

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

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
and)
)
AIMEE BOSS and MORGAN HAGEDON,)
)
Plaintiff-Intervenors,)
)
v.)
)
BODEGA BARS USA, LLC d/b/a MOSAIC)
RESTAURANT,)
)
Defendant.)

CIVIL ACTION NO.
4:07-cv-1645-DJS

**PLAINTIFFS’ JOINT APPLICATION FOR ORDER REQUIRING
DEFENDANT TO SHOW CAUSE WHY IT SHOULD NOT BE
HELD IN CONTEMPT FOR FAILURE TO COMPLY WITH
CONSENT DECREE**

Plaintiff Equal Employment Opportunity Commission (“EEOC” or “Commission”) and Plaintiff-Intervenors Boss and Hagedon respectfully submit this Application for an order requiring Defendant Bodega Bars USA, LLC d/b/a Mosaic restaurant (hereafter “Bodega Bars” or “Defendant”) to show cause why it should not be held in contempt for failure to comply with the terms of the Consent Decree approved by the Court in this matter.

Specifically, on July 2, 2008, this Court entered a Consent Decree (Doc. 33) that required, among other acts to be performed, that Defendant pay a total of \$64,000 to Plaintiff-Intervenors Aimee Boss and Morgan Hegedon; \$32,000 to each Plaintiff-Intervenor. By the

explicit terms of the Decree, Defendant was required to have completely paid each Plaintiff-Intervenor by March 30, 2009.

As of June 11, 2010, Defendant still owes a total of \$10,000, \$5,000 to each Plaintiff-Intervenor, and is in breach of the Consent Decree. See *Declaration of Jan Simpson* attached hereto as Exhibit A. Attorneys for Plaintiff-Intervenors and the Commission have engaged in substantial efforts to obtain Defendant's compliance with the Consent Decree. The attorney for Plaintiff EEOC and the attorney for Plaintiff-Intervenors have corresponded extensively (including exchanging more than 70 emails) with Defendant's attorney in a regular, periodic, and unsuccessful effort to obtain Defendant's compliance with the Consent Decree. See *Declaration of C. Felix Miller* attached hereto as Exhibit B. Despite these efforts, Defendant has failed to pay the Plaintiff-Intervenors a total of \$10,000, exclusive of interest, owing since March, 2009, in violation of the Consent Decree.

WHEREFORE, Plaintiff EEOC and Plaintiff-Intervenors Boss and Hagedon request that the Court issue an Order requiring Defendant to appear before this Court on a date certain to be fixed in the Order and to show cause, if there be any, why it should not be adjudged in contempt of the Court for violating the terms of the Consent Decree. Plaintiffs further request the Court extend the duration of the Decree by thirty (30) days after Defendant has satisfied all its obligations under the Consent Decree in order to permit Plaintiffs an opportunity to seek their reasonable attorneys' fees incurred in seeking to obtain compliance with the terms of the Consent Decree.

The basis for these requests is detailed in a Memorandum in Support submitted simultaneously with this Application and incorporated herein as if fully set forth.

Respectfully Submitted,

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

/s/ C. Felix Miller
C. FELIX MILLER, No. 10549
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AIMEE BOSS and MORGAN HAGEDON

/s/ Donna L. Harper
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CERTIFICATE OF SERVICE

The undersigned certifies that on this 11th day of June 2010, the foregoing was served electronically via the CM/ ECF System to:

Mr. Burton D. Garland, Jr.
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/s/ C. Felix Miller
C. Felix Miller
Supervisory Trial Attorney