

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MARYLAND
SOUTHERN DIVISION

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

Plaintiff,

Civil Action No.
AW-03-CV-02784

v.

KFC U.S. PROPERTIES, INC.)
1441 Gardiner Lane)
Louisville, Kentucky 40213)

d/b/a KFC)
10501 Greenbelt Road)
Lanham, Maryland 20706-2213)

Defendant.

CONSENT DECREE

This action was instituted by Plaintiff, the U.S. Equal Employment Opportunity Commission (“the EEOC” or “the Commission”), against Defendant, KFC U.S. Properties, Inc., (“Defendant”) 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 amended complaint alleges that certain employees at KFC store number Y070063 in Lanham, Maryland, subjected former employee Patricia Cooper 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 KFC 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 Amended Complaint filed by the Commission in this Title VII action which emanated from the Charge of Discrimination filed by Patricia Cooper.

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

| 3. Defendant, including its agents, 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 at KFC store number Y070063 in Lanham,
| Maryland. 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, including its agents, 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 twenty days after entry of this Decree, Defendant will pay Patricia Cooper a total of \$25,000 for backpay and alleged compensatory damages. Defendant will issue an IRS form 1099 to Ms. Cooper for the 2004 tax year.

5. Within 90 days after the entry of this Decree, Defendant will provide at least one hour of training on preventing sexual harassment in the workplace for all employees who work at KFC store number Y070063 in Lanham, Maryland.

a. Within 30 days after entry of the Consent Decree, Defendant shall submit a brief written proposal for the training to the Commission's counsel of record for approval by the EEOC. EEOC will then notify Defendant within 14 days as to whether the proposed training is acceptable. In the event the proposed training 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 Defendant receives 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 seven days after the training has been completed, Defendant will provide certification to Commission counsel of record that such training has been provided, including the date[s] and location[s] of the training, and the names and job titles of the trainees.

6. Within ten days after entry of the Consent Decree, Defendant will post in all places where notices to employees customarily are posted at KFC store number Y070063, 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 has been posted and a statement of the location and date of posting.

7. Every 90 days 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:

Copies of any formal or informal complaints of sexual harassment made by any employee who works at KFC store number Y070063, 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.

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

8. 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:

_____/s/_____
Eric J. Pelton
KIENBAUM OPPERWALL HARDY
& PELTON, P.L.C.
325 South Old Woodward Avenue
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(signed by Maria Morocco with permission
of Eric Pelton)

FOR PLAINTIFF:

_____/s/_____
Gerald S. Kiel
Regional Attorney
(signed by Maria Morocco with permission
of Gerald Kiel)

_____/s/_____
Debra M. Lawrence
(signed by Maria Morocco with permission
of Debra M. Lawrence)

_____/s/_____
Maria Luisa Morocco
Trial Attorney
U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
Baltimore District Office
10 S. Howard Street, 3d Floor
Baltimore, Maryland 21201
(410) 962-4260

SO ORDERED.

Signed and entered this _____ day of _____, 2004.

Alexander Williams, Jr.
United States District Court Judge

