

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)

U.S. EQUAL EMPLOYMENT)	
OPPORTUNITY COMMISSION, et. al.)	
)	
Plaintiffs,)	
)	Case No.: 1:08-cv-00518-CCB
v.)	
)	
BVP, LLC & NFAC, INC.)	
)	
Defendants.)	
)	

CONSENT DECREE

This action was instituted by Plaintiff, U.S. Equal Employment Opportunity Commission (“EEOC” or “Commission”), against Defendants BVP, LLC and NFAC, Inc. (“Defendants”), alleging that Defendants violated Section 703(a)(1) of Title VII of the Civil Rights Act of 1964, as amended (“Title VII”), 42 U.S.C. §2000e-2(a)(1), by discriminating against a class of women on the basis of sex and by creating a hostile work environment for the class, including Joella Hopkins (“Hopkins”), Michelle Cabral (“Cabral”), Dawn Wooden (“Wooden”), and Melissa Mendez (“Mendez”); and violating Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a) by retaliating against Hopkins, Cabral, and Wooden for complaining about discrimination. Defendants deny all of these allegations.

The Parties desire to resolve this action without the time and expense of continued litigation, and they desire to formulate a plan to be embodied in a decree which will promote and effectuate the purposes of Title VII. Nothing in this Decree, or the Decree itself, shall constitute an admission that Defendants violated any laws.

The Court has examined this Decree and finds that it is reasonable, just, and in

accordance with the Federal Rules of Civil Procedure and Title VII. Therefore, upon due consideration of the record herein, it is ORDERED, ADJUDGED, AND DECREED:

Scope of Decree

1. This Decree fully and finally resolves all issues and claims brought in the Complaint filed by the Commission in this Title VII action, including the claims of unidentified class members, and all claims in the Complaints filed by Joella Hopkins and Dawn Wooden. The actions resolved include all sexual harassment or retaliation claims of unidentified class members based upon events that occurred more than 300 days prior to the date of this Decree.

2. This Decree shall be in effect for a period of three years from the date it is entered by the Court. During that time, this Court shall retain jurisdiction over this matter and the parties for the purpose of enforcing compliance with this Decree, including issuing such orders as may be required to effectuate the purposes of the Decree.

3. This Decree, being entered with the consent of all Parties, shall not constitute an adjudication or finding on the merits of the case.

Injunctive Relief

4. Defendants, their officers, agents, servants, employees, successors, assigns, and all persons acting or claiming to act on their behalf are hereby enjoined from discriminating against employees or prospective employees on the basis of sex, and enjoined from retaliating against employees for complaining about discrimination. Such discrimination and retaliation violates Title VII, which in part is set forth below:

It shall be an unlawful employment practice for an employer to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin, 42 U.S.C. §2000e-2(a)(1)

[It is unlawful to] for an employer to discriminate ...because [an individual] has opposed any practice made ... unlawful ... by [Title VII], or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under [Title VII], 42 U.S.C. §2000e-3(a)

5. Within 90 calendar days from the date of entry of the Decree, all Defendants' managers responsible for the interviewing, screening, selecting, hiring, and/or firing of employees shall be required to attend a training program lasting at least two hours. The training shall cover the prevention of employment discrimination and compliance with federal anti-discrimination laws, with a particular emphasis on sexual harassment, retaliation, and the creation of a hostile work environment. It shall be conducted by an outside consultant or law firm approved by the EEOC. The Commission shall not unreasonably withhold approval of the trainer. For the duration of the Decree, Defendants shall provide this same training to all newly hired officers, managers, and supervisors, as set forth herein, Within ten business days of providing each such training session, Defendants will furnish EEOC with a signed attendance list, the dates and duration of the training, an outline of the training conducted, and a certification of completion of the mandatory training.

6. Within ten business days after entry of this Decree, Defendants will post a Notice containing the language set forth in Attachment A in all places where notices to employees are customarily posted at Defendants' facilities. The Notice shall be posted and maintained for the duration of the Decree and shall be signed by the Defendants' President/CEO(s), with the date of actual posting shown thereon. Should the Notice become defaced, marred, or otherwise made unreadable, Defendants will ensure that new readable copies of the Notice are posted in the same manner as mentioned above. Within 30 calendar days of entry of the Decree, Defendants shall forward to the EEOC's Baltimore Field Office a copy of the signed Notice and written certification that the Notice has been posted, including a description of the locations where the notice has been

posted and the dates when the notice was posted.

Monetary Relief

7. Defendants or their designee(s) shall pay to Hopkins, Wooden, Cabral, and Mendez and/or their attorneys a total of One Hundred Sixty-One Thousand Dollars (\$161,000.00), which will be allocated and distributed under the terms set forth in accordance with the Parties' Distribution Agreement.

8. The checks will be sent to Hopkins, Wooden, Cabral, and Mendez directly or to an agent designated on the Parties' Distribution Agreement, and a photocopy of the checks and related correspondence will be mailed to John Alvin Henderson, U.S. Equal Employment Opportunity Commission, Baltimore Field Office, 10 S. Howard Street, 3rd Floor, Baltimore, Maryland 21201. Defendants or their designee(s) will issue to U.S. Internal Revenue Service 1099 Forms as appropriate.

9. All Parties shall bear their own costs and attorneys' fees.

10. No later than July 31, 2009, each of the Defendants shall submit to the EEOC (to John. A. Henderson at the address set forth above) a report listing all of its employees who alleged that they were subject to sexual harassment or retaliation during the period from January 1 to June 30, 2009. These reports shall include a description of the nature of the allegations of sexual harassment or retaliation, the name, address, and telephone number of the person(s) who alleged that they were subject to sexual harassment or retaliation, and any witnesses to the allegations. These reports shall also include any actions that Defendants took to investigate and address the allegations of sexual harassment or retaliation. Defendants shall also state whether the investigation is ongoing, or whether the investigation has been closed. Defendants shall indicate whether there has been any final determination or judgment on the allegations.

Approval of Intervenor Plaintiffs to dismissal of their claims in this case pursuant to the terms above (including Section 8 as to fees and costs):

_____/s/_____
Joseph T. Mallon, Jr., Esq.
Counsel for Joella Hopkins
Mallon and McCool, LLC
300 East Lombard Street, Suite 920
Baltimore, Maryland 21202
(410) 727-7887

_____/s/_____
Leslie L. Gladstone, Esq.
Counsel for Dawn Wooden
1040 North Calvert Street
Baltimore, Md. 21202-3856
(410) 727-2322

SO ORDERED

Signed and entered this _____ day of _____, 2009.

Catherine C. Blake
United States District Court Judge

1832428



**EQUAL EMPLOYMENT
OPPORTUNITY
COMMISSION**

**NOTICE TO EMPLOYEES POSTED PURSUANT TO AN AGREEMENT
BETWEEN THE EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION AND BIG VANILLA**

Under Section 703(a) of Title VII of the Civil Rights Act of 1964, it is unlawful for an employer to —

discharge any individual, or otherwise to discriminate against any individual ... because of ... race, color, religion, sex, or national origin, 42 U.S.C. §2000e-2(a)(1)

Title VII also prohibits discrimination against any employee---

because [an individual] has opposed any practice made ... unlawful ... by [Title VII], or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under [Title VII], 42 U.S.C. §2000e-2(d)

WE WILL NOT engage in any acts or practices made unlawful by the above sections.

WE WILL NOT retaliate against applicants or employees for complaining about discrimination

BVP, LLC*

Dated: _____

By: _____

*substitute N.F.A.C., Inc. as appropriate

ATTACHMENT A