

1 **WILLIAM R. TAMAYO - #084965 (CA)**  
2 **JONATHAN T. PECK - #12303 (VA)**  
3 **SANYA P. HILL MAXION - #18739(WA)**  
4 **EQUAL EMPLOYMENT OPPORTUNITY**  
5 **COMMISSION**

6 San Francisco District Office  
7 350 The Embarcadero, Suite 500  
8 San Francisco, California 94105  
9 Telephone: (415) 625-5651  
10 Facsimile: (415) 625-5657

11 Attorneys for Plaintiff

12 **SCOTT T. SHIBAYAMA**  
13 **VISION LAW CORPORATION**

14 1380 Lead Hill Blvd., Ste. 106  
15 Roseville, CA 95661  
16 Telephone: (916) 780-1920  
17 Facsimile: (916) 780-1921

18 Attorneys for Defendant

19 UNITED STATES DISTRICT COURT FOR  
20 THE NORTHERN DISTRICT OF CALIFORNIA

21 U.S. EQUAL EMPLOYMENT ) Case No: **C-07-1805-BZ**  
22 OPPORTUNITY COMMISSION, )  
23 )  
24 Plaintiff, )

25 vs. )

26 ) **CONSENT DECREE**

27 KMAN. PARTNERS d/b/a )  
28 QUALITYINN PT. RICHMOND; PT. )  
29 RICHMOND MANAGEMENT, INC.; )  
30 NARESH PATEL d/b/a QUALITY INN PT. )  
31 RICHMOND; RAJENDRA PATEL d/b/a )  
32 QUALITY INN PT. RICHMOND; ASHOK )  
33 PATEL d/b/a) QUALITY INN PT. )  
34 RICHMOND; GONDO LYSTION d/b/a MT.)  
35 ZION ENTERPRISES INC., MAHESH D. )  
36 AMIN d/b/a QUALITY INN )  
37 PT.RICHMOND, )  
38 Defendant. )

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## I. INTRODUCTION

1. Plaintiff, Equal Employment Opportunity Commission (EEOC or Commission), filed this action under the Age Discrimination Employment Act of 1967, as amended, (ADEA) and Title VII of the Civil Rights Act of 1964, as amended, (Title VII), and Title I of the Civil Rights Act of 1991, to correct alleged unlawful employment practices on the basis of age and race and to provide appropriate relief to Ms. Lillie Dozier whom the Commission alleged was adversely affected by such practices.
2. The Commission alleged that KMAN Partners d/b/a Quality Inn Pt. Richmond, Pt. Richmond Management, Inc.; Naresh Patel d/b/a Quality Inn Pt. Richmond, Rajendra Patel d/b/a Quality Inn Pt. Richmond, Ashok Patel d/b/a Quality Inn Pt. Richmond; and Mahesh.D. Amin d/b/a Quality Inn Pt. Richmond (collectively referred to as "Predecessor Employers" for purposes of this consent decree only) subjected Ms. Dozier to unlawful discharge on account of her race, black, and age, 67. Defendants deny the allegations. Defendants Gondo Lystio d/b/a Mt. Zion Enterprises, Inc. were alleged to have successor liability which is denied.
3. The Commission and Defendants KMAN Partners d/b/a Quality Inn Pt. Richmond; Pt Richmond Management, Inc., Naresh Patel d/b/a Quality Inn Pt. Richmond; Rajendra Patel dba Quality Inn Pt. Richmond and Ashok Patel d/b/a Quality Inn Pt. Richmond; and Mahesh.D. Amin d/b/a Quality Inn Pt. Richmond now seek to resolve this action without further contested litigation through this Consent Decree. This resolution does not constitute an admission of liability on the part of Predecessor Employer or alleged Successor Employer.
4. The Court has reviewed this Consent Decree in light of the pleadings, the record and the applicable law, and now approves this Consent Decree.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, as follows:

## II. GENERAL PROVISIONS

1. The Court has jurisdiction over the subject matter and the parties to this action. This

1 Court retains jurisdiction over this Consent Decree during its term.

2 2. This Consent Decree constitutes the full and final resolution of the allegations of  
3 discrimination arising in EEOC charge No. 370-2005-00615 filed by Ms. Dozier and the  
4 EEOC's Complaint filed in this action.

5 3. This Consent Decree will become effective upon its entry.

6 4. This Consent Decree is final and binding upon the parties.

7 5. The Commission and Defendants will each bear their own costs and attorneys fees in this  
8 action.

9 6. The obligations under this Consent Decree are the sole and exclusive obligations of  
10 Predecessor Employers.

11 **III. MONETARY RELIEF**

12 1. Predecessor Employers will pay the sum of \$25,000 to Ms. Dozier.

13 2. Payment shall be made no later than ten (10) days after the entry of this Consent Decree.

14 Payment shall be made by a cashier's check drafted in the name of Lillie Dozier and  
15 mailed to Ms. Dozier by certified mail. Predecessor Employer shall issue an IRS form  
16 1099 along with the check to Ms. Dozier and simultaneously therewith mail a copy of the  
17 check to Sanya Hill-Maxion, EEOC, 350 The Embarcadero, Suite 500, San Francisco,  
18 Ca, 94105.

19 3. Ms. Dozier agrees to pay all tax applicable to the monetary relief provided under this  
20 consent decree and agrees to indemnify and hold payor of check harmless from any and  
21 all tax liability, interest, penalties or any other amount assessed as a result of her failure  
22 to pay any taxes due.

23 **IV. GENERAL INJUNCTIVE RELIEF**

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26 1. Predecessor Employer, and all persons in active concert or participation with them are  
27 enjoined from retaliating against Ms. Dozier or any other employee or former employee  
28 for having testified or participated in any manner in the Commission's investigation

1 and the proceedings in this case.

- 2 2. Predecessor Employers in response to any prospective employer's reference check  
3 regarding Ms. Lillie Dozier shall respond only by giving dates of her employment, last  
4 position held and last rate of pay and that the Predecessor Employers ceased operations,  
5 April 2006.
- 6 3. Predecessor Employers will provide only neutral references and shall make no  
7 reference to Ms. Dozier's charge of employment discrimination or this lawsuit. In order  
8 for this provision to apply, Ms Dozier must direct all potential employer inquires in  
9 writing to Naresh Patel, Member, Roshan Investments LLC, General Partner K.M.A.N.  
10 Partners at 140 N. Bayshore Blvd., San Mateo, CA 94401. Predecessor Employers  
11 will provide the attached letter, appended hereto as Exhibit A, to Ms. Dozier no later  
12 than ten (10) days after entry of this Consent Decree.
- 13
- 14 4. A representative of K.M.A.N. Partners shall be responsible on behalf of all Predecessor  
15 Employers for providing the information in 2. and 3. (General Injunctive Relief) above  
16 and this representative shall be Naresh Patel, as noted above, or his designated  
17 representative.

18 **V. RETENTION OF JURISDICTION**  
19 **AND EXPIRATION OF CONSENT DECREE**

- 20
- 21 1. This Consent Decree constitutes a full and final resolution of all the Commission's claims  
22 against Defendants. This Consent Decree will expire December 31, 2009, provided that  
23 Predecessor Employers have complied with the terms of this Decree.
- 24 2. The Commission hereby voluntarily dismisses non-answering successor Defendant  
25 Gondo Lystion d/b/a Mt. Zion Enterprises Inc., and Mahesh D. Amin d/b/a Quality Inn Pt.  
26 Richmond from this action with prejudice.

27 Respectfully submitted,  
28

1 DATED: 9/5/08, 2008

W. Tamayo  
WILLIAM TAMAYO  
Regional Attorney  
U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION

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6 DATED: 9/5, 2008

J. Peck  
JONATHAN PECK  
Supervisory Trial Attorney  
U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION

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9  
10 DATED: September 5, 2008

S. Hill Maxion  
SANYA HILL MAXION  
Senior Trial Attorney  
U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION

11  
12  
13  
14 DATED: 9/3, 2008

Scott C. Shibayama  
SCOTT C. SHIBAYAMA  
VISION LAW CORPORATION  
Attorneys for Predecessor Employers

15  
16  
17  
18 DATED: \_\_\_\_\_, 2008

Joseph L. Strabala  
JOSEPH L. STRABALA  
Attorney for GONDO LYSTIO d/b/a MT.) ZION  
ENTERPRISES INC.  
Digitally signed by Joseph L. Strabala  
DN: cn=Joseph L. Strabala, c=US,  
o=Law Offices of Joseph L. Strabala,  
email=legal@quanturnsi.com  
Date: 2008.09.04 10:22:31 -07'00'

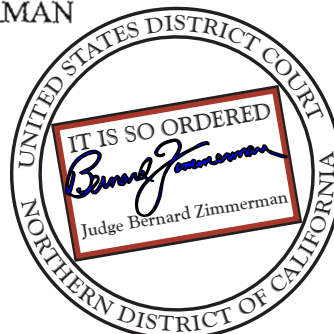
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23 APPROVED AND SO ORDERED:

Plaintiff shall file a dismissal at the expiration of this Decree.

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26 DATED: Sept. 5, 2008

Bernard Zimmerman  
UNITED STATES JUDGE MAGISTRATE  
BERNARD ZIMMERMAN

27  
28  
Consent Decree  
EEOC v. KMAN Partners, et. al.  
Civ. No. 07-1805-BZ



**EXHIBIT A**

September 2, 2008

To Whom it May Concern:

Ms. Dozier was employed with K.M.A.N. Partners and Point Richmond Management, Inc. (hereinafter "Quality Inn Point Richmond") from July 1999 to December 10, 2004. Her most recent job was as a Housekeeping Supervisor. Ms. Dozier's last rate of pay was \$10.80 per hour.

Very truly yours

Naresh Patel, Member  
Roshan Investments LLC,  
General Partner of K.M.A.N. Partners