



Cornell University
ILR School

Cornell University ILR School
DigitalCommons@ILR

ADAAA Case Repository

Labor and Employment Law Program

1-13-1998

Equal Employment Opportunity Commission, Plaintiff v. TF, Inc, f/ k/a Taylor Forge International, Inc., Defendant

Judge Bernice B. Donald

Follow this and additional works at: <https://digitalcommons.ilr.cornell.edu/adaaa>

Thank you for downloading this resource, provided by the ILR School's Labor and Employment Law Program. [Please help support our student research fellowship program with a gift to the Legal Repositories!](#)

This Article is brought to you for free and open access by the Labor and Employment Law Program at DigitalCommons@ILR. It has been accepted for inclusion in ADAAA Case Repository by an authorized administrator of DigitalCommons@ILR. For more information, please contact catherwood-dig@cornell.edu.

If you have a disability and are having trouble accessing information on this website or need materials in an alternate format, contact web-accessibility@cornell.edu for assistance.

Equal Employment Opportunity Commission, Plaintiff v. TF, Inc, f/k/a Taylor Forge International, Inc., Defendant

Keywords

Equal Employment Opportunity Commission, TF Inc f/k/a Taylor Forge International Inc., 97-2788 DV, Consent decree / Settlement, Disparate Treatment, Hiring, Epilepsy, Manufacturing, Employment Law, ADA

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

FILED
98 JAN 13 11:16

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

PLAINTIFF

v.

TF, Inc.
f/k/a Taylor Forge International,
Inc.

DEFENDANT.

Civil Action No.
97-2788 DV

CONSENT DECREE

This action was instituted by the Equal Employment Opportunity Commission (hereinafter the "Commission") against Defendant, TF, Inc., f/k/a Taylor Forge International, Inc., pursuant to Section 107(a) of the Americans With Disabilities Act of 1990 ("ADA"), 42 U.S.C. §12117(a), which incorporates by reference Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. §§2000a-5(f)(1) and (3), and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981(A). The Complaint alleged Defendant failed to hire Roger Armstrong for a press helper position because of his disability, epilepsy.

This Consent Decree does not constitute an admission by the Defendant of the allegations of the Complaint. The Defendant maintains that the actions of its officials were proper and lawful in all regards. However, all parties to this action desire to avoid the additional expense and delay in this litigation of this

In the event this proposed Consent Decree is not approved or does not become final, it shall not be admissible in evidence in any subsequent proceeding in this action.

The Court has reviewed the terms of the proposed Consent Decree in light of the applicable laws and regulations, the statements and representations of counsel for all parties, and hereby approves the Consent Decree.

It is hereby ORDERED, ADJUDGED AND DECREED:

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 litigation.

II. SCOPE AND DURATION OF DECREE

A. This Consent Decree resolves all issues and claims arising out of the Commission's Complaint in this cause, alleging unlawful employment policies and practices maintained by the Defendant and arising out of Charge No. 250-96-0009 filed by the Charging Party, Roger Armstrong with the Commission. Notwithstanding any provisions contained in this Decree, this agreement shall not be considered in any manner to be dispositive of any charge now pending before any office of the Commission other than Charge No. 250-96-0009.

B. The provisions of this Consent Decree shall continue to

III. INJUNCTION PROVISIONS

A. The Defendant, its officers, agents, employees, and all persons acting in concert with the Defendant are hereby enjoined from discriminating against a qualified individual with a disability because of the disability of such individual in regard to hiring and other terms, conditions, and privileges of employment.

B. The Defendant, its officers, agents, employees, and all persons acting in concert with the Defendant shall not engage in any employment practice which has the purpose or effect of discriminating against any individual on the basis of a disability under the Americans With Disabilities Act.

IV. NON-RETALIATION PROVISION

The Defendant, its officers, agents, employees, and all persons acting in concert with the Defendant shall not discriminate against any individual because such individual has opposed any act or practice made unlawful by the Americans With Disabilities Act or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the Americans With Disabilities.

The Defendant shall continue to conspicuously post at its Millington, Tennessee office, the notice (poster) required to be posted pursuant to the Americans With Disabilities Act of 1990.

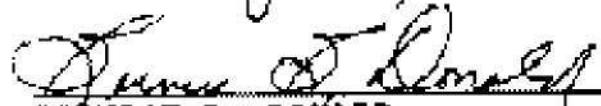
VI. INDIVIDUAL RELIEF

The Defendant shall pay Roger Armstrong \$17,000.00 in compensatory damages. Within ten days after entry of the Decree, Defendant shall deliver to Roger Armstrong a cashier's check made payable to "Roger Armstrong" in the amount of \$17,000.00 at the following address: 4757 Saratoga, Millington, TN 38053.

VI. COSTS


Each of the parties shall bear their own costs, including attorneys' fees.

IT IS SO ORDERED THIS 13th DAY OF January, 1998.



BERNICE B. DONALD
UNITED STATES DISTRICT JUDGE

FOR THE DEFENDANT:


HERBERT GERSON, ESQ.
MICHELLE S. HARKAVY
McKnight Hudson Lewis/
Ford & Harrison
6750 Poplar Avenue, Suite 301
P. O. Box 171375
Memphis, TN 38187-1375
(901) 756-1550

FOR THE COMMISSION:

C. GREGORY STEWART.
General Counsel



KATHARINE W. KORES
Acting Regional Attorney



FAYE R. WILLIAMS
Senior Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
1407 Union Avenue, Suite 621
Memphis, Tennessee 38104
Telephone: (901) 544-0088