

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

FILED BY *cg* D.C.  
05 JAN 28 PM 2:46

ROBERT R. DI TROLIO  
CLERK, U.S. DIST. CT.  
W.D. OF TN, MEMPHIS

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
PUCCINI AND PASTA LLC, )  
 )  
Defendant. )

CIVIL ACTION NO.  
03-2726 D/A

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**CONSENT DECREE**

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The Equal Employment Opportunity Commission (hereinafter "the Commission" or "the EEOC"), filed this lawsuit against Puccini and Pasta LLC ("Puccini & Pasta") under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e, et seq. (Title VII), on September 25, 2003. The Complaint in this lawsuit claims that Puccini & Pasta discriminated against Jennifer Williams and other female employees (collectively, the alleged victims of discrimination, hereafter referred to as "the alleged victims") by subjecting them to sexual harassment and constructively discharging some of them.

Subsequent to the filing of this lawsuit, Puccini & Pasta ceased operating its restaurant in Memphis, Tennessee, and is dissolving.

EEOC and Puccini & Pasta have agreed to this Consent Decree to settle all of the claims that were or could have been brought in this lawsuit.

This document entered on the docket sheet in compliance with Rule 58 and/or 79(a) FRCP on 1-31-2005

40

The Court has reviewed the terms of this decree in light of the applicable laws and regulations, and hereby approves this Consent Decree. **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 Consent Decree for purposes of enforcement and dispute resolution.

### **II. DISCLAIMER**

Neither the negotiation of or agreement to this Consent Decree, nor the payment by Puccini & Pasta of money to the alleged victims pursuant to Section IV below, is an admission or acknowledgment by Puccini & Pasta that any of its employees, managers, members, or agents have violated Title VII. It is understood and agreed that this Consent Decree is a compromise of disputed claims, and that it is not to be considered an admission of liability on the part of Puccini & Pasta.

### **III. DURATION OF DECREE**

This Decree will be binding on the parties to this lawsuit until all actions described in this Consent Decree have been accomplished.

### **IV. INDIVIDUAL REMEDIES**

Within 60 days after receiving a copy of this Consent Decree entered by the Court and after receiving payment instructions from the Commission and the Release attached to this Consent Decree, signed and notarized, from each of the alleged victims, Puccini & Pasta will pay a total of \$50,000.00 in monetary damages to the alleged victims, in

accordance with instructions from the Commission concerning who will be paid and how much each alleged victim will be paid. The payments will be made by Puccini & Pasta mailing checks to the alleged victims at the addresses provided by the Commission.

A copy of each check (front and back), and of any other documents mailed with each check, will be mailed at the same time to:

Carson L. Owen, Senior Trial Attorney  
Equal Employment Opportunity Commission  
1407 Union Ave., Suite 621  
Memphis, TN 38104.


#### **V. ATTORNEY'S FEES AND COSTS**

EEOC and Puccini & Pasta will each bear their own attorney's fees and costs incurred in this lawsuit.

#### **VI. DISMISSAL WITH PREJUDICE**

This lawsuit is hereby dismissed with prejudice, subject to the satisfactory completion of all actions described in this Decree.

SO ORDERED this 26 day of January, 2005.

  
**BERNICE B. DONALD**  
**UNITED STATES DISTRICT JUDGE**

(Concluded on next page.)


Consented to on behalf of the respective parties:

**FOR PLAINTIFF EEOC:**

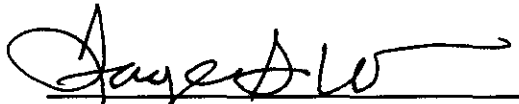
**ERIC S. DREIBAND**  
General Counsel

**JAMES LEE**  
Deputy General Counsel

**GWENDOLYN YOUNG REAMS**  
Associate General Counsel

  
\_\_\_\_\_

**KATHARINE W. KORES**  
Regional Attorney  
Tennessee Bar No. 6283

  
\_\_\_\_\_

**FAYE A. WILLIAMS**  
Supervisory Trial Attorney  
Tennessee Bar No. 11730

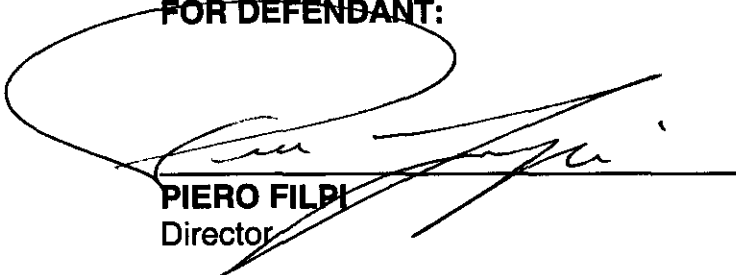
  
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**CARSON L. OWEN**  
Senior Trial Attorney  
Tennessee Bar No. 9240

**EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION**

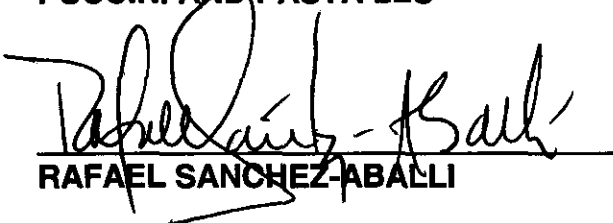
1407 Union Avenue, Suite 621  
Memphis, Tennessee 38104  
Telephone No. (901) 544-0133

**FOR DEFENDANT:**

  
\_\_\_\_\_

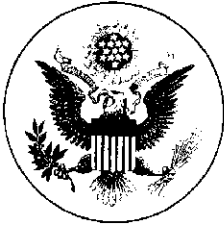
**PIERO FILPI**  
Director

**PUCCINI AND PASTA LLC**

  
\_\_\_\_\_

**RAFAEL SANCHEZ-ABALLI**

**SANCHEZ-ABALLI & PARTNERS**  
1401 Brickell Ave., Suite 825  
Miami, Florida 33131  
Telephone No. (305) 373-0330



## Notice of Distribution

This notice confirms a copy of the document docketed as number 40 in case 2:03-CV-02726 was distributed by fax, mail, or direct printing on January 31, 2005 to the parties listed.

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SANCHEZ-ABALLI & ALVAREZ LLP  
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Ste. 2380  
Miami, FL 33131

Faye A. Williams  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
1407 Union Avenue  
Ste. 621  
Memphis, TN 38104

Carson L. Owen  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
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Memphis, TN 38104

Honorable Bernice Donald  
US DISTRICT COURT