

U.S. Equal Employment Opportunity Commission
Philadelphia District Office
21 South Fifth Street, Suite 400
Philadelphia, PA 19106-2515
Cynthia A. Locke
Attorney for Plaintiff

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2004 MAR 31 P 2: 24

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
and)
)
LINDA CASTANZA,)
Plaintiff-Intervenor,)
)
v.)
)
PARMALAT BAKERY DIVISION OF)
PARMALAT NORTH AMERICA,)
)
Defendant.)

CIVIL ACTION NO. 03-4026
JUDGE JOHN C. LIPLAND
MAGISTRATE MARK FALK

CONSENT DECREE

This Consent Decree is entered into between the Plaintiff, Equal Employment Opportunity Commission ("the Commission"), and the Defendant, Parmalat Bakery, Division of Parmalat North America ("Defendant").

On August 26, 2003, the Commission brought this action against Defendant under the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et seq. ("Title VII"), and Title I of the Civil Rights Act of 1991, 42 U.S.C. §1981A, alleging a sexually hostile work environment, retaliation and constructive discharge on behalf of Linda Castanza.

This Decree is final and binding between the parties signatory hereto as to all issues raised in the Commission's Complaint filed in Civil Action Number 03-4026. In resolution of Civil Action

No. 03-4026, the parties hereby agree as follows:

1. This Decree is entered into in compromise to avoid the expense and inconvenience of litigation. It shall not constitute an adjudication or finding on the merits of the case and shall not be construed as an admission of liability by Defendant. The Commission does not construe this Decree as a determination that the Commission is a prevailing party and the Commission takes no position on whether Castanza is a prevailing party in this action.

2. The Commission is the agency of the United States government authorized by Congress to investigate allegations of unlawful employment discrimination based upon sex, 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 New Jersey has jurisdiction over the subject matter and the parties in this case.

4. 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 Title VII investigation, proceeding or hearing, or opposing any practice that s/he believed in good faith to be unlawful under Title VII.

5. Defendant agrees to pay monetary relief in the total amount of Three Hundred Thousand Dollars (\$300,000.00) to Linda Castanza. Defendant will issue a check to Ms. Castanza within fourteen (14) days of the date a fully executed Release has been received by Defendant from Ms. Castanza. The check shall be sent, postage prepaid, to Ms. Linda Castanza, c/o Broach & Stulberg, Eleven Penn Plaza, Suite 915, New York, New York 10001. A copy of the check shall be sent to Cynthia A. Locke, Trial Attorney, EEOC, Philadelphia District Office, The Bourse Building,

Suite 400, 21 S. Fifth Street, Independence Mall East, Philadelphia, PA 19106.

6. In order to obtain the relief referenced in Paragraph No. 5, Ms. Castanza shall execute a Release provided by Defendant, and forward that Release to the Defendant.

7. Within ten business days of the filing of this Consent Decree, Defendant shall post the Notice attached to this Decree as Exhibit A at its Kearny, New Jersey facility, on the bulletin boards where notices are usually and customarily posted for the benefit of all employees. The Notice will remain posted for a period of 120 days. Defendant shall replace said Notice with a legible copy, if the Notice is defaced, removed, or marred in any way. Within ten 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 posting, to the Commission.

8. Defendant agrees that a vendor approved by EEOC will conduct training on sexual harassment and retaliation under Title VII for Defendant's managers, supervisors, and employees with supervisory authority at the Kearny, New Jersey facility within 120 days of the filing of this Decree. 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 at least five (5) working days prior to the training.

9. 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 the Court for final decision.

10. The parties request that the Court retain jurisdiction over this Decree for a period of one year after its filing in order to enforce its provisions, should this become necessary.

11. This Decree shall be filed in the United States District Court, District of New Jersey.

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

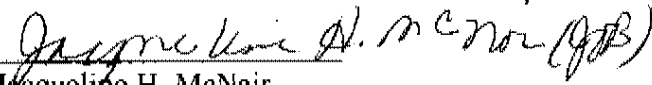
13. Each party to this Consent Decree shall bear their own costs and attorney's fees.

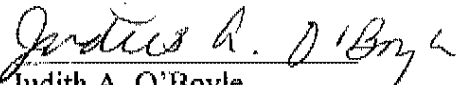
For Plaintiff EEOC

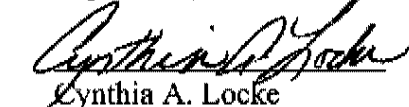
Eric S. Dreiband
General Counsel

James L. Lee
Deputy General Counsel

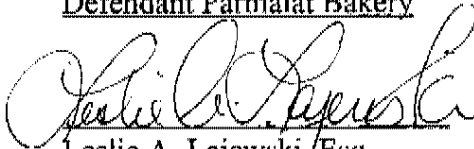
Gwendolyn Young Reams
Associate General Counsel


Jacqueline H. McNair
Regional Attorney


Judith A. O'Boyle
Supervisory Trial Attorney



Cynthia A. Locke
Trial Attorney
EEOC Philadelphia District Office
21 S. 5th St., Suite 400
Philadelphia, PA 19106
(215) 440-2683
Date: 3.03.2004

Defendant Parmalat Bakery


Leslie A. Lajewski, Esq
Grotta, Glassman & Hoffman, P.A.
75 Livingston Avenue
Roseland, NJ 07068
(973) 992-4800

Date: 3/4/04

APPROVED AND SO ORDERED:


J. [unclear]
USDB

Date: 3/30/04

EXHIBIT A

NOTICE

Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. Section 2000e, *et seq.* as amended, prohibits discrimination against employees and applicants for employment based upon their race, color, sex, religion or national origin. Title VII further prohibits retaliation against employees or applicants who avail themselves of their rights under Title VII by engaging in protected activities such as the filing of a charge of discrimination.

The Equal Employment Opportunity Commission (the "EEOC") is the federal agency that investigates charges of discrimination and, if necessary, brings lawsuits in federal district court to enforce Title VII.

This notice is being posted pursuant to a Consent Decree entered between the EEOC and Parmalat in EEOC v. Parmalat Bakery, Division of North America, Civil Action No. 03-4026 (D. NJ).

Parmalat fully supports and will comply with Title VII in all respects. Parmalat will not engage in any employment practice which operates to deny equal employment opportunities in violation of Title VII. Furthermore, in accordance with Title VII, Parmalat will not take any action against any employee or applicant for employment because he or she has exercised any right under Title VII, including the filing of a charge of discrimination.

This Notice will remain posted at Parmalat's Kearny, New Jersey location for a period of 120 days and must not be defaced or removed. This Notice will be available for inspection by all employees.

**THIS NOTICE MUST NOT BE REMOVED
FOR A PERIOD OF 120 DAYS**

The Equal Employment Opportunity
Commission

Parmalat Bakery, Division of Parmalat North
America

Date: _____

Date: _____