

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY	)	
COMMISSION, and	)	
REBECKAH WOMACK	)	
	)	
Plaintiff,	)	CIVIL ACTION NO.
	)	
	)	05-2611
v.	)	
	)	Judge McCalla
HILL BOREN P. C.	)	
	)	Magistrate Judge Pham
Defendant.	)	

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**SETTLEMENT AGREEMENT AND ORDER**

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This lawsuit was filed on August 23, 2005, by the Equal Employment Opportunity Commission (the Commission) against Hill Boren P.C. under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* (Title VII) and the Civil Rights Act of 1991. The Complaint in this lawsuit claims that Defendant subjected Rebekah Womack to a hostile work environment in violation of Title VII. Rebekah Womack filed an Intervenor's Complaint on March 23, 2006.

The Commission, Womack and Hill Boren have agreed to this Settlement Agreement and Order to settle all of the claims involved in this lawsuit.

The Court has reviewed the terms of this Settlement Agreement and Order in light of the applicable laws and regulations, and hereby approves this Settlement Agreement and Order.

THEREFORE, it is hereby ORDERED:

## I. JURISDICTION

The United States District Court for the Western District of Tennessee, Western Division, has jurisdiction over the parties and subject matter of this lawsuit, and will retain jurisdiction over this Settlement Agreement and Order for purposes of enforcement and dispute resolution.

## II. DISCLAIMER

Neither the negotiation of nor agreement to this Settlement Agreement and Order is an admission or acknowledgment by Hill Boren that any of its employees, officers, directors, or agents have violated Title VII. Hill Boren expressly denies liability in this action.

## III. DURATION OF SETTLEMENT AGREEMENT AND ORDER

This Settlement Agreement and Order will be binding on the parties to this lawsuit for two years after the date of its entry by the Court.

## IV. GENERAL RELIEF

A. Defendant, its officers, agents, employees, and all persons acting in concert with Defendant are hereby enjoined from engaging in any employment practice which has the purpose or effect of discriminating against any employee on the basis of sex pursuant to Title VII of the Civil Rights Act of 1964, as amended.

B. Defendant its officers, agents, employees, and all persons acting in concert with Defendant are hereby enjoined from engaging in any employment practice which has the purpose or effect of retaliating against any employee or applicant for employment for participating in any proceeding under Title VII or for opposing discriminatory employment practices made unlawful under Title VII of the Civil Rights Act of 1964, as amended.

#### V. INDIVIDUAL RELIEF

In compromise and settlement of these disputed claims, Defendant agrees to pay a total of \$15,000.00 in damages to Rebekah Womack, a former employee, to resolve this lawsuit. Within 21 days of the entry of this Decree, Defendant shall mail a cashier's or business check on behalf of the former employee to her attorney.

The Defendant shall also mail a copy of the check to:

Faye A. Williams, Regional Attorney  
Equal Employment Opportunity Commission  
1407 Union Avenue, Suite 621  
Memphis, Tennessee 38104

#### VI. TRAINING

Within sixty days after receiving a copy of this Settlement Agreement and Order entered by the Court, Hill Boren will provide sexual harassment awareness training for its management officials and employees at its Memphis, Tennessee location. The training will include at least two (2) hours of instruction. The training will also include the following topics: what constitutes sexual harassment; how to prevent, identify and remedy sexual harassment; what constitutes retaliation in violation of Title VII; Defendant's policy against sexual harassment and retaliation; and implementation of Defendant's policy against sexual harassment, including procedures and responsibilities for reporting, investigating and remedying conduct an employee believes may constitute sexual harassment. The training will be conducted by an outside trainer to be agreed upon by the parties.

Within thirty (30) days after entry of this Consent Decree by the court, Defendant shall submit to the Commission the date of the proposed training session and a detailed outline of the proposed training. New staff will be given training within 30 days of hiring/promotion. Within

twenty days after the completion of this training, Hill Boren will submit a report to Deidre Smith, at the address indicated above, confirming that this training has occurred, and a list of the attendees who received the training.

#### VII. POLICY PROHIBITING HARASSMENT

Hill Boren's policy prohibiting harassment which is attached, as Appendix A, to this Settlement Agreement and Order will continue to be complied with by Hill Boren and its staff.

Within sixty days after receiving a copy of this Decree entered by the Court, the managing partner, attorneys, and each employee, will be required to read and sign a copy of this policy, and will be given a copy of the policy. Within twenty days after this requirement has been met, Hill Boren will submit a report to Faye A. Williams, at the address indicated above, confirming that this requirement has been met. Thereafter, whenever a new employee is hired, he or she will be required to read and sign a copy of this policy, and will be given a copy of the policy.

#### VIII. POSTING OF NOTICES

Hill Boren will continue to post its sexual harassment policy at its Memphis, Tennessee location. Hill Boren will also post the Notice, attached as Appendix B, for two years following entry of this Settlement Agreement and Order by the Court.

#### IX. COMPLIANCE AND DISPUTE RESOLUTION

During the pendency of the Settlement Agreement and Order, if the Commission believes that Hill Boren has failed to comply with any provision(s) of the Settlement Agreement and Order, the Commission shall notify Hill Boren in writing of such non-compliance. If Hill

Boren has not remedied such non-compliance within thirty (30) days of such notice, the Commission may apply to this Court for an order to show cause why Hill Boren should not be found in contempt of the Court, or for any other appropriate order.

#### X. ATTORNEY'S FEES AND COSTS

The Commission, Womack, and Hill Boren will bear their own attorney's fees and costs incurred in this lawsuit.

#### XI. DISMISSAL

After full compliance with this Settlement Agreement and Order, the Commission and Womack will dismiss this action with prejudice by submitting an appropriate order with the Court.

SO ORDERED this 23<sup>rd</sup> day of July, 2007.

s/ JON P. McCALLA  
UNITED STATES DISTRICT JUDGE

FOR THE DEFENDANT

s/ Thomas L. Henderson (w/permission DS)  
**THOMAS L. HENDERSON**

LEWIS FISHER HENDERSON  
CLAXTON & MULROY  
6410 Poplar Avenue, Suite 300  
Memphis, TN 38119

FOR REBEKAH WOMACK PETROWSKI

s/ Dan M. Norwood (w/permission DS)  
**DAN M. NORWOOD**  
NORWOOD, HOWARD & ATCHLEY

FOR THE COMMISSION

**RONALD S. COOPER**  
General Counsel

**JAMES L. LEE**  
Deputy General Counsel

**GWENDOLYN YOUNG REAMS**  
Associate General Counsel

s/ Faye A. Williams (w/permission DS)  
**FAYE A. WILLIAMS, BPR # 11730**  
Regional Attorney

s/ Terry Beck (w/permission DS)  
**TERRY BECK, BPR # 09346**  
Supervisory Trial Attorney

s/ Deidre Smith  
**DEIDRE SMITH, BPR #018499**  
Senior Trial Attorney

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