

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
)
Plaintiff,)
)
v.) Civil Action No.
) 1:03-cv-02653-AMD
)
)
)
DUCLAW BREWING CO. OF)
ARUNDEL MILLS, LLC.,)
)
)
Defendant.)
)
)
)

CONSENT DECREE

This action was instituted by Plaintiff, Equal Employment Opportunity Commission (the "EEOC" or the "Commission"), against Defendant, Duclaw Brewing Company of Arundel Mills, LLC (hereinafter Defendant), alleging that Defendant violated Sections 703(a) and 704(a) of Title VII of the Civil Rights Act of 1964, as amended, ("Title VII") 42 U.S.C. Section 2000e-2(a) and 4(a) by terminating Jaime Mangum, a female, because of her pregnancy and in retaliation for her remark that she was being targeted for termination because of her pregnancy.

Both the Commission and Defendant desire to resolve the Commission's action without the time and expense of continued litigation, and they desire to formulate a plan to be embodied in a Decree which will promote and effectuate the purposes of Title

VII.

This Decree shall not constitute an adjudication on the merits of the Commission's case and shall not be construed as an admission by Defendant of any discriminatory practice or as a waiver by the Commission of any contentions of discrimination.

The Court has examined this Decree and finds that it is reasonable and just and in accordance with the purposes of Title VII. Therefore, upon due consideration of the record herein and being fully advised in the premises, it is ORDERED, ADJUDGED AND DECREED:

1. This Decree resolves all issues and claims alleged in the Complaint filed by the Commission in this Title VII action which emanated from the Charge of Discrimination filed by Jaime Mangum.

2. Defendant, its officers, agents, servants, employees and all persons acting or claiming to act in its behalf and interest shall be permanently enjoined and restrained from engaging in any employment practice which discriminates against its employees based of pregnancy, in violation of Title VII, particularly the following provisions:

It shall be an unlawful employment practice for an employer (1) to discharge any individual ... because of such individual's ... sex

42 U.S.C. §2000e-2(a).

The terms 'because of sex' or 'on the basis of sex' include, but are not limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions; and women affected by pregnancy, childbirth, or related medical conditions shall be

treated the same for all employment-related purposes

42 U.S.C. §2000e-(k).

3. In furtherance of paragraph 2, above, within six months following the entry of this Decree, Defendant, through EEOC personnel, will provide a minimum of two hours equal employment opportunity ("EEO") training at each Duclaw restaurant to all personnel involved in the supervision, discipline, and termination of employees at all Duclaw restaurants, specifically with regard to making pregnancy-neutral employment decisions as it relates to Defendant's obligations under Title VII.

4. Within twenty days after entry of this Consent Decree, Defendant will pay to Jaime Mangum a total of \$20,000, less applicable taxes and other deductions.

5. Upon approval of this Decree, Defendant will post immediately in the staff room, where notices to employees customarily are posted, the Notice attached hereto as Exhibit "A" and made a part hereof. Said Notice attached hereto as Exhibit "A" shall be posted and maintained for a period of at least two years from the date of posting and shall be signed by a responsible official of Defendant with the date of actual posting shown thereon. Should the Notice become defaced, marred, or otherwise made unreadable, Defendant will ensure that new readable copies of the Notice are posted in the same manner as heretofore specified. Within thirty (30) days of approval of this Decree, Defendant shall forward to the attorney of record at the

Baltimore District Office a copy of the signed Notice attached hereto as Exhibit "A" and written certification that the Notice referenced herein has been posted and a statement of the location(s) and date of posting.

6. The Commission and Defendant shall bear their own costs and attorneys' fees.

The undersigned counsel of record in the above-captioned action hereby consent, on behalf of their respective clients, to the entry of the foregoing Consent Decree.

For Defendant:

For Plaintiff:

ERIC S. DREIBAND
General Counsel

JAMES L. LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

/s/
JEFFREY M. KOTZ
Kandel, Klitenic, Kotz &
Betten, LLP
6225 Smith Avenue
Baltimore, Maryland 21209-3600
(410) 580-4253
(signed by Debra M. Lawrence
with permission of Jeffrey M.
Kotz)

/s/
GERALD S. KIEL

/s/
DEBRA M. LAWRENCE
Supervisory Trial Attorney

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
10 S. Howard Street
3rd Floor
Baltimore, Maryland 21201
(410) 962-4349

SO ORDERED.

Signed and entered this 10th day of December
 , 2004.

/s/Andre M. Davis
United States District Court Judge

NOTICE TO EMPLOYEES POSTED PURSUANT TO A CONSENT
DECREE BETWEEN THE EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION AND DUCLAW BREWING CO. OF ARUNDEL MILLS, LLC

Under Section 703(a) of Title VII, it is unlawful for an employer to "fail or refuse to hire any individual ... because of such individual's sex" Making employment decisions based upon an employee's sex/pregnancy is prohibited by this provision.

Under Section 704(a) of Title VII, "it shall be an unlawful employment practice for an employer to discriminate against any of his employees ... because he has opposed any practice made an unlawful employment practice by this subchapter, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subchapter."

WE WILL NOT engage in any acts or practices made unlawful by the above sections.

WE WILL NOT make any discipline or discharge decisions or any other type of employment decisions based on an employee's sex/pregnancy.

WE WILL NOT discipline or discharge any employee for speaking out against any employment practice which he or she believes to be unlawful.

DUCLAW BREWING COMPANY OF ARUNDEL MILLS
(Employer)

Dated: _____ By: _____
(Representative) (Title)

EXHIBIT "A"