

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 09-CV-774
)	
UNIVERSAL BRIXIUS, LLC,)	
n/k/a MIC GROUP, LLC,)	
)	
Defendant.)	
_____)	

CONSENT DECREE AND ORDER

This matter was instituted by the Equal Employment Opportunity Commission (“Commission” or “EEOC”), alleging that Defendant Universal Brixius, LLC n/k/a MIC Group, LLC. (“Defendant” or “UB/MIC”), discriminated against Jeanne Johnston in the terms and conditions of her employment because of sex and by maintaining a hostile work environment because of sex. UB/MIC filed an answer denying all claims of unlawful conduct.

In connection with the negotiation of this Consent Decree, MCI Group has represented to the EEOC as follows: At all times relevant to the actions complained of in the EEOC’s Complaint, Universal Brixius, LLC and MIC Group, LLC were separately incorporated companies that did not share employees, and Universal Brixius was managed and operated separately from MIC Group and other businesses owned or controlled by MIC Group, none of which had operating facilities within the State of Wisconsin. Since the Complaint in this action was filed, MIC Group’s ownership interest in Universal Brixius has been extinguished, and neither the former management of Universal Brixius nor MIC Group’s management have any interest in or control over the current operators of Universal Brixius’ former business or facilities.

The Commission and UB/MIC Group (the “parties”) have agreed to resolve this matter pursuant to this Consent Decree, without continuing to trial on the merits of the Commission’s claims.

NOW, THEREFORE, the Court having carefully examined the terms and provisions of this Consent Decree, it is **ORDERED, ADJUDGED, AND DECREED THAT:**

1. This Court has jurisdiction over the parties and the subject matter of this action.
2. This Decree is final and binding upon the parties as to the issues resolved, as well as upon their successors and assigns.
3. This Decree conforms with the Federal Rules of Civil Procedure and is not in derogation of the rights or privileges of any person. The entry of this Decree will further the objectives of Title VII, and will be in the best interests of the parties, those for whom EEOC seeks relief, and the public.
4. This Consent Decree fairly resolves the issues alleged in this lawsuit, and constitutes a complete resolution of all of the Commission’s claims of unlawful employment practices under Title VII that arise from the charge of discrimination filed by Jeanne Johnston, Charge No. 443-2008-02680C. The Consent Decree does not resolve any other charges or claims.
5. The duration of this Decree shall be three (3) years from the date of entry by the Court. In the event that the Commission believes Defendant has failed to comply with any provision(s) of this Consent Decree, the parties agree that the EEOC may petition the Court to enforce the terms of the Decree at any time during its duration.

MONETARY RELIEF

6. Defendant will, within ten (10) days of entry of this Consent Decree and Order, pay: \$35,000, less appropriate deductions on \$17,500, the portion of this sum awarded as back pay, to Jeanne Johnston. UB/MIC Group shall pay the employer's share of all applicable withholdings on said back pay amount, which shall not reduce the award. The balance of the payment, \$17,500, is for Ms Johnston's other financial losses, and compensatory damages. Defendant shall make such payment by check or money order and made payable to Ms. Johnston at the address provided by the Commission.
7. Within three (3) business days of the issuance of the check or money order, Defendants shall submit a copy of the check or money order and any transmittal letter to the undersigned counsel for EEOC.
8. Defendant will not condition the receipt of relief upon Ms. Johnston's agreement to (a) maintain as confidential the terms of this decree, (b) waive her statutory right to file a charge with any federal or state anti-discrimination agency, or (c) waive her right to apply for a position with the Defendant.

EQUITABLE RELIEF

Injunctive Relief

9. During the term of this Consent Decree, Defendant, its officers, agents, successors and other persons in active concert or participation with it, or any of them, are enjoined from engaging in any employment practice which discriminates because of sex.
10. During the term of this Consent Decree, Defendant, its officers, agents, successors and other persons in active concert or participation with it, or any of them, are enjoined from retaliation of any kind against any person because of opposition to any practice made

unlawful under Title VII, or because of the filing of a charge, the giving of testimony or assistance, or the participation in any investigation, proceeding, or hearing under Title VII.

Letter of Reference

11. Upon request, Defendant will provide Jeanne Johnston with a letter of reference which states: (1) Jeanne Johnston's dates of employment, (2) the position(s) held with UB/MIC, and (3) that Ms. Johnston's employment ended due to the implementation of technological and organizational changes.

COSTS AND ATTORNEY'S FEES

12. Except as specifically set forth herein, each party shall be responsible for and shall pay its own costs and attorney's fees.

SO ORDERED, ADJUDGED AND DECREED this 18th day of March, 2010.

s/AARON E. GOODSTEIN
United States Magistrate Judge

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s/John C. Hendrickson
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Regional Attorney

Date: 3/9/2010

s/Jean P. Kamp
JEAN P. KAMP
Associate Regional Attorney

Date: 3/9/2010

s/Camille A. Monahan
CAMILLE A. MONAHAN
Trial Attorney

Date: 3/9/2010

Universal Brixius, LLC n/k/a MIC Group, LLC.

By:s/Larry Wolfe
Larry Wolfe, Vice- President

Date: 3/15/10