

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Case No. 1:03 CV 0442

Plaintiff,

Hon. Richard Alan Enslin

PASCAL COMPANY, INC.,

Defendant.

ADELE RAPPORT (P44833)
STANLEY H. PITTS (P33519)
OMAR WEAVER (P58861)
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
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614 Superior Avenue, N.W.
Cleveland, Ohio 44113

CONSENT DECREE

_____ This matter is before the Court for entry of this judgement by consent of the parties in order to effectuate a compromise and settlement of this claim. After careful review and consideration, the Court believes that entry of this judgement is in the interest of justice.

1. Plaintiff, the United States Equal Employment Opportunity Commission ("the

Commission”), commenced the above entitled action in the United States District Court for the Western District of Michigan, Southern Division, on July 3, 2003, alleging that the Defendant Pascal Company, Inc., (“Pascal”), engaged in discriminatory employment practices in violation of the Age Discrimination in Employment Act (“ADEA”) when it terminated the employment of James Thorndill (“Thorndill”) because of his age.

2. Defendant Pascal denies all allegations in the Complaint, including any allegation that it terminated Thorndill because of his age.
3. As a result of settlement discussions, the Commission and Pascal have resolved their differences and have agreed that this action should be settled by entry of this Consent Decree. It is the intent of the parties that this Consent Decree be a final and binding settlement in full disposition of any and all claims alleged against Pascal or which might have been alleged against Pascal in the Complaint filed on behalf of Thorndill.

STIPULATED FACTS

4. The Commission is the agency of the United States government authorized by the ADEA to investigate allegations of unlawful employment discrimination based on age, to bring civil actions to prohibit unlawful practices, and to seek relief for individuals affected by such practices.
5. Pursuant to the ADEA, the parties acknowledge the jurisdiction of the United States District Court of the Western District of Michigan (Southern Division) over the subject matter and of the parties to this case for purposes of entering this Consent Decree and, if necessary, enforcing this Decree.
6. Venue is appropriate in the Western District of Michigan (Southern Division). For

purposes of this Decree and any proceedings related to this Decree only, Pascal agrees that all statutory conditions precedent to the institution of this lawsuit and the Complaint against Pascal have been fulfilled.

FINDINGS

7. Having examined the terms and provisions of the Consent Decree and based on the pleadings, records, and stipulations of the parties, the Court finds the following:
 - A. The Court has jurisdiction over the subject matter of the action and the parties to this action.
 - B. The terms and provisions of this Consent Decree are fair, reasonable, and just. The rights of Pascal, the Commission, and those for whom the Commission seeks relief are protected adequately by this Decree.
 - C. This Consent Decree conforms with the Federal Rules of Civil Procedure and the ADEA, and is not in derogation of the rights and privileges of any person. The entry of this Consent Decree will further the objectives of the ADEA and will be in the best interest of the parties and those for whom the Commission seeks relief.

NOW, THEREFORE, it is hereby ORDERED, ADJUDGED, AND DECREED as follows:

NON-ADMISSION

8. This Decree, being entered with the consent of the Commission and Pascal, shall not constitute an adjudication or finding on the merits of the case and shall not be construed as an admission by Pascal of a violation of the ADEA. Similarly, the entry of this Decree shall not be construed as an admission by the Commission that any claim asserted by it in

this action was not valid or that any defense asserted by Pascal was valid.

NON-DISCRIMINATION

9. Pascal, its officers, agents, employees, successors, assigns and all persons in active concert or participation with them or any of them shall comply with the provisions of the Age Discrimination in Employment Act, 29 U.S.C. § 621, *et seq.*, with regard to discrimination on the basis of age.

NON-RETALIATION

10. Pascal shall not take any action against any person which constitutes intimidation, retaliation, harassment or interference with the exercise of such person's rights under federal law because of the filing of charges of discrimination with the Commission, which forms the basis for the present case, or because such person gave testimony or assistance or participated in any manner in any investigation or proceeding in connection with this case under the ADEA.

TRAINING

11. Pascal agrees to provide mandatory training on the ADEA to all managers, and supervisory personnel who participate in personnel decisions. In addition, the training shall focus on the general prohibitions of the ADEA, including the prohibition against discrimination against an employee with respect to any terms, conditions, opportunities or privileges of employment on the basis of age. The training shall also include the ADEA's requirement that reductions in force be implemented without targeting older employees for termination on the basis of age. The training shall be completed within three (3) months after the execution of this Decree. Upon completion of the training, Pascal shall

certify to the Commission the specific training which was undertaken and the dates of the training and shall provide the Commission with a roster of all employees who attended such training.

POSTING OF NOTICE

12. Pascal agrees that it shall post a copy of the Notice attached as Exhibit A in a conspicuous location where employee notices are posted. The notice shall be posted for three (3) years from the date this Decree is entered by the Court. Should the posted notice become defaced, marred or otherwise made unreadable, Pascal agrees to post a readable copy of the notice as soon as practical thereafter.

MONETARY COMPENSATION

13. Pascal agrees to pay James Thorndill damages as specifically described in Exhibit B attached hereto.

DURATION

14. The injunctive provisions of this judgement shall remain in full force and effect for three (3) years and shall expire at the third anniversary of the entry of this Decree.

DISPUTE RESOLUTION AND COMPLIANCE

15. The Court shall retain jurisdiction and will have all available equitable powers, including injunctive relief, to enforce this Decree. Upon motion of either party, the Court may schedule a hearing for the purpose of reviewing compliance with this Decree. The parties shall engage in a good faith effort to resolve any dispute as to compliance prior to seeking review by the Court, and shall be required to give notice to each other ten (10) days before moving for such review. All parties may conduct expedited discovery under the

Federal Rules of Civil Procedure for purposes of determining compliance with this Decree or defending against a claim of non-compliance, with fifteen (15) business days notice for depositions, entry to premises and access to documents and, with fifteen (15) business days for responses to written discovery.

MISCELLANEOUS

16. All parties shall bear their own costs and expenses of litigation, including attorney fees.
17. This Consent Decree constitutes the entry of final judgment, within the meaning of Rule 54 of the Federal Rules of Civil Procedure, on all claims asserted in or which might have been asserted in this action. This court retains jurisdiction over this matter, however, for the purpose of entering appropriate orders interpreting and enforcing this judgment.
18. If any provision(s) of this Consent Decree is found to be unlawful, only the specific provision(s) in question shall be affected and the other provisions will remain in full force and effect.
19. The terms of this Consent Decree are and shall be binding upon the present and future owners, officers, directors, employees, creditors, agents, trustees, administrators, successors, representatives, and assigns of Pascal.
20. The Commission reserves all rights to proceed with respect to matters like and related to these matters but not covered by the terms of this Decree and to secure relief on behalf of aggrieved persons not covered by the terms of this Decree.
21. This Consent Decree constitutes the entire agreement and commitments of the parties. Any modifications to this Decree must be mutually agreed upon and memorialized in a writing signed by Pascal and the Commission.

22. When this Consent Decree requires or permits the submission by Pascal of any documents to the Commission, if not otherwise indicated in the Decree, they shall be mailed by certified mail to Adele Rapport, Regional Attorney, EEOC, Detroit District Office, 477 Michigan Avenue, Room 865, Patrick V. McNamara Building, Detroit, Michigan 48226.
23. Both parties request that this Court approve this Consent Decree and, pursuant to Fed. R. Civ. P. 41(a)(2), dismiss this case with prejudice, assign the costs of this action incurred by each of the respective parties to each such party, and reserve jurisdiction only as necessary to enforce this Consent Decree.

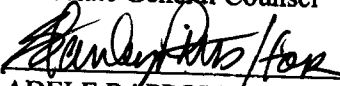
**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION**

PASCAL COMPANY INC.

ERIC S. DREIBAND
General Counsel

JAMES L. LEE
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GWENDOLYN YOUNG REAMS
Associate General Counsel


ADELE RAPPORT (P44833)
Regional Attorney

STANLEY H. PITTS (P33519)
Supervisory Trial Attorney

By:


BENJAMIN PASCHALL Title

Dated: June 8-2004

OMAR WEAVER (P58861)
Trial attorney

Detroit District Office
477 Michigan Ave., Room 865
Detroit, MI 48226

Dated: 6/15/04

IT IS SO ORDERED:

June 21, 2004

Date

/s/ Richard Alan Enslin

United States District Judge

EXHIBIT A

NOTICE

This Notice is being posted to inform you of your rights guaranteed by federal law under the Age Discrimination in Employment Act ("ADEA"), Title VII of the Civil Rights Act of 1964 ("Title VII"), the Americans with Disabilities Act ("ADA"), and the Equal Pay Act ("EPA"). These laws prohibit workplace discrimination based on age, race, religion, sex, national origin and disability. This Notice is posted in connection with a Consent Decree entered by the United States District Court for the Western District of Michigan in EEOC v. Pascal Company, Inc., (Case No. 1:03 CV 0442), as a resolution to a lawsuit filed by the U.S. Equal Employment Opportunity Commission.

The United States Equal Employment Opportunity Commission is the federal agency which investigates charges of unlawful employment discrimination and, if necessary, files lawsuits in federal court to enforce the anti-discrimination provisions of the ADEA, Title VII, ADA and EPA. Any employee who believes that he/she is the victim of discrimination or retaliation has the legal right to file a charge of discrimination with the U.S. Equal Employment Opportunity Commission.

Pascal supports and will comply with these federal laws in all respects. Pascal will not take any action against any employees because they have exercised their rights under these laws by complaining about acts of discrimination to the U.S. Equal Employment Opportunity Commission.

June 8-2004
Date

Benjamin J. Paschall CEO
PASCAL COMPANY, INC.