

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JUN 24 2004

Michael N. Milby, Clerk of Court

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
Plaintiff,

v.

SIX CONTINENTS HOTELS, INC d/b/a
HOLIDAY INN HOTEL & SUITES, and d/b/a
CROWN PLAZA HOUSTON MEDICAL CENTER
Defendant.

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CIVIL ACTION NO. H-03-4041

JURY TRIAL DEMANDED

FINAL JUDGMENT

Plaintiff, the United States Equal Employment Opportunity Commission ("Commission" or "EEOC") and Defendant, Six Continents Hotels, Inc., d/b/a Holiday Inn Hotel & Suites and d/b/a Crown Plaza Houston Medical Center ("Defendant"), agree to entry of this Final Judgment.

I. Background and History of Proceedings

A. Charging Party Handan Yolcu filed a charge of discrimination with the Commission (Charge No. 330-A2-0126) on her own behalf and on behalf of a class of female employees of Defendant alleging Defendant violated the Equal Pay Act of 1963 ("EPA") and Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e *et seq.* ("Title VII").

B. Defendant denied the Commission's and Ms. Yolcu's and any other identified class members allegations and asserted numerous defenses to such claims, including that the two named individuals were terminated as a result of a reduction in force.

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C. 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 Judgment nor any of the terms set forth in it shall constitute or be construed as an admission of any Title VII violation. Both parties agree that this Final Judgment is being entered into for the sole purpose of resolving disputed claims without the necessity for protracted litigation.

IT IS ORDERED that:

1. This Final Judgment is entered in full and complete settlement of any and all claims arising out of or asserted in Civil Action No. H-03-4041 and the above-referenced Charge on behalf of Charging Party and the class.
2. Defendant and all of its employees and affiliated companies reaffirms that it has not and 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 sex or national origin and reaffirms that it has not 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.
3. Annually, for three years from the entry of this Final Judgment, Defendant will provide, using either an attorney or an independent experienced training person or group, a program on the illegality of employment discrimination regarding recruitment, hiring, wage decisions, promotion and discharge, to all human resources professionals and management level and above employees


at the Holiday Inn Medical Center. The General Manager of the Holiday Inn Medical Center at the time the charge of discrimination was filed with the Commission will also participate in such training, provided such General Manager remains employed by Defendant at the time of the training. The first training shall be completed not later than October 31, 2004, or within six (6) months from the date the Final Judgment is entered, whichever date is later.

4. Defendant agrees that within ten days after entry of this Judgment it will conspicuously post the attached notice (Exhibit "A") on all employee bulletin boards of the Holiday Inn Medical Center for a period of three years from the date the Judgment is signed.
5. Defendant agrees that within thirty (30) days after entry of this Judgment it will provide Handan Yolcu and Lori Babineaux a positive letter of recommendation. In the event Defendant is contacted by a prospective employer regarding Ms. Yolcu or Ms. Babineaux , Defendant will instruct its employees responsible for handling inquiries from prospective employers to provide job title, salary and length of employment only.
6. Pursuant to the terms of a separate settlement agreement and within ten (10) days from the execution of such agreement and this Final Judgment, Defendant agrees to pay a total aggregate sum of THIRTY TWO THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$32,500.00) to be distributed among the following alleged class members: Handan Yolcu, Taletha Jenkins, Lori Babineaux and Tamera Jirbi.

7. Each party to this action shall bear their own costs and attorney's fees.
8. This Final Judgment shall be binding on Defendant and Defendant will notify all such successors-in-interest of the existence and terms of this Final Judgment.
9. This Judgment shall remain in effect for three years from the date of signing. During the period that this Judgment shall remain in effect, the Court shall retain jurisdiction to assure compliance with this Judgment and the settlement agreements and to permit entry of such further orders or modifications as may be appropriate. The EEOC is specifically authorized to seek Court-ordered enforcement of this Judgment in the event of a breach of any of the provisions herein.
10. Nothing in this Final Judgment shall be construed to preclude the Commission from filing a separate action under Title VII or any other statute which the Commission enforces in the future for any alleged violations of sex and national origin discrimination or disparate pay based on sex and national origin, involving the Holiday Inn Medical Center after date of Judgment.

Signed this 23rd day of JUNE, 2004 at Houston,

Texas.



Vanessa Gilmore
United State District Judge

APPROVED & ENTRY REQUESTED:

ATTORNEY FOR PLAINTIFF

By: *Kathy D. Boutchee*
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**NOTICE TO THE EMPLOYEES OF
BRISTO MANAGEMENT, L.P.**

THIS NOTICE IS POSTED PURSUANT TO THE BRISTOL MANAGEMENT, L.P.'S POLICIES REGARDING DISCRIMINATION IN THE WORK PLACE PURSUANT TO TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED.

1. Federal law requires that there be no discrimination against any employee or applicant for employment because of the employee's sex, race, color, religion, national origin, age or disability with respect to compensation, hiring or other terms, conditions or privileges of employment.
2. BRISTOL MANAGEMENT, L.P. supports and will comply with such Federal law in all respects and will not take any action against employees because they have exercised their rights under the law by filing charges with the Equal Employment Opportunity Commission (EEOC), providing information to the EEOC, and/or assisting in any manner with an EEOC investigation or lawsuit.
3. Sex, race, color, religion, national origin, age or disability discrimination are expressly prohibited and constitute an unlawful discriminatory employment practice. Such discriminatory employment practices will not be tolerated at BRISTOL MANAGEMENT, L.P.
4. Any employee who feels they have been the target of such discrimination is advised to report this action promptly to Ileana Infante, Human Resources Director, (713) 528-7744 or call 1-800-424-2386.

SIGNED this _____ day of _____, 2004.

General Manager, Holiday Inn Medical Center

This OFFICIAL NOTICE shall remain posted for three full years from date of signing.

"EXHIBIT A"