

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION

ENTERED
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AT GREENBELT
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND
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U.S. EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
10 S. Howard Street, 3rd Floor)
Baltimore, MD 21201)

Plaintiff,)

v.)

Civil Action No. 06-1066-RWT

THE NASDAQ STOCK MARKET, INC.)
9600 Blackwell Road)
Rockville, MD 20850)

Defendant.)

CONSENT DECREE

This action was instituted by Plaintiff, the U.S. Equal Employment Opportunity Commission (the "EEOC" or the "Commission"), against Defendant, The Nasdaq Stock Market, Inc. ("Defendant" or "NASDAQ") alleging violations of Section 703(a) of Title VII of the Civil Rights Act of 1964 ("Title VII"), as amended, 42 U.S.C. § 2000e-2(a), and of the Equal Pay Act (the "EPA"), as incorporated into the Fair Labor Standards Act, 29 U.S.C. §§ 206(d)(1) and 215(a)(2). The complaint alleges that Defendant discriminated against Akiba Scroggins, an Analyst in its Economic Research Department, by denying her promotions and equal pay because of her race, African-American, and sex.

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 EPA.

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, Title VII, and the EPA. Therefore, upon due consideration of the record herein and being fully advised in the premises, it is hereby **ORDERED, ADJUDGED AND DECREED:**

1. This Decree resolves all issues and claims alleged in the Complaint filed by the Commission in this action, that emanated from the Charge of Discrimination filed by Akiba Scroggins.

2. This Decree shall be in effect for a period of one year 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, shall not violate Title VII and the EPA with regard to the promotion and pay of its employees in the Economic Research Department at its Rockville, Maryland, facility. Discrimination with regard to promotions and pay 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 race, color, religion, sex, or national origin ...

42 U.S.C. § 2000e-2(a)(1). Discrimination with regards to pay violates the EPA, which, in part is set forth below:

No employer ... shall discriminate ... between employees on the basis of sex by paying wages to employees ... at a rate less than the rate at which he pays wages to employees of the opposite sex ... for equal work on jobs the performance of which requires equal skill, 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).

4. Effective August 1, 2006, Akiba Scroggins' annual salary will be increased prospectively to an effective rate of \$100,369.

5. Within thirty (30) days after entry of this Decree, Defendant will pay to Akiba Scroggins \$65,000, minus appropriate withholdings, which amount represents back pay.

6. Within thirty (30) days after entry of this Decree, Defendant will pay to Akiba Scroggins the gross amount of \$10,000, which amount represents compensatory damages.

7. Within sixty (60) days after the entry of this Decree, Defendant will provide at least two (2) hours of training, led by an outside attorney or consultant, for all managers in the Economic Research Department above level 48, and for all human resources personnel, in its Rockville, Maryland, facility. The training will focus on complying with federal anti-discrimination laws, including but not limited to Title VII and the EPA, to prevent discrimination in pay and promotions. Within seven (7) 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 date[s] and location[s] of the training, and the identities of the trainees and trainers.

8. Every 180 days, and continuing for the life of this Decree, Defendant will submit a written report to Commission Counsel of record identifying any complaints of race or gender discrimination, whether internal or external, Defendant has received based on pay or promotions in the Economic Research Department at the Rockville, Maryland, facility.

Subject to these provisions and this Court's jurisdiction to enforce the provisions of this Consent Decree, it is further

ORDERED that this case shall be and hereby is dismissed with prejudice, with the Commission and Defendant each bearing their own costs and attorneys' fees.

SO ORDERED

Signed and entered this 31st day of August, 2006.

By: 

ROGER W. TITUS
UNITED STATES DISTRICT COURT JUDGE

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/_____
Lilliam Machado
Furey Doolan & Abell, LLP
8401 Connecticut Ave., Suite 1100
Chevy Chase, Maryland 20815

(signed by Maria Morocco with
permission of Lilliam Machado)

FOR PLAINTIFF:

_____/s/_____
Jaqueline McNair
Regional Attorney
(Signed by Maria Morocco with permission
of Jacqueline McNair)

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

_____/s/_____
Maria Luisa Morocco
Senior Trial Attorney
EEOC Baltimore Field Office
10 S. Howard St., 3rd Floor
Baltimore, MD 21201