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| COUNSEL/PARTIES OF RECORD   |                                    |
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| CLERK US DISTRICT COURT   |                                    |
| DISTRICT OF NEVADA  |                                    |
| BY: _____   | Jk<br>DEPUTY                       |

**UNITED STATES DISTRICT COURT DISTRICT OF NEVADA**

Reno Division

\* \* \*

14 UNITED STATES OF AMERICA,

15 Plaintiff,

17 v.

19 NEVADA DIVISION OF FORESTRY,

20 Defendant.

§ Cause No. 3:12-cv-00265-RCJ-VPC

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§ CONSENT DECREE

§ Jury Demand

**STIPULATED CONSENT DECREE**

I. INTRODUCTION AND BACKGROUND

24 1. This action was brought by the United States of America (the "United States") against the  
 25 State of Nevada Division of Forestry (the "NDF") to enforce the provisions of Title VII of the Civil  
 26 Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq. ("Title VII") and the Pregnancy

1 Discrimination Act of 1978 (the "PDA"), 42 U.S.C. § 2000e(k). In its Complaint, the United States  
2 alleges that the NDF discriminated against Tawnya Meyer ("Meyer") on the basis of her sex and  
3 pregnancy status in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a) by: (1)  
4 discharging Meyer because of her sex and pregnancy status; and (2) subjecting Meyer to  
5 anti-pregnancy and anti-caregiver *animus* while employed with the NDF. The NDF has denied all  
6 claims against it and asserted as its defense(s) that Meyer was rejected from probation for lawful  
7 reasons pursuant to NRS 284.290 and NAC 284.458 and was in no way whatsoever related to her  
8 pregnancy.

9 2. The United States and the NDF, desiring that this action be settled without the burden and  
10 expense of litigation, agree to the entry of this Stipulated Consent Decree (the "Decree").

11 II. STIPULATED FACTS

12 3. The United States and the NDF agree to the jurisdiction of the Court over the parties and  
13 subject matter of this action.

14 4. For purposes of this Decree, and subject to its approval by the Court, the parties waive a  
15 hearing and findings of fact and conclusions of law on all issues, and further agree to the entry of this  
16 Decree as final and binding between themselves as to the issues raised in the Complaint filed by the  
17 United States in this case and the matters resolved by this Decree.

18 5. This Decree, being entered with the consent of the parties, shall not constitute an  
19 admission, adjudication or finding on the merits of the allegations made in the Complaint.

20 Accordingly, it is hereby STIPULATED, ORDERED, ADJUDGED and DECREED as follows:

21 III. PARTIES

22 6. The parties to this Decree are the United States and the NDF.  
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IV. GENERAL INJUNCTIVE RELIEF

1 7. The NDF will not engage in any act or practice that has the purpose or effect of unlawfully  
2 discriminating against any employee or prospective employee of the NDF because of his or her  
3 gender and/or pregnancy status.

4 8. The NDF will not retaliate against or adversely affect any employee or prospective  
5 employee of the NDF because that person has complained about sex discrimination, including  
6 pregnancy discrimination, or harassment, or because of that person's participation in or cooperation  
7 with the initiation, investigation, litigation or administration of this action or this Decree.  
8

9 V. INDIVIDUAL CONSIDERATION FOR MEYER

10 9. Without admitting the allegations as set forth in the Complaint, and in settlement of the  
11 claims of the United States:

12 a. The NDF shall offer Meyer a total monetary sum in the amount of \$125,000.00.

13 b. This amount shall not be subject to withholding deductions. The NDF shall report  
14 this amount to the IRS on Form 1099.  
15

16 10. The NDF shall remove any disciplinary history contained in Meyer's personnel file as of  
17 the date of entry of this Decree and will replace any reference to Meyer's employment status as  
18 "failed probation," "rejected from probation," "dismissed," or "discharged" to "TERM/052"  
19 (employee resigned). Should Meyer seek employment with the NDF in the future, the NDF  
20 agrees that Meyer's application will be given fair, objective and non-discriminatory consideration.  
21 Additionally, all communications with prospective employers shall be referred to the Nevada  
22 Department of Administration, Division of Human Resource Management.  
23

24 11. The NDF shall notify Meyer of the individual consideration being offered to her under the  
25 terms of this Decree within ten (10) days of its execution by mailing to her, by certified mail, return  
26 receipt requested, a copy of the Notice Letter set forth in Appendix A ("Notice Letter"), a copy of

1 the Release of Claims Form set forth in Appendix B, and a copy of this Decree. The Notice Letter  
2 will advise Meyer that, in order to accept the individual consideration offered her, she must execute  
3 the Release of Claims Form and return it to the NDF, by hand or certified mail, within fourteen (14)  
4 days of her receipt of the Notice Letter, unless she can demonstrate good cause, to be determined by  
5 the United States, for her failure to do so.

6 12. The NDF shall pay to Meyer the monetary sum specified in Paragraph 9, *supra*, within two  
7 (2) weeks of its receipt of Meyer's executed Release of Claims. The NDF shall pay the monetary  
8 sum by mailing to Meyer a check drawn from the State of Nevada bank account to the following  
9 address *via* overnight mail or certified mail, return receipt requested:

10 Tawnya Meyer  
11 1634 NE Terrace Drive  
12 Grant Pass, Oregon 97526

13 The NDF shall provide documentary evidence of payment, within five (5) days of payment  
14 to Meyer, by mailing *via* overnight mail or scanning and emailing a photocopy of the check sent to  
15 Meyer to the following address:

16 Rachel R. Hranitzky  
17 Senior Trial Attorney  
18 Civil Rights Division, Employment Litigation Section  
19 United States Department of Justice  
20 601 D Street, NW, PHB Room 4030  
21 Washington, DC 20579  
22 rachel.hranitzky@usdoj.gov

23 VI. THE STATE OF NEVADA'S POLICY AND TRAINING

24 13. Within thirty (30) days from the date of entry of this Decree, the NDF shall provide to the  
25 United States the State of Nevada's written sexual harassment and discrimination policy (the  
26 "Policy"), applicable to all employees of the State of Nevada as well as a copy of the most recent  
training materials used by the State of Nevada in sexual harassment and discrimination training.

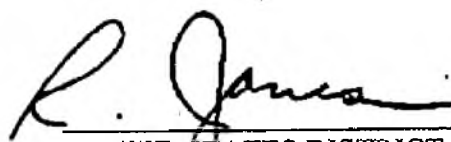
14. Within one hundred and twenty (120) days from the date of the entry of this Decree, the  
1 NDF will provide verification that all current NDF employees have completed the State of Nevada's  
2 sexual harassment and discrimination training within the previous twenty-four (24) months.

3 VII. MISCELLANEOUS

4 15. The parties agree that this case shall be dismissed upon entry of the Decree. The Court  
5 shall retain jurisdiction over this Decree for the purpose of enforcing its provisions.

6 16. The parties shall bear their own costs, expenses and attorneys' fees in this action.

7 APPROVED AND ORDERED, this 21st day of November, 2012.  
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13 UNITED STATES DISTRICT JUDGE  
14 District of Nevada  
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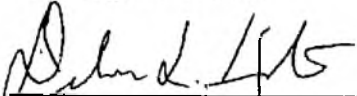
AGREED AND CONSENTED TO:

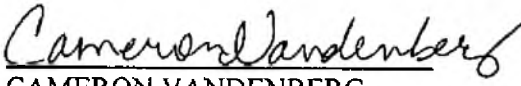
1 For Plaintiff United States of America:


For Defendant State of Nevada Division of Forestry:

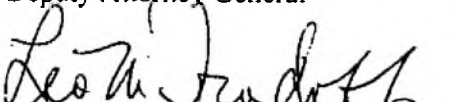
2  
3 THOMAS E. PEREZ  
Assistant Attorney General  
4 Civil Rights Division

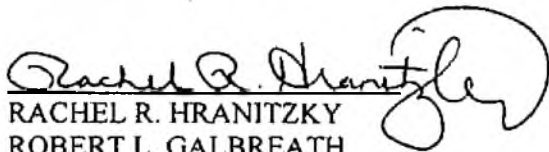
CATHERINE CORTEZ MASTO  
Attorney General

5   
6 DELORA L. KENNEBREW  
7 Chief

  
CAMERON VANDENBERG  
Deputy Attorney General

8   
9 SHARYN A. TEJANI  
10 Deputy Chief

  
LEO DROZDOFF  
Director

11  
12   
13 RACHEL R. HRANITZKY  
14 ROBERT L. GALBREATH  
Senior Trial Attorneys

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APPENDIX A NOTICE LETTER

1 [Date]

2  
3 Tawnya Meyer  
4 1634 NE Terrace Drive  
5 Grant Pass, Oregon 97526

6 Re: *United States v. Nevada Division of Forestry, Cause No. 3:12-cv-00265-RCJ-VPC*

7 Dear Ms. Meyer:

8 The United States of America ("United States") and the State of Nevada Division of Forestry (the  
9 "NDF") have entered into a Stipulated Consent Decree (the "Decree") settling the case of United  
10 States v. State of Nevada Division of Forestry, Cause No. 3:12-cv-00265-RCJ-VPC. A copy of the  
11 Decree is enclosed.

12 Pursuant to the Decree, the NDF offers you the following:

13 1. A total monetary sum in the amount of \$125,000.00. This amount shall not be subject to  
14 withholding deductions, and the NDF shall report this amount to the IRS on Form 1099.

15 2. The NDF shall remove any disciplinary history contained in your personnel file as of the  
16 date of entry of this Decree, and will replace any reference to your employment status as "failed  
17 probation," "rejected from probation," "dismissed," or "discharged" to "TERM/052" (employee  
18 resigned). Should you seek employment with the NDF in the future, the NDF agrees that your  
19 application will be given fair, objective and non-discriminatory consideration. All employment  
20 inquiries shall be referred to the Department of Administration, Division of Human Resource  
21 Management.

22 The monetary sum will be paid to you by check, within two (2) weeks of the NDF's receipt of your  
23 executed Release of Claims Form, which is enclosed with this letter.

24 In order to obtain the offered consideration, or any part of it, you must complete and return the  
25 enclosed Release of Claims Form. The Release of Claims Form must be returned within fourteen  
26 (14) days of your receipt of this letter, to the NDF's counsel at:

27  
28 Cameron Vandenberg  
29 Deputy Attorney General  
30 Office of the Nevada Attorney General  
31 Bureau of Litigation, Personnel Division  
32 5420 Kietzke Lane, Suite 202  
33 Reno, NV 89511

1 If you decline the consideration offered by the NDF, the NDF nevertheless will have satisfied its  
2 obligation to the United States pursuant to the Decree, and the United States will not seek additional  
3 relief on your behalf.

4 If you have any questions concerning the Decree or the NDF's offer to you, you may contact the  
5 following Department of Justice attorney:

6 Rachel R. Hranitzky  
7 Senior Trial Attorney  
8 United States Department of Justice  
9 Civil Rights Division, Employment Litigation Section  
10 950 Pennsylvania Avenue, NW  
11 Washington, DC 20530  
12 Telephone: (202) 305-1642

13 If you have any questions regarding the attached Release, you should consult with an attorney of  
14 your choosing at your own expense concerning those questions.

15 Sincerely,

16 \_\_\_\_\_  
17 Cameron Vandenberg  
18 Office of the Nevada Attorney General  
19 Bureau of Litigation, Personnel Division  
20 5420 Kietzke Lane, Suite 202  
21 Reno, NV 89511

22 Enclosure  
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**APPENDIX B RELEASE OF ALL CLAIMS FORM**

1 IF YOU ARE ACCEPTING THE CONSIDERATION, OR ANY PART OF THE  
2 CONSIDERATION, OFFERED TO YOU, YOU MUST COMPLETE THE REST OF THIS FORM  
3 AND HAVE IT POST-MARKED BY the \_\_\_\_\_ day of \_\_\_\_\_, 2012. A  
4 pre-addressed envelope is enclosed which you may use to return this form. You must return this  
5 form to the address on the envelope within fourteen (14) days of your receipt of this letter unless you  
6 show good cause for not meeting this deadline. If you have any questions about how to complete  
7 this form, you may contact Rachel R. Hranitzky (202-305-1642) at the United States Department of  
8 Justice.

**RELEASE OF CLAIMS**

9 For and in consideration of the acceptance of all or any part of the relief offered to me by the State  
10 of Nevada Division of Forestry (the "NDF") pursuant to the provisions of the Stipulated Consent  
11 Decree entered into by the parties in *United States of America v. Nevada Division of Forestry*, Cause  
12 No. 3:12-cv-00265-RCJ-VPC (D. NV. 2012), which constitutes (1) A total monetary sum in the  
13 amount of \$125,000.00, which amount shall not be subject to withholding deductions, and which the  
14 NDF shall report to the IRS on a Form 1099, I, TAWNIA M. MEYER, forever release and  
15 discharge the NDF, and all current, former and future employees and officials from all legal and  
16 equitable claims arising out of the Complaint filed by the United States in the above-captioned civil  
17 action and EEOC Charge Number 550-2007-02241 accruing prior to the date of this release.

18 I understand that the consideration to be given to me does not constitute an admission by the NDF of  
19 the validity of any claim raised by me or on my behalf, nor does it constitute a finding of any  
20 wrongdoing or violation of any applicable federal law or regulation.

21 This release constitutes the entire agreement between the NDF and me, without exception or  
22 exclusion.

23 I acknowledge that a copy of the Stipulated Consent Decree in this action has been made available to  
24 me for my review. I also acknowledge that I have been given an opportunity to consult with an  
25 attorney regarding the terms of this Release of Claims.

26 I HAVE READ THIS RELEASE AND UNDERSTAND THE CONTENTS THEREOF, AND I  
EXECUTE THIS RELEASE OF MY OWN FREE ACT AND DEED.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Signature