

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

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EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

J. W. ALUMINUM COMPANY,

Defendant.

CIVIL ACTION NO. 03-2448-18BG
2: 03-2448-18BG

FINAL ORDER APPROVING CONSENT DECREE

The above-styled action is before the Court for final approval of the Consent Decree between Plaintiff, U.S. Equal Employment Opportunity Commission ("EEOC") and Defendant, J.W. Aluminum Company, filed in this matter.

On October 13, 2004, the parties filed a "Consent Decree" and a "Provisional Order Approving Consent Decree" in this matter. The Consent Decree set forth the terms of a negotiated settlement between the parties, which resolved the issues raised in this litigation. On October 14, 2004, the Court entered the Consent Decree and the Provisional Order Approving Consent Decree. By entry of these two documents, the Court gave provisional approval of the Consent Decree, subject to a determination of how the settlement fund (in the amount of two hundred twenty-five thousand (\$225,000) dollars), would be distributed.

Pursuant to paragraph 4 of the Consent Decree, EEOC was required to identify the individuals entitled to share in the settlement fund and to determine the amount of money that each should receive from the settlement fund. Accordingly, on December 23, 2004, EEOC filed

a "Proposed Distribution List" in this matter setting forth the names of all individuals it determined to be aggrieved persons entitled to share in the settlement fund.

Additionally, in accordance with paragraph 5 of the Consent Decree, EEOC was required to give notice to each potential aggrieved individual of the provisional approval of the Consent Decree and of the following: (a) whether the individual was identified as an individual entitled to share in the settlement fund; (b) if he or she is entitled to share in the settlement fund, the amount that he or she will receive from the settlement fund; (c) the individual's right to object to the settlement; (d) the deadline and procedure for filing objections to the settlement, Consent Decree and Proposed Distribution List with the court (set as January 24, 2005); and (e) his or her right to be heard at a fairness hearing before the Court. No objections to the settlement, Consent Decree or Proposed Distribution List were filed with this Court.

THEREFORE, THIS COURT FINDS:

1. Plaintiff EEOC has fully complied with the notification requirements as set forth in the Consent Decree and the Provisional Order Approving Consent Decree.

2. Fair, reasonable, adequate and proper notice of this Court's order provisionally approving the Consent Decree and the terms of the proposed Consent Decree, as well as the Proposed Distribution List, has been given to the potential aggrieved individuals. No objections were filed to the settlement, Consent Decree or Proposed Distribution List.

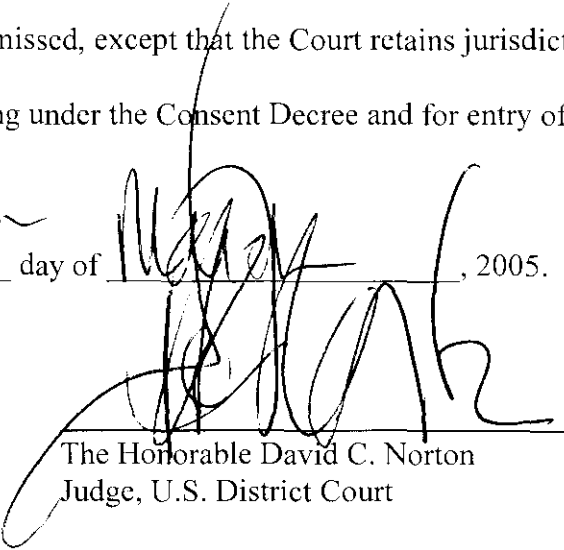
3. This Court must determine whether the settlement is fair, adequate and reasonable, and is guided by Flinn v. FMC Corporation, 528 F.2d 1169 (4th Cir. 1975), cert. denied 424 U.S. 967 (1976). Based on the record as a whole, this Court finds the settlement is fair, adequate and reasonable.

4. The court further finds that the Consent Decree and the Proposed Distribution List are fair, adequate, reasonable and consistent with Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq.

Based on the foregoing, and all the pleadings and the record as a whole, IT IS THEREFORE ORDERED AND ADJUDGED that:

1. The Consent Decree is fair, adequate and reasonable;
2. The Consent Decree is given final approval by the entry of this "Final Order Approving Consent Decree;"
3. The Proposed Distribution List is hereby approved and adopted as an amendment to the Consent Decree; and
4. This action is hereby dismissed, except that the Court retains jurisdiction for the purpose of resolving controversies arising under the Consent Decree and for entry of any orders that may be necessary and appropriate.

SO ORDERED, this 10th day of March, 2005.


The Honorable David C. Norton
Judge, U.S. District Court