FILED ENTERED
LODGED RECEIVED
APR - 4 2008
AT GREENBELT
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND
BY DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,	)	**Civil Action No. 05-cv-00287-RWT**
Plaintiff,	)	
v.	)	
LOCKHEED MARTIN GLOBAL TELECOMMUNICATIONS, INC.,	)	
Defendant.	)	

CONSENT DECREE

This action was instituted by Plaintiff, the U.S. Equal Employment Opportunity Commission (the "EEOC" or the "Commission") against Defendant Lockheed Martin Global Telecommunications, Inc. ("LMGT" or "Defendant"), alleging that Defendant violated Section 4(a) of the Age Discrimination in Employment Act ("the ADEA"), 29 U.S.C. § 623(a)(1), by terminating eight employees of the COMSAT Mobile Communications Division in a reduction in force implemented in October 2000. These former employees are Bruce Nachman, then age 65; Robert Baxter, then age 62; Herman Molzahn, then age 61; Wayne Rentfro, then age 61; Edward Slack, then age 61; Klaus Neumann, then age 60; Jeffrey Kurland, then age 53; and, Gerald Nagler, then age 47, collectively referred to herein as "the Claimants."

Defendant continues to deny that it engaged in any discrimination, unlawful conduct or any wrongdoing, and this Consent Decree shall not be construed as an admission by Defendant of any wrongdoing.

The Commission and Defendant desire to resolve this action without the time and

expense of continued litigation, and they desire to formulate a plan to be embodied in a Decree which will promote and effectuate the purposes of the ADEA.

The Court has examined this Decree and finds that it is reasonable and just and in accordance with the Federal Rules of Civil Procedure and the ADEA. Therefore, upon due consideration of the record herein and being fully advised in the premises, it is ORDERED, ADJUDGED AND DECREED:

Scope of Decree

1. This Decree resolves all issues and claims alleged in the Second Amended Complaint, which emanates from the Charge of Discrimination filed by Jeffrey Kurland.

2. This Decree shall be in effect for a period of three (3) years from the date it is entered by the Court. During that time, this Court shall retain jurisdiction over this matter and the parties for purposes of enforcing compliance with the Decree, including issuing such orders as may be required to effectuate the purposes of the Decree. This Decree shall automatically expire three (3) years after entry of the Decree without further Court Order.

3. This Decree, being entered with the consent of the EEOC and Defendant, shall not constitute an adjudication or finding on the merits of the case.

Relief to the Claimants

4. Within 30 days of entry of this Decree, Defendant shall pay relief to the Claimants in the total gross amount of $773,000. The Commission has provided to Defendant the dollar amounts to be issued to each Claimant. The payments to the Claimants shall be treated as wages for tax purposes, and the payments accordingly shall be subject to income tax, Federal Insurance Contributions Act ("FICA") and other applicable tax withholding. Defendant will issue to each

Claimant one check. The check will be sent directly to each Claimant and a photocopy of the checks and related correspondence will be mailed to the EEOC's counsel of record. Defendant will issue to each Claimant a United States Internal Revenue Service W-2 Form.

Injunctive Relief

5. Defendant ceased its active business operations in 2002. If, however, during the life of this Decree, Defendant resumes active operations of its business and employs twenty (20) or more employees, the following provisions will apply:

a. Defendant, its officers, agents, servants, employees and all persons acting or claiming to act in its behalf and interest will agree to comply with the provisions of the ADEA and will agree to be enjoined, and are enjoined, from discriminating on the basis of age. Such age-based discrimination violates the ADEA, which, in part, is set forth below:

> It shall be unlawful for an employer –
>
> To fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age ....

b. Within 90 days from the date Defendant resumes the active operation of its business and employs twenty (20) or more employees, all Defendant employees will be required to attend a training program lasting at least two hours for managers and at least one hour for non-managerial employees. The training may also address other employment discrimination and employment law issues, but a component of the training must specifically focus on the prohibition against age discrimination in all aspects of employment, and it shall not be conducted by any individual who served as a witness in this litigation. For the duration of the Decree, Defendant shall provide this same training to all newly hired officers, managers, and supervisors.

The training may be conducted in person, via recorded video programs or through computer training modules. Within ten (10) business days of providing each training session outlined above, Defendant will furnish EEOC with a signed attendance list, the date and duration of the training, an outline of the training conducted, and a certification of completion of the mandatory training.

c. Immediately upon Defendant's resumption of the active operation of its business and its employment of twenty (20) or more employees, Defendant will post in all places where notices are customarily posted for the employees the Notice attached hereto as Attachment A and made a part hereof. Said Notice shall be posted and maintained for the duration of the Decree and shall be signed by a responsible official of Defendant with the date of actual posting shown thereon. Should the Notice become defaced, marred, or otherwise made unreadable, Defendant will ensure that new readable copies of the Notice are posted in the same manner as heretofore specified. Within 30 days of Defendant's resumption of the active operation of its business and its employment of twenty (20) or more employees, Defendant shall forward to the EEOC's attorney of record a copy of the signed Notice attached hereto and written certification that the Notice referenced herein has been posted and a statement of the location(s) and date of posting.

Other Provisions

6. The Commission and Defendant shall bear their own costs and attorneys' fees.

7. The Commission's claims are hereby dismissed with prejudice, subject to this Court's jurisdiction to enforce provisions of this Consent Decree.

8. The Parties in the above-captioned action, by their undersigned counsel of record, hereby consent to the entry of the foregoing Consent Decree.

FOR DEFENDANT:

/s/
Emmett F. McGee, Jr.
DLA Piper
6225 Smith Avenue
Baltimore, MD 21209-3600
Phone (410) 580-4211 (phone)
Fax (410)580-3211 (fax)

FOR PLAINTIFF:

/s/
Jacqueline McNair
Regional Attorney

/s/
Debra M. Lawrence
Supervisory Trial Attorney

/s/
Maria Luisa Morocco
Senior Trial Attorney

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
Baltimore Field Office
10 S. Howard Street, 3d Floor
Baltimore, Maryland 21201
Phone: (410) 209-2730
Fax: (410) 962-4270

SO ORDERED.

Signed and entered this 3rd day of April, 2008.

Roger W. Titus
United States District Court Judge