

EOD 7/20/00

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

FILED-CLERK
U.S. DISTRICT COURT

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EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
Plaintiff,

v.

CARDIAC CONSULTANTS,
R. LEDDON SWEET, M.D., P.A.,
Defendants.

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TX EASTERN-BEAUMONT
BY JC
CIVIL ACTION NO. 1:99CV-584

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JURY TRIAL DEMANDED

CONSENT DECREE

Plaintiff, the United States Equal Employment Opportunity Commission ("Commission" or "EEOC") and Defendant, R. Leldon Sweet, M.D., P.A. ("Defendant"), agree to entry of this Consent Decree.

I. Background and History of Proceedings

A. Charging Party Kimberly Richardson filed a Charge of Discrimination with the Commission alleging Defendant violated Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.* ("Title VII").

B. On September 8, 1999, the Commission filed this action alleging that Defendant discriminated against Kimberly Richardson because of her relationship with an African-American in violation of Section 703(a) of Title VII by harassing and constructively discharging her and otherwise denying her equal employment opportunities because of race/national origin and her relationship with an African-American.

C. Defendant denied the allegations of discrimination and the allegations made by Ms. Richardson on her individual claims.

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D. The parties wish to avoid the risks, uncertainties and expenses of continued litigation. Accordingly, the parties have agreed to settle this lawsuit. Neither Defendant's consent to the entry of this Decree nor any of the terms set forth in it shall constitute or be construed as an admission of any Title VII violation, which is expressly denied by Defendant. Both parties agree that this Consent Decree is being entered into for the sole purpose of compromising disputed claims without the necessity for protracted litigation.

E. The Commission and Defendant stipulate to the jurisdiction of the Court and the satisfaction of all administrative prerequisites. The parties further waive hearing and entry of findings of fact and conclusions of law on all issues.

IT IS ORDERED that:

1. This Consent Decree is entered in full and complete settlement of any and all claims made by the Commission arising out of or asserted in Civil Action No. 1:99CV-584 and the above-referenced Charge on behalf of Ms. Richardson.
2. Defendant and all of its employees and/or all persons in active concert or participation with it agree they will not engage in any employment practices which discriminate against any individual with respect to compensation, terms, conditions or privileges of employment because of such individual's race and their relationship with an African-American in violation of the Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.* and will not retaliate against any individual who has opposed any practice made an unlawful employment practice

under Title VII or who has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under Title VII or in connection with this case.

3. Defendant and all of its employees agree that they will not engage in any employment practice which discriminates against any employee or applicant for employment because of that person's race and their relationship with an African-American.
4. Defendant will provide an independent experienced training person or group who shall provide a program on employment discrimination, including the law relating to race discrimination to all management level employees. The training shall be completed not later than December 31, 2000. Defendant shall submit to the EEOC at least thirty days in advance of the December 31, 2000 program the name of the program provider and a curriculum outline indicating the information to be addressed during the program and copies of all agendas and materials to be distributed at the training seminar. The person who shall administer the training will be either attorney(s) or person(s) possessing at least five years of experience in labor and employment law. Written acknowledgment of receipt of the training shall be obtained by Defendant from all individuals attending the training and retained among the employment records of Defendant.
5. Defendant has agreed to pay Kimberly Richardson a confidential sum that has been agreed to by the parties and described in a separate agreement not filed

with the Court. A copy of the check disbursed to Kimberly Richardson shall be mailed to the EEOC's undersigned counsel of record by Defendant.

6. Each party to this action shall bear their own costs and attorney's fees.
7. This Consent Decree shall be binding on Defendant and all of Defendant's subsequent successors-in-interest, and Defendant will notify all such subsequent successors-in-interest of the existence and terms of this Consent Decree.
8. This Decree shall remain in effect for two years from the date of signing. During the period that this Decree shall remain in effect, the Court shall retain jurisdiction to assure compliance with this Decree and to permit entry of such further orders or modifications as may be appropriate. Any party hereto is authorized to seek Court-ordered enforcement of this Decree in the event of a breach of any of the provisions herein.
9. Nothing in this Consent Decree shall be construed to preclude the Commission from filing a separate action in the future under the Title VII, or any other statute which the Commission enforces, for any alleged pending or subsequent violations by Defendant not resolved by this Decree.
10. Each signatory certifies that he or she is authorized to execute this document on behalf of the party or parties whom they represent.

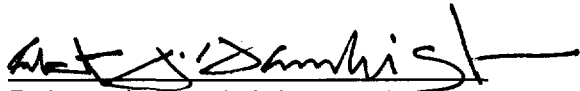
Signed this 19th day of July, 2000 at Beaumont, Texas.


United States District Judge

AGREED AND CONSENTED TO:

ATTORNEY FOR DEFENDANT

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