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U. S. DISTRICT COURT
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ST. LOUIS

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JUN 28 1999

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)

Plaintiff,)

v.)

QUALITY HEATING &)
AIR CONDITIONING, INC.,)

Defendant.)

Civil Action No.

4:98CV1442 RWS

STIPULATION OF DISMISSAL

Pursuant to Rule 41(a)(1)(ii), Fed.R.Civ.P., Plaintiff Equal Employment Opportunity Commission ("EEOC") and Defendant Quality Heating & Air Conditioning, Inc., by and through their attorneys, stipulate to the dismissal of the above-captioned action with prejudice as follows:

1. The EEOC and Quality Heating & Air Conditioning, Inc. have reached an agreement to compromise and settle all matters in controversy between them and have reduced their agreement to writing. A signed copy of the parties' Settlement Agreement is attached hereto to be made a part of this Stipulation of Dismissal.

2. The Court shall retain jurisdiction of this cause purposes of resolving disputes concerning compliance with the terms of this Agreement.

24

3. Each party will bear its own costs and attorneys' fees.

FOR DEFENDANT
QUALITY HEATING & AIR
CONDITIONING, INC.:



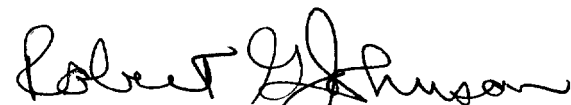
JAMES P. LEMONDS

HOLTKAMP, LIESE, BECKEMEIER
& CHILDRESS
217 North 10th St., Suite 400
St. Louis, MO 63102
(314) 621-7773


Respectfully submitted,

FOR PLAINTIFF EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION:

C. GREGORY STEWART
General Counsel



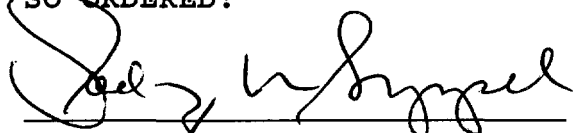
ROBERT G. JOHNSON
Regional Attorney



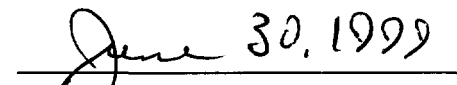
BARBARA A. SEELY
Senior Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Robert A. Young Bldg.
1222 Spruce St., Room 8.100
St. Louis, MO 63103
(314) 539-7916

SO ORDERED:



UNITED STATES DISTRICT JUDGE



Date

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	
)	Civil Action No.
v.)	
)	4:98CV1442 RWS
QUALITY HEATING &)	
AIR CONDITIONING, INC.,)	
)	
<u>Defendant.</u>)	

SETTLEMENT AGREEMENT

Plaintiff, Equal Employment Opportunity Commission has instituted this action alleging that Defendant Quality Heating & Air Conditioning, Inc. failed and refused to hire Joe D. Moss in retaliation for his earlier filing of a charge of employment discrimination against it in violation of Title I of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12203(c), (hereinafter the "ADA"). Defendant, Quality Heating & Air Conditioning, Inc., denies these allegations.

The parties now wish to resolve the instant controversy without the expense, delay, and burden of further litigation and therefore agree to settle the case as follows:

I. General Provisions

1. This Agreement, being entered with the consent of the parties for purposes of settlement, shall not constitute an adjudication on the merits of this lawsuit and shall not be

construed as an admission by Defendant of any violation of the ADA or any executive order, law, rule or regulation dealing with or in connection with disability discrimination in employment.

2. Defendant will not discriminate or retaliate against any person because he has opposed any practices alleged in this action as unlawful under the ADA, including but not limited to the filing of a charge, has participated in an investigation conducted under the ADA with respect to this complaint, or because he has participated in this lawsuit or has benefitted in any way as a result of this Settlement Agreement.

II. Relief for Charging Party

3. Defendant will pay Joe D. Moss a total of \$25,000.00 following receipt of a fully executed copy of this Agreement and a fully executed original of the Release attached hereto as Exhibit A. Of the settlement amount, \$5,000.00 represents backpay and is subject to withholding for federal and state income taxes and the employee's portion of FICA. The remaining \$20,000.00 represents compensatory damages from which no deductions shall be made. Defendant agrees that half the amount of backpay and half the amount of compensatory damages will be paid within thirty days of the date of execution of this Agreement, and the remaining half of the backpay and compensatory damages shall be paid after January 1 and before January 15, 2000. Defendant will send each of the settlement checks to

Plaintiff's counsel of record along with a written itemization of all deductions made. Plaintiff's counsel will promptly forward the checks to Joe D. Moss.

III. Posting

4. Defendant will post and cause to remain posted copies of the notice attached hereto as Exhibit B in locations publicly visible to all employees in its facility at 6141 Etzel Avenue, St. Louis, Missouri, for a period of six (6) months starting from the date of execution of this Agreement.

5. Defendant will post and cause to remain posted the posters required to be displayed in the workplace by EEOC regulation 29 C.F.R. §1601.30 in all facilities owned and operated by Defendant.

IV. Reporting

6. Within fifteen (15) days of the execution of this Agreement, Defendant will prepare and submit to the EEOC's Regional Attorney in its St. Louis District Office a letter indicating that the notice has been posted as required by Section III, above.

V. Effect of Decree

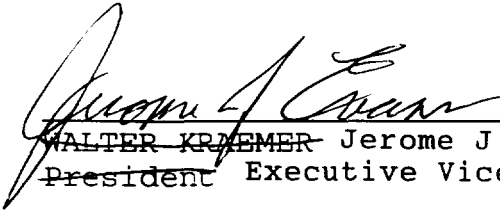
7. By entering into this Agreement, the parties do not intend to resolve any charges of discrimination currently pending before the Plaintiff other than the charge that created the procedural foundation for the complaint in this case.

8. Within five (5) days of receipt of a check for the first payment made pursuant to paragraph 3 above, counsel for the Plaintiff will file with the Court a Stipulation for Dismissal in the form attached hereto as Exhibit C.

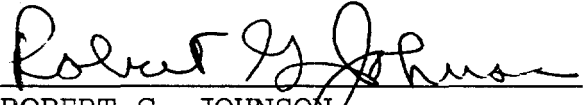
9. Each party shall bear its own costs and attorneys' fees.

FOR DEFENDANT
QUALITY HEATING & AIR
CONDITIONING, INC.:

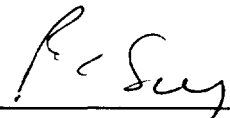
FOR PLAINTIFF
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION:


~~WALTER KRUMER~~ Jerome J. Evans
President Executive Vice President

C. GREGORY STEWART
General Counsel


ROBERT G. JOHNSON
Regional Attorney

Date: 6-14-99


BARBARA A. SEELY
Senior Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Robert A. Young Bldg.
1222 Spruce St., Room 8.100
St. Louis, MO 63103
(314) 539-7916

Date: June 28, 1999

EXHIBIT A

RELEASE

In consideration of the payment to me by Quality Heating and Air Conditioning of a total gross amount of \$25,000.00 and in consideration of the Settlement Agreement entered into by to by the Equal Employment Opportunity Commission and Quality Heating & Air Conditioning, Inc., in Civil Action No. 4:98CV1442 RWS, executed on the _____ day of May, 1999, of which this release is part, I, Joe D. Moss, hereby fully and forever release and discharge Quality Heating & Air Conditioning, Inc., its successors and assigns, including its present and former directors, officers, employees and agents, from any claim or obligation based on disability discrimination or retaliation in hiring in violation of Title I of the Americans with Disabilities Act of 1990, 42 U.S.C. §12203(c), which was or could have been raised in such Civil Action No.4:98CV1442 RWS.

I have read this release and I execute it voluntarily, without coercion or threat of reprisal.

IN WITNESS WHEREOF, this Release is signed and executed by me on this ____ day of May, 1999.

JOE D. MOSS

EXHIBIT B

NOTICE TO EMPLOYEES

This Notice is being posted pursuant to a Settlement Agreement entered to resolve claims of retaliation in hiring raised in the case of Equal Employment Opportunity Commission (EEOC) v. Quality Heating & Air Conditioning, Inc., on file in the Federal District Court for the Eastern District of Missouri.

Federal law prohibits discrimination against any employee or applicant for employment because of the individual's disability, race, national origin, color, religion, sex, or age (forty and over) with respect to hiring, promotion, firing, compensation, or other terms, conditions or privileges of employment. It also prohibits retaliation against employees because they have opposed practices they believe discriminate on the basis of disability race, national origin, color, religion, sex, or age (forty and over). or because they have filed charges with the EEOC or participated in or cooperated with an EEOC investigation.

In particular, Federal law prohibits an employer from retaliating against an individual who has filed charges with the EEOC. Quality Heating & Air Conditioning supports and will comply with such Federal law in all respects and will not take any action against employees because they have exercised their rights under the law.

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	
)	Civil Action No.
v.)	
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QUALITY HEATING &)	
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Respectfully submitted,

FOR DEFENDANT
QUALITY HEATING & AIR
CONDITIONING, INC.:

FOR PLAINTIFF EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION:

C. GREGORY STEWART
General Counsel

JAMES P. LEMONDS

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1222 Spruce St., Room 8.100
St. Louis, MO 63103
(314) 539-7916

SO ORDERED:

UNITED STATES DISTRICT JUDGE

Date

AN ORDER, JUDGMENT OR ENDORSEMENT WAS SCANNED, FAXED AND/OR MAILED TO THE FOLLOWING INDIVIDUALS ON 07/01/99 by cahring
4:98cv1442 EEOC vs Quality Heating

42:2000e Job Discrimination (Employment)

Robert Johnson - 10511	Fax: 314-539-7893
James Lemonds - 3666	Fax: 314-231-4384
Barbara Seely - 10607	Fax: 314-539-7895

E

SCANNED & FAXED BY:

JHD - 1 1999

K. M. E.