

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES)
EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
10 S. Howard Street)
Third Floor)
Baltimore, Maryland 21201)

Plaintiff,)

v.)

_____)
INTERSTATE EQUITIES, INC.)
955 Dawson Drive)
Suite 3)
Newark, Delaware 19713)

d/b/a Burger King)
100 West Pulaski Highway)
Elkton, Maryland 21921)

Defendant.)
_____)

Civil Action No. AMD-03-CV-02783

CONSENT DECREE

This action was instituted by Plaintiff, the U.S. Equal Employment Opportunity Commission (the "EEOC" or the "Commission"), against Defendant Interstate Equities, Inc., ("Defendant" or "Interstate") alleging violations of Sections 703(a) and 704(a) of Title VII of the Civil Rights Act of 1964 ("Title VII"), as amended, 42 U.S.C. §§ 2000e-2(a), 2000e-3(a). The complaint alleges that certain employees at Interstate's Burger King restaurant located at 100 West Pulaski Highway in Elkton, Maryland ("the Elkton Restaurant"), subjected former employee Linda Truslow to sexual harassment and fired her in retaliation for her complaints about the harassment. Defendant denies these allegations.

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, to which Interstate is committed.

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 Federal Rules of Civil Procedure and 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 Linda Truslow.

2. This Decree shall be in effect for a period of two years from the date it is entered by the Court.

3. Defendant, its officers, agents, servants, employees, successors, assigns, and all persons acting or claiming to act on its behalf, is hereby enjoined from sexually harassing, and condoning the sexual harassment of, any employee. The prohibited harassment includes the use of offensive or derogatory comments, or other verbal or physical conduct based on an individual's sex, which creates an intimidating, hostile, or offensive working environment, or interferes with the individual's work performance. Such sex-based harassment violates Title VII, which, in part, is set forth below:

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

42 U.S.C. § 2000e-2(a)(1). Defendant, its officers, agents, servants, employees, successors,
assigns, and all persons acting or claiming to act on its behalf, is further enjoined from retaliating
against any employee who complains of sexual harassment, as set forth in the following
provision:

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.

42 U.S.C. § 2000e-3(a).

4. Within thirty days after entry of this Decree, Defendant will pay Linda Truslow a
total of \$17,500. Defendant will issue to Ms. Truslow an IRS form 1099 for the 2004 tax year.

5. Within 120 days after the entry of this Decree, Defendant will provide at least
one hour of training for all of its employees on preventing sexual harassment in the workplace.
The training shall cover topics already agreed upon by the EEOC and Interstate. Within seven
business days after the training has been completed, Defendant will provide certification to
Commission counsel of record that such training has been provided, including the the date[s] and
location[s] of the training, and the identities of the trainers and trainees. Upon the completion of
the training described above, Defendant will immediately institute the practice of showing an
orientation videotape or DVD that addresses the prevention of sexual harassment in the
workplace to its new employees.

6. Defendants shall revise its harassment policy in the following manner: by

providing the name, address, and telephone number of an official in Defendant's corporate offices who can serve as the recipient of harassment complaints, investigate these complaints, and recommend appropriate remedial action, if appropriate. This policy, once revised and approved as discussed below, will be distributed to all employees, both managerial and non-managerial, and shall be included in any relevant policies or employee manuals maintained Defendant. The policy will also be posted in a conspicuous and accessible place in all of Defendant's work sites.

a. Within 30 days after entry of the Consent Decree, Defendant shall submit the revised policy to the Commission's counsel of record for approval by the EEOC. EEOC will then notify Defendants within 14 days as to whether the policy is acceptable. In the event the proposed policy is not acceptable to the EEOC, the parties will confer in good faith and attempt to reach an agreement no later than 10 days after receiving the EEOC's objection. In the event the parties are unable to reach an agreement they shall submit their dispute to the Court with a request for a referral to a United States Magistrate for mediation.

b. Within fifteen days after the revised policy has been approved by the EEOC, Defendants will provide certification to Commission's counsel of record that the revised policy has been distributed and posted in the manner described above.

7. Within ten business days after entry of the Consent Decree, Defendant will post immediately in all places where notices to employees customarily are posted in the Elkton Restaurant, the Notice attached hereto and made a part hereof. Said Notice shall be posted and maintained for the life of the Consent Decree and shall be signed by a responsible management official 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 EEOC'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 locations and date(s) of posting.

8. Every six months following the entry of this Consent Decree, and continuing throughout the life of the Decree, Defendant will report in writing to the Commission's counsel of record concerning the implementation of this Decree. The report will include the following information:

- a) Copies of any formal or informal complaints of sexual harassment made by any employee, including but not limited to internal complaints, administrative charges, and lawsuits, and for every complaint, whether oral or written, the name of the complainant, and a detailed explanation of Defendant's actions taken in response to the complaint, including any investigative and corrective measures taken.
- b) The names of all new employees, organized by work site, who have viewed the sexual harassment orientation program described in paragraph 5.

Such reports do not have to contain any information covered by the attorney-client and attorney work-product privileges.

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

10. The case shall be and hereby is dismissed with prejudice, subject to this Court's jurisdiction to enforce provisions of this Consent Decree.

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:

_____/s/_____
Neal Serotte*
Federal Bar No. 09833

_____/s/_____
Gerald S. Kiel*
Regional Attorney

_____/s/_____
Christopher M. Feldenzer*
Federal Bar No. 22633

_____/s/_____
Debra M. Lawrence*
Supervisory Trial Attorney

SEROTTE,, ROCKMAN & WESCOTT, P.A
409 Washington Ave.
Suite 601
Baltimore, MD 21204
Phone: (410) 825-7900
Fax: (410) 825-7913

_____/s/_____
Maria Luisa Morocco
Trial Attorney
Federal Bar No. 24357
Supervisory Trial Attorney

U.S EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
Baltimore District Office
10 S. Howard Street, 3d Floor
Baltimore, Maryland 21201
Phone: (410) 962-4260_____
Fax: (410) 962-4270

*Signed copy of the Consent Decree bearing the signatures of Neal Serotte, Christopher Feldenzer, Gerald Kiel, and Debra Lawrence is being maintained by Maria Morocco in the EEOC's Baltimore District Office.

SO ORDERED.

Signed and entered this 25th day of October, 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 INTERSTATE EQUITIES, INC.

Under Section 703(a) of Title VII, it is unlawful for an employer to "discriminate against any individual with respect to his [or her]... terms, conditions, or privileges of employment because of such individual's ... sex"

Harassment on the basis of sex violates Title VII. The use of offensive or derogatory comments, or other verbal or physical conduct based on an individual's sex constitutes unlawful harassment if the conduct creates an intimidating, hostile, or offensive working environment, or interferes with the individual's work performance.

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 engage in any harassment of employees based on sex.

WE WILL NOT retaliate against employees for complaining about harassment based on sex.

INTERSTATE EQUITIES, INC.
(Employer)

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

EXHIBIT "A"