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EEOC v. Original Hot Dog Shops, Inc. doing business as Original Hot Dog Shop, Food Gallery Original, Inc. doing business as Original Hot Dog Shop

Judge Joy Flowers Conti

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EEOC v. Original Hot Dog Shops, Inc. doing business as Original Hot Dog Shop, Food Gallery Original, Inc. doing business as Original Hot Dog Shop

Keywords

EEOC, Original Hot Dog Shops Inc., Original Hot Dog Shop, Food Gallery Original Inc., 06-1243-JFC-RCM, Consent Decree, Disparate Treatment, Race, Black, Service, Employment Law, Title VII

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

vs.

ORIGINAL HOT DOG SHOPS, INC. doing
business as ORIGINAL HOT DOG SHOP,
FOOD GALLERY ORIGINAL, INC. doing
business as ORIGINAL HOT DOG SHOP,

Defendants.

CIVIL ACTION NO. 06-1243-JFC-RCM

District Judge Joy Flowers Conti/
Magistrate Judge Robert C. Mitchell

CONSENT DECREE

INTRODUCTION

A. This action was instituted by the United States Equal Employment Opportunity Commission (“the EEOC”) on September 19, 2006, against Defendants Original Hot Dog Shop, Inc. d/b/a Original Hot Dog Shop and Food Gallery Original, Inc. db/a Original Hot Dog Shop to enforce provisions of Title VII of the Civil Rights of 1964, as amended, 42 U.S.C. §2000e *et seq.* (“Title VII”). The EEOC alleged that Defendants subjected a former employee, Charging Party Anton Rumph, and a class of African American employees, to disparate treatment based on the basis of their race.

B. This Consent Decree is entered into by the EEOC and Original Hot Dog Shop, Inc. and Food Gallery Original, Inc. This Consent Decree shall be final and binding between the EEOC and Original Hot Dog Shop, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc., their directors, officers, agents, assigns, and employees.

C. The EEOC and Original Hot Dog Shop, Inc., and Food Gallery Original, Inc. do hereby agree to the entry of this Consent Decree, which shall fully and finally resolve all claims which were raised by the EEOC in its Complaint in Civil Action No. 06-1243. This Consent

Decree shall not constitute an adjudication of or finding on the merits of the case, cannot be used as evidence in any other lawsuit or claim, and shall not be construed as an admission by Original Hot Dog Shop, Inc. and Food Gallery Original, Inc. of any violation of Title VII.

CONSENT DECREE

Upon consent of the parties to this action, it is hereby ORDERED, ADJUDGED, and DECREED that:

NON-DISCRIMINATION AND NON-RETALIATION

1. This Court has jurisdiction over the parties and the subject matter of this action.
2. Original Hot Dog Shop, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc. shall not engage in any employment practice at any of their locations which constitutes unlawful discrimination under Title VII. Specifically, Original Hot Dog Shop, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc. shall not create, foster or tolerate a hostile work environment based on race at any of their locations.
3. Original Hot Dog Shop, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc. shall not engage in any employment practices which retaliate in any manner against any person, including but not limited to the class members of this litigation, because of that person's opposition to any practice that is deemed to be unlawful under Title VII, or because of the filing of a charge, the giving of testimony or assistance, or the participation in any manner in any investigation, hearing or proceeding under Title VII.
4. Original Hot Dog Shop, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc., through its managers or agents with authority to act on its behalf, shall not divulge, directly or indirectly, to any employer or potential employer of Anton Rumph or any of the class members any of the facts or circumstances related to the charge of discrimination against Original Hot Dog Shop, Inc. and Food Gallery Original, Inc. or any of the events relating to Anton Rumph's

or any of the class members' participation in the litigation of this matter, except that Original Hot Dog Shop, Inc. and Food Gallery Original, Inc. may disclose such information if compelled by subpoena or other court order directing such disclosure.

5. Original Hot Dog Shop, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc. shall comply fully with all provisions of Title VII. Nothing in this Consent Decree, either by inclusion or exclusion, shall be construed to limit the obligations of Original Hot Dog Shop, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc. under Title VII or the EEOC's authority to process or litigate any charge of discrimination which may be filed against Original Hot Dog Shop, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc. in the future.

MONETARY RELIEF

6. Original Hot Dog Shop, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc. agree to pay monetary relief to Anton Rumph in the amount of Five Thousand ^{ONE Hundred 55} ~~Ten~~ Dollars and No Cents (\$5,100.00). No portion of this amount paid to Mr. Rumph shall be considered compensation for lost wages, and so no withholdings shall be made from those funds provided that such withholding is not required by a determination by the Internal Revenue Service. Defendant will issue an IRS Form 1099 to Mr. Rumph with respect to payments made. Within fifteen (15) business days of the Court approval of this Consent Decree and the receipt of a Release (a copy attached hereto and marked as Exhibit "1") executed by Mr. Rumph, Original Hot Dog Shop, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc. will mail the check for monetary relief to Mr. Anton Rumph, [REDACTED]

[REDACTED]. Original Hot Dog Shop, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc. will mail a photocopy of the check to the EEOC, to the attention of M. Jean Clickner, Senior Trial Attorney, Equal Employment Opportunity Commission, 1001 Liberty Avenue, Suite 300, Pittsburgh, PA 15222, within five days of the date of mailing of the check to Mr. Rumph.

7. Original Hot Dog Shop, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc. agree to pay monetary relief to Kimton Ray Jefferson in the amount of Eight Hundred Dollars and No Cents (\$800.00). No portion of this amount paid to Mr. Jefferson shall be considered compensation for lost wages, and so no withholdings shall be made from those funds provided that such withholding is not required by a determination by the Internal Revenue Service. Defendant will issue an IRS Form 1099 to Mr. Jefferson with respect to payments made. Within fifteen (15) business days of the Court approval of this Consent Decree and the receipt of a Release (a copy attached hereto and marked as Exhibit "2") executed by Mr. Jefferson, Original Hot Dog Shop, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc. will mail the check for [REDACTED] Baltimore, MD 21207. Original Hot Dog Shop, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc. will mail a photocopy of the check to the EEOC, to the attention of M. Jean Clickner, Senior Trial Attorney, Equal Employment Opportunity Commission, 1001 Liberty Avenue, Suite 300, Pittsburgh, PA 15222, within five days of the date of mailing of the check to Mr. Jefferson.

8. Original Hot Dog Shop, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc. agree to pay monetary relief to Jammal J. Awudu the amount of Eight Hundred Dollars and No Cents (\$800.00). No portion of this amount paid to Mr. Awudu shall be considered compensation for lost wages, and so no withholdings shall be made from those funds provided that such withholding is not required by a determination by the Internal Revenue Service. Defendant will issue an IRS Form 1099 to Mr. Awudu with respect to payments made. Within fifteen (15) business days of the Court approval of this Consent Decree and the receipt of a Release (a copy attached hereto and marked as Exhibit "3") executed by Mr. Awudu, Original Hot Dog Shop, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc. will mail the check for monetary relief to

[REDACTED]. Original Hot Dog Shop, Mc. and Food Gallery Original, Inc. will mail a photocopy of the check to the EEOC, to the attention of M. Jean Clickner, Senior Trial Attorney, Equal Employment Opportunity Commission, 1001 Liberty Avenue, Suite 300, Pittsburgh, PA 15222, within five days of the date of mailing of the check to Mr. Awudu.

9. Original Hot Dog Shop, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc. agree to pay monetary relief to Javon Daymon in the amount of Eight Hundred Dollars and No Cents (\$800.00). No portion of this amount paid to Mr. Daymon shall be considered compensation for lost wages, and so no withholdings shall be made from those funds provided that such withholding is not required by a determination by the Internal Revenue Service. Defendant will issue an IRS Form 1099 to Mr. Daymon with respect to payments made. Within fifteen (15) business days of the Court approval of this Consent Decree and the receipt of a Release (a copy attached hereto and marked as Exhibit "4") executed by Mr. Daymon, Original Hot Dog Shop, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc. will mail the check for monetary relief to

[REDACTED]. Original Hot Dog Shop, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc. will mail a photocopy of the check to the EEOC, to the attention of M; Jean Clickner, Senior Trial Attorney, Equal Employment Opportunity Commission, 1001 Liberty Avenue, Suite 300, Pittsburgh, PA 15222, within five days of the date of mailing of the check to Mr. Daymon.

POSTING OF NOTICE

10. Within ten (10) business days after entry of this Decree, Original Hot Dog Shop, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc. shall post same-sized copies of the Notice attached as Exhibit "5" to this Decree on all bulletin boards usually used by O.H.D.S., Inc. for communicating with employees at the restaurant at 3901 Forbes Avenue, Pittsburgh,

Pennsylvania (Forbes Avenue location). The Notice shall remain posted for four (4) years from the date of entry of this Decree. Counsel for O.H.D.S., Inc. shall provide a copy of the Notice, and an indication of the date and location(s) of its posting, to the EEOC Pittsburgh Office, attention M. Jean Clickner, Senior Trial Attorney, within ten (10) days of the posting. O.H.D.S., Inc. shall permit a representative of the EEOC to enter its premises for purposes of verifying compliance with this Paragraph at any time during normal business hours without prior notice. O.H.D.S., Inc. shall take all reasonable steps to ensure that the posting is not altered, defaced or covered by any other material. Should the posted copies become defaced, removed, marred, or otherwise illegible, O.H.D.S., Inc. agrees to immediately post a readable copy in the same manner as heretofore specified.

RECORD KEEPING

11. For a period of four (4) years following entry of this Decree, Original Hot Dog Shop, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc. shall maintain and make available for EEOC records of each complaint of any incident of racial discrimination of which it receives notice under its policy occurring at any of their locations. Each such report shall indicate the date the complaint of racial discrimination was made, who made it, what was alleged, and what actions Original Hot Dog Shop, Inc., O.H.D.S., Inc. and/or Food Gallery Original, Inc. took to resolve the matter. Original Hot Dog Shop, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc. shall also make records of all actions it takes to prevent racial discrimination at their restaurant during the duration of this Decree. By designating an incident or complaint as “an incident of racial discrimination or harassment” Original Hot Dog Shop, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc. do not admit that such incident or complaint constitutes unlawful conduct under Title VII.

12. Original Hot Dog Shop, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc. shall make all documents or records referred to in Paragraph 11, above, available for inspection and copying within ten (10) business days after the EEOC so requests in writing.

13. Nothing contained in this Decree shall be construed to limit any obligation Original Hot Dog Shop, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc. may otherwise have to maintain records under Title VII or any other law or regulation.

REPORTING

14. Original Hot Dog Shop, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc. shall furnish to the EEOC the following written semi-annual reports for a period of four (4) years following entry of this Decree. The first report shall be due six (6) months after entry of the Decree. The final report shall be due forty-eight (48) months after entry of the Decree. Each such report shall contain: a summary of the information recorded by Original Hot Dog Shop, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc. pursuant to Paragraph 11, including the name of the complainant, the allegation of the complaint and the action taken by Original Hot Dog Shop, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc. in response to said complaint.

TRAINING

15. During the term of this Decree, Original Hot Dog Shop, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc. shall provide training on the requirements of Title VII to all appropriate supervisory and management personnel which training shall be premised upon the information contained in documentation to be provided by the EEOC regarding conducting a prompt and effective investigation into allegations, complaints, or charges of employment discrimination. This documentation will include information as to what constitutes unlawful harassment in the workplace, how to keep the company free of any such form of discrimination, and what constitutes unlawful retaliation.

16. Original Hot Dog Shop, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc. shall obtain the documentation and/or information to be used in the training of the supervisory and management personnel from the EEOC.

17. Original Hot Dog Shop, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc. agrees to provide the EEOC with any and all copies of pamphlets, brochures, outlines or other written materials provided to the participants of the training sessions.

18. Original Hot Dog Shop, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc. shall certify the EEOC in writing within ten (10) business days after the training sessions required by Paragraph 15 above have occurred that the training has taken place and that the required personnel have attended. Such certification shall include: (i) the dates, location and duration of the training session; (ii) a copy of the registry of attendance, which shall include the name and position of each person in attendance.

DISPUTE RESOLUTION

19. In the event that either party to this Decree believes that the other party has failed to comply with any provision(s) of the Decree, the complaining party shall notify the other party of the alleged non-compliance within ten (10) days of the alleged non-compliance and shall afford the alleged non-complying party thirty (30) business days to remedy the non-compliance or to satisfy the complaining party that the alleged non-complying party has complied. If the alleged non-complying party has not remedied the alleged non-compliance or satisfied the complaining party that it has complied within thirty (30) business days, the complaining party may apply to the Court for appropriate relief.

MISCELLANEOUS PROVISIONS

20. Each party to this Decree shall bear its own expenses, costs and attorneys fees.

21. The terms of this Decree are and shall be binding upon the present and future representatives, agents, directors, or officers of Original Hot Dog Shop, Inc. and Food Gallery Original, Inc. in their capacities as representatives, agents, directors and officers of Original Hot Dog Shop, Inc. and Food Gallery Original, Inc., and not in their individual capacities. This paragraph shall not be construed as placing any limit on remedies available to the Court in the event that any party to this Decree is found to be in contempt for a violation of this Decree.

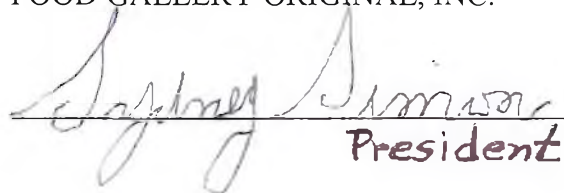
22. This Consent Decree shall fully and finally resolve all claims which were raised by the EEOC in its Complaint in Civil Action No. 06-CV-01243 (W.D. PA).

23. This Consent Decree shall be filed in the United States District Court for the Western District of Pennsylvania and shall continue to be in effect for a period of four (4) years. Any application by any party to modify or vacate this Consent Decree during such period shall be made by motion to the Court on no less than thirty (30) days notice to the other party.

24. The Court retains jurisdiction over this case in order to enforce the terms of the Consent Decree.

25. The Clerk of the District Court is hereby directed to send a file-stamped copy of this Consent Decree to counsel of record.

ORIGINAL HOT DOG SHOPS, INC.
O.H.D.S., INC.
AND
FOOD GALLERY ORIGINAL, INC.


President

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION


RONALD S. COOPER
GENERAL COUNSEL

JAMES L. LEE
DEPUTY GENERAL COUNSEL

GWENDOLYN YOUNG REAMS
ASSOCIATE GENERAL COUNSEL


JACQUELINE H. MCNAIR
REGIONAL ATTORNEY


JUDITH O'BOYLE
SUPERVISORY TRIAL ATTORNEY


M. JEAN CLICKNER
SENIOR TRIAL ATTORNEY
Pa. I.D. No. 42738
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Pittsburgh Area Office
Liberty Center, Suite 300
1001 Liberty Avenue
Pittsburgh, PA 15222
(412) 644-6439
(412) 644-4935 (facsimile)
jean.clickner@eoc.gov

IT IS SO ORDERED:

BY THE COURT: _____ **DATE:** _____

JOY FLOWERS CONTI
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

vs.

ORIGINAL HOT DOG SHOPS, INC. doing
business as ORIGINAL HOT DOG SHOP,
FOOD GALLERY ORIGINAL, INC. doing
business as ORIGINAL HOT DOG SHOP,

Original Defendants and Third Party Plaintiffs.

CIVIL ACTION NO. 06-1243-JFC-RCM

District Judge Joy Flowers Conti/
Magistrate Judge Robert C. Mitchell

RELEASE

For and in consideration of the terms of the Consent Decree entered into by the Equal Employment Opportunity Commission and Original Hot Dog Shops, Inc. and Food Gallery Original, Inc., in C.A. No. 06-1243 (W.D. PA) I, Anton Rumpf, do hereby waive, remit, release and forever discharge Original Hot Dog Shops, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc., its subsidiaries, affiliates, and assigns, and all of its officers, directors, agents, and employees, and all persons, partnerships, corporations or other entities who might be claimed to be jointly or severally liable with it, from the claims, demands, and causes of action which were asserted in the Complaint in *EEOC v. Original Hot Dog Shops, Inc. and Food Gallery Original, Inc.*, Civil Action No. 06-1243 (WD.PA). Specifically, this release constitutes a complete and final settlement and resolution of all claims of discrimination on the basis of race that were asserted by the EEOC in this action under Title VII, with respect to the time period cover by the EEOC's complaint.

I further warrant that this Release is freely executed in return for the consideration set forth in the above-referenced Consent Decree, in the amount of \$5,100.00 and that I am legally competent to execute this Release and accept full responsibility therefore. I understand that this

EXHIBIT 1

65

Release is given in compromise of a disputed claim, and is therefore not to be construed as an admission of liability on the part of Original Hot Dog Shops, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc.

ANTON RUMPF

STATE OF PENNSYLVANIA)
)
COUNTY OF ALLEGHENY) SS:

On this, the ____ day of _____, 2007, before me personally appeared ANTON RUMPF known to me to be the person who executed the same as his free act or deed.

Notary Public

Sworn to and subscribed
before me this ____ day of
_____, 2007.

Notary Public

My commission expires:

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

vs.

ORIGINAL HOT DOG SHOPS, INC. doing
business as ORIGINAL HOT DOG SHOP,
FOOD GALLERY ORIGINAL, INC. doing
business as ORIGINAL HOT DOG SHOP,

Original Defendants and Third Party Plaintiffs.

CIVIL ACTION NO. 06-1243-JFC-RCM

District Judge Joy Flowers Conti/
Magistrate Judge Robert C. Mitchell

RELEASE

For and in consideration of the terms of the Consent Decree entered into by the Equal Employment Opportunity Commission and Original Hot Dog Shops, Inc. and Food Gallery Original, Inc., in C.A. No. 06-1243 (W.D. PA) I, Kimton Ray Jefferson, do hereby waive, remit, release and forever discharge Original Hot Dog Shops, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc., its subsidiaries, affiliates, and assigns, and all of its officers, directors, agents, and employees, and all persons, partnerships, corporations or other entities who might be claimed to be jointly or severally liable with it, from the claims, demands, and causes of action which were asserted in the Complaint in *EEOC v. Original Hot Dog Shops, Inc. and Food Gallery Original, Inc.*, Civil Action No. 06-1243 (WD.PA). Specifically, this release constitutes a complete and final settlement and resolution of all claims of discrimination on the basis of race that were asserted by the EEOC in this action under Title VII, with respect to the time period cover by the EEOC's complaint.

I further warrant that this Release is freely executed in return for the consideration set forth in the above-referenced Consent Decree, in the amount of \$800.00 and that I am legally

EXHIBIT 2

competent to execute this Release and accept full responsibility therefore. I understand that this Release is given in compromise of a disputed claim, and is therefore not to be construed as an admission of liability on the part of Original Hot Dog Shops, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc.

**I declare under penalty of perjury that the foregoing is true and correct.
Executed on this ____ day of April, 2007.**

KIMTON RAY JEFFERSON

Witnessed this ____ day of April, 2007, by _____
M. Jean Clickner, Esquire

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

vs.

ORIGINAL HOT DOG SHOPS, INC. doing
business as ORIGINAL HOT DOG SHOP,
FOOD GALLERY ORIGINAL, INC. doing
business as ORIGINAL HOT DOG SHOP,

Original Defendants and Third Party Plaintiffs.

CIVIL ACTION NO. 06-1243-JFC-RCM

District Judge Joy Flowers Conti/
Magistrate Judge Robert C. Mitchell

RELEASE

For and in consideration of the terms of the Consent Decree entered into by the Equal Employment Opportunity Commission and Original Hot Dog Shops, Inc. and Food Gallery Original, Inc., in C.A. No. 06-1243 (W.D. PA) I, Jammel J. Awudu, do hereby waive, remit, release and forever discharge Original Hot Dog Shops, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc., its subsidiaries, affiliates, and assigns, and all of its officers, directors, agents, and employees, and all persons, partnerships, corporations or other entities who might be claimed to be jointly or severally liable with it, from the claims, demands, and causes of action which were asserted in the Complaint in *EEOC v. Original Hot Dog Shops, Inc. and Food Gallery Original, Inc.*, Civil Action No. 06-1243 (WD.PA). Specifically, this release constitutes a complete and final settlement and resolution of all claims of discrimination on the basis of race that were asserted by the EEOC in this action under Title VII, with respect to the time period cover by the EEOC's complaint.

I further warrant that this Release is freely executed in return for the consideration set forth in the above-referenced Consent Decree, in the amount of \$800.00 and that I am legally competent to execute this Release and accept full responsibility therefore. I understand that this

EXHIBIT 3

Release is given in compromise of a disputed claim, and is therefore not to be construed as an admission of liability on the part of Original Hot Dog Shops, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc.

JAMMEL J. AWUDU

STATE OF PENNSYLVANIA)
)
COUNTY OF ALLEGHENY) SS:

On this, the ___ day of _____, 2007, before me personally appeared JAMMEL J. AWUDU known to me to be the person who executed the same as his free act or deed.

Notary Public

Sworn to and subscribed
before me this ___ day of
_____, 2007.

Notary Public

My commission expires:

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

vs.

ORIGINAL HOT DOG SHOPS, INC. doing
business as ORIGINAL HOT DOG SHOP,
FOOD GALLERY ORIGINAL, INC. doing
business as ORIGINAL HOT DOG SHOP,

Original Defendants and Third Party Plaintiffs.

CIVIL ACTION NO. 06-1243-JFC-RCM

District Judge Joy Flowers Conti/
Magistrate Judge Robert C. Mitchell

RELEASE

For and in consideration of the terms of the Consent Decree entered into by the Equal Employment Opportunity Commission and Original Hot Dog Shops, Inc. and Food Gallery Original, Inc., in C.A. No. 06-1243 (W.D. PA) I, Javon Daymon, do hereby waive, remit, release and forever discharge Original Hot Dog Shops, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc., its subsidiaries, affiliates, and assigns, and all of its officers, directors, agents, and employees, and all persons, partnerships, corporations or other entities who might be claimed to be jointly or severally liable with it, from the claims, demands, and causes of action which were asserted in the Complaint in *EEOC v. Original Hot Dog Shops, Inc. and Food Gallery Original, Inc.*, Civil Action No. 06-1243 (WD.PA). Specifically, this release constitutes a complete and final settlement and resolution of all claims of discrimination on the basis of race that were asserted by the EEOC in this action under Title VII, with respect to the time period cover by the EEOC's complaint.

I further warrant that this Release is freely executed in return for the consideration set forth in the above-referenced Consent Decree, in the amount of \$800.00 and that I am legally competent to execute this Release and accept full responsibility therefore. I understand that this

EXHIBIT 4

55

Release is given in compromise of a disputed claim, and is therefore not to be construed as an admission of liability on the part of Original Hot Dog Shops, Inc., O.H.D.S., Inc. and Food Gallery Original, Inc.

JAVON DAYMON

STATE OF PENNSYLVANIA)
) SS:
COUNTY OF ALLEGHENY)

On this, the ____ day of _____, 2007, before me personally appeared JAVON DAYMON known to me to be the person who executed the same as his free act or deed.

Notary Public

Sworn to and subscribed
before me this ____ day of
_____, 2007.

Notary Public

My commission expires:

EXHIBIT 5

NOTICE TO ALL ORIGINAL HOT DOG SHOP EMPLOYEES

This Notice is being posted pursuant to a Consent Decree entered by the federal court in *EEOC v. Original Hot Dog Shop, Inc. and Food Gallery Original, Inc.*, Civil Action Number 06-CV-1243 (W.D. PA.), resolving a lawsuit filed by the Equal Employment Opportunity Commission ("EEOC") against Original Hot Dog Shop, Inc. and Food Gallery Original, Inc.

Title VII of the Civil Rights Act of 1964, 42 U.S.C. Section 2000e, *et seq.*, as amended, ("Title VII"), prohibits discrimination against employees and applicants for employment based upon race, color, sex, religion, or national origin. Title VII further prohibits retaliation against employees or applicants who avail themselves of the rights under Title VII by engaging in protected activities, such as filing a charge of discrimination and/or testifying or participating in a Commission investigation. The EEOC is the federal agency which investigates charges of unlawful employment discrimination. The EEOC has the authority to bring lawsuits in federal court to enforce Title VII.

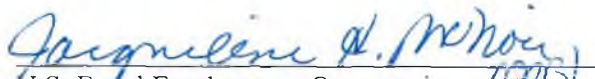
In its lawsuit, the EEOC alleged that Original Hot Dog Shop, Inc. and Food Gallery Original, Inc. subjected African American employees to discrimination based on their race in violation of Title VII. Original Hot Dog Shop, Inc. and Food Gallery Original, Inc. deny these allegations.

To resolve the case, Original Hot Dog Shop, Inc. and Food Gallery Original, Inc. and the EEOC have entered in to a Consent Decree which provided, among other things, that with respect to their Original Hot Dog Shop restaurants: (1) Original Hot Dog Shop, Inc. and Food Gallery Original, Inc. paid monetary relief; (2) Original Hot Dog Shop, Inc. and Food Gallery Original, Inc. will not discriminate on the basis of race in the future; (3) Original Hot Dog Shop, Inc. and Food Gallery Original, Inc. 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, (4) Original Hot Dog Shop, Inc. and Food Gallery Original, Inc. will train supervisory and managerial employees regarding racial harassment and Original Hot Dog Shop, Inc. and Food Gallery Original, Inc.'s policy prohibiting racial discrimination.


If you believe you have been discriminated against, you may contact the EEOC at (800) 669-4000. The EEOC charges no fees and has employees who speak languages other than English.

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

This Notice must remain posted for four 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 the: Regional Attorney, EEOC Philadelphia District Office, 21 South 5th Street, Philadelphia, PA 19106.


U.S. Equal Employment Opportunity
Commission

DATED: April 18, 2007


Original Hot Dog Shops, Inc. and Food Gallery Original, Inc. **President**

DATED: April 9, 2007