

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

**EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
FREEMAN,)
)
Defendant.)**

Case No. RWT-09-CV-2573

DECLARATION OF RONALD L. PHILLIPS

I, Ronald L. Phillips, hereby state as follows:

1. I am counsel of record for the U.S. Equal Employment Opportunity Commission (“EEOC”) in the above-styled and numbered case. I serve as the EEOC’s custodian of records regarding the EEOC investigative, conciliation and litigation files in this case.
2. Discovery is on-going in this matter, and EEOC has not yet had a full opportunity to take depositions and other discovery concerning Defendant’s background check practices, both past and present.
3. The documents attached as Exhibits 1 & 2 to EEOC’s Memorandum in Opposition to Defendant’s Motion for Partial Summary Judgment are true and correct copies of EEOC policy guidance publications concerning employer use of conviction and arrest records that I obtained from the EEOC public website on September 20, 2010.
4. Attached as Exhibit 3 to EEOC’s Memorandum in Opposition to Defendant’s Motion for Partial Summary Judgment is a true and correct copy of Defendant’s background check policy regarding job applicants that Defendant produced to EEOC

during EEOC's administrative investigation of the charge of discrimination filed by Katrina Vaughn.

5. Attached as Exhibit 4 to EEOC's Memorandum in Opposition to Defendant's Motion for Partial Summary Judgment is a true and correct copy of Defendant's 5/21/2008 letter that it submitted to EEOC during and in response to EEOC's administrative investigation of the Vaughn charge.

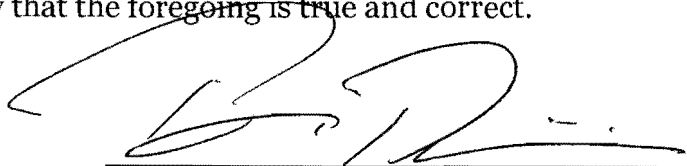
6. Attached as Exhibit 6 to EEOC's Memorandum in Opposition to Defendant's Motion for Partial Summary Judgment is a true and correct copy of Defendant's 9/2/2009 letter that it submitted to EEOC during, and in response to, EEOC's administrative reasonable cause determination and conciliation efforts regarding the Vaughn charge investigation. The factual material contained therein is provided to the Court pursuant to 29 C.F.R. § 1601.26(b). The redacted portions of the document have been removed pursuant to 29 C.F.R. § 1601.26(a), as they reflect conciliation negotiations by the parties.

7. Attached as Exhibit 7 to EEOC's Memorandum in Opposition to Defendant's Motion for Partial Summary Judgment is a true and correct copy of an excerpt of Defendant's answers to EEOC interrogatories (Interrogatory No. 22) in the above-styled and numbered action.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on:

10/1/2010



Ronald L. Phillips
Acting Supervisory Trial Attorney
U.S. Equal Employment Opportunity
Commission