

United States District Court, Northern District of Illinois

7/26

Name of Assigned Judge or Magistrate Judge	Milton I. Shadur	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	00 C 5861	DATE	9/28/2000
CASE TITLE	Equal Employment Opportunity vs. Spacelabs Burdick, 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:

Joint Motion to enter consent decree

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) General Rule 21 FRCP41(a)(1) FRCP41(a)(2).
- (10) [Other docket entry] Motion granted. Enter Consent Decree.
- (11) [For further detail see order attached to the original minute order.]

<input type="checkbox"/>	No notices required, advised in open court.		number of notices	Document Number <div style="font-size: 2em; font-weight: bold;">4</div>
<input type="checkbox"/>	No notices required.		SEP 29 2000 date docketed	
<input checked="" type="checkbox"/>	Notices mailed by judge's staff.		<i>Law</i> docketing deputy initials	
<input type="checkbox"/>	Notified counsel by telephone.		9/28/2000 date mailed notice	
<input type="checkbox"/>	Docketing to mail notices.		SN	
<input type="checkbox"/>	Mail AO 450 form.		mailing deputy initials	
<input type="checkbox"/>	Copy to judge/magistrate judge.			
SN	courtroom deputy's initials	Date/time received in central Clerk's Office		

any and all issues and claims arising out of the underlying Charge (Charge No. 210 96 3910) and the Complaint filed by the EEOC in this action. Nothing contained in this Decree shall be construed as an admission with respect to any of the claims of the suit, and Spacelabs Burdick specifically denies such claims, denies any violation of Title VII, and denies wrongdoing of any kind.

FINDINGS

3. Having carefully examined the terms and provisions of this Decree, and based on the pleadings, record, and stipulations of the parties, the Court finds the following:

a. This Court has jurisdiction of the subject matter of this action and of the parties.

b. The terms of this Decree are adequate, fair, reasonable, equitable, and just. The rights of the parties, Hilborn, and the public interest are adequately protected by this Decree.

c. This Decree conforms with the Federal Rules of Civil Procedure and Title VII and is not in derogation of the rights or privileges of any person. The entry of this Decree will further the objectives of Title VII and will be in the best interests of the parties, Hilborn, and the public.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

NON-DISCRIMINATION

4. Spacelabs Burdick, its officers, agents (including management personnel), successors, and assigns are permanently enjoined from discriminating on the basis of gender.

5. Defendant will implement policies and practices to ensure that it does not discriminate in violation of Title VII with respect to the compensation of its male and female professional sales employees.

NON-RETALIATION

6. Spacelabs Burdick, its officers, agents, employees, successors, assigns and all persons

acting in concert with it shall not engage in any form of retaliation against any person because such person has opposed any practice made unlawful under Title VII, filed a Charge of Discrimination under Title VII, testified or participated in any manner in any investigation, proceeding, or hearing under Title VII, or asserted any rights under this Decree.

MONETARY RELIEF

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7. Within ~~ten (10)~~ business days after entry of this Decree, Spacelabs Burdick shall issue

and mail by certified mail to Hilborn a check payable to the order of Karyn Hilborn in the amount of one hundred seventy thousand dollars (\$170,000.00), less required withholding taxes, in settlement of all claims in this case. (The employer's share of FICA taxes shall not be withheld.)

The check shall be mailed to:

Karyn Hilborn
165 E. Schubert Street
Glendale Heights, Illinois 60139

A copy of the check and a statement itemizing any deductions shall be simultaneously mailed to EEOC.

POSTING OF NOTICE

8. Within five (5) business days after entry of this Decree, Spacelabs Burdick shall post a same-sized copy of the Notice attached as Exhibit A to this Decree at its facility in Deerfield, Illinois, in a conspicuous location easily accessible to and commonly frequented by employees. The Notice shall remain posted for one (1) year from the date of entry of this Decree. Spacelabs Burdick shall take all reasonable steps to ensure that the posting is not altered, defaced or covered by any other material. Spacelabs Burdick shall certify to the EEOC in writing within ten (10) business days after entry of the Decree that the Notice has been properly posted. Spacelabs Burdick shall permit

a representative of the EEOC to enter Spacelabs Burdick's premises for purposes of verifying compliance with this Paragraph at any time during normal business hours without prior notice.

RECORD KEEPING

9. Nothing contained in this Decree shall be construed to limit any obligation Spacelabs Burdick may otherwise have to maintain records under Title VII or any other law or regulation.

REPORTING

10. Spacelabs Burdick shall furnish to the EEOC, six months from the date of entry of this Decree and one year from the date of entry of this Decree, a certification by Spacelabs Burdick that the Notice required to be posted in Paragraph 8, above, remained posted during the entire six (6) month period preceding the report.

DISPUTE RESOLUTION

11. In the event that either party to this Decree believes that the other party has failed to comply with any provision of the Decree, the complaining party shall notify the other party of the alleged non-compliance and shall afford the alleged non-complying party ten (10) business days to remedy the non-compliance or to 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.

DURATION OF THE DECREE AND RETENTION OF JURISDICTION

12. All provisions of this Decree shall be in effect (and the Court will retain jurisdiction of this matter to enforce this Decree) for a period of one (1) year immediately following entry of the Decree, provided, however, that if, at the end of the one (1) year period, any disputes under

Paragraph 18, above, remain unresolved, the term of the Decree shall be automatically extended (and the Court will retain jurisdiction of this matter to enforce the Decree) until such time as all such disputes have been resolved.

MISCELLANEOUS PROVISIONS

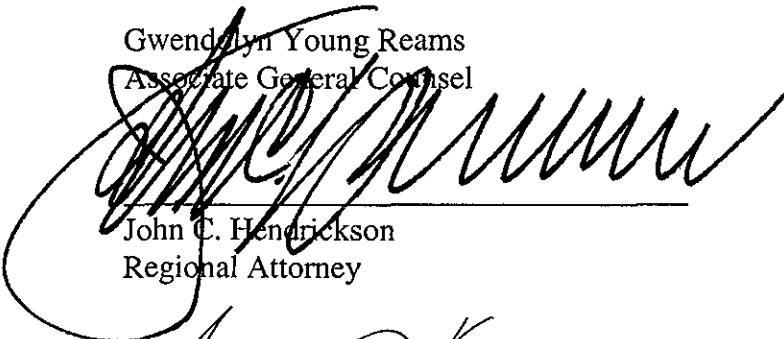
13. The terms of this Decree are and shall be binding upon the present and future representatives, agents, directors, officers, assigns, and successors of Spacelabs Burdick and the Equal Employment Opportunity Commission.

14. When this Decree requires the submission by Spacelabs Burdick of reports, certifications, notices, or other materials to the EEOC, they shall be mailed to: Spacelabs Burdick Settlement, c/o Jeanne B. Szromba, Trial Attorney, Equal Employment Opportunity Commission, 500 West Madison Street, Suite 2800, Chicago, Illinois, 60661. When this Decree requires submission by the EEOC of materials to Spacelabs Burdick, they shall be mailed to: Brian Bulger, 8200 Sears Tower, 233 South Wacker Drive, Chicago, IL 60606.

For the EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
1801 L Street, N.W.
Washington, D. C. 20507

C. Gregory Stewart
General Counsel

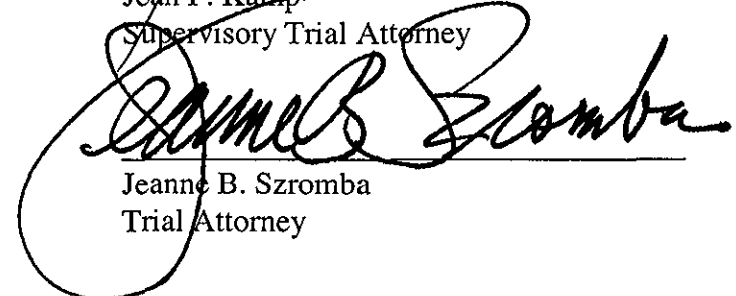
Gwendolyn Young Reams
Associate General Counsel



John C. Hendrickson
Regional Attorney

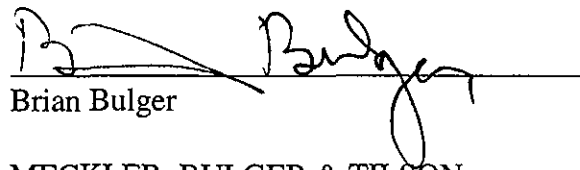


Jean P. Kamp
Supervisory Trial Attorney



Jeanne B. Szromba
Trial Attorney

For SPACELABS BURDICK, INC.:




Brian Bulger

MECKLER, BULGER & TILSON
8200 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
(312) 474-7990

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
500 West Madison Street
Suite 2800
Chicago, Illinois 60661
(312) 353-7546

DATE: September 28, 2000

ENTERED:



The Honorable MILTON E. SHADUN
United States District Court Judge

NOTICE TO ALL DEERFIELD EMPLOYEES

This Notice is posted pursuant to a Consent Decree jointly agreed upon between the U.S. Equal Employment Opportunity Commission and Burdick, Inc. resolving a lawsuit in U.S. District Court, No. _____.

The lawsuit was based on events occurring on or before 1995 – prior to the acquisition of Burdick, Inc. by Spacelabs Medical. The lawsuit alleged that Title VII of the Civil Rights Act of 1964, as amended, had been violated with respect to the job elimination and compensation of a former Burdick employee because of her sex. Burdick and the EEOC entered into the Consent Decree as an amicable way of providing monetary relief to the former employee who filed the charge upon which the lawsuit was based, and resolving all outstanding differences that may have existed in this case. The agreement to resolve the case specifically provided that there has been no admission or a finding of any violation or wrongdoing by Burdick, Inc. or Spacelabs, and that they deny any such violation.

Once Spacelabs Medical acquired Burdick, it promulgated new policies and procedures regarding Equal Employment Opportunity which are consistent with the policies applied at all Spacelabs Medical facilities. The Consent Decree provides that Burdick, Inc. will continue to apply and enforce policies at the former Burdick facilities which require the company to comply with Title VII with respect to the compensation packages of its male and female professional sales employees. It also provides that Burdick, Inc. will continue to follow the laws against discrimination, and take certain action with respect to the employee who filed the original charge.

Title VII prohibits employers from discriminating on the basis of sex, race, color, religion or national origin, and from retaliating against employees who oppose any practice made unlawful by Title VII. 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.

Equal Employment Opportunity Commission

Spacelabs/Burdick

Dated: _____

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

This Notice must remain posted for one (1) year from the date shown above. Any complaints of discrimination or questions concerning this Notice or compliance with its provisions may be directed to the Equal Employment Opportunity Commission, Chicago District Office. Telephone:(312) 353-7546.

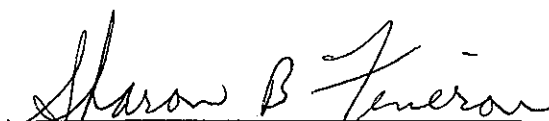
EXHIBIT A

CERTIFICATE OF SERVICE


I, Sharon B. Fineron, does hereby swear that I caused a copy of the Joint Motion To Enter Consent Decree to be served upon:

John C. Henderson
Jeanne B. Szromba
Equal Employment Opportunity Commission
500 W. Madison Street, Suite 2800
Chicago, IL 60661

by depositing the same in the United States Mail at 233 S. Wacker Drive, Suite 8200, Chicago, Illinois 60606 on this 26th day of September, 2000.


Sharon B. Fineron

SUBSCRIBED AND SWORN
to before me this 26th day of September, 2000.


Notary Public

