

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
Plaintiff,)	
)	No. 06 C 3243
v.)	Hon. Judge Kendall
)	
SATISFIED FROG, INC.,)	Magistrate Judge Nolan
Defendant.)	
_____)	

CONSENT DECREE

The Litigation

1. Plaintiff, Equal Employment Opportunity Commission (hereafter the "EEOC"), filed this action on September 25, 2006, alleging that Defendant Diroddi d/b/a Satisfied Frog, Inc. ("Satisfied Frog" or "Defendant") discriminated against Charging Party Carly Chapman ("Chapman") and a class of female employees (collectively, "the claimants"), in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000c *et seq.* ("Title VII"), and § 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981A, by subjecting them to harassment and a hostile work environment because of their sex. EEOC also alleged that Satisfied Frog retaliated against Chapman by firing her when she complained about the harassment. Satisfied Frog filed an Answer denying these allegations. As a result of the parties having engaged in settlement discussions, the parties have agreed that this action should be finally resolved by entry of this Consent Decree. This Consent Decree is intended to and does fully and finally resolve any and all claims arising out of the Complaint.

Findings

2. Having examined the terms and provisions of this Consent Decree and based on the pleadings, records, and stipulations of the parties, this Court finds the following:

A. This Court has jurisdiction over the subject matter of this action and over the parties.

B. The terms and provisions of this Consent Decree are fair, adequate, reasonable, equitable and just. The rights of the parties, the claimants and the public are adequately protected by this Consent Decree.

C. This Consent Decree is in conformity with the Federal Rules of Civil Procedure and Title VII. The entry of this Consent Decree will further the objectives of Title VII and will be in the best interest of the parties, the claimants and the public.

NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

Non-Discrimination

3. Satisfied Frog, its officers, agents, employees, successors, and assigns shall not discriminate against employees on the basis of sex and shall comply with Title VII.

Non-Retaliation

4. Satisfied Frog, its officers, agents, employees, successors, and assigns shall not retaliate against, penalize or otherwise prejudice any employee, former employee or applicant for employment because such person has opposed any practice made unlawful by Title VII; filed a Complaint or Charge of Discrimination; testified, assisted, or otherwise participated in any manner in any investigation, proceeding, hearing or litigation under Title VII; asserted any right under this Consent Decree; or otherwise exercised his or her rights under Title VII.

Sexual Harassment

5. Satisfied Frog, its officers, agents, employees, successors, and assigns shall protect its employees from sexual harassment from coworkers, managers, customers, and all persons on the premises of Satisfied Frog.

6. Satisfied Frog, its officers, agents, employees, successors, and assigns shall not permit Jeffrey L. Barnes to enter the premises for two years commencing upon the entry of this Consent Decree.

Monetary Relief

7. a) Satisfied Frog shall pay the gross sum of seventeen thousand dollars (\$17,000.00), to resolve the claims of the claimants. This sum shall be distributed in the amounts indicated below:

Carley Chapman	\$11,500.00
Jennifer Balis	500.00
Margaret King	500.00
Shari Crossley	500.00
Lisa Prather	500.00
April Richards	500.00
Melissa Campbell	500.00
Amy Urben	500.00
Beverly Wallenius	500.00
Katherine Bauer	500.00
Diana Cloughley	500.00

Cassandra Knudson

500.00

b) Within ten (10) days of the entry of this Decree, EEOC shall mail to each claimant a blank release (Exhibit B, attached).

c) Within ten (10) business days after receipt by Satisfied Frog of a Release Agreement in the format of Exhibit B from an EEOC claimant, Satisfied Frog shall issue and mail by certified mail to each such claimant, a check in the amount indicated on the release, payable to the order of such claimant to the address indicated on the release, as settlement of this case by the EEOC, with a copy to the EEOC.

d) Payment to the claimants shall not be deemed to be for lost wages. Defendant shall not make withholdings and shall issue 1099 forms to the Charging Party and claimants no later than January 30, 2008. The 1099 forms shall bear the Social Security number and be mailed to the address shown on the release agreements signed by the claimants.

Complaint Monitor

8. During the term of the Consent Decree, Employment Practices Solutions, Inc. ("EPS"), shall be designated the Complaint Monitor and shall have the responsibility to receive independently and confidentially any and all complaints of sexual harassment at Satisfied Frog, both from restaurant management and directly from complainants.

9. Satisfied Frog shall inform all employees of the appointment and function of the Complaint Monitor, and each individual who makes a complaint (whether oral or written) to Satisfied Frog shall receive, upon making a complaint, a written notice informing him/her of the existence and function of the Complaint Monitor. Such notice shall provide the name, telephone number and address at which the Complaint Monitor may be reached.

10. Within 10 (calendar) days of receiving any complaint of sexual harassment from Satisfied Frog or from an employee of Satisfied Frog, the Complaint Monitor will inform EEOC of the nature of the complaint.

Notice Posting

11. Within ten (10) days after the Court's entry of this Consent Decree and for the duration of this Decree, Satisfied Frog shall continuously post the notice annexed hereto as Exhibit A in a location prominently visible to Satisfied Frog employees. Within ten (10) days after the Consent Decree is entered, Satisfied Frog shall certify in writing to the Chicago District Office of the EEOC that the Notice has been posted, and shall inform the EEOC of the location where it has been posted. Satisfied Frog shall permit a representative of EEOC to enter Satisfied Frog's premises for purposes of verifying compliance with this Paragraph at any time during normal business hours.

Record Keeping and Reporting

12. Satisfied Frog shall maintain records of any complaints, formal or informal, oral or in writing, it receives relating to retaliation or to harassment based on sex, including the name, address, and telephone number of the complainant and what was alleged, its investigation and any action taken by Satisfied Frog in response to such complaints, for the duration of the Consent Decree.

13. Beginning six (6) months after entry of this Consent Decree and every six (6) months thereafter for the duration of the Consent Decree, Satisfied Frog shall furnish EEOC with reports reflecting the information detailed in the records described in Paragraph 12 of this Consent Decree. Satisfied Frog's last report will be submitted to EEOC two (2) weeks prior to

the date on which the Decree is to expire.

14. For the term of the Consent Decree and upon ten (10) business days' notice to Satisfied Frog, the EEOC, when it has reasonable cause to believe Satisfied Frog is not in compliance with the terms of this Consent Decree, shall have access to Satisfied Frog's facility during normal business hours to review and copy any documents related to determining compliance at its facility and to interview any personnel employed by Satisfied Frog for the purpose of determining Satisfied Frog's compliance with the terms of this Consent Decree.

Training

15. On two occasions during the three (3) years covered by this Decree, Satisfied Frog shall arrange for training of all employees by EPS, including supervisors, managers, and owners, regarding the requirements of Title VII and Satisfied Frog's policies prohibiting discrimination under Title VII. Susan Barnes will receive the training by video within seven (7) days of the training held in Warrenville. Prior to each training session, Satisfied Frog shall submit to EEOC for approval the credentials of the trainer and proposed training program, including all materials to be used or distributed at the training. Within five (5) days after the completion of the training described above, Satisfied Frog will certify to EEOC that the training has been completed, the name(s) of the person(s) conducting the training, the time(s), duration and date(s) the training were held and a list identifying by name and position all individuals who received the training. The first training shall take place within forty-five (45) days after entry of this Consent Decree. Satisfied Frog will also provide the EEOC with all materials used or distributed at the training, if different from that previously produced to EEOC.

Duration of Decree/Retention of Jurisdiction

16. The terms of this Consent Decree shall be in effect (and the Court will retain jurisdiction of this matter to enforce this Decree) for a period of three (3) years from the date on which this Consent Decree is entered, provided, however, that if, at the end of the three (3) year period, there are disputes that remain unresolved, and written notice is given by the party claiming that such dispute(s) remain unresolved, the term of the Decree shall be automatically extended until such time as all such disputes have been resolved.

Costs and Attorneys' Fees

17. Each party to this action shall bear its own attorney's fees, costs, and expenses.

Dispute Resolution

18. If EEOC has reasonable cause to believe that Satisfied Frog has violated any of the terms of this Consent Decree, EEOC shall notify Satisfied Frog in writing, and Satisfied Frog will then have ten (10) business days in which to satisfy EEOC that there has not been a violation or that the violation has been corrected. If, at the expiration of such time period, EEOC has not been so satisfied, then EEOC may immediately apply to the Court for appropriate relief.

Miscellaneous Provisions

19. The terms of this Consent Decree shall be binding upon the present and future directors, officers, managers, agents, successors, and assigns of Satisfied Frog. Satisfied Frog, and any successor(s) of Satisfied Frog, shall provide a copy of this Decree to any organization who proposes to acquire or merge with Satisfied Frog, or any successor of Satisfied Frog, prior to the effectiveness of any such acquisition or merger. This paragraph shall not be deemed to limit any remedies available in the event of any finding by the Court of contempt for a violation

of this Decree.

20. When this Decree requires a certification by Satisfied Frog of any fact(s), such certification shall be made under oath or penalty of perjury by an officer or management employee of Satisfied Frog.

21. When this Consent Decree requires the submission by Defendants of reports, notices, or other materials to the Commission, such materials shall be mailed to: Satisfied Frog Settlement, Equal Employment Opportunity Commission, Chicago District Office, Legal Division, 500 West Madison, Suite 2800, Chicago, Illinois 60661.

ENTERED AND APPROVED FOR:

For the EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
1801 L Street, N.W.
Washington, D.C. 20507

James L. Lee
Deputy General Counsel

Gwendolyn Young Reams
Associate General Counsel

For DIRODDI:

Thomas M. Wilde 4-19-07

Thomas M. Wilde Date
Vedder, Price, Kaufman & Kammholz, P.C.
222 North LaSalle Street
Suite 2600
Chicago, Illinois 60601-1003

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION**

500 West Madison Street
Suite 2800
Chicago, Illinois 60661
312-553-7668

John C. Hendrickson 4-19-2007
John C. Hendrickson Date
Regional Attorney

Diane I. Smason 4-19-2007
Diane I. Smason Date
Supervisory Trial Attorney

Jeanne B. Szromba 4-19-07
Jeanne B. Szromba Date
Trial Attorney

DATE: 4-24-07

ENTER:

The Honorable Virginia M. Kendall
The Honorable Virginia M. Kendall
United States District Court Judge

EXHIBIT A

NOTICE TO ALL SATISFIED FROG EMPLOYEES

This Notice is being posted pursuant to a Consent Decree entered by the federal court in EEOC v. Diroddi, Inc. d/b/a Satisfied Frog, No. 06 C 3243 (N.D. Ill.), resolving a lawsuit filed by the Equal Employment Opportunity Commission ("EEOC") against Diroddi, Inc., d/b/a Satisfied Frog ("Satisfied Frog").

In its suit, the EEOC alleged that Satisfied Frog discriminated against a class of female employees, in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.* ("Title VII"), and § 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a, by subjecting them to harassment and a hostile work environment because of their sex, and that Satisfied Frog retaliated against a former employee by firing her when she complained. Satisfied Frog filed an Answer denying these allegations.

To resolve the case, Satisfied Frog and the EEOC have entered into a Consent Decree which provided, among other things, that:

- 1) Satisfied Frog will pay monetary damages totaling \$17,000.00 to a class of female employees;
- 2) Satisfied Frog will not discriminate against employees on the basis of sex, will protect its employees from sexual harassment from coworkers, managers, customers, and all persons on its premises, and will comply with Title VII;
- 3) Satisfied Frog will inform employees of the existence and function of a Complaint Monitor;
- 4) Satisfied Frog will not permit Jeffrey L. Barnes to enter the premises for a period of two (2) years after entry of this Consent Decree;
- 5) Satisfied Frog will not retaliate against any person because he or she opposed any practice made unlawful by Title VII, filed a Title VII charge of discrimination, participated in any Title VII proceeding, or asserted any rights under the Consent Decree; and
- 6) Satisfied Frog will provide mandatory training to employees and owners regarding sexual harassment.

The EEOC enforces the federal laws against discrimination in employment on the basis of sex, race, color, religion, national origin, age or disability. If you believe you have been discriminated against, you may contact the EEOC at (312) 353-8195. The EEOC charges no fees and has employees who speak languages other than English. If you believe you have been discriminated against you may contact the EEOC.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This Notice must remain posted for three years from the date below and must not be altered, defaced or covered by any other material. Any questions about this Notice or compliance with its terms may be directed to: Satisfied Frog Settlement, EEOC 500 West Madison Street, Suite 2800, Chicago, Illinois 60661.

Date _____

Hon. Kendall
United States District Court Judge

EXHIBIT B

RELEASE AGREEMENT

I, _____, in consideration for \$XX,000 paid to me by Diroddi, Inc., in connection with the resolution of EEOC v. Diroddi, Inc., d/b/a Satisfied Frog, No. 06 C 4243 (N.D. Ill.), waive my right to recover for any claims of sex discrimination or harassment or retaliation arising under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq., that I had against Diroddi, Inc. prior to the date of this release and that were included in the claims alleged in EEOC's complaint in EEOC v. Diroddi, Inc., d/b/a Satisfied Frog, No. 06 C 4243 (N.D. Ill.).

Date

Name

Street Address

City, State, Zip Code

Social Security Number