

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

<b>EQUAL EMPLOYMENT OPPORTUNITY</b>	)	
<b>COMMISSION,</b>	)	
	)	<b>Plaintiff,</b>
	)	
	)	
<b>v.</b>	)	
	)	<b>Civil Action No. 02-CV-7385</b>
	)	
<b>RICE COHEN INTERNATIONAL (an</b>	)	
<b>MSX International, Inc. Company)</b>	)	
	)	
	)	<b>Defendant.</b>
	)	

**CONSENT DECREE**

This Consent Decree is entered into between the Plaintiff, U.S. Equal Employment Opportunity Commission ("the Commission") and the Defendant, Rice Cohen International, an MSX International, Inc. company (hereinafter Defendant is referred to as "Rice Cohen").

On September 20, 2002, the Commission brought this action in the United States District Court for the Eastern District of Pennsylvania against Rice Cohen, as Civil Action No. 02-cv-7385, for alleged violation of the Age Discrimination in Employment Act ("ADEA"). In its Complaint, the Commission alleged that Rice Cohen International, an executive search firm, discriminated against Mr. Richard Montoya on the basis of his age, 52, by blatantly rejecting his application for the Federal Accounts Manager position advertised on its web-site and refusing to refer him because he was "too old," in violation of the ADEA.

The parties to this Consent Decree intend that this agreement will not be admissible in any proceedings as evidence of any violation by Rice Cohen of the ADEA or any other law, regulation or order, other than in proceedings to enforce this Consent Decree.

This Consent Decree is not, and shall not be construed as an admission by Rice Cohen or any of its respective directors, shareholders, partners, officers, agents, employees or representatives that it has engaged in any employment practices which are discriminatory or otherwise unlawful in any manner.

The parties have entered into this Consent Decree for the sole purpose of resolving the aforementioned disputed claims without the burden, expense, delay and uncertainties of further litigation. This Consent Decree shall settle in full all claims of the Commission, on behalf of Mr. Richard Montoya, as asserted in Civil Action No. 02-cv-7385.

This Consent Decree shall become effective upon execution by the parties and entry of the Court's Order approving this Agreement.

The Parties agree that:

1. This Court has jurisdiction over the parties and the subject matter of this action.
2. Defendant, Rice Cohen, its directors, officers, agents, employees, representatives, successors, or assigns shall refrain from age discrimination against any of its workers in any manner declared unlawful under § 623(a) of the ADEA. Further, it shall not retaliate in any manner against any person because of the person's opposition to any practice declared unlawful under the ADEA, or because of the filing of a charge, the giving of testimony or assistance, or participation in any manner in any investigation, proceeding or hearing under the ADEA.

#### MONETARY RELIEF

3. Defendant, Rice Cohen agrees to pay the gross sum of Forty Thousand dollars (\$40,000.00) in monetary relief, minus appropriate tax withholdings, to Mr. Richard Montoya to resolve this litigation.

4. In consideration, Mr. Richard Montoya shall execute the release in the form attached hereto as Appendix "A". EEOC shall mail the original executed release to the designated counsel of Rice Cohen. Upon receipt of the executed release, and within fifteen (15) days of such receipt, Rice Cohen shall send the appropriate check to Mr. Montoya, at his current address as provided to Defendant by EEOC. A copy of the check shall be promptly mailed to Iris Santiago-Flores, Senior Trial Attorney, EEOC, 21 S. Fifth Street, Suite 400, Philadelphia, PA 19106.

#### INJUNCTIVE RELIEF

5. Defendant, Rice Cohen, agrees to post a Notice in the form attached hereto as Appendix "B" for a period of one (1) year from the date of the filing of this Agreement, along with a general EEO Notice pursuant to the requirements of the ADEA and EEOC regulations. The Notice shall be posted at all Respondent locations which employ Executive Recruiters. The Notice shall be easily legible and shall be posted on the bulletin boards at Rice Cohen for the benefit of its employees. Should the posted copy of the Notice become defaced, marred or otherwise made unreadable, Rice Cohen agrees to immediately post a readable copy of the Notice.

6. Defendant, Rice Cohen, agrees to conduct annual training on the ADEA for the next two (2) years from the date this Consent Decree is approved by the Court, for all its Executive Recruiters and any of the managers or supervisors whom they report to, such training to specifically include issues concerning failure to refer or hire based on age and retaliation. The first annual training will be given within six months from the date of the execution of this Agreement. A notice of when the first training has been completed, along with a copy of the information distributed to the attendants at this first training shall be forwarded to the

Commission to the attention of Iris Santiago-Flores, Esq.

OTHER MATTERS

7. Each signatory shall bear its own court costs and attorneys fees.

8. The terms of the Consent Decree are and shall be binding upon the present and future employees, agents, trustees, administrators, successors, representatives, and assigns of Defendant Rice Cohen.

9. This Consent Decree constitutes the entire agreement of the parties as to the ADEA claims. Any modifications to this Agreement must be mutually agreed upon and memorialized in writing and signed by the parties.

10. The Parties agree to file a Stipulation of Dismissal with Prejudice of the above captioned matter in the form attached hereto as Appendix "C".

11. This Consent Decree shall be filed in the United States District Court for the Eastern District of Pennsylvania.

Plaintiff:

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

Eric Dreiband  
General Counsel  
Washington, D.C. \_\_\_\_\_

Defendant

RICE COHEN INTERNATIONAL, an  
MSX INTERNATIONAL, INC. COMPANY

---

Jacqueline H. McNair  
Regional Attorney

---

Frederick Minturn  
Executive Vice President and Chief  
Financial Officer

---

Judith O'Boyle  
Supervisory Trial Attorney

---

---

Iris Santiago-Flores  
Senior Trial Attorney

EEOC, Philadelphia District Office  
21 S. 5th Street, Suite 400  
Philadelphia, Pa. 19106

Date: \_\_\_\_\_

APPROVED BY THE COURT:

---

Date

---

UNITED STATES DISTRICT COURT JUDGE



**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

<b>EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>Civil Action No. 02-CV-7385</b>
	)	
<b>v.</b>	)	
	)	
	)	
	)	
<b>RICE COHEN INTERNATIONAL (an MSX International, Inc. Company)</b>	)	
	)	
	)	
<b>Defendant.</b>	)	

**STIPULATION AND ORDER OF DISMISSAL**

Pursuant to Rule 41 (a)(1)(i) of the Federal Rules of Civil Procedure and pursuant to provisions of the Consent Decree, the Plaintiff, Equal Employment Opportunity Commission, and Defendant, Rice Cohen International, Inc., an MSX International Company, hereby agree to dismissal of Civil Action No. 02-7385, with prejudice, each party to bear its own costs and attorneys' fees. Jurisdiction over this matter will be retained by the Court for a 1 year period and/or until the monetary relief provisions and equitable relief provisions of the Consent Decree are satisfied.

ATTORNEYS FOR DEFENDANT

ATTORNEYS FOR PLAINTIFF

RICE COHEN INTERNATIONAL,  
(an MSX International Inc. Company)

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

\_\_\_\_\_  
Sally E. Heckerth, Esq.  
Fox, Rothchild, O'Brien & Frankel, LLP  
Princeton Pike Corporate Center  
997 Lenox Drive, Building 3  
Lawrenceville, NJ 08648-2311

\_\_\_\_\_  
JACQUELINE McNAIR  
Regional Attorney  
  
\_\_\_\_\_  
JUDITH O'BOYLE  
Supervisory Trial Attorney

\_\_\_\_\_  
IRIS SANTIAGO-FLORES  
Senior Trial Attorney  
Philadelphia District Office  
21 S. 5th Street, Suite 400  
Philadelphia, PA 19106

# NOTICE

The Age Discrimination in Employment Act of 1967("ADEA"), 29 U.S.C. §621 et.al., prohibits discrimination against employees and applicants for employment based upon age. The ADEA further prohibits retaliation against employees or applicants who avail themselves of the rights under the ADEA by engaging in protected activities, such as filing a charge of discrimination and/or testifying or participating in a Commission investigation.

The Equal Employment Opportunity Commission (the "EEOC" or the "Commission") is the federal agency which investigates charges of unlawful employment discrimination. The EEOC has the authority to bring lawsuits in federal court to enforce the ADEA.

This notice is being posted as part of the resolution of EEOC v. Rice Cohen International, Inc.(an MSX International, Inc. company), Civil Action Number 02-cv-7385. The EEOC brought this action to enforce provisions of the ADEA, specifically alleging that Rice Cohen International, Inc., discriminated against Mr. Richard Montoya on the basis of his age by rejecting his application for the Federal Accounts Manager position advertised on its web-site in January 2000 and refusing to refer him, in violation of the ADEA. Rice Cohen International, an MSX International, Inc. company vehemently denies this allegation and has not admitted to liability.

Rice Cohen International, an MSX International, Inc. company fully supports and will comply with the ADEA in all respects. It is committed to the principle of equality of opportunity and will not engage in any employment practice which in any way operates to deny equal employment opportunities in violation of the ADEA. Furthermore, in accordance with the ADEA, Rice Cohen International, an MSX International, Inc. company will not take any action against any person because he or she has exercised any right under the ADEA, including the filing of a charge of discrimination with the Equal Employment Opportunity Commission or for testifying or participating in a Commission investigation.

This Notice will remain posted at designated MSX International, Inc. locations for a period of one (1) year and must not be defaced or removed.

**THIS NOTICE MUST NOT BE REMOVED  
FOR A PERIOD OF ONE (1) YEAR**

---

U.S. Equal Employment Opportunity  
Commission

Rice Cohen International, as MSX  
International, Inc. company

APPENDIX "B"