing on _____ set for _____ at _____.

(5) Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.

(6) Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.

(7) Trial[set for/re-set for] on _____ at _____.

(8) [Bench/Jury trial] [Hearing] held/continued to _____ at _____.

(9) This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
 FRCP4(m) Local Rule 41.1 FRCP41(a)(1) FRCP41(a)(2).

(10) [Other docket entry] Plaintiff's motion for entry of consent decree [23-1] is granted. Enter Consent Decree. This case is hereby dismissed with prejudice.

(11) [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input checked="" type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.	U.S. DISTRICT COURT CLERK JUN 12 2003 03 JUN 12 PM 2:23 FILED-ED 10	number of notices JUN 12 2003 date docketed [Signature] docketing deputy initials date mailed notice mailing deputy initials	Document Number [Signature]
RO courtroom deputy's initials	Date/Time received in central Clerk's Office		

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DOCKETED
JUN 12 2003

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
and)
)
MARIA MARTINEZ,)
)
Plaintiff-Intervenor,)
)
v.)
)
SERVICO ROLLING MEADOWS. INC. d/b/a)
HOLIDAY INN ROLLING MEADOWS, a)
subsidiary of LODGIAN INC.)
)
Defendant.)
_____)

Judge Castillo
Magistrate Judge Denlow
Case No. 02 C 3261

CONSENT DECREE

Plaintiff, Equal Employment Opportunity Commission (hereinafter "EEOC"), filed this action on May 7, 2002 in the United States District Court for the Northern District of Illinois, Eastern Division (the "Court"), alleging that Defendant Servico Rolling Meadows, Inc. d/b/a Holiday Inn Rolling Meadows ("Holiday Inn") discriminated against Charging Party Maria Martinez (hereinafter "Martinez"), in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. ("Title VII") and § 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981A, by subjecting Martinez and a class of Hispanic employees to harassment and a hostile work environment because of their sex (female) and national origin. Maria Martinez, represented by her own counsel, intervened in the EEOC's suit on July 16, 2002. Holiday Inn has denied the allegations of the Complaints. As a result of the parties having engaged in

settlement discussions and solely for the purpose of amicably resolving remaining claims, EEOC, Maria Martinez, and Holiday Inn have agreed that this action should be finally resolved by entry of this Consent Decree. This Consent Decree is intended to and does fully and finally resolve any and all claims arising out of the Complaints filed by the EEOC and Maria Martinez.

On December 20, 2001, Holiday Inn, its parent company, Lodgian, and several affiliated companies, filed petitions for relief pursuant to Chapter 11 of the United States Bankruptcy Code. These cases are being jointly administered under Case No. 01-16345 (BRL) (LODGIAN, INC., et al.), before the Honorable Judge Burton R. Lifland in the Southern District of New York (the "Bankruptcy Court").

Findings

Having examined the terms and provisions of this Consent Decree and based on the pleadings, records, and stipulations of the parties, this Court finds the following:

- A. This Court has jurisdiction over the subject matter of this action and over the parties.
- B. The terms and provisions of this Consent Decree are adequate, reasonable equitable and just. The rights of the parties are adequately protected by this Consent Decree.
- C. This Consent Decree conforms with the Federal Rules of Civil Procedure and Title VII and is not in derogation of the rights and privileges of any person. The entry of this Consent Decree will further the objectives of Title VII and will be in the best interest of the parties and the public.
- D. NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

Non-Discrimination

1. In all matters arising from or relating to employment, Holiday Inn shall comply with Title VII and will not discriminate on the basis of sex and national origin.

Non-Retaliation

2. Holiday Inn, and all persons in active concert or participation with it, shall not retaliate against, penalize or otherwise prejudice any person because that person opposed any practice made unlawful by Title VII; filed a Complaint or Charge; testified, assisted, or otherwise participated in any manner in any investigation, proceeding, hearing or litigation under Title VII; asserted any right under this Consent Decree; or otherwise exercised his or her rights under Title VII.

Relief

3. After the Consent Decree has been entered Maria Martinez shall provide to Holiday Inn an executed Settlement Agreement and General Release in a form approved by her own private attorney. The parties agree to resolve this litigation in accordance with the terms of (i) this Consent Decree; (ii) that certain Stipulation Resolving Claims Filed By Maria Martinez and the Equal Employment Opportunity Commission dated May [__], 2003 resolving the proofs of claim filed by Martinez and the EEOC in Holiday Inn's bankruptcy cases; and (iii) that certain Settlement Agreement and General Release dated May [__] 2003, whereby Martinez is granted an allowed general unsecured claim against Holiday Inn, subject to the terms of Holiday Inn's plan of reorganization, in the amount of ninety thousand dollars (\$90,000), with any disbursements on account of such allowed general unsecured claim to be split between Martinez and her counsel as more fully set forth in the Settlement Agreement and General Release.

Notice Posting

4. Within twenty (20) days after the Court's entry of this Consent Decree and for the duration of this Decree, Holiday Inn will post, and keep posted, in a prominent location in its Rolling Meadows facility, where notices to employees are customarily kept or posted, the Notice attached to this Decree. Within twenty (20) days after the Consent Decree is entered Holiday Inn shall certify in writing to the Chicago District Office of the EEOC that the Notice has been posted, and shall inform the EEOC of the locations where it has been posted.

Record Keeping and Reporting

5. Holiday Inn shall maintain records of any complaints it receives relating to harassment based on sex and national origin and any action by Holiday Inn in response to such complaints relating to its Rolling Meadows facility. Holiday Inn shall maintain such records as required by this paragraph for the duration of the Consent Decree.

6. Beginning six (6) months after entry of this Consent Decree and every six months thereafter during the term of this Agreement, Holiday Inn shall furnish the EEOC with a report with the following information relating to its Rolling Meadows facility during the pendency of the Consent Decree:

- a. any claims or complaints of sex and/or national origin harassment;
 - b. the names of all persons filing internal claims of sex and/or national origin harassment;
 - c. the name of any alleged sex and/or national origin harassers;
 - d. Holiday Inn's resolution of any sex and/or national origin harassment complaints;
- and

- e. copies of any and all written correspondence or reports regarding the resolution of such internal national origin harassment complaints.

Holiday Inn shall submit its final report to the EEOC two (2) weeks prior to the date on which the Decree is to expire.

Training

7. Within forty-five (45) days after entry of this Consent Decree, Holiday Inn shall conduct training of managers and supervisors of Holiday Inn's Rolling Meadows facility regarding the requirements of Title VII. Holiday Inn shall submit to EEOC for approval, materials regarding the training session, including the credentials of the trainer, prior to such training. Within five (5) days after the completion of the training described above, Holiday Inn will certify to EEOC that the training has been completed, the names of the person(s) conducting the training, the time(s), duration and date(s) the training was held and a list identifying by name and position all individuals who received the training.

Duration of Decree/Retention of Jurisdiction

8. The terms of this Consent Decree shall be in effect (and the Court will retain jurisdiction of this matter to enforce this Decree except as specifically set forth herein) for a period of two (2) years from the date on which this Consent Decree is entered.

Non-Admission of Wrongful Conduct

9. This Agreement shall not in any way be construed as an admission by the Company that it acted wrongfully with respect to Martinez or any other person.

Dispute Resolution

10. In the event that either party to this Decree believes that the other party has failed to comply with any provision(s) of the Decree, the complaining party shall notify the alleged

non-complying party in writing of such non-compliance and afford the alleged non-complying party ten (10) business days to remedy the non-compliance or satisfy the complaining party that the alleged non-complying party has complied. If the alleged non-complying party has not remedied the alleged non-compliance or satisfied the complaining party that it has complied within ten (10) business days, the complaining party may apply to the Court for appropriate relief. The Court will retain jurisdiction over resolution of such matter up to and including entry of any judgment against Holiday Inn, provided however, that in the event a monetary judgment is entered against Holiday Inn arising out of a breach of this Consent Decree, the Bankruptcy Court shall retain sole and exclusive jurisdiction over any execution, enforcement or collection upon any monetary judgment so entered. In the event that, upon the expiration date of this Decree, a dispute is pending pursuant to this paragraph, then the term of this Decree shall be extended, with respect to the issue in dispute only, until such time as such dispute is resolved by the parties or the Court.

Miscellaneous Provisions

11. This Consent Decree shall be binding and enforceable against Holiday Inn and its successors and assigns.

12. Holiday Inn and its successors shall assure that all their officers, managers, and supervisors observe the terms of this Consent Decree.

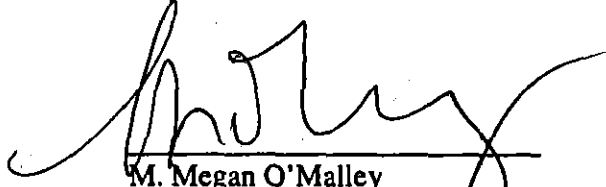
13. When this Consent Decree requires the submission by Holiday Inn of reports, notices, or other materials to the Commission, such materials shall be mailed to: Holiday Inn Settlement, Equal Employment Opportunity Commission, Chicago District Office, Legal Division, 500 West Madison, Suite 2800, Chicago, Illinois 60661.

ENTERED AND APPROVED FOR:

Equal Employment Opportunity Commission

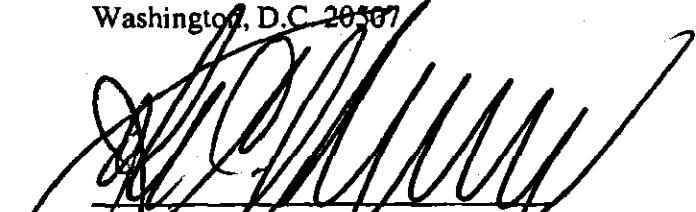
For Maria Martinez

NICHOLAS M. INZEO
Acting Deputy General Counsel

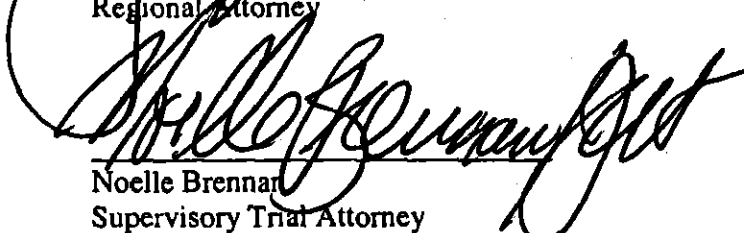


M. Megan O'Malley
O'MALLEY & MADDEN, P.C.
542 South Dearborn Street
Suite 660
Chicago, Illinois 60605
(312) 697-1382

GWENDOLYN YOUNG REAMS
Associate General Counsel
**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION**
1801 L. Street, N.W.
Washington, D.C. 20507

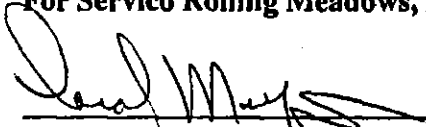


John C. Hendrickson
Regional Attorney

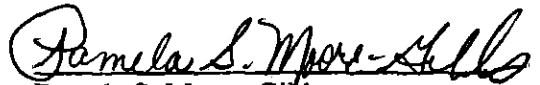


Noelle Brennar
Supervisory Trial Attorney

For Servico Rolling Meadows, Inc.



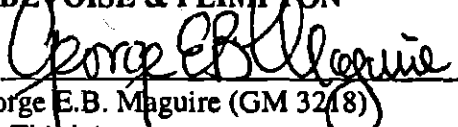
Carol Mayne
Vice President, Human Resources



Pamela S. Moore-Gibbs
Trial Attorney

Equal Employment Opportunity Commission
Chicago District Office
500 West Madison Street, Suite 2800
Chicago, Illinois 60661
(312) 886-9120

**NO OBJECTION:
DEBEVOISE & PLIMPTON**

By: 

George E.B. Maguire (GM 3248)
919 Third Avenue
New York, NY 10022
Telephone: (212) 479 6140
Facsimile: (212) 479-6698
Counsel for the Official Committee of
Unsecured Creditors

ENTERED AND APPROVED FOR:

Equal Employment Opportunity Commission

For Maria Martinez

NICHOLAS M. INZEO
Acting Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
1801 L. Street, N.W.
Washington, D.C. 20507

M. Megan O'Malley
O'MALLEY & MADDEN, P.C.
542 South Dearborn Street
Suite 660
Chicago, Illinois 60605
(312) 697-1382

John C. Hendrickson
Regional Attorney

For Servico Rolling Meadows, Inc.

Noelle Brennan
Supervisory Trial Attorney

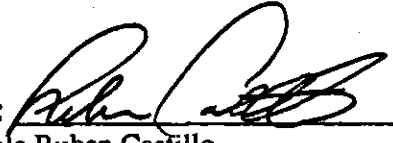
Carol Mayne
Vice President, Human Resources

- and -

KING & SPALDING LLP

Samuel M. Matchett
Samuel M. Matchett
191 Peachtree Street
Atlanta, Georgia 30303-1763
Telephone: (404) 572-2414
Facsimile: (404) 572-5134
Special Counsel to the Debtors and
Debtors in Possession

Date: 6/12/03

ENTER: 
Honorable Ruben Castillo
United States District Judge

NOTICE TO ALL EMPLOYEES

This Notice is posted pursuant to the Consent Decree entered in June 2003 by the U.S. District Court resolving the lawsuit entitled U. S. Equal Employment Opportunity Commission v. Servico Rolling Meadows, Inc. d/b/a Holiday Inn Rolling Meadows, N.D. Illinois No. 02 C 3261. Holiday Inn will:

1. Not engage in any employment practice which discriminates on the basis of sex and national origin;
2. Make monetary payment to the individual who filed the charge of discrimination;
3. Provide training to managers and employees concerning laws prohibiting employment discrimination;
4. Maintain certain information relating to complaints and report to the EEOC for two (2) years.

Title VII of the Civil Rights Act of 1964, as amended, prohibits employers from discriminating on the basis of sex, race, color, religion or national origin. The Equal Employment Opportunity Commission is the agency responsible for enforcing Title VII. If you have any complaints of discrimination or questions concerning your rights under Title VII, you may contact the EEOC at the address and phone number given below.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED OR REMOVED

This Notice must remain posted for two (2) years from the date shown below and must not be altered, defaced or covered by any other material. Any complaints of discrimination or questions concerning this Notice or compliance with its provisions may be directed to the Equal Employment Opportunity Commission, 500 West Madison Street, Suite 2800, Chicago, Illinois 60661, (312) 353-2713.

Dated: _____

6/12/03



Judge Ruben Castillo
United States District Court