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EEOC and Sheena Smith v. Cone Solvents, Inc.

Judge John T. Nixon

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EEOC and Sheena Smith v. Cone Solvents, Inc.

Keywords

EEOC, Sheena Smith, Cone Solvents, Inc., 3:04-0481, Consent Decree, Disparate Treatment, Hostile Work Environment, Sex, Utilities, Employment Law, Title VII

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
and)	
)	3:04-0841
SHEENA SMITH)	
)	Judge Nixon
Plaintiff-Intervenor,)	
)	JURY DEMAND
v.)	
)	
CONE SOLVENTS, INC.,)	
)	
Defendant.)	

CONSENT DECREE

This lawsuit was filed September 15, 2004 by the Equal Employment Opportunity Commission (Commission) against Cone Oil Company, Inc. under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e, et seq. (Title VII) and the Civil Rights Act of 1991. The Complaint in this lawsuit claims that Defendant Cone Oil subjected Sheena Smith and a class of female employees to a hostile work environment in violation of Title VII. On January 18, 2005, the Commission filed an Amended Complaint to correct the mislabeling of the Defendant in the case from Cone Oil Co., Inc., to Cone Solvents, Inc., (Cone Solvents). Sheena Smith filed an Intervenor Complaint on January 14, 2005.

The Commission and Cone Solvents have agreed to this Consent Decree to settle all of the claims involved in this lawsuit.

The Court has reviewed the terms of this Decree in light of the applicable laws and regulations, and hereby approves this Decree. **THEREFORE**, it is hereby **ORDERED**:

I. JURISDICTION

The United States District Court for the Middle District of Tennessee, Nashville Division, has jurisdiction over the parties and subject matter of this lawsuit, and will retain jurisdiction over this Decree for purposes of enforcement and dispute resolution.

II. DISCLAIMER

Neither the negotiation of nor agreement to this Decree is an admission or acknowledgment by Cone Solvents that any of its employees, officers, directors, or agents have violated Title VII.

III. DURATION OF DECREE

This Decree will be binding on the parties to this lawsuit for two years after the date of its entry by the Court.

IV. INJUNCTIVE RELIEF

Cone Solvents, its supervisors, managers, officers, directors, agents, and successors are enjoined from sexually harassing employees in violation of Title VII.

V. INDIVIDUAL REMEDIES

Cone Solvents will pay a total of \$50,000.00 in compensatory damages, as directed by the Commission, within twenty days after receipt of the payment instructions from the Commission. The payments, for a total of \$50,000.00, will be made by mailing checks to the two individuals identified by the Commission at the addresses which will

be provided by the Commission, and Sheena Smith, client of Wade Cowan. A copy of the checks (front and back), will be mailed at the same time to:

Faye A. Williams, Regional Attorney
Equal Employment Opportunity Commission
1407 Union Ave., Suite 621
Memphis, TN 38104

VI. TRAINING

Within sixty days after receiving a copy of this Decree entered by the Court, Cone Solvents will provide training for its President, management officials, and employees concerning the responsibility of all employees not to sexually harass other employees and to report promptly any harassment which occurs. This training will also address the responsibility of supervisors and managers to deal quickly, effectively, and fairly with any sexual harassment found to have occurred, and not to retaliate against employees for complaining about unlawful sexual harassment or filing charges with the Commission. Within twenty days after the completion of this training, Cone Solvents will submit a report to Deidre Smith, at the address indicated above, confirming that this training has occurred, and a list of the attendees who received the training.

VII. POLICY PROHIBITING HARASSMENT

The policy prohibiting harassment which is attached to this Decree will be complied with by Cone Solvents. Within sixty days after receiving a copy of this Decree entered by the Court, the President, management officials, and each employee will be required to read and sign a copy of this policy, and will be given a copy of the policy. Within twenty days after this requirement has been met, Cone Solvents will submit a report to Deidre Smith, at the address indicated above, confirming that this requirement

has been met. Thereafter, whenever a new employee is hired, he or she will be required to read and sign a copy of this policy, and will be given a copy of the policy.


VIII. POSTING OF NOTICE

Within ten days after receiving a copy of this Decree entered by the Court, Cone Solvents will post the notice attached to this Decree for thirty days in conspicuous places upon its premises where notices to employees are customarily posted. Within fifty days after receiving a copy of this Decree entered by the Court, Cone Solvents will send a letter to Deidre Smith, at the address indicated above, verifying that this requirement has been met.

IX. ATTORNEY'S FEES AND COSTS

The Commission and Cone Solvents will each bear their own attorney's fees and costs incurred in this lawsuit.

SO ORDERED this 29 day of August, 2006.



JOHN T. NIXON
UNITED STATES DISTRICT JUDGE

Consented to on behalf of the respective parties:

FOR PLAINTIFF COMMISSION:

RONALD COOPER
General Counsel

JAMES LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

s/Faye A. Williams (with permission)
FAYE A. WILLIAMS (BPR 011730)
Regional Attorney

s/Deidre Smith
DEIDRE SMITH (BPR 018499)
Senior Trial Attorney

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COMMISSION**
1407 Union Avenue, Suite 621
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(901) 544-0140

FOR PLAINTIFF INTERVENOR:

s/Wade B. Cowan (with permission)
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Nashville, TN 37201

FOR DEFENDANT:

s/Matthew C. Longergan (as attorney
w/authority to sign for
DON GADD
Chief Financial Officer, Cone Solvents

s/Matthew C. Longergan (with permission)
MATTHEW C. LONERGAN (BPR 10798)
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s/George E. Barrett (with permission)
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