

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 1:05CV00801**

EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)
))
Plaintiff,)
))
v.)
))
QUIK-CHEK, INC.,)
))
Defendant.)
))
_____)

CONSENT DECREE

The Equal Employment Opportunity Commission (the “Commission”) instituted this action pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e-5(f)(1) and (3) (“Title VII”) and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a. The Commission’s complaint alleged that Defendant Quik-Chek, Inc. violated Title VII by discharging Wanda Smith in retaliation for her complaints about racial discrimination.

The Commission and the Defendant, Quik-Chek, Inc. (the “Defendant”), hereby stipulate to jurisdiction of the Court over the parties and agree that the subject matter of this action is properly before the Court.

The parties have advised this Court that they desire to resolve the allegations in the Complaint without the burden, expense, and delay of further litigation.

It is therefore the finding of this Court, made on the pleadings and the record as a whole, that: (1) the Court has jurisdiction over the parties and the subject matter of this action; (2) the

purpose and provisions of Title VII will be promoted and effectuated by the entry of the Consent Decree; and (3) this Decree resolves all matters in controversy between the parties as provided in paragraphs 1 through 16 below.

It is therefore ORDERED, ADJUDGED AND DECREED as follows:

1. Defendant shall not discriminate against any person on the basis of race or any other protected category within the meaning of Title VII of the Civil Rights Act of 1964.

2. Defendant shall not discriminate or retaliate against any person because of opposition to any practice made unlawful under Title VII of the Civil Rights Act of 1964 or because of the filing of a charge, the giving of testimony or assistance, or the participation in any investigation, proceeding or hearing under that statute.

3. Defendant shall pay Wanda Smith the sum of Eleven Thousand Five Hundred Dollars (\$11,500.00) in settlement of the claims raised in this action. Defendant shall make payment by issuing a check payable to Wanda Smith. Payment shall be made within fifteen (15) days after the Court approves this Consent Decree, and Defendant shall mail the check to Wanda Smith at an address provided by the Commission. Within ten (10) days after the check has been sent, Defendant shall mail to Lynette A. Barnes, Regional Attorney, at the Equal Employment Opportunity Commission, 129 W. Trade Street, Suite 400, Charlotte N.C., 28202, a copy of the check and proof of its delivery to Wanda Smith.

4. Defendant's employment records of Wanda Smith be maintained in the possession of Defendant's counsel, D. Beth Langley, Esq., Nexsen Pruet Adams Kleemeier, PLLC. Those records will include any and all documents, entries, or references of any kind relating to the facts and circumstances which led to the filing of EEOC Charge Number 145-

2004-01309 and the related events that occurred thereafter. Within fifteen (15) days of the entry of this Decree by the Court, Defendant shall report compliance with this provision to the EEOC.

5. Within fifteen (15) days of the entry of this decree by the Court, Defendant agrees to provide Wanda Smith with a neutral letter of reference, which shall include dates of employment, job position(s) held and final rate of pay. Such letter shall also state that Defendant no longer operates the chain of stores that do business as “Quik-Chek.”

6. Defendant does not currently conduct business within the United States or within any foreign jurisdiction. If Defendant resumes the operation of a business subject to Title VII jurisdiction within the United States or within any foreign jurisdiction during the term of this Decree, Defendant agrees to provide the following, described in paragraphs 7 through 10 below.

7. Within sixty (60) days after resuming business operations in any state within the United States or within any foreign jurisdiction, Defendant shall adopt, implement, and distribute a formal, written anti-discrimination policy, which shall include but not be limited to the following: an explanation of the requirements of the federal equal employment opportunity laws, including Title VII and its prohibition against discrimination based on race and retaliation; procedures for reporting discrimination; and a procedure for the thorough and immediate investigation of employee complaints of discrimination. Defendant shall distribute to each employee a copy of the policy within seventy-five (75) after Defendant begins business operations. Within ninety (90) days after Defendant begins business operations, Defendant shall report compliance to the Commission. Continuing throughout the term of this Decree, Defendant shall distribute the policy to all new employees and review it with them at the time of hire.

8. Within seventy-five (75) days after resuming business operations in any state within the United States or within any foreign jurisdiction, Defendant shall post a copy of the policy described in paragraph 7, supra, in its facilities in a place where it is visible to employees. If the policy becomes defaced or unreadable, Defendant shall replace it by posting another copy of the policy. Within ten (10) days after posting the policy, Defendant will notify the EEOC that it has been posted.

9. After resuming business operations in any state within the United States or within any foreign jurisdiction, Defendant shall provide an annual training program to all of its managers, supervisors and employees. Each training program shall include an explanation of the requirements of Title VII of the Civil Rights Act of 1964, and its prohibition against race discrimination and retaliation in the workplace. Each training program shall also include an explanation of Defendant's policy referenced in paragraph 7, supra, and an explanation of the rights and responsibilities of employees and managers under the policy. The first training program shall be completed within one hundred (100) days after Defendant has resumed business operation in any state within the United States or within any foreign jurisdiction. Each subsequent training program shall be conducted at approximately one-year intervals. Within thirty (30) days after completion of each training program, Defendant shall certify to the Commission the specific training which was undertaken and shall provide the Commission with a roster of all employees in attendance.

10. After resuming business operations in any state within the United States or within any foreign jurisdiction and continuing throughout the term of this Consent Decree, Defendant shall provide the Commission with reports at six (6) month intervals, with the first being due

four (4) months after Defendant resumes business operations. The reports will include the following information:

- A. the identities of all individuals who have made complaints or allegations of any practice made unlawful under Title VII of the Civil Rights Act of 1964, or who have filed a charge, given testimony or assistance, or participated in any investigation, proceeding or hearing under the foregoing statute, including by way of identification each person's name, sex, position, and social security number;
- B. for each individual identified in 10.A. above, explain whether the individual's employment status has changed in any respect (for example, including but not limited to, termination, firing, demotion, promotion, transfer or part-time from full-time.); and
- C. for each individual whose employment status has changed as identified in 10.B. above, a detailed statement explaining why the individual's employment status has changed.

In the event there is no activity to report pursuant to this paragraph, Defendant shall send EEOC a "negative" report indicating no activity.

11. The Commission may review compliance with this Decree. As part of such review, the Commission may inspect Defendant's facility, interview employees and examine and copy documents.

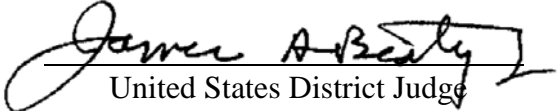
12. If anytime during the term of this Decree, the Commission believes that Defendant is in violation of the Decree, the Commission shall give notice of the alleged violation to Defendant. Defendant shall have twenty (20) days in which to investigate and respond to the allegations. Thereafter, the parties shall then have a period of twenty (20) days or such additional period as may be agreed upon by them, in which to engage in negotiation regarding such allegations before the Commission exercises any remedy provided by law.

13. The term of this Decree shall be for five (5) years from its entry by the Court.

14. All reports or other documents sent to the Commission by Defendant pursuant to this Decree shall be sent to: Lynette A. Barnes, Regional Attorney, at the Equal Employment Opportunity Commission, 129 W. Trade Street, Suite 400, Charlotte N.C., 28202.

15. Each party shall bear its own costs and attorney's fees.

16. This Court shall retain jurisdiction of this cause for purposes of monitoring compliance with this Decree and entry of such further orders as may be necessary or appropriate.


United States District Judge

DATE: June 28, 2006

The parties jointly request that the Court approve and enter the Consent Decree:

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION, Plaintiff

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Associate General Counsel

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