

U.S. Equal Employment
Opportunity Commission
21 South 5th Street
Philadelphia, PA 19106
(215) 440-2688
Terrence R. Cook, Senior Trial Attorney
(TRC 3980)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

EQUAL EMPLOYMENT)	
OPPORTUNITY COMMISSION,)	
)	Civil Action No. 03-CV-4277
)	
Plaintiff,)	Judge William H. Walls
)	Magistrate Judge Susan D. Wigenton
v.)	
)	
ERNST & YOUNG, LLP,)	
)	<u>CONSENT DECREE</u>
)	
Defendant.)	

This Consent Decree is entered into by the Plaintiff, the United States Equal Employment Opportunity Commission (the "Commission") and the Defendant, Ernst & Young, LLP, its representatives and assigns ("Defendant").

On September 9, 2003, the Commission brought this action against Defendant to enforce the provisions of Title VII of the Civil Rights of 1964, as amended, 42 U.S.C. § 2000e *et seq.* ("Title VII"). The Commission alleged Defendant retaliated against a female employee in the terms and conditions of her employment and discharged her because of her complaints of a sexually hostile work environment created by her female supervisor.

This Decree is final and binding between the parties signatory hereto as to all issues raised in the Commission's Complaint in Civil Action Number 03-4277. In settlement of Civil

Action No. 03-4277, the parties hereby agree as follows:

1. This Decree is entered into in compromise of the claims asserted in this civil action and is neither intended nor construed as an admission of liability by Defendant, who has denied any and all liability.

2. The Commission is the agency of the United States government authorized by Congress to investigate allegations of unlawful employment discrimination, to bring civil actions based upon these allegations of unlawful practices, and to seek relief for individuals affected by such practices.

3. The parties stipulate that, pursuant to 28 U.S.C. §§ 1331, the United States District Court for the District of New Jersey has jurisdiction over both the subject matter and the parties in this case. The parties further stipulate that venue is appropriate in the District of New Jersey.

4. Nothing in this Consent Decree, either by inclusion or exclusion, shall be construed to limit the obligations of Defendant under Title VII or the EEOC's authority to process or litigate any charge of discrimination now pending or filed in the future against the Defendant.

5. Defendant agrees to comply fully with all of the provisions of Title VII, including its anti-retaliation provisions. This means that Defendant will not take action against any individual because s/he exercised any of his or her rights under Title VII, including filing a charge, providing testimony or assistance, participating in any manner in any investigation, proceeding or hearing under Title VII, or opposing any practice that he or she reasonably believed to be unlawful under Title VII.

6. Defendant agrees to pay monetary relief in the total amount of \$125,000.00 to Jill Fitzpatrick and her attorneys in full settlement of the claims raised on her behalf against Defendant in the Commission's Complaint. The \$125,000.00 will be paid in two separate checks, one check made payable to Jill Fitzpatrick in the amount of eighty-two thousand eight hundred seventy-four dollars and sixty three cents (\$82,874.63), less appropriate federal and state payroll and income tax withholding, to be reported as a W-2 type payment to Fitzpatrick, and one check made payable to Davis, Saperstein & Salomon, P.C., in the amount of forty-two thousand one hundred twenty-five dollars and thirty-seven cents (\$42,125.37) for attorney's fees and cast to be reported as a 1099 payment to Davis, Saperstein & Salomon, P.C. The checks will be paid within fourteen (14) days of whichever of the following events is later: the date of the Court's approval of the Consent Decree, or the effective date of the Release. The checks will be mailed to Jill Fitzpatrick c/o Cynthia Gill, Esquire, 375 Cedar Lane, Teaneck, New Jersey 07666-3433, and a copy within five business days thereafter to the attention of Terrence R. Cook, Senior Trial Attorney, EEOC, 21 South Fifth Street, Suite 400, Philadelphia, PA 19106-2515.

7. In order to receive the relief referenced in Paragraph No. 6, Ms. Fitzpatrick must execute a Release to be provided by the Defendant and agreed to by Ms. Fitzpatrick's attorney.

8. Within 10 business days after entry of this Decree, Defendant shall post the Notice attached to this Decree as Exhibit 1, at its Lyndhurst, New Jersey Facility, located at 125 Chubb Avenue, on the bulletin boards where notices are customarily posted for the benefit of all employees. The Notice shall remain posted for one (1) year from the date of entry of this Decree. Defendant shall replace said Notice with a legible copy, if the Notice is defaced, removed, or marred in any way. Within ten (10) business days of the posting of the Notice, Defendant will

send a copy of the Notice, and an indication of the date and location of its of its posting to the Commission.

9. Defendant agrees that it or a vendor approved by EEOC, will conduct training for all managers and supervisors at the Lyndhurst, New Jersey facility within one year of the filing of this Decree on employee rights and employer obligations under both Title VII and relevant state or local anti-discrimination laws, which training will emphasize what constitutes unlawful harassment and discrimination in the workplace, how to keep the company free from such discrimination, what constitutes unlawful retaliation and will summarize how to conduct a prompt and effective investigation into allegations, complaints or charges of discrimination. Defendant agrees to notify the Commission of the date of the training, and provide information regarding the substantive content of the training to the Commission prior to the training date.

10. In the event of any dispute or question between the Commission and Defendant as to the interpretation or implementation of this Decree, the parties shall attempt to resolve such question informally within thirty (30) days. If the parties are unable to resolve their differences, the issue shall be submitted to Magistrate Judge Susan D. Wigenton for final decision.

11. The parties agree that the Court shall retain jurisdiction over this Decree for a period of two (2) years after the filing of the Decree in order to enforce its provisions, should this become necessary.

12. The Decree shall be filed in the United States District Court for the District of New Jersey.

13. This case shall be and hereby is dismissed with prejudice, subject to this Court's jurisdiction to enforce the provisions of this Consent Decree.

14. Each party to this Decree (i.e., The Equal Employment Opportunity Commission and Ernst & Young, LLP) shall bear its own expenses, costs and attorneys' fees.

ERIC S. DREIBAND
General Counsel

ERNST & YOUNG, LLP

JAMES L. LEE
Deputy General Counsel

Marcia E. Goodman

GWENDOLYN YOUNG REAMS
Associate General Counsel

MARCIA E. GOODMAN, ESQUIRE
MAYER, BROWN, ROWE & MAW, LLP
190 South La Salle Street
Chicago, Illinois 60603-3441
(312) 701-7953

Jacqueline H. McNair

JACQUELINE H. McNAIR
Regional Attorney

*Attorneys for the Defendant Ernst & Young,
LLP*

Judith A. O'Boyle

JUDITH A. O'BOYLE
Supervisory Trial Attorney

Terrence R. Cook

TERRENCE R. COOK
Senior Trial Attorney
EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
Philadelphia District Office
21 South 5th Street, Suite 400
Philadelphia, PA 19106
(215) 440-2688; (215) 440-2848 (FAX)

*Attorneys for Plaintiff
Equal Employment Opportunity Commission*

Dated:

APPROVED AND SO ORDERED:

DATE

THE HONORABLE WILLIAM H. WALLS, U.S.D.J.

EXHIBIT 1

NOTICE TO ALL ERNST & YOUNG, LLP EMPLOYEES

This Notice is posted pursuant to a Consent Decree entered by the federal court for the Eastern District of Pennsylvania in EEOC v. Ernst & Young, LLP., Civil Action Number 03-CV-4277 (WHW), resolving a lawsuit filed by the Equal Employment Opportunity Commission ("EEOC") against Ernst & Young, LLP ("Ernst & Young").

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., as amended ("Title VII"), prohibits discrimination against employees and applicants for employment based upon national origin, sex, race, color or religion. Title VII further prohibits retaliation against employees or applicants who avail themselves of the rights under Title VII by engaging in protected activities, such as filing a charge of discrimination and/or testifying or participating in a Commission investigation. The EEOC is the federal agency which investigates charges of unlawful employment discrimination. The EEOC has the authority to bring lawsuits in federal court to enforce Title VII.

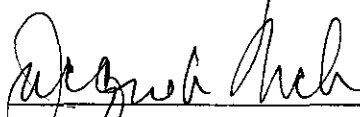
In its lawsuit, the EEOC alleged that Ernst & Young retaliated against a female employee in the terms and conditions of her employment and discharged her because she complained about a sexually hostile work environment. Ernst & Young denies the EEOC's allegations.

To resolve the case, Ernst & Young and the EEOC have entered into a Consent Decree which provided, among other things, that: (1) Ernst & Young pay monetary relief to the former employee; (2) Ernst & Young will not retaliate against any person because he or she opposed any practice made unlawful by Title VII, filed a Title VII charge of discrimination, participated in any Title VII proceeding, or asserted any rights under the Consent Decree; and (3) Ernst & Young will train all managers and supervisors regarding all aspects of Title VII including its anti-retaliation provisions.

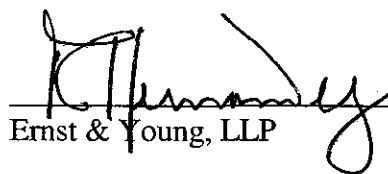
If you believe you have been discriminated against, you may contact the EEOC at (215) 440-2600. The EEOC charges no fees and has employees who speak languages other than English.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This Notice must remain posted for one (1) year from the date below and must not be altered, defaced or covered by any other material. Any questions about this Notice or compliance with its terms may be directed to the: Regional Attorney, EEOC Philadelphia District Office, 21 South 5th Street, Philadelphia, PA 19106.



U.S. Equal Employment Opportunity
Commission



Ernst & Young, LLP

DATED: 2/14/05

DATED: 2/8/05