

FILED
CHARLOTTE, N.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:97-CV-150-MU

01 SEP 28 AM 11:38

U.S. DISTRICT COURT
W. DIST. OF N.C.

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)

Plaintiff,)

vs.)

STOWE-PHARR MILLS, INC.,)
d/b/a PHARR YARNS,)

Defendant.)

CONSENT DECREE

This action was instituted by the Equal Employment Opportunity Commission (the "Commission") pursuant to Title I of the Americans with Disabilities Act of 1990. The Court has jurisdiction over this lawsuit pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345.

The Commission and Defendant Stowe-Pharr Mills, Inc. d/b/a Pharr Yarns, ("Defendant"), hereby stipulate to jurisdiction of the Court over the subject matter of this action.

The parties have advised this Court that they desire to resolve allegations in the Complaint without the burden, expense and delay of further litigation. It is understood and agreed that this settlement is the compromise of a disputed claim, and that the payment made is not to be construed as an admission of liability on the part of Defendant.

It is therefore the finding of the Court, made on the pleadings and the record as a whole, that: (1) the Court has jurisdiction over the parties and subject matter of this action; (2) the purpose and provisions of Title I of the Americans with Disabilities Act of 1990 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 10 below.

It is therefore, ORDERED, ADJUDGED AND DECREED as follows:

1. Defendant shall not discriminate against applicants or employees on the basis of disability by failing to provide an accommodation or by unlawfully discharging the employees at any of its facilities located in Gaston County, North Carolina.

2. Defendant agrees to eliminate from the personnel file of Catherine Treece any and all documents and entries relating to the facts and circumstances which led to the filing of EEOC Charge No. 140950124 and the related events that occurred thereafter. Defendant further agrees that it will provide Catherine Treece a neutral job reference for any inquiries about her employment with Pharr Yarns.

3. Defendant shall pay Catherine Treece the sum of Twenty Thousand (\$20,000) Dollars in settlement of her claim. Payment shall be made by Defendant issuing a check payable to Catherine Treece. Payment shall be made directly to Catherine Treece within twenty (20) days after the Court approves the Consent Decree. The check shall be mailed directly to Ms. Treece at an address provided by the Commission in a separate correspondence. Within ten (10) days of mailing the check to Ms. Treece, Defendant shall mail to Mindy E. Weinstein, Regional Attorney, Equal Employment Opportunity Commission, 129 West Trade Street, Suite 400, Charlotte, NC 28202, a copy of the check and proof of its delivery to Catherine Treece.

4. Within thirty (30) days of the entry of the approval of this Consent Decree, Defendant shall conspicuously post a copy of the attached Employee Notice, marked Exhibit "A", in the carpet yarn manufacturing operation of Defendant's I-85 plant in McAdenville, North Carolina where Catherine Treece was last employed by Defendant. Said Employee Notice shall be posted in a place where it is visible to all employees, and shall remain posted during the term of this Decree. If the Employee Notice becomes defaced or unreadable, Defendant shall replace it by posting another copy

of the Employee Notice.

5. Defendant shall conduct training for all supervisors and managers on the Americans with Disabilities Act within one (1) year of the entry of this Consent Decree. The training program will include an explanation of the requirements of the federal equal employment opportunity laws, including Title I of the Americans with Disabilities Act, particularly in the area of accommodations for persons with disabilities. Upon completion of the 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.

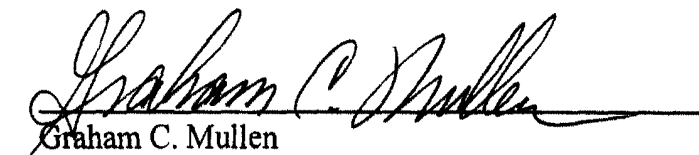
6. During the two (2) year term of this Consent Decree, Defendant shall provide the Commission with annual reports, with the first report being due nine (9) months after entry of this Decree and the second being due twelve (12) months after the first. The reports shall include the following information: the name, address, telephone number, and social security number of all employees at Defendant's carpet yarn operation in its I-85 Plant, if any, who, during the reporting period, requested an accommodation on the basis of a disability; a description of the requested accommodation; and the action taken by the Defendant in response to each request. The reports shall be submitted to the Commission at the time intervals outlined immediately above.

7. If at any time during the term of this Decree, the Commission believes that the Defendant is in violation of this Decree, the Commission shall give notice of the alleged violation to the Defendant. The Defendant shall have thirty (30) days in which to investigate and respond to the allegations. As a part of its investigation, the Commission may inspect Defendant's carpet yarn operation in its I-85 Plant to interview non-managerial employees who have relevant knowledge of the alleged non-compliance and to examine and copy documents relevant to the alleged non-compliance. Thereafter, the parties shall have a period of thirty (30) days, or such additional period

as may be agreed upon by them, in which to engage in negotiation and conciliation regarding such allegations, before the Commission exercises any remedy provided by law.

- 8. The term of this Decree shall be for two (2) years from its entry by the Court.
- 9. Each party shall bear its own costs and attorney fees.
- 10. This Court shall retain jurisdiction of this action for purposes of enforcing this Decree and entry of such further orders as may be necessary or appropriate.

28 Sept 01
Date

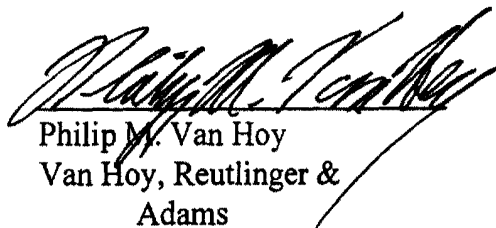

Graham C. Mullen
Judge, U.S. District Court
Western District of North Carolina

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


PHARR YARNS,

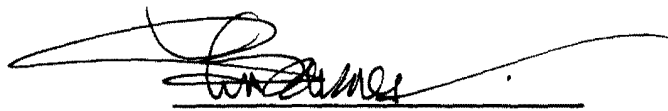
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

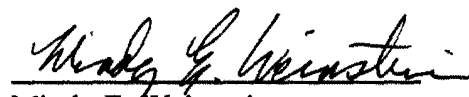
By:


Philip M. Van Hoy
Van Hoy, Reutlinger &
Adams

By:


Kara Gibbon Haden
Trial Attorney
Charlotte District Office


Lynette Barnes
Supervisory Trial Atty.
Charlotte District Office


Mindy E. Weinstein
Regional Attorney
Charlotte District Office

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No. 3:97-CV-150-MU

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
vs.)
)
STOWE-PHARR MILLS, INC.,)
d/b/a PHARR YARNS,)
)
Defendant.)
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NOTICE TO EMPLOYEES

This Notice is being posted pursuant to a Consent Decree entered in Equal Employment Opportunity Commission v. Stowe-Pharr Mills, Inc. d/b/a Pharr Yarns, Civil Action No. 3:97-CV-150-MU, in the United States District Court for the Western District of North Carolina, Charlotte Division.

Federal law prohibits discrimination against any employee or applicant for employment because of the individual's race, color, religion, sex, national origin, disability or age (40 and over), with respect to hiring, promotion, discipline, firing, compensation or other terms, conditions or privileges of employment.

Federal law prohibits discrimination against qualified individuals with a disability in the workplace, such as failing to provide an accommodation and unlawful discharge.

Pharr Yarns supports and will comply with such federal law in all respects. Specifically, Pharr Yarns: (a) will seek to maintain a work environment that is free of discrimination due to disability; and (b) will conduct training for all supervisors and managers on the Americans with Disabilities Act and accommodations.

Pharr Yarns has an equal employment opportunity policy and will ensure that all management, supervisory and other employees abide by the requirements of that policy, and that employees will not be subjected to discrimination due to disability.

If you believe that you have been denied an accommodation or discriminated against due to your disability, you should promptly report the discriminatory conduct to your supervisor or another member of Pharr Yarns management, or to the U.S. Equal Employment Opportunity Commission.

This Notice will remain posted for at least two (2) years by agreement with the U.S. Equal Employment Opportunity Commission.

DO NOT REMOVE THIS NOTICE UNTIL: _____, 2003.

Date

For Pharr Yarns

copies to:

Kara Gibbon Haden
Trial Attorney
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
129 West Trade Street, Suite 400
Charlotte, NC 28202
(704) 344-6885

Phillip M. Van Hoy
VAN HOY, REUTLINGER & ADAMS
737 East Boulevard
Charlotte, NC 28203
(704) 375-6022

United States District Court
for the
Western District of North Carolina
October 1, 2001

* * MAILING CERTIFICATE OF CLERK * *

Re: 3:97-cv-00150

True and correct copies of the attached were mailed by the clerk to the following:

Laura A. Brodeur, Esq.
EEOC/Charlotte District Office
129 W. Trade St., Ste. 400
Charlotte, NC 28202

Kara L. Gibbon Haden, Esq.
Equal Employment Opportunity Commission
129 W. Trade St.
Suite 400
Charlotte, NC 28202-2799

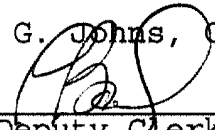
Kirk J. Angel, Esq.
Equal Employment Opportunity Commission
129 West Trade St.
Suite 400
Charlotte, NC 28202-2799

Philip M. Van Hoy, Esq.
Van Hoy, Reutlinger & Adams
737 East Blvd.
Charlotte, NC 28203

Gary S. Hemric, Esq.
James, McElroy & Diehl
600 S. College St.
Charlotte, NC 28202

cc:
Judge ()
Magistrate Judge ()
U.S. Marshal ()
Probation ()
U.S. Attorney ()
Atty. for Deft. ()
Defendant ()
Warden ()
Bureau of Prisons ()
Court Reporter ()
Courtroom Deputy ()
Orig-Security ()
Bankruptcy Clerk's Ofc. ()
Other _____ ()

Date: 01/10/01

Frank G. Johns, Clerk
By: 
Deputy Clerk