

1 babies,” and that there were “too many babies coming.” (*Id.* at ¶ 16(b).) Defendant then forced
2 Ms. Perez to go on leave in February 2014, and refused to allow her to return to work following
3 the birth of her child. (*Id.* at ¶¶ 16(c), (d).) The complaint alleged defendant had failed to rehire
4 and discharged similarly situated female employees when they attempted to return from work
5 after a pregnancy leave, and instead hired non-pregnant individuals. (*Id.* at ¶¶ 17, 18.) Plaintiff
6 EEOC sought a permanent injunction, an order that defendant institute new policies to ensure it
7 would not engage in further unlawful employment discrimination, and monetary relief for back
8 pay, pecuniary and non-pecuniary losses, and punitive damages. On April 27, 2017, the parties
9 engaged in a settlement conference with Magistrate Judge Stanley A. Boone, following which a
10 settlement was ultimately reached. (Doc. No. 42-1 at ¶ 6.) The parties now seek approval of this
11 consent decree.

12 “A consent decree is ‘essentially a settlement agreement subject to continued judicial
13 policing.’” *United States v. Oregon*, 913 F.2d 576, 580 (9th Cir. 1990) (quoting *Williams v.*
14 *Vukovich*, 720 F.2d 909, 920 (6th Cir. 1983)). Thus, before approving a consent decree, a district
15 court must independently determine that the proposed agreement is “fundamentally fair, adequate,
16 and reasonable” and “conform[s] to applicable laws.” *Id.*; see also *Arizona v. City of Tucson*, 761
17 F.3d 1005, 1010–14 (9th Cir. 2014). “[T]he district court must balance several factors, including
18 but not limited to: strength of the plaintiffs’ case; risk, expense, complexity and possible duration
19 of continued litigation; relief offered in settlement; extent of discovery already completed; stage
20 of proceedings; experience and views of counsel; governmental participation; and reaction of the
21 class members.” *Davis v. City & County of San Francisco*, 890 F.2d 1438, 1445 (9th Cir. 1989)
22 (citing *Officers for Justice v. Civil Serv. Comm’n of City & County of San Francisco*, 688 F.2d
23 615, 625 (9th Cir. 1982)). Where a government agency is involved in the negotiation of the
24 proposed consent decree, there is a presumption in favor of the decree’s enforceability, and courts
25 should pay deference to the agency’s judgment. See *S.E.C. v. Randolph*, 736 F.2d 525, 529 (9th
26 Cir. 1984).

27 Here, the proposed consent decree provides \$110,000 in monetary relief to be paid by
28 members of defendant’s management, which will be distributed to Ms. Perez and any other

1 claimants in a manner determined by the EEOC. (Doc. No. 41-1 at 5–6.) It further provides for
2 general injunctive relief, preventing defendants and its agents from engaging in discrimination on
3 the basis of sex in the future, as well as from retaliating against employees who oppose or report
4 such practices. (*Id.* at 6–7.) The consent decree requires defendant to retain a third-party Equal
5 Employment Opportunity Monitor to ensure defendant’s compliance with the consent decree and
6 applicable law. (*Id.* at 7–8.) Additionally, defendant must review and revise its written
7 employment policies prohibiting sex discrimination in the workplace and its handling of
8 complaints, as well as post a notice of the consent decree. (*Id.* at 8–11.) The consent decree also
9 contains additional training, record keeping, and reporting requirements. (*Id.* at 11–13.) The
10 consent decree will remain in effect for five years. (*Id.* at 3.)

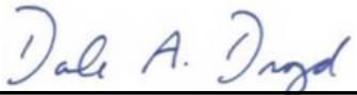
11 Given the above, the court concludes this consent decree will provide substantial relief to
12 the claimants and defendants’ current and future employees, and was the product of a fair arms-
13 length negotiation process. The consent decree as proposed is fair, reasonable, and adequate, and
14 not illegal, collusive, or against the public interest and was reached following a settlement
15 conference presided over by a judge of this court.

16 As such,

- 17 1. The parties’ joint motion for approval of the consent decree (Doc. No. 42) is granted;
- 18 2. The proposed consent decree (Doc. No. 41-1) is approved;
- 19 3. The court will retain jurisdiction to enforce the consent decree in this action for its
20 anticipated duration (*see* Doc. No. 41-1 at 3);
- 21 4. The hearing on the joint motion scheduled for October 17, 2017 at 10:00 a.m. is vacated;
22 and
- 23 5. The Clerk of the Court is directed to close this case.

24 IT IS SO ORDERED.

25 Dated: October 13, 2017

26 
UNITED STATES DISTRICT JUDGE