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16 **UNITED STATES DISTRICT COURT**
 17 **DISTRICT OF NEVADA**

18 U.S. EQUAL EMPLOYMENT
 19 OPPORTUNITY COMMISSION,

20 Plaintiff,

21 vs.

22 LUCINDA MANAGEMENT, LLC,
 23 CENTENNIAL FOOD CORPORATION dba
 24 IHOP RESTAURANT, NELLIS FOOD
 25 CORPORATION dba IHOP RESTAURANT,
 26 VEGAS FOOD CORPORATION dba IHOP
 27 RESTAURANT, CHEYENNE FOOD
 28 CORPORATION dba IHOP RESTAURANT,
 CRAIG FOOD CORPORATION dba IHOP
 RESTAURANT, BAYSHORE FOOD
 CORPORATION dba IHOP RESTAURANT,
 DiHOP CORPORATION dba IHOP
 RESTAURANT, COOPER STREET CLAM
 & OYSTER BAR, LLC, and Does 1-5
 Inclusive,

Defendants.

Case No.: 2:17-cv-02458-MMD-EJY

**ORDER GRANTING JOINT
 STIPULATION TO EXTEND THE TERM
 OF THE CONSENT DECREE FROM
 AUGUST 28, 2024 TO AUGUST 28, 2025**

1 **TO THE HONORABLE MIRANDA M. DU:**

2 Plaintiff United States Equal Employment Opportunity Commission (“EEOC”) and
3 Lucinda Management, LLC, Centennial Food Corporation dba IHOP Restaurant, Nellis Food
4 Corporation dba IHOP Restaurant, Vegas Food Corporation dba IHOP Restaurant, Cheyenne
5 Food Corporation dba IHOP Restaurant, Craig Food Corporation dba IHOP Restaurant,
6 Bayshore Food Corporation dba IHOP Restaurant, DiHOP Corporation dba IHOP Restaurant,
7 Cooper Street Clam & Oyster Bar, LLC (“Defendants”) (collectively, the “Parties”) hereby
8 jointly stipulate to extend the term of certain provisions of the Consent Decree in the above-
9 captioned case for one year, from August 28, 2024 to August 28, 2025.

10 Pursuant to Section VI.A of the Consent Decree, signed by this Court on February 19,
11 2019, the terms of the Consent Decree may be amended or modified by a mutual written and
12 signed agreement and the approval of this Court. Under Section IV.B, this Court retains
13 jurisdiction over this matter for the purposes of entering all orders, judgments and decrees that
14 may be necessary to implement the relief provided for in the Consent Decree.

15 The Parties have mutually agreed to a partial extension of some provisions of the Consent
16 Decree by one year to ensure that the Decree’s purpose – the protection of Defendants’
17 employees from discrimination, harassment and retaliation – is achieved. By entering into this
18 partial extension of some provisions of the Consent Decree the Defendants do not admit that they
19 have violated any law or violated of any of the terms of the Consent Decree. The Parties have
20 mutually agreed to continue following provisions of the Consent Decree (ECF No. 61).

21 1. The Parties have agreed to continue the following Decree provisions without
22 modification:

- 23 a. Introduction, § I;
- 24 b. Purposes and Scope of Consent Decree, § II;
- 25 c. Release of Claims, § III;
- 26 d. Jurisdiction, § IV;
- 27 e. Modification and Severability, § VI; and,
- 28 f. Compliance and Dispute Resolution, § VII.

- 1 g. Costs of Administration and Implementation, § XI.
- 2 h. Costs and Attorney's Fees, § XII.
- 3 i. Miscellaneous Provisions, § XIII.

4 2. The Parties stipulate to continue the following modified provisions of the Decree
5 as described herein:

6 a. Effective Date (Decree § V).

7 i. The provisions and agreements contained herein are effective
8 immediately upon the date which this Order is entered by the Court (the
9 "Effective Date").

10 ii. The entire Decree as modified herein shall expire on August 28,
11 2025. Absent extension, at the conclusion of the partial extension, the Consent
12 Decree will expire on its own terms.

13 b. Equal Employment Opportunity Monitor (Decree § X(A)). Within ten (10)
14 days after the Effective Date, Defendants shall retain an Equal Employment Opportunity
15 Monitor ("Monitor") with demonstrated experience in the area of discrimination, sexual
16 harassment, and retaliation, to monitor Defendants' compliance with Title VII and the
17 provisions of this Stipulation. The Monitor shall be subject to the Commission's
18 approval, which shall not be unreasonably withheld. If the Monitor initially appointed by
19 Defendants thereafter declines or is unable to serve or to carry out their assigned duties
20 under the Decree, Defendants shall have ten (10) business days to notify the EEOC in
21 writing of the need for a replacement Monitor and shall provide the EEOC with the name
22 of the replacement. Any replacement Monitor shall be subject to the Commission's
23 approval, which shall not be unreasonably withheld. Defendants shall bear all costs
24 associated with the selection and retention of the Monitor and the performance of
25 his/her/its duties. The Monitor's responsibilities shall include:

26 i. Ensuring that all Managerial Employees, Designated Employees,
27 and Human Resources professionals have the skill level to implement the
28 requirements of Title VII and of this Decree;

1 ii. Conducting, monitoring, and providing feedback to Defendants
2 regarding any investigation of any complaint of discrimination, harassment or
3 retaliation to ensure compliance with Title VII and this Decree;

4 iii. Ensuring that Defendants properly communicate with
5 complainants as required by this Decree.

6 c. Record Keeping (Decree § X(L)). Defendants shall work with the Monitor
7 to maintain a record-keeping procedure that provides for the centralized tracking of
8 discrimination, harassment and retaliation complaints. The records to be maintained shall
9 include:

10 i. All documents generated in connection with any complaint,
11 including documents relating to all investigations, the identities of all witnesses
12 and summaries of their statements, findings, and the disciplinary or remedial
13 action, if any, resulting from the investigation, and;

14 ii. All documents generated in connection with the monitoring,
15 counseling and disciplining of employees whom Defendants determined to have
16 engaged in behavior that may be discriminatory, harassing and/or retaliatory
17 under Title VII.

18 3. Reporting (Decree § X(N)). Defendants shall work with the EEO Monitor to
19 provide the following reports to the EEOC at three (3) months, six (6) months and ten (10)
20 months after the Effective Date of this Order:

21 a. A report detailing the action Human Resources took in response to
22 complaints received on Defendants toll-free Hotline;

23 b. A report from the Monitor regarding the effectiveness of the Human
24 Resources Department;

25 c. A description of all discrimination, harassment and retaliation complaints
26 made, investigated or resolved in the previous reporting period, including:

27 i. the names of the complainants;

28 ii. the nature of the complaint;

- 1 iii. the names of the alleged perpetrators of discrimination, harassment
- 2 or retaliation;
- 3 iv. the dates of the alleged harassment or retaliation;
- 4 v. a brief summary of how each complaint was resolved; and
- 5 vi. the identity of each of Defendants' employee(s) who investigated
- 6 or resolved each complaint and the identity and most recent contact information
- 7 for each witness identified by the complainant and/or investigation.

8 d. An analysis of the action taken when more than one complaint is filed by
9 or against a particular employee, as well as any investigation or resolution.

10 4. All other terms of the Consent Decree will be null, void and vacated on the
11 Effective Date.

12 **IT IS SO STIPULATED.**

13 Respectfully Submitted,
14 U.S. EQUAL EMPLOYMENT
15 OPPORTUNITY COMMISSION

16 Date: August 27, 2024

17 /s/ Ella Hushagen
18 By: Ella Hushagen
19 Attorney for Plaintiff, EEOC

20 FISHER PHILLIPS LLP

21 Date: August 27, 2024

22 /s/ Mark J. Ricciardi
23 By: Mark J. Ricciardi, Esq.
24 Attorney for Defendants

25 **IT IS SO ORDERED.**
26 _____
27 **THE HONORABLE MIRANDA M. DU**
28 **UNITED STATES DISTRICT JUDGE**

DATED: August 28, 2024