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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

U.S. EQUAL EMPLOYMENT

CASE NO. CV F 07-1428 LJO JLT

Plaintiff,

ORDER AFTER SETTLEMENT

and

ERIKA MORALES, et al.

Plaintiff Intervenors,

vs.

ABM INDUSTRIES INCORPORATED,
et al.,

Defendants.

_____ /

This Court has received and reviewed the proposed consent degree, filed on August 27, 2010 (Doc. 282). The Court has identified the following items that need clarification:

1. Section IX. A refers to "the accused" without identifying who this is. The parties may be referring to the alleged harasser for each particular woman but, for purposes of potential enforcement, it must be more clear.

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- 2. Section IX. D should be modified from "to the extent they continue to work there, . . ." to "to the extent they continue to work for Defendants."
- 3. Unless the parties have chosen a Monitor already (from reading Section XII. C., it appears that a Monitor has been selected already because it indicates that "ABM has submitted to the EEOC and to the Monitor . . ."), there should be a methodology outlined for selection as well as for selection of a Successor Monitor, in the event one becomes necessary. The Court suggests the following: ABM be required to identify a Monitor to EEOC who then can reject the Monitor. If the EEOC rejects ABM's choice, the EEOC may identify a Monitor to ABM, who can reject the Monitor. If this occurs, the parties will be required to file a joint motion for appointment of a Monitor with both sides suggesting candidates/providing background info for the Court to select the Monitor.
- 4. Section XII. A is unclear as to the number of investigators required. The parties must state the number of investigators ABM must have, rather than saying ABM "2 additional investigators."
- 5. Sections XII. C. (at 15:11-13),and XI. B. (11:5-7), each of these sections refers to "the owner." This must be clarified.

ORDER

The Court ORDERS the parties to meet and confer, address the aforementioned issues, and file an amended proposed consent decree no later than **September 21, 2010**. If the parties fail to file an amended consent decree on or before this date, this Court shall re-set the trial date in this action.

IT IS SO ORDERED.

Dated: August 30, 2010

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE