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8
 9 **UNITED STATES DISTRICT COURT**
 10 **NORTHERN DISTRICT OF CALIFORNIA**

11	EQUAL EMPLOYMENT OPPORTUNITY)	Civil Action No. 09-4646 PVT
12	COMMISSION,)	
13)	CONSENT DECREE
14	Plaintiff,)	
15	and)	
16	FILOMENA RUELAS,)	
17	Plaintiff-Intervenor,)	
18	v.)	
19	HILLTOWN PACKING CO., INC.,)	
20	Defendant.)	

21
 22 Plaintiff Equal Employment Opportunity Commission (“Commission”) filed this action
 23 under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to
 24 correct alleged unlawful employment practices on the basis of discrimination based on sex and
 25 retaliation, and to provide appropriate relief to Filomena Ruelas and similarly situated women
 26 whom the Commission alleged were adversely affected by such practices. The Commission
 27 alleged that Defendant Hilltown Packing Company, Inc. (“Hilltown”) subjected Ms. Ruelas and
 28 similarly situated women to unlawful harassment based on their sex, in violation of Title VII and
 retaliated against them when they opposed such harassment. Ms. Ruelas intervened in the case.

1 Defendant has denied all of the above allegations and claims. The Commission and Defendant
2 Hilltown now seek to resolve this action as to each other and as between Defendant Hilltown and
3 Ms. Ruelas (“Plaintiff Intervenor”) and similarly situated women without further contested
4 litigation through the instant Consent Decree. This resolution does not constitute an admission
5 of liability on the part of Hilltown, nor constitute a finding on the allegations stated in the
6 Commission’s Complaint.

7 The Court has reviewed this Consent Decree in light of the pleadings, the record herein,
8 and the applicable law, and now approves this Consent Decree.

9 THEREFORE IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

10 **GENERAL PROVISIONS**

11 1. This Court has jurisdiction over the subject matter and the parties to this action.
12 This Court retains jurisdiction over this Consent Decree during its term.

13 2. This Consent Decree constitutes a full and final resolution of the Commission’s
14 claims against Hilltown in this action.

15 3. This Consent Decree will become effective upon its entry by the Court.

16 4. This Consent Decree is final and binding upon the parties to it, their successors
17 and assigns.

18 5. The Commission and Hilltown will each bear its own costs and attorneys fees in
19 this action.

20 **GENERAL INJUNCTIVE RELIEF**

21 6. Hilltown and its current officers, agents, employees, and all persons in active
22 concert or participation with them are enjoined from discriminating based on sex, including
23 sexual harassment, and from retaliating against employees for opposing sexual harassment, as
24 prohibited under Title VII.

25 7. Hilltown and its current officers, agents, employees, and all persons in active
26 concert or participation with them are enjoined from engaging in, implementing or permitting
27 any action, policy or practice which retaliates against Plaintiff Intervenor, or any other employee
28 or former employee, for having filed a charge, testified or participated in any manner in the

1 Commission's investigation and the proceedings in this case.

2 **SPECIAL INJUNCTIVE RELIEF**

3 **Non-Discrimination Policies and Complaint Procedures**

4 8. Within thirty (30) days of the entry of this Consent Decree, Hilltown will revise
5 and distribute its revised sexual harassment policy to all workers in both English and Spanish,
6 and will provide copies to all new and returning workers as they enter or re-enter the workforce.
7 Within thirty (30) days of the entry of the Consent Decree Hilltown will also revise its equal
8 employment opportunity policy to include a statement of commitment not to retaliate against
9 individuals who oppose harassment and/or discrimination, or complain of discrimination,
10 whether that complaint is internal or to a governmental agency. The revised policies will include
11 a complaint procedure for employees to make such complaints.

12 **Training**

13 9. Hilltown will use an outside consultant, paid for by Hilltown, to provide training
14 on sexual harassment and retaliation to all employees, both management and non-management,
15 once per year during the term of this Consent Decree, such year to be measured from the date of
16 entry of this Consent Decree. Each training will be a minimum of two (2) hours for management
17 employees, and one (1) hour for non-management employees, and will be introduced by a
18 member of upper management. The first training will take place within sixty (60) days of the
19 entry of this decree, and within each subsequent year during the term of the Decree. Thirty (30)
20 days before the first training, and before any change in trainers, Hilltown will identify to the
21 Commission, by name and address, its selected trainer. Before commencing training, Hilltown
22 must receive notice from the Commission that the trainer is acceptable to the Commission; such
23 acceptance will not be unreasonably withheld.

24 **Supervisory Accountability**

25 10. Defendant Hilltown will revise its performance evaluation forms for its managers
26 and supervisors to include an evaluation of the manager or supervisor's effectiveness in
27 preventing sexual harassment and retaliation against and among the employees under his/her
28 supervision.

1 **Record Keeping and Reports**

2 11. Within ten (10) days of the completion of the revisions to the sexual harassment
3 and equal employment opportunity policies referenced in Paragraph 8 above, Hilltown will send
4 a copy of said revised policies to counsel for the Commission.

5 12. Within thirty (30) days after completing each training session described in
6 Paragraph 9, Hilltown will mail to counsel for the Commission a report containing the date of
7 training, the name and position of the management official who introduced the training, an
8 outline of the training content, a list of all attendees, and copies of all materials distributed at the
9 training.

10 13. Once every six (6) months, to be measured beginning at the date of entry of this
11 Consent Decree and continuing for the duration of this Consent Decree, Hilltown will notify the
12 counsel for the Commission whether it has received any complaints of sexual harassment or
13 retaliation from its employees (whether said complaints were filed with an administrative agency
14 or simply raised to a supervisory or management employee at the workplace), what steps were
15 taken in response to that information, and how the situation was resolved.

16 **MONETARY RELIEF**

17 14. Hilltown will pay the sum of \$48,000.00 as damages and in complete satisfaction
18 of the Commission’s claims against Hilltown as set forth in its Complaint. This sum will
19 allocated between the Plaintiff Intervenor and similarly situated individual(s) at the sole
20 discretion of the Commission. Damages will be paid by a checks made out to each individual as
21 designated by the Commission, and sent to the address provided by the Commission to Hilltown.
22 Said checks will be sent by Hilltown directly to these individuals within ten (10) days of the entry
23 of the Consent Decree.

24 **EXPIRATION OF CONSENT DECREE**

25 15. This Consent Decree constitutes a full and final resolution of all the
26 Commission’s claims against Hilltown in this action. This Consent Decree will be in effect for
27 three (3) years, and will expire at midnight of the date three (3) years after its entry by the Court,
28 provided that Hilltown has substantially complied with the terms of this Consent Decree.

1 Hilltown will be deemed to have complied substantially if the Court has not made any findings or
2 orders during the term of the Decree that Hilltown has failed to comply with any of the terms of
3 this Decree.

4 On Behalf of Plaintiff Commission:

On Behalf of Defendant:

5 Dated: July 6, 2010

Dated: July 6, 2010

6 EQUAL EMPLOYMENT OPPORTUNITY
7 COMMISSION

GORDON & REES, LLP

8 /S/
9 WILLIAM R. TAMAYO
Regional Attorney

/S/
MICHAEL A. LAURENSON
Attorneys for Hilltown Packing Co., Inc.

10 /S/
11 DAVID OFFEN-BROWN
Supervisory Trial Attorney

12 /S/
13 CINDY O'HARA
Senior Trial Attorney

14 On Behalf of Plaintiff-Intervenor Filomena
15 Ruelas

16 Dated: July 6, 2010

17 CALIFORNIA RURAL LEGAL
18 ASSISTANCE

19 /S/
20 MICHAEL MEUTER

ORDER

23 It is so ordered.

25 Dated: 7/21/10

Patricia V. Trumbull
26 U.S. District Court Magistrate Judge