

FILED

FEB 24 2005

**LARRY W. PROPER, CLERK
CHARLESTON, SC**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

**EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION)
Plaintiff,)
and)
JESSICA KEEFER and)
LAURA FRANKS)
Intevenors,)
vs.)
HOOVER DODGE, INC.,)
HOOVER CHRYSLER, INC.,)
HOOVER JEEP CHRYSLER, INC.,)
HOOVER CHRYSLER JEEP, INC., and)
HOOVER MOTORS, INC.)
Defendants.)**

Civil Action No. 2:03-3055-23BG

CONSENT DECREE

The Equal Employment Opportunity Commission (the "Commission") instituted this action seeking relief for Jessica Keefer, Laura Franks, Katherine Later, and Renee Cotton 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. Thereafter, Jessica Keefer and Laura Franks (now Laura Roques) intervened, through counsel, alleging violations of Title VII and state law.

The Commission, Plaintiff-Intervenors, and the Defendants 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.

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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 17 below.

It is therefore ORDERED, ADJUDGED AND DECREED as follows:

1. Defendants will not discriminate against any person on the basis of sex or any other protected category within the meaning of Title VII.
2. Defendants will 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 the foregoing statute.
3. In settlement of the claims raised in this action, Defendant Hoover Dodge, Inc., ("Hoover Dodge") will cause to be paid the sum of thirty five thousand dollars (\$35,000.00) to Douglas H. Westbrook, Esq., counsel for Jessica Keefer, for distribution in a manner agreed upon by Mr. Westbrook and Ms. Keefer, and which include all attorney fees and costs incurred by Jessica Keefer. Within ten (10) days after the check has been sent, Defendant Hoover Dodge will mail to Lynette A. Barnes, Acting 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.
4. In settlement of the claims raised in this action, Defendant Hoover Dodge, Inc., ("Hoover Dodge") will cause to be paid the sum of thirty five thousand dollars (\$35,000.00) to

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Douglas H. Westbrook, Esq., counsel for Laura Roques, for distribution in a manner agreed upon by Mr. Westbrook and Ms. Roques, and which include all attorney fees and costs incurred by Laura Roques. Within ten (10) days after the check has been sent, Defendant Hoover Dodge will mail to Lynette A. Barnes, Acting 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.

5. In settlement of the claims raised in this action, Defendant Hoover Dodge will cause to be paid the sum five thousand seven hundred fifty dollars (\$5,750.00) to Katherine Later. Within ten (10) days of the entry of this Consent Decree, Defendant Hoover Dodge will mail the check to Ms. Later at an address to be provided by the Commission. Within ten (10) days after the check has been sent, Defendant Hoover Dodge will mail to Lynette A. Barnes, Acting 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.

6. In settlement of the claims raised in this action, Defendant Hoover Dodge will cause to be paid the sum of ten thousand seven hundred fifty dollars (\$10,750.00) to Renee Cotton. Within ten (10) days of the entry of this Consent Decree, Defendant Hoover Dodge will mail the check to an address to be provided by the Commission. Within ten (10) days after the check has been sent, Defendant Hoover Dodge will mail to Lynette A. Barnes, Acting 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.

7. Within ninety (90) days of the entry of this decree by the Court, Defendants shall adopt, implement, and distribute a formal, written anti-discrimination policy, which shall include

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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 sexual harassment; procedures for reporting discrimination; and a procedure for the thorough and immediate investigation of employee complaints of discrimination. Defendants shall distribute to each current employee a copy of the policy within the aforementioned 90 day time period. Within one hundred (100) days of the entry of this decree, Defendants shall report compliance to the Commission. During the term of this Decree, Defendants shall distribute the policy to all new employees and review it with them at the time of hire.

8. During the term of this decree, Defendants agree to post a copy of the policy described in paragraph 7, *supra*, in all of their facilities in a place where it is visible to employees. If the policy becomes defaced or unreadable, Defendants will replace it by posting another copy of the policy. Within ninety (90) days after the Consent Decree is entered, Defendants will post the policy and notify the EEOC that it has been posted.

9. During the term of this decree, Defendants agree that they will provide annual training program to all of their employees, including management and non-management. At least fifteen (15) days prior to each program, Defendants will provide the Commission with an agenda for the training program. The training program will include an explanation of the requirements of the federal equal employment opportunity laws, including Title VII of the Civil Rights Act of 1964 and its prohibition against discrimination, including sexual harassment. The training will also cover Defendants' anti-discrimination policy, described in paragraph 7, *supra*, and an explanation of the rights and responsibilities of employees and managers under the policy. The first training will be completed within one hundred twenty (120) days after entry of

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the decree by the Court. Within ten (10) days after completion of the training, Defendants will certify to the Commission the specific training which was undertaken and will provide the Commission with a roster of all employees who received the training.

10. Throughout the six (6) months following the entry of this Decree, Defendants will conspicuously post the attached Employee Notice, marked Appendix A, hereby made a part of this decree, in a place where it is visible to all employees at all its locations. If the Notice becomes defaced or unreadable, Defendants will replace it by posting another copy of the Notice. Within ten (10) days after the Consent Decree is entered, Defendants will post the Notice and notify the EEOC that it has been posted.

11. During the term of this decree, Defendants will provide the Commission with reports at six (6) month intervals, with the first being due four (4) months after the Court enters this Decree. The reports will include the following information: (a) the identities of all individuals who have made a complaint of sexual harassment, including by way of identification each person's name, sex, position, social security number, and contact information; (b) the identity of the individual(s) who received the complaint; (c) a detailed statement of the individual's complaint; and (d) a detailed statement of what action was taken in response to the individual's complaint.

12. Defendants agree that the Commission may review compliance with this Decree. As part of such review, the Commission may inspect the premises, interview employees and examine and copy documents.

13. If anytime during the term of this Decree, the Commission believes that Defendants are in violation of this Decree, the Commission shall give notice of the alleged

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violation to the Defendants. Defendants shall have thirty (30) days in which to investigate and respond to the allegations. 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.


14. All reports and compliance statements required by this Consent Decree shall be mailed to Lynette A. Barnes, Acting Regional Attorney, Equal Employment Opportunity Commission, 129 West Trade Street, Suite 400, Charlotte, NC 28202.

15. The term of this Decree will be for two (2) years from its entry by the Court.

16. Each party will bear its own costs and attorneys' fees

17. This Court will 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.

Jul. 23rd, 2005
Date


Judge, U.S. District Court
District of South Carolina

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

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FOR PLAINTIFF, EEOC

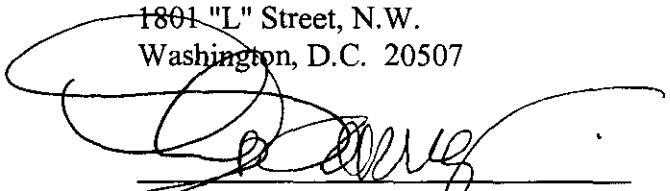
ERIC S. DREIBAND
General Counsel

JAMES L. LEE
Deputy General Counsel


GWENDOLYN YOUNG REAMS
Associate General Counsel

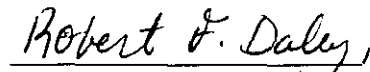
**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION**

1801 "L" Street, N.W.
Washington, D.C. 20507



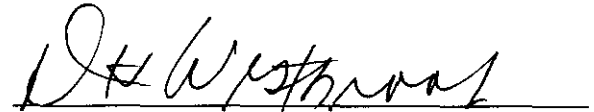
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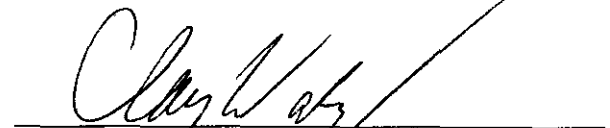

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*by Kerith Cohen
w/permission*

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION)	
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Plaintiff,)	
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JESSICA KEEFER and)	
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HOOVER MOTORS, INC.)	
)	
Defendants.)	

Civil Action No. 2:03-3055-23BG

NOTICE

1. This Notice is posted pursuant to a settlement between the U.S. Equal Employment Opportunity Commission and the above named Defendants in a case of discrimination based on sex. Specifically, the EEOC alleged that Defendants subjected Jessica Keefer, Laura Franks, Katie Later, Renee Cotton, and Melinda Jones to a sexually hostile work environment in violation of Title VII of the Civil Rights Act of 1964. Defendants denied the allegations.

2. Federal law requires that employers not discriminate against any employee or applicant for employment because of the individual's race, color, religion, sex, national origin, age (40 or older) or disability. Title VII specifically prohibits discrimination based on sex, including sexual harassment.

3. The Defendants support and will comply with such federal law in all respects. Furthermore, the Defendants will not take any actions against employees because they have exercised their rights, reported an alleged violation under the law or given testimony, assistance or participation in any investigation, proceeding or hearing conducted by the U. S. Equal Employment Opportunity Commission.

An employee has the right, and is encouraged to exercise that right, to report allegations of employment discrimination in the workplace. An employee may contact their local U. S. Equal Employment Opportunity Commission field office for the purpose of filing a charge of employment discrimination. To locate the nearest field office, contact:

Equal Employment Opportunity Commission
1801 L Street, N.W.
Washington, DC 20507
TEL: 1-800-669-4000
TTY: 1-800-669-6820

DO NOT REMOVE THIS NOTICE UNTIL: _____, 2005

APPENDIX A