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U.S. DISTRICT COURT  
DISTRICT OF MARYLAND

2007 MAR 29 A 9:57

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
NORTHERN DIVISION

RECEIVED IN THE OFFICE OF  
CATHERINE C. BLAKE

MAR 14 2007

UNITED STATES DISTRICT JUDGE

BY EQUAL EMPLOYMENT OPPORTUNITY )  
      DEPUTY )  
      COMMISSION, )  
 )  
      Plaintiff, )  
 )  
      v. )  
 )  
      EARTHDATA INTERNATIONAL, INC., )  
 )  
      Defendant. )  
 )  
\_\_\_\_\_ )

Civil Action No. CCB-06-2173

CONSENT DECREE

This action was instituted by Plaintiff, the U.S. Equal Employment Opportunity Commission (the "EEOC" or the "Commission"), against EarthData International Inc. (hereinafter "Defendant"), alleging that Defendant violated Section 703(a)(1) of Title VII of the Civil Rights Act of 1964, as amended ("Title VII"), 42 U.S.C. Section 2000e-2(a)(1) and Sections 6(d)(1) (the "Equal Pay Act") and 15(a)(2) of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §§ 206(d)(1) and 215(a)(2), by paying Irma Grimm ("Charging Party") lower wages than her male successor. Defendant has denied each and every allegation of wrongdoing.

The Commission and Defendant desire to resolve this 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 and the Equal Pay Act.

The Court has examined this Decree and finds that it is reasonable and just and in accordance with the Federal Rules of Civil Procedure, Title VII and the Equal Pay Act.

Therefore, upon due consideration of the record herein and being fully advised in the premises, it is ORDERED, ADJUDGED AND DECREED:

Scope of Decree

1. This Decree resolves all issues and claims alleged in the Complaint filed by the Commission in this Title VII and Equal Pay Act action which emanated from the Charge of Discrimination filed by Charging Party.

2. This Decree shall be in effect for a period of two years from the date it is entered by the Court. During that time, this Court shall retain jurisdiction over this matter and the parties for purposes of enforcing compliance with the Decree, including issuing such orders as may be required to effectuate the purposes of the Decree.

3. This Decree, being entered with the consent of the Commission and Defendant, shall not constitute an adjudication or finding on the merits of the case.

Relief to the Charging Party

4. Defendant shall pay to the Charging Party the total amount of \$25,000 in compensatory damages. This amount shall be paid in two equal installments, the first of which will be made within 10 business days of entry of this Decree and the second of which will be made on or before April 15, 2007. Payment shall be sent directly to the Charging Party, and a photocopy of the checks and related correspondence will be mailed to the Commission's counsel of record. Defendant will issue the Charging Party a United States Internal Revenue Service ("IRS") Form 1099 in connection with the amount paid.

Injunctive Relief

5. Defendant, its officers, agents, servants, employees and all persons acting or claiming to act in its behalf and interest hereby agree to comply with the provisions of Title VII and agree in this Decree to be enjoined, and are enjoined, from discriminating on the basis of sex. Such sex-based discrimination violates Title VII, which, in part, is set forth below:

It shall be an unlawful employment practice for an employer --  
(1) to fail or refuse to hire . . . or otherwise to discriminate against any individual with respect to [her] . . . terms, conditions, or privileges of employment, because of such individual's . . . sex . . .

42 U.S.C. § 2000e-2(a).

6. Defendant, its officers, agents, servants, employees and all persons acting or claiming to act in its behalf and interest hereby agree to comply with the provisions of the Equal Pay Act and agree in this Decree to be enjoined, and are enjoined, from discriminating on the basis of sex. Such sex-based discrimination violates the Equal Pay Act, which, in part, is set forth below:

No employer . . . shall discriminate, within any establishment in which such employees are employed between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which he pays wage to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skills, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any other factor other than sex.

29 U.S.C. § 206(d)(1).

7. Defendant shall continue to provide training for managers and non-managerial employees. The training shall cover the prevention of employment discrimination and compliance with federal anti-discrimination laws, with a particular emphasis on the prohibition

against sex-based wage disparities. For the duration of the Decree, Defendant shall provide this same training to all newly hired officers, managers, supervisors and employees. Within ten business days of providing each such training session, Defendant will furnish the Commission with a signed attendance list, the date and duration of the training, and an outline of the training conducted.

8. Upon approval of this Decree, Defendant will post immediately in all places where notices are customarily posted for the employees the Notice attached hereto as Exhibit A and made a part hereof. Said Notice shall be posted and maintained for the duration of the Decree 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 30 days of approval of this Decree, Defendant shall forward to the Commission's attorney of record a copy of the signed Notice attached hereto and written certification that the Notice referenced herein has been posted and a statement of the location(s) and date of posting.

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

10. The undersigned counsel of record in the above-captioned action hereby consent to the entry of the foregoing Consent Decree.

FOR DEFENDANT:

\_\_\_\_\_  
Gary B. Eidelman (Bar No. 04580)  
Devin J. Doolan, Jr. (Bar No. 15970)  
(signed by Maria Salacuse w/ permission  
of Devin J. Doolan & Gary B. Eidelman)  
Saul Ewing LLP  
500 East Pratt Street  
Baltimore, MD 21202

FOR PLAINTIFF:

\_\_\_\_\_  
/s/  
Jacqueline McNair  
Regional Attorney  
(signed by Maria Salacuse w/ permission of  
Jacqueline McNair)

\_\_\_\_\_  
/s/  
Debra M. Lawrence  
(signed by Maria Salacuse w/ permission of  
Jacqueline McNair)  
Supervisory Trial Attorney

\_\_\_\_\_  
/s/  
Maria Salacuse  
Senior Trial Attorney  
EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
Baltimore Field Office  
10 S. Howard Street, 3d Floor  
Baltimore, MD 21201

**SO ORDERED, ADJUDGED, AND DECREED**

Signed this 29<sup>th</sup> day of March, 2007.

  
\_\_\_\_\_  
Catherine C. Blake, United States District Court Judge



# EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

This Notice is being posted as part of an agreement between the Equal Employment Opportunity Commission ("EEOC") and EarthData International, Inc. ("EarthData") which outlines EarthData obligations under the Equal Pay Act of 1963, as amended, ("EPA"), and Title VII of the Civil Rights Act of 1964, as amended.

Title VII prohibits employment discrimination based on sex (including pregnancy), race, color, national origin, or religion. Unlawful discrimination can take the form of harassment based on one of these protected categories.

The EPA prohibits the payment of disparate wages to employees of the opposite sex for equal work on jobs the performance of which requires equal skills, effort, and responsibility, and which are performed under similar working conditions.

Title VII and the EPA also prohibit retaliation against individuals who have complained of or opposed discrimination.

Therefore, in accordance with the applicable law:

**EARTHDATA WILL NOT engage in any acts or practices made unlawful under Title VII or the EPA.**

EarthData's policy provides that persons who believe that they have been subjected to unlawful discrimination may report it to a supervisor, manager, Director of Human Resources, or any other executive management person. EarthData will thoroughly investigate all such complaints with due regard for the privacy of the individuals involved. Any employee who knowingly retaliates against an employee who has complained of discrimination shall be subject to immediate disciplinary action, up to and including discharge.

If you have a complaint of employment discrimination or questions regarding laws prohibiting employment discrimination, you may seek assistance from the EEOC by visiting the EEOC's Baltimore Field Office at 10 South Howard Street, 3<sup>rd</sup> Floor, Baltimore, Maryland 21201 or by calling 1-800-669-4000. General information may also be obtained on the Internet at [www.eeoc.gov](http://www.eeoc.gov).

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Bryan Logan, Chief Executive Officer  
EarthData International, Inc.

Date Posted: